

ST. CROIX COUNTY CODE OF ORDINANCES

CHAPTER 17 LOWER ST. CROIX RIVERWAY OVERLAY DISTRICT

ENACTED MARCH 3, 2026

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DEFINITIONS

This section contains brief definitions of key words and phrases used throughout this chapter.

A. INTERPRETATION

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
 - 1) Words used in the present tense include the future: in the singular include the plural and, in the plural, include the singular.
 - 2) The word “shall” is mandatory, not permissive.
 - 3) All distances, unless otherwise specified, shall be measured horizontally.
 - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
1. **Accessory Building:** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.
2. **Accessory structure:** A subordinate structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks (both detached and attached), swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. For side yard setback purposes, driveways, parking lots, sidewalks, fences, and retaining walls are exempt.
3. **Accessory Use:** A use subordinate to and serving the principal use on the same lot and customarily incidental thereto.
4. **Agriculture:** Beekeeping; livestock grazing; orchards; raising of grain, grass or seed crops; raising of fruits, nuts or berries; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under [16 USC 3831](#) to [3836](#); and vegetable raising.
5. **Antenna:** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).
6. **Applicant:** Any person who applies for a permit under this chapter.
7. **Base Zoning District:** The underlying zoning district as outlined in St. Croix County’s or a Town’s General Zoning Ordinance.
8. **Bed and Breakfast:** A place of lodging for transient guests that is the owner’s personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
9. **Best Management Practices (BMPs):** Practices and industry standards designed to minimize environmental damage.
10. **Bluffline:** A line along the top of the slope preservation zone. (Note: There can be more than one bluffline.)
11. **Board Of Adjustment:** The St. Croix County Board of Adjustment.

12. **Boathouse:** A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.
13. **Building Envelope:** The three-dimensional space within which a structure is built.
14. **Camouflage Design:** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
15. **Committee:** The St. Croix County Community Development Committee.
16. **Compliant Building Location:** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.
17. **Conditional Use:** A use that is specifically listed in a local zoning ordinance as either a conditional use or special exception and that may only be permitted if the local zoning authority determines that the conditions specified in the ordinance for that use are satisfied.
18. **Deck:** An unenclosed exterior structure that has no roof or sides but has a permeable floor that allows the infiltration of precipitation.
19. **Department:** The Wisconsin Department of Natural Resources.
20. **Diameter at Breast Height (DBH):** The width of a tree as measured at 4.5 feet above the ground surface.
21. **Disabled:** Having a physical or mental impairment that substantially limits one or more major life activities.
22. **Dock, Piers and Wharves:** Structures extending into the water to facilitate the launching or mooring of watercraft or for fishing during the open water season.
23. **Earth-tone:** Colors that harmonize with the natural surroundings on the site during leaf on conditions.
24. **Expansion:** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
25. **Filtered View of the St. Croix River:** A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.
26. **Footprint:** The land area covered by a structure at ground level, measured on a horizontal plane. The “footprint” of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.
27. **Foundation:** The underlying base of a building or other structure, including but not limited to pillars, footings, and concrete and masonry walls.
28. **Human Habitation:** The use of a building or other structure for human occupancy, including but not limited to cooking, eating, bathing and sleeping.
29. **Impervious Surface:** Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs including overhangs, roads, sidewalks, patios, driveways and parking lots, including gravel surfaces.
30. **Land Disturbance Activity:** Any alteration or disturbance that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, filling, grading, lagooning, dredging, ditching, flooding, excavating and removal of ground cover.

31. **Land Division:** Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 20 acres or less.
32. **Landscape Architect:** A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.
33. **Lift:** A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.
34. **Local Zoning Ordinance:** Any county, town, city or village zoning ordinance, portion of an ordinance, or amendments thereto, adopted by a local unit of government, with authority from state enabling legislation, which regulates the use of land within the Lower St. Croix riverway.
35. **Lot:** A contiguous parcel of land with described boundaries.
36. **Lot Lines:** The lines bounding a lot as herein described.
37. **Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway:** The area described in § NR 118.02 (1).
38. **Management Zones:** The Lower St. Croix Riverway management zones established in § NR 118.04.
39. **Mitigation:** Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management. (Note: Mitigation should compensate for loss of shoreland vegetation when development or improvements occur.)
40. **Modification:** Includes but is not limited to any addition, alteration, rebuilding or replacement of any existing building, accessory building or accessory use.
41. **Net Project Area:** Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.
42. **Nonconforming Structure:** A building or other structure whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance, but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.
43. **Nonconforming Use:** The use of land or a structure or other premises that does not conform to the land use restrictions in this ordinance, but which was legally established prior to the enactment of this ordinance or its amendment that made it nonconforming.
44. **Ordinary High-Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the

opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high water mark.

45. **Ordinary Maintenance and Repair:** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
46. **Planned Cluster Development:** A pattern of development that places residences into compact groupings as a means of preserving open space.
47. **Porch:** A building walkway with a roof over it, providing access to a building entrance.
48. **Principal Structure:** The main building or other structure on a lot that is utilized for the property's principal use. Principal structure includes attached garages and porches.
49. **Principal Use:** The primary purpose for which a lot or parcel is used.
50. **Public Utilities:** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
51. **Reasonable Accommodation:** Allowing a disabled person to deviate from the strict requirements of the county's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.
52. **Reconstruction:** The replacement of all or substantially all of the components of a structure other than the foundation.
53. **Routine Vegetation Maintenance:** Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require a land disturbing activity.
54. **Selection Cut:** The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.
55. **Setback:** The minimum horizontal distance between a structure and the Ordinary High-Water Mark, bluffline, side or rear lot lines, or roads.
56. **Shelterwood Cut:** A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.
57. **Shoreland:** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000' from a lake, pond, or flowage; and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.
58. **Single-Family Residence:** A detached structure used for human habitation for one family.
59. **Slope Preservation Zone:** The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.

60. **Small Regeneration Cut:** A harvest of not more than one-third of the contiguous forested ownership within a 10-year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.
61. **Start Of Construction:** The first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
62. **Stealth design:** A wireless communication service facility that models or mimics in size or shape and color of something in the surrounding landscape, such as silos in farm settings and trees in forested lands and is unrecognizable year-round as an antenna or antenna mount.
63. **Structural Alteration:** The replacement or alteration of one or more of the structural components of any of a nonconforming structure's exterior walls.
64. **Structural Component:** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-load bearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.
65. **Structural Erosion Control Measure:** A retaining wall or other man-made structure whose primary function is to control erosion.
66. **Structure:** Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a riverbed, stream bed or lakebed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.
67. **Structure Height:** The vertical distance from the average ground elevation to the highest point of the structure. This measurement shall exclude chimneys.
68. **Substandard lot:** A lot with dimensions that do not conform to all of the requirements of the local zoning ordinance.
69. **Transmission Services:** Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between 2 points, other than wireless communication service facilities.
70. **Unnecessary Hardship:** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing

areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

71. **Variance:** An authorization by the Board of Adjustment for the construction, modification or maintenance of a building or structure in a manner that deviates from standards contained in this ordinance.
72. **Visually Inconspicuous:** Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.
73. **Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
74. **Wireless Communication Service Facilities:** Hardware that provides wireless communication services including antennas, towers, all associated equipment, and buildings and other structures.

ST. CROIX COUNTY CODE OF ORDINANCES

CHAPTER 17 – ST. CROIX COUNTY LOWER ST. CROIX RIVERWAY OVERLAY DISTRICT

A. TITLE, AUTHORITY AND EFFECTIVE DATE

1. TITLE

- a. This chapter shall be cited as the "Lower St. Croix Riverway Overlay District" and hereinafter referred to as the "Riverway District."

