



Planning, Development & Extension Education Committee
Agenda
Kenosha County Center
Wednesday, February 13, 2019

NOTE: UNDER THE KENOSHA COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SECTION 2 C OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE DISCUSSED AND ACTED UPON DURING THE COURSE OF THIS MEETING AND ANY NEW MATTER NOT GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN

Notice is hereby given that a meeting will be held by the Kenosha County Planning, Development & Extension Education Committee on **Wednesday, February 13, 2019 at 6:00p.m. in Conference Room A followed by a public hearing at 7:00 p.m. in the Public Hearing Room** at the Kenosha County Center, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. **CERTIFICATION OF COMPLIANCE WITH WISCONSIN OPEN MEETINGS LAW**
2. **2019 PROGRAM PLANS**
3. **YOUTH IN GOVERNANCE**
4. **UW-EXTENSION EDUCATOR/PROGRAM UPDATES**
5. **UW-EXTENSION DIRECTOR UPDATES**

7:00 p.m. - LAND USE ITEMS HEARINGS - KCC PUBLIC HEARING ROOM

6. BADTKE HOLDINGS LLC (OWNER) COMPREHENSIVE PLAN AMENDMENT - PARIS

Badtke Holdings LLC, 1412 136th Ave, Union Grove, WI 53182 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection", "Rural-Density Residential", "Secondary Environmental Corridor" & "Nonfarmed Wetland" to "Farmland Protection", "Rural-Density Residential", "Suburban-Density Residential", "Secondary Environmental Corridor" & "Nonfarmed Wetland" on Tax Parcel #s 45-4-221-111-0107 and 45-4-221-111-0102, located in the NE ¼ of Section 11, T2N, R21E, Town of Paris.

Documents:

[0102_0107 - SUBMITTED APP BADTKE CPA.PDF](#)
[0102 0107 EXHIBIT MAP CPA.PDF](#)

7. BADTKE HOLDINGS LLC (OWNER) - REZONE - PARIS

Badtke Holdings LLC, 1412 136th Ave, Union Grove, WI 53182 (Owner), requesting a rezoning from A-1 Agricultural Preservation Dist., R-1 Rural Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., R-1 Rural

Residential Dist., R-2 Suburban Single-Family Residential Dist., C-2 Upland Resource Conservancy Dist., C-1 Lowland Resource Conservancy Dist. & Agricultural Preservation Planned Unit Development Overlay Dist. on Tax Parcel #s 45-4-221-111-0107, 45-4-221-111-0102 and 45-4-221-111-0303, located in the NE ¼ of Section 11, T2N, R21E, Town of Paris.

Documents:

[0102_0107_0303 - SUBMITTED APP BADTKE REZO.PDF](#)
[0107 0102 0303 EXHIBIT MAP BADTKE REZO.PDF](#)

8. BADTKE HOLDINGS LLC (OWNER) - CERTIFIED SURVEY MAP - PARIS

Badtke Holdings LLC, 1412 136th Ave, Union Grove, WI 53182 (Owner), requesting a Certified Survey Map on Tax Parcel #s 45-4-221-111-0107 and 45-4-221-111-0102, located in the NE ¼ of Section 11, T2N, R21E, Town of Paris

Documents:

[0102 - SUBMITTED APP BADTKE CSM.PDF](#)

9. BADTKE HOLDINGS LLC (OWNER) - REZONE - PARIS 0242

Badtke Holdings LLC, 1412 136th Ave, Union Grove, WI 53182 (Owner), requesting a rezoning from B-5 Wholesale Trade and Warehousing Dist., B-3 Highway Business Dist. and C-1 Lowland Resource Conservancy Dist. to B-5 Wholesale Trade and Warehousing Dist. and C-1 Lowland Resource Conservancy Dist. on Tax Parcel # 45-4-221-173-0242, located in the SW ¼ of Section 17, T2N, R21E, Town of Paris.

Documents:

[0242 - SUBMITTED APP BADTKE REZO.PDF](#)
[0242 EXHIBIT MAP BADTKE REZO.PDF](#)

10. VR WM HOLDINGS LLC (OWNER), RACHAEL MUHLENBECK (AGENT) - CONDITIONAL USE PERMIT - RANDALL

VR WM Holdings LLC, 390 Interlocken Crescent Floor 7, Broomfield, CO 80021 (Owner), Rachael Muhlenbeck, 11931 Fox River Rd., PO Box 427, Wilmot, WI 53192 (Agent), requesting a Conditional Use Permit to allow multiple events at an existing ski facility in the PR-1 Park-Recreational Dist. on Tax Parcels #60-4-119-364-0300 & 60-4-119-364-0103 located in the E ½ of Section 36, T1N, R19 E, Town of Randall.

Documents:

[0103 - SUBMITTED APP VR WM CUP.PDF](#)
[0103 EXHIBIT MAP CUP.PDF](#)

11. WILKS TRUST (OWNER), DONALD WILKS (AGENT) - COMPREHENSIVE PLAN AMENDMENT - PARIS

Wilks Trust, 5101 152nd Ave., Kenosha, WI 53144 (Owner), Donald Wilks, 5101 152nd Ave., Kenosha, WI 53144 (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection" & "SEC" to "Suburban-Density Residential", "Farmland Protection" & "SEC" on Tax Parcel #45-4-221-

352-0303, located in the NW ¼ of Section 35, T2N, R21E, Town of Paris

Documents:

[0303 - SUBMITTED APP WILKS CPA.PDF](#)
[0303 EXHIBIT MAP CPA.PDF](#)

12. WILKS TRUST (OWNER), DONALD WILKS (AGENT) - REZONING - PARIS

Wilks Trust, 5101 152nd Ave., Kenosha, WI 53144 (Owner), Donald Wilks, 5101 152nd Ave., Kenosha, WI 53144 (Agent), requesting a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to R-2 Suburban Single-Family Residential Dist., A-1 Agricultural Preservation Dist., C-2 Upland Resource Conservancy Dist. & PUD Planned Unit Development Overlay Dist. on Tax Parcel #45-4-221-352-0303, located in the NW ¼ of Section 35, T2N, R21E, Town of Paris

Documents:

[0303 - SUBMITTED APP WILKS REZO.PDF](#)
[0303 EXHIBIT MAP REZO.PDF](#)

13. WILKS TRUST (OWNER), DONALD WILKS (AGENT) - CERTIFIED SURVEY MAP - PARIS

Wilks Trust, 5101 152nd Ave., Kenosha, WI 53144 (Owner), Donald Wilks, 5101 152nd Ave., Kenosha, WI 53144 (Agent), requesting a Certified Survey Map on Tax Parcel #45-4-221-352-0303, located in the NW ¼ of Section 35, T2N, R21E, Town of Paris

Documents:

[0303 - SUBMITTED APP WILKS CSM.PDF](#)

14. CLARENCE J. & MARY R. DANIELS (OWNER) - COMPREHENSIVE PLAN AMENDMENT - BRIGHTON

Clarence J. & Mary R. Daniels, 34410 State Highway 50., Burlington, WI (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "General Agricultural & Open Land" to "General Agricultural & Open Land" and "Rural-Density Residential" on Tax Parcel #30-4-220-294-0400, located in the SE ¼ of Section 29, T2N, R20E, Town of Brighton

Documents:

[0400 - SUBMITTED APP DANIELS CPA.PDF](#)
[0400 EXHIBIT MAP CPA.PDF](#)

15. CLARENCE J. & MARY R. DANIELS (OWNER) - REZONING - BRIGHTON

Clarence J. & Mary R. Daniels, 34410 State Highway 50., Burlington, WI (Owner), requesting a rezoning from A-2 General Agricultural Dist. to A-2 General Agricultural Dist., R-1 Rural Residential Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #30-4-220-294-0400 located in the SE ¼ of Section 29, T2N, R20E, Town of Brighton

Documents:

[0400 - SUBMITTED APP DANIELS REZO.PDF](#)
[0400 EXHIBIT MAP REZO.PDF](#)

16. CLARENCE J. & MARY R. DANIELS (OWNER) - CERTIFIED SURVEY MAP - BRIGHTON

Clarence J. & Mary R. Daniels, 34410 State Hwy 50., Burlington, WI 53144
(Owner), requesting a Certified Survey Map on Tax Parcel #30-4-220-294-0400,
located in the SE ¼ of Section 29, T2N, R20E, Town of Brighton

Documents:

[0400 - SUBMITTED APP DANIELS CSM.PDF](#)

17. REVIEW AND POSSIBLE APPROVAL – REVISED LAND USE FEES SCHEDULE

Documents:

[2019 FINE AND FEE SCHEDULE FEB 14 2019 REDLINED.PDF](#)