2. AUTHORITY

- a. This chapter is enacted pursuant to the authority granted by Wisconsin Statute § 30.27 and Wisconsin Administrative Code NR118.
- b. The County Land Use Administrator shall administer this chapter pursuant to Wisconsin Statute § 59.69.
- c. Any mandatory amendments, repeals or recreations to the statutes pertaining to the subject matter of this chapter are incorporated into this chapter as of the effective date of amendment, repeal or recreation.

3. EFFECTIVE DATE

- a. This chapter shall be effective on March 3, 2026.

B. PURPOSE

1. PURPOSE

- a. The purpose of this chapter is to promote public health, safety, and general welfare by:
 - 1) Reducing the adverse effects of overcrowding and poorly planned shoreline and bluff area development.
 - 2) Preventing soil erosion and pollution and contamination of surface water and groundwater.
 - 3) Providing sufficient space on lots for sanitary facilities.
 - 4) Minimizing flood damage.
 - 5) Maintaining property values.
 - 6) Preserving and maintaining the exceptional scenic, cultural, and natural characteristics of the water and related land of the Lower St. Croix Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), the Federal Lower St. Croix River Act of 1972 (P.L. 92-560) and the Wisconsin Lower St. Croix River Act (Wisconsin Statute § 30.27).

C. APPLICABILITY

1. BOUNDARIES

- a. The Lower St. Croix Riverway District is an overlay zoning district; this chapter applies in addition to other zoning regulations found in St. Croix County's Code of Ordinances.
- b. This chapter applies to all unincorporated land within the boundaries of the Lower St. Croix national scenic riverway as set forth in the master plan jointly prepared by the states of Minnesota and Wisconsin and the national park service pursuant to P.L. [92-560](#). The boundaries of the Riverway District are shown in § K and are found in the Code Of Federal Regulations. The same boundaries are shown on the map identified as the St. Croix Riverway Overlay District Map, which is on file in the office of the Community Development Department. The legal description and maps referred to above are made a part of this chapter.
- c. Within the unincorporated lands of St. Croix County, the Riverway District falls under the Rural Residential and Conservation Management Zones as defined in Wisconsin Administrative Code NR 118.04:
 - 1) The rural residential management zone is mostly single-family residences on large lots in a low-density rural environment, with little or no commercial development. Most of the district is wooded, with scattered residential structures. Residential lawns are limited near the river's shore, and the shore area is primarily natural in appearance.
 - a) The rural residential management zone is established in all of the following locations:
 - i. In an area bounded on the north by the Arcola High Bridge and on the south by the north boundary of Sections 13 and 14, Township 29 North, Range 20 West in the North Hudson.
 - ii. In an area bounded on the north by the south corporate boundary of the City of Hudson, as it existed on June 1, 2004, to the north boundary of Pierce County.
 - 2) The conservation management zone is primarily natural and mostly wooded, with some single-family residential uses. Shoreline areas are natural and do not contain residential lawns.
 - a) The conservation management zone is established in the following location:
 - i. In an area bounded on the north by the south boundary of Polk County, and on the south by the Arcola High Bridge.

D. INTERPRETATION

1. COMPLIANCE

- a. No development of land or water shall hereafter be implemented, and no use, structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with provisions of this chapter and all other applicable local, State and federal regulations.

2. ABROGATION

- a. If any provision of this chapter conflicts with any provision of St. Croix County's land use ordinances, the more restrictive provision shall apply.
- b. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall take precedence.

3. LIBERAL CONSTRUCTION

- a. The provisions of this chapter shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to St. Croix County.

4. SEVERABILITY

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

E. LIMITATION OF ACTION

1. CLAIMS

- a. Pursuant to Wisconsin Statutes § 59.69(14), a land owner, occupant or other person affected by this chapter or amendment hereto who claims that this chapter or amendment is invalid because procedures prescribed by the statutes or the chapter were not followed in enacting this chapter or amendment hereto shall commence a court action within 180 days after enactment of this chapter or amendment or be forever barred.

F. LAND USES AND STRUCTURES

1. ALLOWED USES AND STRUCTURES

- a. The following uses are allowed in the Riverway District without a permit if the standards of NR 118.06 are met:
 - 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.
 - 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) Piers or wharves that have required state and federal permits or that meet statutory criteria or administrative rule standards and do not require a state or federal permit.

2. PERMITTED USES AND STRUCTURES

- a. The following uses and structures are allowed in the Riverway District subject to

the standards in NR 118.06, which are found in § G-H, and with a land use permit from the St. Croix County Land Use Administrator:

- 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 § H.2.
- 4) Structural erosion control measures constructed outside of slope preservation zones.
- 5) Rock riprap may be allowed within a slope preservation zone and in the ordinary high water mark setback area if the local zoning authority determines that rip-rap is necessary to prevent erosion in flood-prone areas, and either a state permit is granted for the rip-rap or statutory criteria or administrative rule standards are met and a state permit is not required for the rip-rap.
- 6) Vegetation removal per § H.8.
- 7) Public parks, areas devoted to natural resource management and interpretation, waysides, rest areas, information areas, and scenic overlooks.

3. CONDITIONAL USES AND STRUCTURES

- a. The following uses and structures are allowed in the Riverway District with a conditional use permit subject to the standards in NR 118.06 & NR 118.07, which are found in § G-H, and approval by the St. Croix County Community Development Committee:
 - 1) Land divisions.
 - 2) Planned cluster developments for single family residences.
 - 3) Wireless communication service facilities.
 - 4) Stairways and lifts.
 - 5) 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.
 - 6) Filling and grading within 40 feet of a slope preservation zone.
 - 7) Filling and grading 10,000 square feet or more outside of the slope preservation zone.
 - 8) Structural erosion control measures in slope preservation zones.
 - 9) Public and private roads serving two or more properties or single-family residences.
 - 10) Bed and breakfast operations.
 - 11) Non-profit, nature-oriented educational facilities.
 - 12) Home occupations.

4. PROHIBITED USES

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

G. GENERAL PROVISIONS

1. MINIMUM LOT SIZE

- a. The minimum lot size shall be governed by the base-zoning district.
- b. Minimum net project area for each lot shall be at least one acre.
- c. If the lot is not served by a public sewer or common system, the lot shall have adequate room for one single-family residence and two private onsite wastewater treatment systems. (POWTS)

2. MINIMUM LOT WIDTH

- a. In the rural residential management zone, the minimum lot width shall be 200 feet measured at the building line and at the side of the lot nearest the river.
- b. In the conservation management zone, the minimum lot width shall be 250 feet measured at the building line and at the side of the lot nearest the river.

3. DENSITY STANDARDS

- a. There may be no more than one single family residence on each lot.

4. STRUCTURE HEIGHT

- a. The maximum structure height shall be measured between the average ground elevation and the uppermost point of the structure, excluding chimneys.
 - 1) The maximum height for structures in the rural residential management zone shall be 35 feet.
 - 2) The maximum height for structures in the conservation management zone shall be 25 feet.
 - 3) Wireless communication service and other transmission facilities must meet the height requirements in § H.12 of this ordinance.

5. STRUCTURE SETBACKS

- a. On structures existing prior to November 1, 2004, all setbacks shall be measured on a horizontal plane from the foundation of the structure at the point of the structure that is nearest the Ordinary High-Water Mark (OHWM), bluffline, or property line.
 - 1) On modifications or additions to existing structures, roof overhangs shall not encroach within the required setbacks more than three feet, and any cantilevered portions of the structure must meet the required setbacks.
- b. On new structures constructed after the effective date of this chapter, all setbacks shall be measured on a horizontal plane from the roof overhang and any cantilevered portions of the structure at the point of the structure that is nearest the OHWM, bluffline, or property line.
- c. All structures except docks, piers, wharves, structural erosion control measures, stairways, and lifts shall meet the following:
 - 1) OHWM Setback: At least 200 feet from the OHWM of the Lower St. Croix River.
 - 2) Bluffline Setback: At least 100 feet from the bluffline in the rural residential

management zone, and 200 feet from the bluffline in the conservation management zone.