18. APPROVAL OF MINUTES

19. CITIZEN COMMENTS

20. ANY OTHER BUSINESS ALLOWED BY LAW

21. ADJOURNMENT

NOTICE TO PETITIONERS

The petitioners: Badtke Holdings LLC (Owner), VR WM Holdings LLC (Owner), Rachel Muhlenbeck (Agent), Wilks Trust (Owner), Donald Wilks (Agent), Clarence J. & Mary R. Daniels (Owner)

NOTICE TO TOWNS

The Towns of Brighton, Paris, and Randall are asked to be represented at the hearing on **Wednesday, February 13, 2019, at 7:00 p.m.**, at the Kenosha County Center Public Hearing Room, 19600 75th Street, Bristol, Wisconsin. You are requested to either attend or send in your recommendation to the committee.



COUNTY OF KENOSHA
Department of Planning and Development

January 2013

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NOV 14 2018

Kenosha County
Planning and Development

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN
FOR KENOSHA COUNTY: 2035
MAP AMENDMENT APPLICATION

(a) Property Owner's Name:

Jeff A. Badtke

x

Signature

Mailing Address:

1520 136th Avenue

City: Union Grove

State: WI

Zip: 53182

Phone Number: 262-206-4433

E-mail (optional):

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

x

Signature

Mailing Address:

City:

State:

Zip:

Phone Number:

E-mail (optional):

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

"Farmland Protection" and "SEC". & "Non-Farmed Wetland" & rural Density Residential

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

& "Non-Farmed Wetland"

"Farmland Protection", "SEC" and "Rural-Density Residential".

and

Suburban Density Residential

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(d) Proposed use (a statement of intended use and/or the type, extent, area, etc. of any development project):

Combine 3 large parcels, subdivide off 3
residential parcels remain farmland do
have frontage on Hwy A

(e) Compatibility with the Kenosha County comprehensive plan (address the following questions in detail):

(e-1) Is the proposed amendment consistent with the goals, objectives, policies, and programs of this plan? Explain:

This proposal fits the goals of the pending town ordinance for new development. The new ordinance's goal is to create rural residential development between 2 and 5 acres. The 2 lots proposed are slightly larger than that, in order to keep the newly located rear lot line continuous with the lot located to the north.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

There is residential to the north and across the road. The two lots to the north are 5+/- acres.

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

No.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-4) Has a substantial public benefit been demonstrated by the proposed plan amendment? Explain:

No.

(e-5) Are public roads, services, and utilities available, or planned to be available in the near future, to serve the proposed development? Explain:

Yes. The two homesteads will be serviced by the existing highway. They will be on their own water well and private septic systems. Soil borings have been conducted.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

Yes.

(e-7) Any additional data or information as requested by the Department of Planning and Development:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(f) Attach a legal description and provide the tax key number(s) below of property to be amended on the Kenosha County comprehensive plan:

~~45-4-221-111-0302~~ 45-4-221-111-0102

- 0107

~~0101~~

(g) Attach plot plan or survey plat of property to be amended on the comprehensive plan (showing location, dimensions, planned land use of adjacent properties, existing uses and buildings of adjacent properties—drawn to scale).

(h) The name of the County Supervisor of the district wherein the property is located:

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(i) Attach a copy (original newspaper clipping or certified copy from the Town) of the notice of public hearing (per section 66.1001(4)(d) of Wisconsin State Statutes) that is published by your Town at least 30 days before the public hearing is held. Include the date of publication with the copy of the notice of public hearing.

Note: Your application will not be processed by Kenosha County until a copy of the notice of public hearing and town approval letter is received by the Kenosha County Department of Planning and Development.

(j) Attach a copy of the enacted town resolution and ordinance (per section 66.1001(4)(c) of Wisconsin State Statutes) adopting the amendment to the Kenosha County comprehensive plan map.

Note: Your application will not be processed by Kenosha County until a copy of the enacted town resolution and ordinance adopting the amendment is received by the Kenosha County Department of Planning and Development.

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Land Use Plan Map Amendment \$250.00 payable to "Kenosha County"

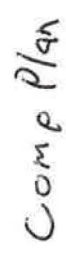
(For other fees see the Fee Schedule)

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center Department of Planning & Development 19600 - 75 th Street, Post Office Box 520 Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #	857-1920
Public Works Division of Highways	857-1870
Administration Building Division of Land Information	653-2622
Brighton, Town of	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

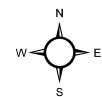
A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.