- a) Structures that do not meet the setback may be permitted within the bluffline setback area if they are set back at least 40 feet from the bluffline and meet all of the following standards:
 - i. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
 - ii. The structure is not located in a slope preservation zone.
 - iii. The structure utilizes building materials that are earth tone in color and of a non-reflective nature, except that windows may be made of ordinary window glass or non-reflective glass but may not be made of glass designed to reflect more light than ordinary window glass.
 - iv. The structure is visually inconspicuous.
- 3) Side yard Setback: At least 25 feet for principal and accessory structures, except driveways, parking lots, and sidewalks which must be 15 feet. Fences and retaining walls shall be at least 5 feet.

Dimensional Standards Summarized		
	Rural Residential	Conservation
Lot Size, Minimum	Governed by the Base Zoning District	Governed by the Base Zoning District
Net Project Area, Minimum	1 acre + room for 1 single-family residence and 2 POWTS	1 acre + room for 1 single-family residence and 2 POWTS
Lot Density, Maximum	1 single-family residence/lot	1 single-family residence/lot
Lot Width at Building Line, Riverward	200 feet	250 feet
Height, Principal Structure	35 feet	25 feet
Height, Accessory Structure	35 Feet 25 Feet	
OHWM Setback	200 feet	200 feet
Bluffline Setback	100 feet, 40 feet with performance standards	200 feet, 40 feet with performance standards
Side yard Setback	25 feet	25 feet
Driveway, parking lot, sidewalk	15 feet	15 feet
Side yard Setback		
Fence/Retaining Wall Setback	5 feet	5 feet

H. PERFORMANCE STANDARDS

1. STRUCTURE COLOR

- a. All new, expanded, or reconstructed structures shall be earth tone in color.
- b. Structures designated as historic buildings on local, State, or national historic registers or located in designated historic districts shall either be earth tone in color or colored appropriate to the period in history for which they are designated.

2. SIGNS

- a. Signs are allowed in all management zones if one or more of the following criteria are met:
 - 1) The sign is approved by state or local government and is necessary for public health or safety.
 - 2) The sign indicates areas that are available or not available for public use.
 - 3) The sign is not visible from the river and is otherwise lawful.

3. SLOPE PRESERVATION ZONE

- a. No structures, except docks, piers, wharves, structural erosion control measures, stairways, and lifts may be placed in slope preservation zones.
- b. Slopes greater than 12 percent may not be altered to become less than 12 percent.

4. STRUCTURAL EROSION CONTROL

- a. Except for rock riprap as allowed per § H.6, structural erosion control measures above the OHWM and within the OHWM setback area and bluffline setback area are allowed with a land use permit if all of the following standards are met:
 - 1) The structural erosion control measure is constructed outside of the slope preservation zone, or a conditional use permit has been issued in compliance with the requirements of NR. 118.07(6).
 - 2) The Land Use Administrator determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
 - 3) The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
 - 4) Storm water management and erosion and sediment control plans are submitted per § H.7.
 - 5) The structural erosion control measure is designed in accordance with USDA Wisconsin Field Office Technical Guide (WIFOTG) Section IV or any subsequent revisions to USDA standards.
 - 6) The person seeking to construct the structural erosion control measure submits and has approved by the Land Use Administrator all of the following items showing how the structural erosion control measure will be constructed, what land disturbing activities will take place, what, if any, vegetation will be removed, and how new, native vegetation will be re-established:
 - a) A detailed construction plan
 - b) An erosion and sediment control plan per § H.7.a-d and H.7.f.
 - c) A vegetation management plan per § H.8.

5. FILLING AND GRADING

- a. Filling and grading outside of a slope preservation zone as described in § F.2.a.2, is allowed with a land use permit if all of the following standards are met:
 - 1) No filling, grading, or draining of wetlands is allowed.
 - 2) No filling and grading activities within 40 feet of a slope preservation zone is

allowed.

- 3) Any vegetation that is removed is replaced with native vegetation.
 - 4) Filling and grading activities are designed and implemented in a manner to minimize erosion, sedimentation, tree damage, and impairment of fish and wildlife habitat.
 - 5) As part of an erosion control plan, Wisconsin construction site best management practices are implemented.
- b. Filling and grading in the areas described in § F.3a.5-7 are allowed by conditional use permit if the following standards are met:
- 1) All standards under a. above are met.
 - 2) The property owner shall submit a storm water management and erosion and sediment control plan per § H.7.

6. ROCK RIPRAP AND SHORELAND PROTECTION

- a. Rock riprap within a slope preservation zone and in the OHWM setback area is allowed with a land use permit if the Land Use Administrator determines that riprap is necessary to prevent erosion in flood-prone areas, and if all of the following standards are met:
- 1) Either a state permit is granted for the riprap or statutory criteria, or administrative rule standards are met and a State permit is not required for the riprap.
 - 2) The rock riprap is designed in accordance with the WI FOTG Section IV and any subsequent revisions to USDA standards or approved by the Land and Water Conservation Department.
 - 3) Existing vegetation on the shoreline and in the water is maintained as much as possible without disturbance.
 - 4) All bare soil on the slope above the riprap shall be stabilized with a native seed mix or native vegetation.
 - 5) Deep-rooted native vegetation shall be planted among the riprap to help stabilize it, screen it, and enhance wildlife habitat.
 - 6) The property owner shall be responsible for maintaining the riprap as follows:
 - a) Upon the first rainfall following installation of the riprap, an inspection shall be made.
 - b) Thereafter, riprapped areas shall be checked following large storms or floods, especially those that are near or exceed the storm frequency used in the design. Displaced riprap should be removed from its downstream location and new riprap placed according to the specifications above.

7. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS

- a. Storm water management and erosion and sediment control plans shall be required to reduce runoff and sedimentation onto adjacent properties, down steep slopes, and into the river or other drainage ways for all of the following:
- b. Any additional impervious surface over 100 square feet that directly drains towards the

river. Erosion and Sediment Control Plans shall also be required for all the following:

- 1) Filling or grading on slopes over 20%:
 - 2) Filling or grading more than 1,000 square feet on slopes 12-20%
 - 3) Filling or grading more than 2,000 square feet on slopes 12% or less.
 - 4) Rock Rip Rap, Structural Erosion Control, and Shoreland Protection Installations
- c. Plans must be legible, easy to understand, drawn to scale, and professional subject to approval by the County. Plans prepared by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, Certified Professional in Erosion and Sediment Control (CPESC), Certified Professional in Storm Water Quality (CPSWQ), Certified Soil Tester, or other licensed professional are preferred.
- d. All Best Management Practices (BMPs) shall meet or exceed the applicable WDNR Technical Standards for Storm Water Management or Erosion and Sediment Control.
- e. Storm water management plans must meet the following standards:
- 1) Infiltrate 100% of the proposed development storm water volume for a 25 year-4.7inch rainfall event using the St. Croix County Runoff Rating Spreadsheet.
 - 2) Include measures to minimize and mitigate construction-related soil compaction.
 - 3) Include a maintenance schedule to ensure the long-term function of the storm water management measures.
 - 4) Subsurface infiltration systems shall have a minimum infiltration rate of 0.5 inches per hour and at least three feet of soil separation between the bottom of the infiltration system and high groundwater and five feet to the top of bedrock.