2018.0056.02.DWG
SHEET 1 OF 4 SHEETS

From Farmland Protection and SEC and Non-Farmed Wetland - too -
Farmland Protection, SEC, Non Farmland Wetland +
Suburban Single Family Residential

Kenosha County



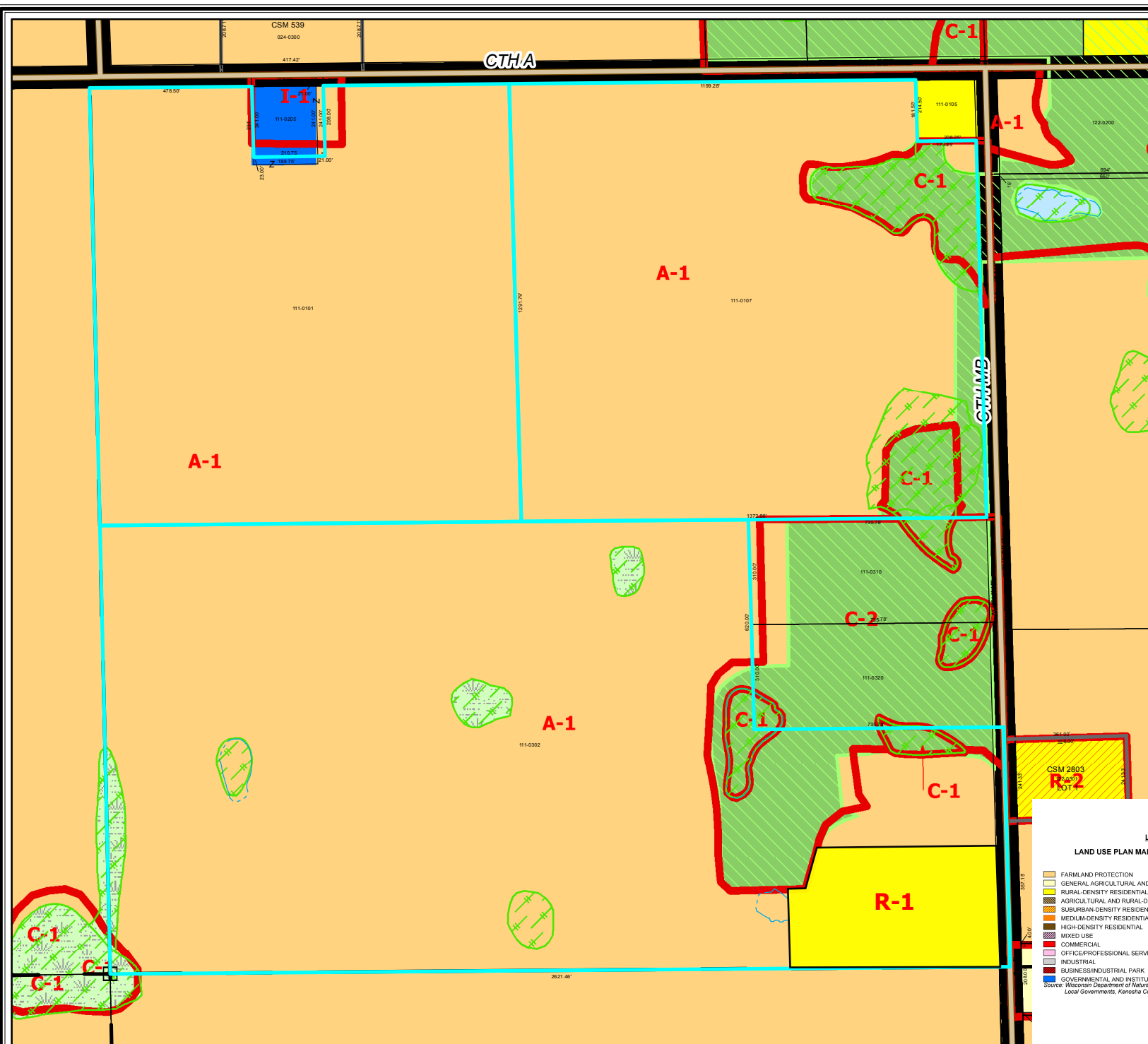
1 inch = 400 feet

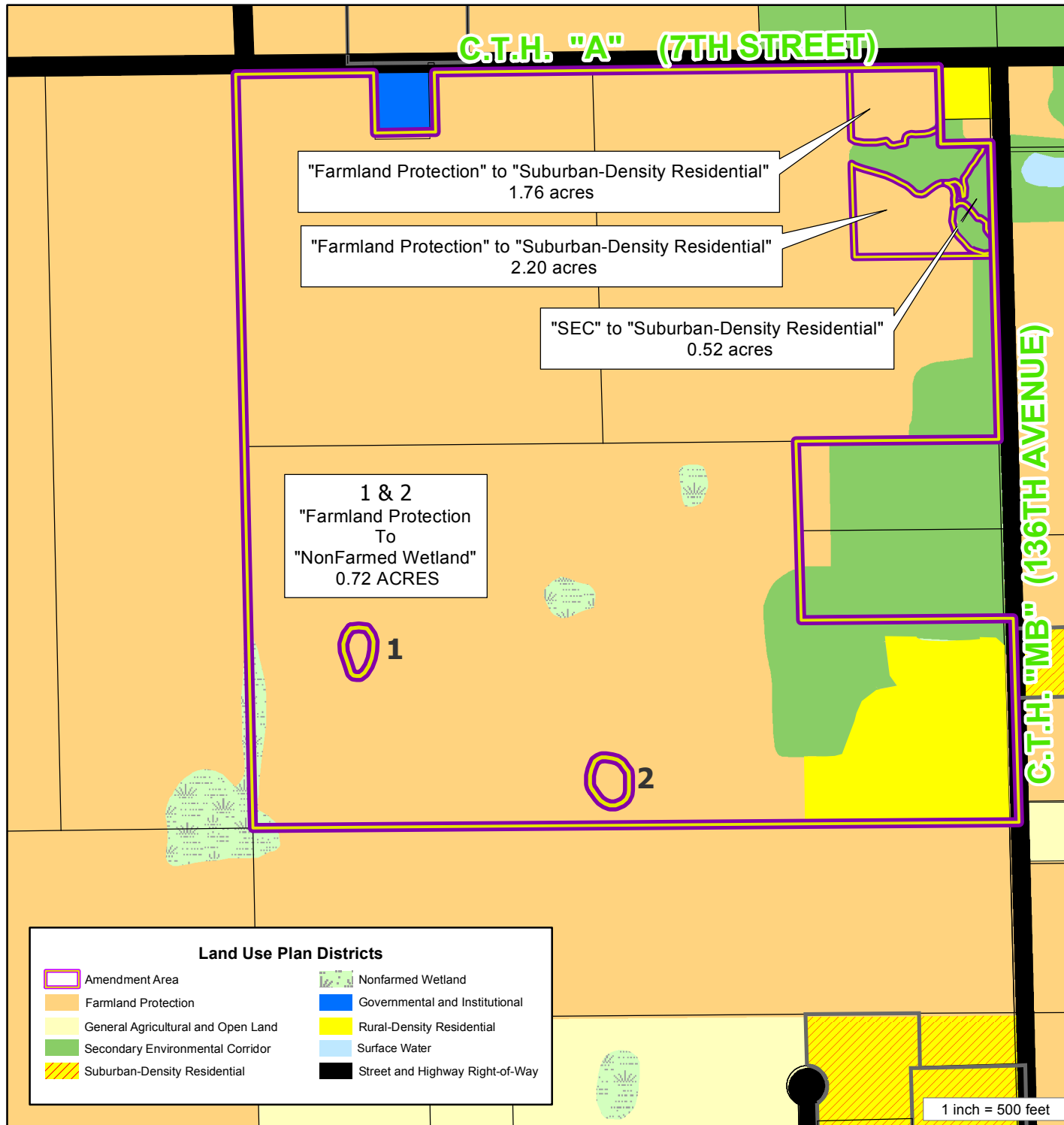


LEGEND LAND USE PLAN MAP FOR KENOSHA COUNTY: 2035

- | | |
|--------------------------------------------|----------------------------------------------------------------------------|
| FARMLAND PROTECTION | PARK AND RECREATIONAL |
| GENERAL AGRICULTURAL AND OPEN LAND | STREET AND HIGHWAY RIGHT-OF-WAY |
| RURAL-DENSITY RESIDENTIAL | OTHER TRANSPORTATION, COMMUNICATION, AND UTILITY |
| AGRICULTURAL AND RURAL-DENSITY RESIDENTIAL | EXTRACTIVE |
| SUBURBAN-DENSITY RESIDENTIAL | LANDFILL |
| MEDIUM-DENSITY RESIDENTIAL | PRIMARY ENVIRONMENTAL CORRIDOR |
| HIGH-DENSITY RESIDENTIAL | SECONDARY ENVIRONMENTAL CORRIDOR |
| MIXED USE | ISOLATED NATURAL RESOURCE AREA |
| COMMERCIAL | OTHER CONSERVANCY LAND TO BE PRESERVED |
| OFFICE/PROFESSIONAL SERVICES | NONFARMED WETLAND OUTSIDE ENVIRONMENTAL CORRIDOR |
| INDUSTRIAL | ISOLATED NATURAL RESOURCE AREA, AND OTHER CONSERVANCY LAND TO BE PRESERVED |
| BUSINESS/INDUSTRIAL PARK | SURFACE WATER |
| GOVERNMENTAL AND INSTITUTIONAL | |

Source: Wisconsin Department of Natural Resources, Federal Emergency Management Agency, Local Governments, Kenosha County, and SEWRPC.





COMPREHENSIVE PLAN AMENDMENT SITE MAP

PETITIONER(S):

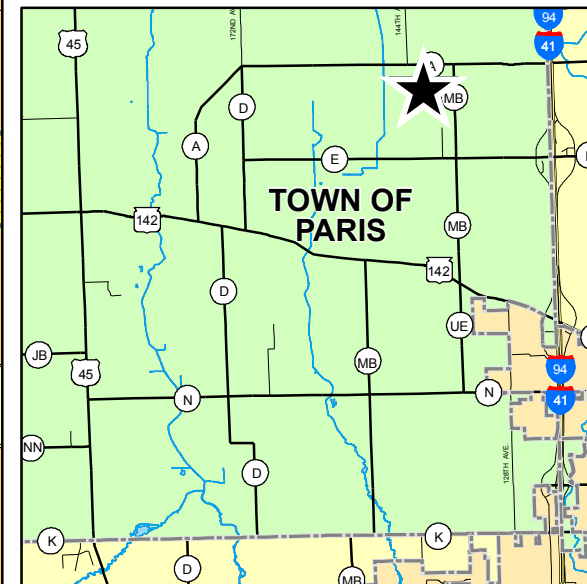
Badtke Holdings LLC (Owner)

LOCATION: NE 1/4 of Section 11
Town of Paris

TAX PARCEL(S): #45-4-221-111-0102
#45-4-221-111-0107

REQUEST:

Requesting an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection", "Rural-Density Residential", "Secondary Environmental Corridor" & "Nonfarmed Wetland" to "Farmland Protection", "Rural-Density Residential", "Suburban-Density Residential", "Secondary Environmental Corridor" & "Nonfarmed Wetland"





COUNTY OF KENOSHA

Department of Planning and Development

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NOV 14 2018

Kenosha County
Planning and Development

REZONING APPLICATION

(a) Property Owner's Name:

Badtke Holdings

Print Name: Jeff Badtke

Signature: 

Mailing Address: 1520 136th ave

City: Union Grove WI

State: 53182 Zip: 53182

Phone Number: 262-206-4433

E-mail (optional): Jeff@grassmaninc.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:

45-4-221-111-0107

~~45-4-221-111-0101~~ 45-4-221-111-0102

~~45-4-221-111-0302~~

Property Address of property to be rezoned: _____

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

To combine 3 parcels and Subdivide off (1) 5 acre, (1) 4.5 acre and (1) 1.77acre

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input checked="" type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input checked="" type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035".

The existing planned land use category for the subject property is:

<input checked="" type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input checked="" type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input checked="" type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

☐

Yes

☒

No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

☐

Yes

☒

No

(j) The name of the County Supervisor of the district wherein the property is located (District Map):

Supervisory District Number: 19 County Board Supervisor: Michael Skalitzky

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Rezoning Petition\$750.00

(For other fees see the Fee Schedule)