8. VEGETATION MANAGEMENT

- a. The primary goals of these vegetative management provisions are to screen structures to make them visually inconspicuous and to prevent disturbance of environmentally sensitive areas such as steep slopes, shorelines and blufftop areas.
- b. The secondary goal is to maintain and restore historically and ecologically significant plant communities and enhance diversity.
- c. Successional climax forest and pre-settlement oak savanna will be the preferred ecotype examples of significant plant communities.
- d. Vegetative screening of structures will take priority over restoration and maintenance of significant plant communities.
- e. Vegetation removal other than that allowed under § F.1.a.2) and F.1.a.3) is allowed with a land use permit if all of the standards under f. below are met.
- f. All of the following vegetation management standards shall apply whenever vegetation is disturbed in the Riverway District:
 - 1) Vegetation on lands within the OHWM setback, slope preservation zone, and 40 feet landward of bluff line shall be left undisturbed, except as provided for elsewhere in this subsection or as provided in § H.13 and 14.
 - 2) Vegetation may not be disturbed or removed if it would disrupt the visually

inconspicuous character of structures, reduce the quality or diversity of the plant community, or increase the potential for erosion, except as provided elsewhere in this subsection or as provided in § H.13 and 14.

- 3) Routine pruning of trees or shrubs to improve their health and vigor, pruning to provide a filtered view of the river, pruning to prevent property damage, or removing trees that pose an imminent safety hazard to persons or structures is allowed.
- 4) Lawns within the OHWM setback areas, slope preservation zones, bluffline setback areas, and conservation management zones may not be expanded, however, mowing of existing lawns may be continued.
- 5) These standards do not prohibit the growth and harvest of non-wood fiber crops, the removal of vegetation in order to allow permitted uses or structures or conditional use uses, the removal of State-designated noxious weeds, and the pruning or removal of vegetation to prevent insect infestation or disease that threaten large areas of vegetative cover.
- 6) Herbicide use shall be limited to direct topical application to cut stems to kill noxious weeds, exotic species, poison ivy, poison oak or poison sumac, or as a prescribed treatment within a forest stewardship management plan.
- 7) Compatible and comparable native species of vegetation shall be used for replacement or new plantings.
- 8) Noxious weeds, exotic species, poison ivy, poison oak, poison sumac, or any other vegetation that is removed shall be replaced with native vegetation.
- 9) The practice of forestry shall be allowed on lands for which a forest stewardship plan has been developed under Wisconsin Statutes Chapter 77, or Wisconsin Administrative Code Chapter NR 46 or 47, and on lands managed under forest stewardship.
 - a) Forest stewardship plans shall employ best management practices for water quality protection, erosion control, and generally accepted forest management guidelines and must be approved by a WDNR forester.
 - i. Generally accepted forest management guidelines are contained in *Wisconsin Forest Management Guidelines*, PUB-FR-226 2003, available from the WDNR.
 - ii. Forest stewardship plans prepared under this section shall be implemented to employ commonly accepted silvicultural practices approved by a department forester, to ensure that silvicultural practices are compatible with the riverway goals of protecting natural scenic values and ensuring that structures will remain visually inconspicuous.
 - b) Forest stewardship plans shall be submitted to the Land Use Administrator to be kept in a property file.
 - c) Cutting, harvesting or removing timber under this provision on land that is visible from the river during the time when the leaves are on the deciduous trees may only include the following practices:
 - i. Small regeneration cuts with boundaries designed to harmonize with

- naturally occurring shapes;
- ii. Shelter wood cuts not to exceed the size, shape, spacing or timing of regeneration cuts; or
- iii. Selection cuts leaving a residual timber stand of at least 60 square feet basal area.

10) In addition to any other penalties, the penalty for removing vegetation in violation of this chapter shall include replacement of vegetation with native vegetation at the property owner's expense according to the following schedule:

Tree Replacement Schedule	
DBH of Existing Tree Removed	Number of Replacement Trees (2" DBH)
< 6 inches	1
Between 6 - 12 inches	3
Between 12 - 18 inches	4
Between 18 - 24 inches	5
Between 24 - 30 inches	7
Between 30 - 36 inches	10
> 36 inches	The equivalent of 2" DBH trees or greater needed to equal the DBH of the removed trees.

DBH=Diameter at Breast Height

9. POWTS

- a. Private on-site wastewater treatment systems shall be constructed in accordance with the requirements of Wisconsin Administrative Code Chapter SPS383 and St. Croix County Sanitary Ordinance.

10. LAND DIVISIONS

- a. Land divisions are allowed by conditional use permit if all of the following standards are met:
 - 1) All lots proposed to be built upon shall meet the minimum lot size requirements per § G. and shall be suitable for residential development in their existing condition without the need for a variance.
 - 2) All lots are suitable for their proposed use and will not be subject to the potential for flooding, inadequate drainage, severe erosion, inadequate water supply or inadequate sewage disposal capabilities.
 - 3) Use of lots will not be limited if there exists unfavorable soil and rock formations, unfavorable topography, or any other feature that is likely to result in harm to the health, safety or welfare of future residents of the lots or of the local community.
 - 4) The local zoning authority shall consult with the State Historical Society concerning potential impacts to archeological sites and provide related documentation to the Land Use Administrator.
 - a) If the property is found to contain an archeological site, the applicant shall work with the Land Use Administrator to develop and implement a plan to avoid or mitigate impacts to the archeological site with assistance from the

11. PLANNED CLUSTER DEVELOPMENTS

- a. A conditional use permit may be issued for a planned cluster development for single-family residences if all of the following criteria are met:
 - 1) The proposed clustering provides a better means of preserving scenic views, open space and shoreline than a traditional single-family residential subdivision.
 - 2) The proposed structures comply with the minimum ordinary high water mark and bluffline setbacks and height standards in s. NR 118.06 (1).
 - 3) Exceptions to the standards in s. NR 118.06 (1) (a) and (c) may be allowed for planned cluster developments, provided that the total number of single-family residences may not exceed 50% more than the total number of single-family residences allowed if the development complied with all standards in s. NR 118.06 (1) (a) and (c).
 - 4) On any lots that abut the river, all of the standards in s. NR 118.06 (1) shall be met.

12. WIRELESS COMMUNICATION AND OTHER TRANSMISSION FACILITIES

- a. Installation, reconstruction, modification and replacement of wireless communication service facilities is allowed by conditional use permit if all of the following standards are met:
 - 1) Construction and maintenance shall be conducted using techniques that minimize the cutting or pruning of vegetation in order to preserve mature vegetation and provide screening of the facilities. Erosion control measures shall be used.
 - 2) Wireless communication service facilities shall use building materials, colors, textures, screening and landscaping that blend the facilities with surrounding natural features or nearby structures and shall be visually inconspicuous.
 - 3) Wireless communication service facilities shall be of camouflage or stealth design, unless placed on existing structures.
 - 4) Wireless communication service facilities may not exceed a height of 50 feet or not more than 20 feet above the tallest structure or tree canopy within a 300-foot radius of the proposed wireless communication service facilities as measured horizontally, whichever is higher.
 - 5) New or reconstructed wireless communication service facilities may not be placed in slope preservation zones, floodplains or wetlands.

13. STAIRWAYS

- a. Stairways are allowed by conditional use permit if all of the following standards are met:
 - 1) The stairway is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
 - 2) The tread width of the stairway may not exceed 48 inches.
 - 3) Landings are located at a vertical interval of not less than 20 feet and shall not exceed 40 square feet in area.

- 4) Handrails may be permitted in conjunction with stairways
- 5) Canopies or roofs are not allowed on stairways.
- 6) Stairways, handrails and landings shall be anchored and supported above grade with pilings or footings.
- 7) Stairways shall be constructed of unfinished wood or stone or shall be painted or stained with earth-tone colors.
- 8) Stairways shall be visually inconspicuous and shall be located in the most visually inconspicuous portion of the lot.
- 9) Native vegetation plantings shall be used to form a vegetative canopy to screen the stairway from the river.
- 10) Existing vegetation may be removed within one foot of either side of the stairway route and up to eight feet above the stairway floor.
- 11) Only one stairway may be permitted on a lot that abuts the river.