Note: Agricultural Use Conversion Charge

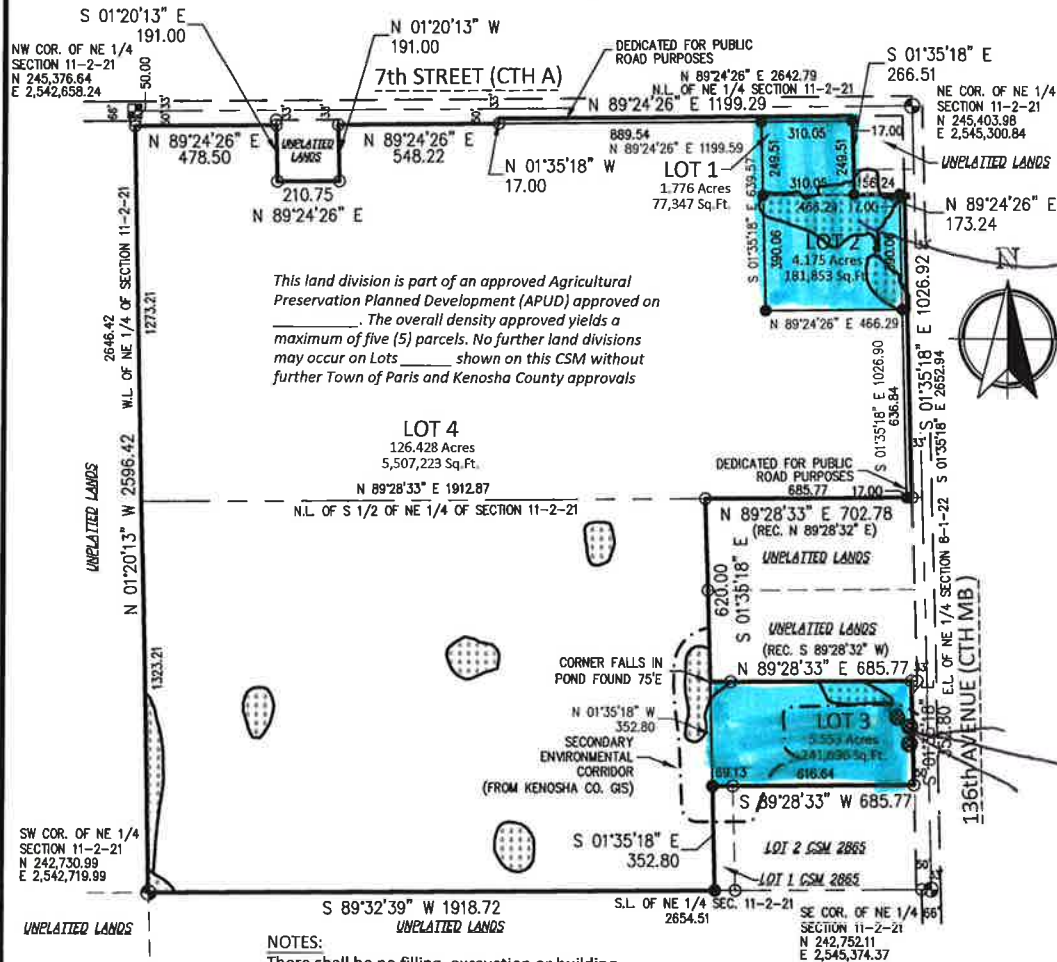
The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/slf/useassmt.html>.

Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.

Rezone

CERTIFIED SURVEY MAP NO. _____

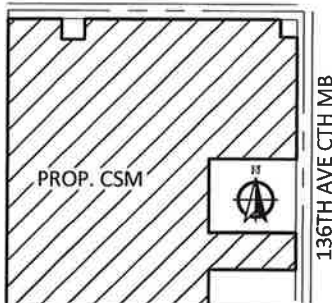
A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.



A1 to R2

A1 - R1

LOCATION MAP
7TH STREET CTH A



NE 1/4 SECTION 11-2-21



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS

1458 Horizon Blvd, Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbc.net

This Instrument was drafted by Mark R. Madsen October 29, 2018

500' 0' 500'

SCALE 1"=500'