14. LIFTS

- a. Lifts are allowed by a conditional use permit if all of the following standards are met:
 - 1) The lift is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
 - 2) The car of the lift may not exceed 4 feet by 6 feet. Cars may have handrails, but no canopies or roofs shall be allowed.
 - 3) Lifts shall be located in the most visually inconspicuous portion of the lot. Location of the transporting device or power source shall be visually inconspicuous.
 - 4) All visible parts of the lift shall be painted or finished in earth-tone, non-reflective colors and shall be visually inconspicuous.
 - 5) Native vegetation plantings shall be used to form a vegetative canopy to screen the lift from the river.
 - 6) Existing vegetation may be removed within one foot on either side of the lift route and up to 8 feet above the lift floor.
 - 7) Only one lift may be permitted on a lot that abuts the river.

15. PUBLIC AND PRIVATE ROADS

- a. Construction, reconstruction or right-of-way maintenance for public roads and private roads serving two or more properties or single-family residences is allowed by a conditional use permit if all of the following standards are met:
 - 1) No new road may be constructed in slope preservation zones, in an area 40 feet landward of blufflines, within 200 feet of the river, within 100 feet of tributary watercourses, or in wetlands.
 - 2) Route design and construction or reconstruction shall minimize visual impacts by using terrain features to blend the road into the landscape, avoiding cuts and fills as much as feasible.
 - 3) New roads shall be visually inconspicuous.

- 4) Reconstruction of existing roads shall be performed in a manner that does not increase visibility of the road from the river.
- 5) Cutting or clearing vegetation for road right-of-way maintenance shall be conducted in accordance with the following standards:
 - a) Vegetation shall be managed to allow an understory layer to remain in place to prevent erosion and allow succession. Vegetation may not be disturbed in such a way that there would be reduced quality or diversity of the plant community or increased potential for erosion.
 - b) Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth. The pruning of normal tree growth for safety reasons or to prevent interference with infrastructure and the removal of noxious weeds is allowed.
 - c) Mowing of a safety zone from the edge of the pavement back 15 feet or to the ditch bottom, whichever is less, and clearing intersection vision triangles is allowed. Other parts of the right-of-way may be mowed to control noxious weeds and undesirable brush only after July 15 of each year to avoid impacts to ground-nesting birds.
 - d) Cutting of trees more than 4 inches in diameter breast height is prohibited, except that trees that pose a hazard to public health or safety may be removed.
- b. Public entities may apply for a one-time conditional use permit for long-term maintenance of public road right-of-way, subject to all standards listed in a. above and to periodic monitoring.

16. BED AND BREAKFAST OPERATIONS

- a. A bed and breakfast operation is allowed by conditional use permit if all of the following standards are met:
 - 1) The bed and breakfast operation provides four or fewer rooms for rent to transient visitors.
 - 2) The bed and breakfast operation has sufficient parking spaces on site or on public roads for guests.

17. HOME OCCUPATIONS

- a. A conditional use permit may be issued for the use of a single-family residence for a home occupation if all of the following requirements are met:
 - 1) The owner or person who rents the residence on a full-time basis conducts the home occupation.
 - 2) The home occupation is conducted inside of the residence and is subordinate to the use of the home as a principal residence.
 - 3) The home occupation will not cause environmental pollution.
 - 4) If the home occupation causes additional persons to visit the residence, sufficient parking is provided on the lot or on public streets

18. NATURE-ORIENTED, EDUCATIONAL NON-PROFIT FACILITIES

- a. A nature-oriented, educational non-profit facility is allowed by conditional use permit if

all of the following standards are met:

- 1) The facility will not cause environmental pollution or erosion.
- 2) The facility has sufficient parking on site or on public roads for patrons.

I. NONCONFORMING USES AND STRUCTURES AND SUBSTANDARD LOTS

1. NONCONFORMING USES

- a. A nonconforming use may not be expanded or enlarged.
- b. An increase in the volume, intensity or frequency of use is allowed if the land area or structure used for the nonconforming use are not expanded or enlarged.
- c. A change from one nonconforming use to another nonconforming use is not allowed.
- d. If a nonconforming use is discontinued for a period of 12 consecutive months, any future use of buildings and premises shall conform to all of the requirements of the St. Croix County Zoning Ordinance.

2. NONCONFORMING PRINCIPAL STRUCTURES

- a. Ordinary maintenance and repair of a nonconforming principal structure is allowed.
- b. Structural alteration, reconstruction and expansion of a nonconforming principal structure and replacement, improvement or structural alteration of the foundation is allowed by a land use permit if all of the applicable requirements in pars. c. and d. below are met.
- c. Reconstruction of Nonconforming Principal Structures.
 - 1) Nonconforming principal structures located within the OHWM setback area, bluffline setback area or slope preservation zone may be structurally altered or reconstructed, and foundations may be replaced, improved or structurally altered if all of the following requirements are met:
 - a) The lot has an area of at least 7,000 square feet.
 - b) The altered or reconstructed structure will be visually inconspicuous or will be rendered so through mitigation per § I.5.
 - c) The structure is altered or reconstructed in the same footprint as the pre-existing structure.
 - d) The altered or reconstructed structure may not be any taller than the pre-existing nonconforming structure, except that a flat roof may be replaced with a pitched roof and may not be taller than allowed per § G.4.
 - e) The color of the structure complies with § H.1.
 - f) The property owner submits a mitigation plan per § I.5.
 - i. If a permit is issued for the reconstruction, the mitigation plan shall be approved, or modified and approved, by the Land Use Administrator.
 - ii. The mitigation plan shall be incorporated into the permit, and the property owner shall be required to implement the mitigation plan as a permit condition.

- g) Private on-site wastewater treatment systems are brought into compliance with the requirements of the St. Croix County Sanitary Ordinance and Wisconsin Administrative Code SPS 383.
 - h) The foundation of the structure may not be replaced, improved or structurally altered, unless all of the following standards are met:
 - i. It is being done in conjunction with the reconstruction of the structure,
 - ii. It is entirely located more than 50 feet from the OHWM, and
 - iii. It is not located in a slope preservation zone.
 - i) No filling and grading activities are allowed during the alteration or reconstruction, except for the minimum necessary to accomplish the alteration or reconstruction in compliance with other provisions of this chapter, and as needed to upgrade a private on-site wastewater treatment system, to replace sewer or water laterals, or to install storm water or erosion control measures.
 - j) An erosion control and revegetation plan shall be submitted to the Land Use Administrator for approval or modification and approval, prior to the issuance of a permit for the structural alteration or reconstruction.
 - k) If the structure is located in a slope preservation zone, it may be reconstructed on the existing foundation only if WDNR storm water technical standards applicable to steeper sloped areas are implemented to control erosion.
- d. Expansion of Nonconforming Principal Structures.
- 1) Nonconforming principal structures located in the OHWM setback area or bluffline setback area may be expanded and the pre-existing foundation may be replaced, repaired or structurally altered in conjunction with the expansion if all of the applicable following requirements are met:
 - a) Structures located wholly or partially within 50 feet of the OHWM may not be expanded.
 - b) Structures located wholly or partially within a slope preservation zone may not be expanded.
 - c) Structures entirely set back more than 50 feet from the OHWM but located wholly or partially less than 75 feet from the ordinary high-water mark may be expanded **only** if there is no compliant building location available on the lot.
 - d) Structures entirely set back more than 75 feet from the ordinary high-water mark may be expanded regardless of whether a compliant building location exists elsewhere on the lot.
 - e) The lot has an area of at least 7,000 square feet.
 - f) The expanded structure will be visually inconspicuous or will be rendered so through mitigation.
 - g) Any reconstructed portion of the nonconforming structure may only be reconstructed in the same footprint as the pre-existing structure. Notwithstanding the definition of “reconstruction” in NR 118.03(36), the pre-

existing foundation of a structure that is more than 50 feet from the ordinary high-water mark and is not within a slope preservation zone may be replaced, repaired or structurally altered in conjunction with the expansion of the structure.

- h) For structures located wholly or partially within the OHWM setback area, the total footprint of the structure may not exceed 1500 square feet.
- i) For structures located wholly or partially within the bluffline setback, but not within the OHWM setback area, the total footprint of the structure may not exceed 2000 square feet, and the structure shall comply with all of the following requirements:
 - i. The structure is set back at least 40 feet from the bluffline.
 - ii. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
 - iii. The structure is not located within the slope preservation zone.
 - iv. The structure uses earth-tone building materials that are of a non-reflective nature, except that windows may be made of ordinary glass or non-reflective glass but may not be made of glass designed to reflect more light than ordinary window glass.
 - v. The structure is visually inconspicuous.
- j) Expansion is on the side of the structure farthest from the river or, if landward expansion is not possible, the expansion is parallel to the OHWM or bluffline.
- k) The height of the altered or reconstructed structure complies with § G.4.
- l) The color of the structure complies with § H.1.
- m) The property owner submits a mitigation plan per § I.5.
 - i. If a permit is issued for the expansion, the mitigation plan shall be approved, or modified and approved, by the Land Use Administrator.
 - ii. The mitigation plan shall be incorporated into the permit, and the property owner shall be required to implement the mitigation plan as a permit condition.
- n) Private on-site wastewater treatment systems are brought into compliance with the requirements of Wisconsin Administrative Code Chapter SPS 83 and St. Croix County Sanitary Ordinance.
- o) Filling or grading is not allowed as part of the reconstruction or expansion except as necessary to reconstruct or build the expansion in compliance with other provisions of this chapter, upgrade a private on-site wastewater treatment system, replace sewer or water laterals, or install storm water or erosion control measures.
- p) An erosion control plan and revegetation plan shall be submitted to the local zoning authority for approval, or modification and approval, prior to the issuance of a permit for the expansion.

3. NONCONFORMING ACCESSORY STRUCTURES

- a. Ordinary maintenance and repair of nonconforming accessory structures is allowed.
- b. Nonconforming accessory structures may not be structurally altered, reconstructed or expanded, except that garages and storage sheds may be structurally altered, reconstructed or expanded if all of the following requirements are met where applicable:
 - 1) The entire garage or storage shed is not located in a slope preservation zone.
 - 2) The entire garage or storage shed is set back more than 75 feet from the OHWM.
 - 3) The garage or storage shed is not used for human habitation.
 - 4) The total footprint of all nonconforming accessory structures, other than existing driveways, within 75 feet of the OHWM, within a slope preservation zone or within the bluffline setback area may not exceed 500 square feet.
 - 5) All parts of the garage or storage shed shall be finished in earth-tone colors and materials that are non-reflective, except that windows may be made of ordinary window glass or non-reflective glass but may not be made of glass designed to reflect more light than ordinary window glass.
 - 6) Mitigation measures are implemented and maintained per § I.5.
 - 7) The structure is visually inconspicuous or will be rendered so through a mitigation plan per § I.5.

4. SUBSTANDARD LOTS

- a. Lots of record in the Register of Deeds office on January 1, 1976 or on the date of the enactment of an amendment to this chapter that makes the lot substandard, which do not meet the requirements of this chapter, may be allowed as building sites provided that the following criteria are met:
 - 1) The lot is in separate ownership from abutting lands, or
 - 2) The lot by itself or in combination with an adjacent lot or lots under common ownership in an existing subdivision has at least one acre of net project area. Adjacent substandard lots in common ownership may only be sold or developed as separate lots if each of the lots has at least one acre of net project area.
 - 3) All structures that are proposed to be constructed or placed on the lot and the proposed use of the lot comply with the requirements of this chapter and any underlying zoning or sanitary code requirements.

5. MITIGATION REQUIREMENTS

- a. Expansion or reconstruction of nonconforming principal structures, and the expansion, reconstruction or structural alteration of nonconforming accessory structures shall trigger mitigation requirements to offset the impacts of the proposed project.
- b. Mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on scenic resources, water quality, erosion potential and the protection of the shoreland area.
- c. Mitigation shall include, but is not limited to, the following:

- 1) Planting trees and shrubs capable of screening the entire structure if existing vegetation is not sufficient to render the structure visually inconspicuous per § H.8. Additionally:
 - a) All trees and shrubs shall be native to the area.
 - b) All trees shall be at least 2 inches Diameter at Breast Height (DBH) and planted no more than 12 feet apart and parallel to the river and the structures they screen. To allow for future growth, these trees may be planted at different locations and staggered between the structures and the river.
- 2) The vegetation in the area within 50 feet of the OHWM shall be preserved or restored through planting of native vegetation per § H.8.
 - a) Vegetation shall be established or maintained at densities that are adequate to protect water quality, habitat and the natural scenic beauty of the shoreland area.
 - b) If a nonconforming structure is located in this area, the vegetation shall be planted surrounding the structure, although the owner may create a screened view of the river from the structure and may leave a 15-foot-wide mowed area around the structure to protect it from wildfire.
- 3) Prior to issuance of a permit, a storm water management plan and erosion and sediment control plan shall be submitted per § H.7.
- 4) An affidavit describing the approved mitigation plan shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the mitigation plan.
 - a) The affidavit shall alert subsequent purchasers of the land of the requirements of the mitigation plan.

J. ADMINISTRATION

1. LAND USE PERMIT PROCEDURES

- a. An application for a land use permit shall be made to the Land Use Administrator upon forms furnished by the County. The following information shall be provided:
 - 1) Owner contact information.
 - 2) Property information.
 - 3) Project information.
 - 4) A site development plan, drawn to scale, to include:
 - a) Dimensions and area of lot.
 - b) Location of all existing and proposed structures and impervious coverage with distances measured from the lot lines and centerline of all abutting streets or highways.
 - c) Location of any existing or proposed on-site sewage systems or private water supply systems.
 - d) Location of the bluffline and OHWM of any abutting navigable waterways.

- e) Location and landward limit of all wetlands.
 - f) Existing and proposed topographic and drainage features and vegetative cover.
 - g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
 - h) Location of existing or future access roads.
 - i) Specifications and dimensions for areas of proposed wetland alteration.
- 5) Other relevant information that the Land Use Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans, storm water management plans, erosion and sediment control plans, vegetation management plans, or additional information per § H.
 - 6) If additional information is requested, it shall be submitted by the applicant to the Land Use Administrator **prior to** the issuance of the land use permit.
- b. The Land Use Administrator shall approve, approve conditionally, or deny the land use permit within 60 days of submitting a properly completed application, unless additional information is required.

2. **CONDITIONAL USE AND VARIANCE PROCEDURES**

- a. An application for a conditional use permit or variance shall be submitted to the Land Use Administrator upon forms furnished by the County and shall include the following information as outlined in par. b. below.
- b. Conditional use and variance applications shall supply information adequate for the local zoning authority to make a decision based on the type of project to be undertaken. The applicant shall submit to the Land Use Administrator sufficient copies of the following information for all applications:
 - 1) General information, including but not limited to:
 - a) Contact information for property owner, agent, and contractor as applicable.
 - b) Legal description of the property and a general description of the proposed use or development.
 - c) Information on whether or not a private water or sewage system is to be installed or upgraded.
 - 2) For conditional uses, a detailed written explanation of how the proposed use or development meets the requirements for conditional uses as outlined in § H. as applicable, and the following standards:
 - a) The scenic and recreational qualities of the Riverway District, especially in regard to the view from and use of the river.
 - b) The maintenance of safe and healthful standards.
 - c) The prevention and control of water pollution, including storm water runoff and sedimentation.
 - d) The location of the site with respect to floodplains and floodways, slope preservation zones, and blufflines.

- e) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - f) Potential impact on terrestrial and aquatic habitat.
 - g) Location of site with respect to existing or future access roads.
 - h) Adequacy of proposed wastewater treatment.
 - i) The compatibility of the project with uses on adjacent land.
 - j) The use of common corridors for locating proposed facilities within or adjacent to public service facilities such as roads, bridges, and transmission services.
- 3) Permit procedures for variances. The appropriate local zoning authority may grant variances from the requirements of their local zoning ordinance, pursuant to s. [59.694 \(7\) \(c\)](#) or [62.23 \(7\) \(e\) 7.](#), Stats., that will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinance shall be observed and substantial justice done. Economic considerations alone may not constitute a hardship if a reasonable use for the property exists under the conditions allowed by the local zoning ordinance. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river. A scale drawing or survey showing the following information:
- a) Property location, boundaries, and dimensions.
 - b) Contours on an established datum at vertical intervals of not more than two feet.
 - c) Blufflines, slope preservation zones, utility and roadway corridors, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
 - d) Adjoining land and water-oriented uses.
 - e) The location and description of existing and proposed alterations of vegetation, topography, including vegetation removal and replacement.
- 4) A recent aerial photo with property lines drawn in, showing the location of existing and proposed structures, including height and setback dimensions.
- 5) A mitigation plan, if required.
- 6) Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
- 7) Other information that the local zoning authority or department requests. If the local zoning authority or department requests additional information, it shall be submitted by the applicant to the local zoning authority and the department prior to any hearing on the application.
- 8) Applications for a permit for land divisions, planned cluster developments, bed and breakfast operations, nature oriented educational, non-profit facilities, and

variances shall also include:

- a) The location of any proposed private on-site wastewater treatment system.
 - b) Water supply information, including the location of any proposed wells.
- 9) Applications for a permit for filling and grading, structural erosion control measures, and road construction shall also include a plan showing the proposed construction, reconstruction, location and design of the filling or grading, structural erosion control measures, or road construction.
- 10) Applications for a permit for transmission services and wireless communication service facilities shall also include:
- a) For transmission services a plan showing the location of proposed facilities, and if not placed underground, documentation of why this is technically infeasible, and a plan outlining design and construction methods to minimize adverse visual impacts to the Riverway District.
 - b) For wireless communication service facilities, a plan showing the location of proposed facilities and an illustration of the methods to be used to meet design requirements for the appropriate stealth, camouflage, and height requirements.
- 11) Applications for a permit for stairways and lifts shall also include a plan showing the stairway or lift location, design, dimensions, color, construction materials, erosion control measures and vegetation removal and replacement. The plan shall contain a certification by a registered professional engineer or architect that the stairway or lift components are securely anchored to prevent them from shifting and from causing erosion. The plan shall be approved or modified and approved by the local governmental unit and incorporated into the conditional use permit.

3. REASONABLE ACCOMMODATION FOR DISABLED PERSONS

- a. Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:
 - 1) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access may be approved.
 - 2) No use, structure or other relaxation of standards may be approved that would violate or undermine the stated purposes of this chapter.
 - 3) The land use permit will expire, and the structure removed once the property is no longer primarily used by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities. Routine maintenance is allowed.
- b. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.
 - 1) The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the

requirements of the land use permit.

4. AMENDMENT PROCEDURES

- a. Except as set out below, the procedures of this ordinance shall apply to any amendment of a provision of this chapter:
 - 1) An amendment to this chapter shall not be subject to approval or disapproval or action by any town board.
- b. Upon enactment of an amendment to this chapter, the Land Use Administrator shall submit two copies to the WDNR.
- c. Applications for text amendments or rezonings (map amendments) shall include:
 - 1) A survey or scale drawing showing:
 - a) Property location, boundaries, and dimensions.
 - b) Location of all existing and proposed structures and impervious surfaces with distances measured from the lot lines and right-of-way of all abutting streets or highways.
 - c) Contours on an established datum at vertical intervals of not more than two feet.
 - d) Blufflines, slope preservation zones, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
 - e) Utility and roadway corridors.
 - f) Adjoining land and water-oriented uses.
 - g) The location of existing and proposed alterations of vegetation and topography, including grading limits and vegetation removal and replacement that is proposed.
 - 2) Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
 - 3) Other relevant information that the Land Use Administrator requests. If the Land Use Administrator requests additional information, it shall be submitted by the applicant to the Land Use Administrator **prior to** any hearing on the application.
 - 4) The procedures and application requirements in this paragraph do not apply to proposals to change the management zone boundaries established in NR 118.04. The management zone boundaries in NR 118.04 may only be changed by revision of NR 118.04.

5. PUBLIC HEARING PROCEDURES

- a. A public hearing shall be held before any conditional use permit, any variance, or any amendment is approved or denied.
- b. In addition to any other notice requirements, notice of all public hearings and a copy of all application materials shall be provided to the following for review and comment at least 30 days prior to the public hearing:
 - 1) Wisconsin Department of Natural Resources (WDNR)
 - 2) West Central Wisconsin Regional Planning Commission

- 3) The town board of a town within which the affected parcel of land is located.
- c. Any plan submitted with an application shall be approved, or modified and approved, and included as part of the permit, variance or amendment application. The Land Use Administrator shall submit a summary of all proceedings, including a copy of any written decision, to the WDNR within five working days after the date of the decision.
- d. Where additional information is introduced at any stage of the proceeding by the applicant or where the applicant may wish to review the WDNR's opposition or town's opposition if applicable, the proceeding may be postponed for a reasonable period of time to review the information. If, at the end of 30 days after the date of the hearing, the appropriate local zoning authority has not scheduled a second hearing on the application at the request of the applicant, the department or the town, the hearing record shall be closed.
- e. A conditional use permit may not be granted if the town board objects to the issuance as a part of the hearing.
 - 1) Such objection shall explain where the proposed project is inconsistent with this chapter, Wisconsin Statute § 30.27, Wisconsin Administrative Code Chapter NR 118, or town ordinances.

6. DECISIONS

- a. All land use permit decisions shall be in writing and shall include facts and reasons for the decisions.
- b. The final disposition of an application for a conditional use permit or variance to the Board or Committee shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board or Committee chairperson.
 - 1) Such decision shall state the specific facts and reasons that are the basis of the Board or Committee's determination.
 - 2) A copy of such decision shall be mailed to the applicants and the appropriate district office of the WDNR within 10 days after the decision is issued.

7. PUBLIC HEARING AND DECISION RECORD

- a. The public hearing record shall contain the comments of the department, if any were submitted, and the comments of any other interested parties. The local zoning authority[s] record of decision shall address the following: preservation of the scenic and recreational resources of the riverway, especially in regard to the view from and use of the river; the maintenance of safe and healthful conditions; the prevention of and control of water pollution, including sedimentation; the location of the site with respect to floodways, floodplains, slope preservation zones and blufflines; the erosion potential of the site based on degree and direction of slope, soil type and vegetative cover; potential impact on terrestrial and aquatic habitat; location of the site with respect to existing or future access roads; adequacy of proposed wastewater treatment; and compatibility with adjacent land uses. Any plan submitted with an application shall be approved, or modified and approved, and included as part of the permit application. The local zoning authority shall send a copy of each decision, including a summary of the hearing, to the department, within 5 working days after the date of the hearing.

8. EXPIRATION

- a. Activities authorized by a permit or variance issued under this chapter shall commence within one year from the date of approval and be substantially completed or implemented within two years, after which time the permit or variance expires.

9. COMPLIANCE AND REVOCATION

- a. Within 30 days of approval of any permit or variance with conditions, the property owner shall submit to the Land Use Administrator a "Compliance Deposit."
 - 1) This deposit shall be in the amount of the application fee and shall be paid in cash, check, or money order.
 - 2) This deposit shall be held by the Land Use Administrator until all conditions of approval have been met, at which time the deposit shall be refunded in full to the property owner along with a Certificate of Compliance.
- b. Where the terms or conditions on any permit, conditional use, or variance are violated, the permit, conditional use, or variance shall be deemed revoked.

K. LEGAL DESCRIPTION OF BOUNDARY

1. STATE BOUNDARY

- a. Township 30 North, Range 20 West
 - Sec. 22 Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 2, that portion of Government Lot 3 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West and North of the centerline of State Highway 35, that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 4, all of Government Lot 5 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ St. Croix County, Wisconsin.
 - Sec. 27 That portion of Government Lots 2 and 3 lying West of a line that is 660 feet West of the East line of said Lots 2 and 3, that portion of Government Lots 4 and 5 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.
 - Sec. 34 That portion of Government Lot 1 lying South and West of the centerline of State Highway 35 in St. Croix County, Wisconsin.
 - Sec. 35 That portion of Government Lots 1 and 2 lying South and West of the centerline of State Highway 35, Government Lot 3 less and excepting therefrom the North 660 feet of the East 660 feet, Government Lot 4 less and exception therefrom the North 660 feet of the East 660 feet in St. Croix County, Wisconsin.
 - Sec. 36 S W $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.
- b. Township 29 North, Range 20 West
 - Sec. 1 Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County,

Wisconsin.

- Sec. 2 Government Lot 1 in St. Croix County, Wisconsin.
 - Sec. 11 Government Lot 1 in St. Croix County, Wisconsin..
 - Sec. 12 Government Lots 1, 2, and 3 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.
 - Sec. 36 That portion of Government Lot 4 that does not lie within the municipal boundaries of the City of Hudson in St. Croix County, Wisconsin.
- c. Township 28 North, Range 19 West
- Sec. 6 Government Lot 1, that portion of Government Lots 2 and 3 lying West of a line that is 1320 feet West of and parallel to the East line of said Lots 2 and 3 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ in St. Croix County, Wisconsin.
 - Sec. 7 Government Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.
- d. Township 28 North, Range 20 West
- Sec. 1 Government Lot 1 in St. Croix County, Wisconsin.
 - Sec. 12 Government Lots 1 and 2 in St. Croix County, Wisconsin.
 - Sec. 13 That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 1, that portion of Government Lot 2 lying West of a line that is 1320 feet West of and parallel to the East line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.
 - Sec. 23 Government Lots 1, 2, and 3 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ in St. Croix County, Wisconsin.
 - Sec. 24 Governments Lots 1 and 2 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ in St. Croix County, Wisconsin.
 - Sec. 25 Government Lot 1 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.
 - Sec. 26 Government Lots 1, 2, and 3 in St. Croix County, Wisconsin.
 - Sec. 35 Government Lot 5 in St. Croix County, Wisconsin.
 - Sec. 36 That portion of Government Lot 1 lying West of a line that is 1320 feet West of and parallel to the East line of said Lot 1, Government Lots 2 and 3 and the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Together with all bodies of waters, rivers, islands, accretions and relictions within and appurtenant to the St. Croix River from the South line of Section 3, T. 26 N., R. 29 W., upstream to its intersection with the south line of Section 15, T. 30 N., R. 20 W.

2. FEDERAL BOUNDARY

a. Township 31 North, Range 19 West

Sec. 6 That portion of Government Lot 1 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the following described lines: beginning on the south line of Government Lot 1 at a point 1449 feet Westerly from the southeast corner of Section 6; thence Northeasterly along the centerline of a Town road the following four courses:

- North 24° 57' East, 149.3 feet;
- North 46° 07' East, 406.8 feet;
- North 35° 22' East, 196.4 feet; and
- North 38° 58' 30'' East, 280.8 feet to the intersection of

the centerline of the Northwest-Southeast Town road; thence North, 524 feet to the north line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ and there ending; all of Government Lots 2, 3 and 4 in St. Croix County, Wisconsin.

Sec. 7 Government Lot 1, that portion of Government Lots 2, 3 and 4 lying West of the following described lines: beginning at the northeast corner of Government Lot 4 of Section 7, thence

- South 26° 33' 54'' West, 1475.8 feet; thence
- South 0° 30' West, 1320 feet; thence
- South 36° 33' 35'' East, 1108 feet to a point on the East

line of Government Lot 2 at a point 430 feet North of the southeast corner thereof; thence Southerly along the east line of Government Lot 2 to the southeast corner and there ending, that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying South and West of a line beginning at the southeast corner of Section 7 and extending to the east line of Government Lot 2 at a point 440 feet North of the southeast corner thereof in St. Croix County, Wisconsin.

Sec. 17 NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 18 Government Lot 1 in St. Croix County, Wisconsin.

Sec. 32 Government Lots 1, 2, 3 and 4, that portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of the centerline of the Town road and that portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North of the Soo Line right-of-way and west of the Westerly right-of-way line of the Town road in St. Croix County, Wisconsin.

b. Township 30 North, Range 19 West

Sec. 6 Government Lots 2 and 3.

Sec. 7 NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

c. Township 30 North, Range 20 West

Sec. 1 Government Lots 1, 2, 17 and 18 in St. Croix County, Wisconsin.

Sec. 11 Government Lots 1, 6 and 7 in St. Croix County, Wisconsin.

Sec. 12 That portion of Government Lot 2 lying North and West of a line extending Southwesterly from the northwest corner of the SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the south line of Section 12 at a point 660 feet East of the southwest corner of Section 12, that portion of Government Lot 3 lying North and West of a line extending Southwesterly from the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, that portion of Government Lot 4 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and West of the following described line: beginning on the North South quarter line of Section 12 at a point 2200.55 feet North of the South quarter corner; thence along the following described courses (assumed bearings):

- North 67° 51' East, 64.48 feet; thence
- North 70° 27' East, 254.10 feet; thence
- North 27° 57' East, 140.30 feet; thence
- North 35° 39' East, 168.50 feet; thence
- South 44° 18' East, 181.90 feet; thence
- North 43° 57' East, 225.58 feet; thence
- North 30° 20' West, 209.70 feet; thence
- North 51° 25' East, 179.40 feet; thence
- North 52° 59' East, 219.50 feet; thence
- South 16° 40' East, 27.00 feet; thence
- North 78° 03' East, 364.33 feet; to the east line of

Government Lot 4, that portion of Government Lot 5 lying North and West of a line extending Southwesterly from the east line of Section 12 at a point 660 feet South of the northeast corner thereof to the south line of Government Lot 5 at a point 660 feet East of the southwest corner of Government Lot 5 and all of Government Lot 6 in St. Croix County, Wisconsin.

- Sec. 13 That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North and West of a line extended Southwesterly from the north line of Section 13 at a point 660 feet East of the northwest corner of Section 13 to the west line of Section 13 at a point 660 feet South of the northwest corner of Section 13.
- Sec. 14 That portion of Government Lots 2 and 3 lying North and West of a line extended from the southwest corner of Section 14 to the northwest corner of the Southeast quarter of said Section, that portion of Government Lot 4 lying North and West of the centerline of the Town road, all of Government Lots 5, 6 and 10 in St. Croix County, Wisconsin.
- Sec. 15 Government Lots 1 and 8 in St. Croix County, Wisconsin.