NOTES: ZONING OF PARCELS IS A-1, R-1, C-1 & C-2

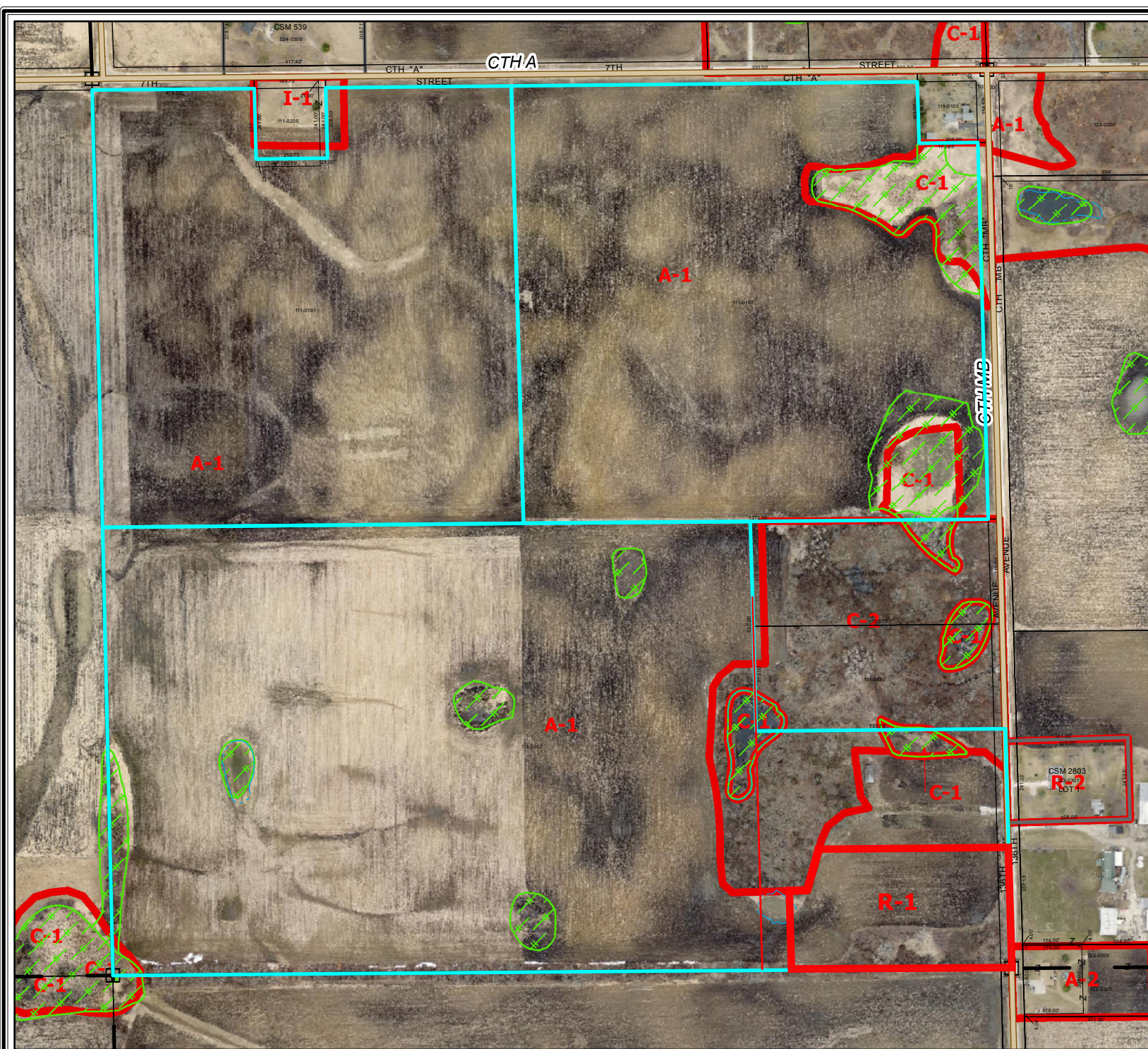
OWNER/LAND SPLITTER: BADTKE HOLDING, LLC.
ADDRESS: 1520 136th AVENUE UNION GROVE, WI 53182

BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE. BASED UPON NAD 1927. THE EAST LINE OF OF THE NE 1/4 OF SECTION 11-2-21 IS ASSUMED TO BEAR N 01°35'18" W.

LEGEND:

- 1" O.D. IRON PIPE FOUND
- 5/8" O.D.x18" REBAR - 1.13 LBS. / LIN. FT. SET
- ⊙ SOIL BORING
- ⊕ CONC. MON. W / BRASS CAP FOUND
- ⊕ CONC. MON. W / SEWRPC BRASS CAP FOUND
- ⊕ WETLANDS (TAKEN FROM KENOSHA CO. GIS)

2018.0056.02.DWG
SHEET 1 OF 4 SHEETS



EXISTING ZONING

Kenosha County



1 inch = 400 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

REZONING SITE MAP

PETITIONER(S):

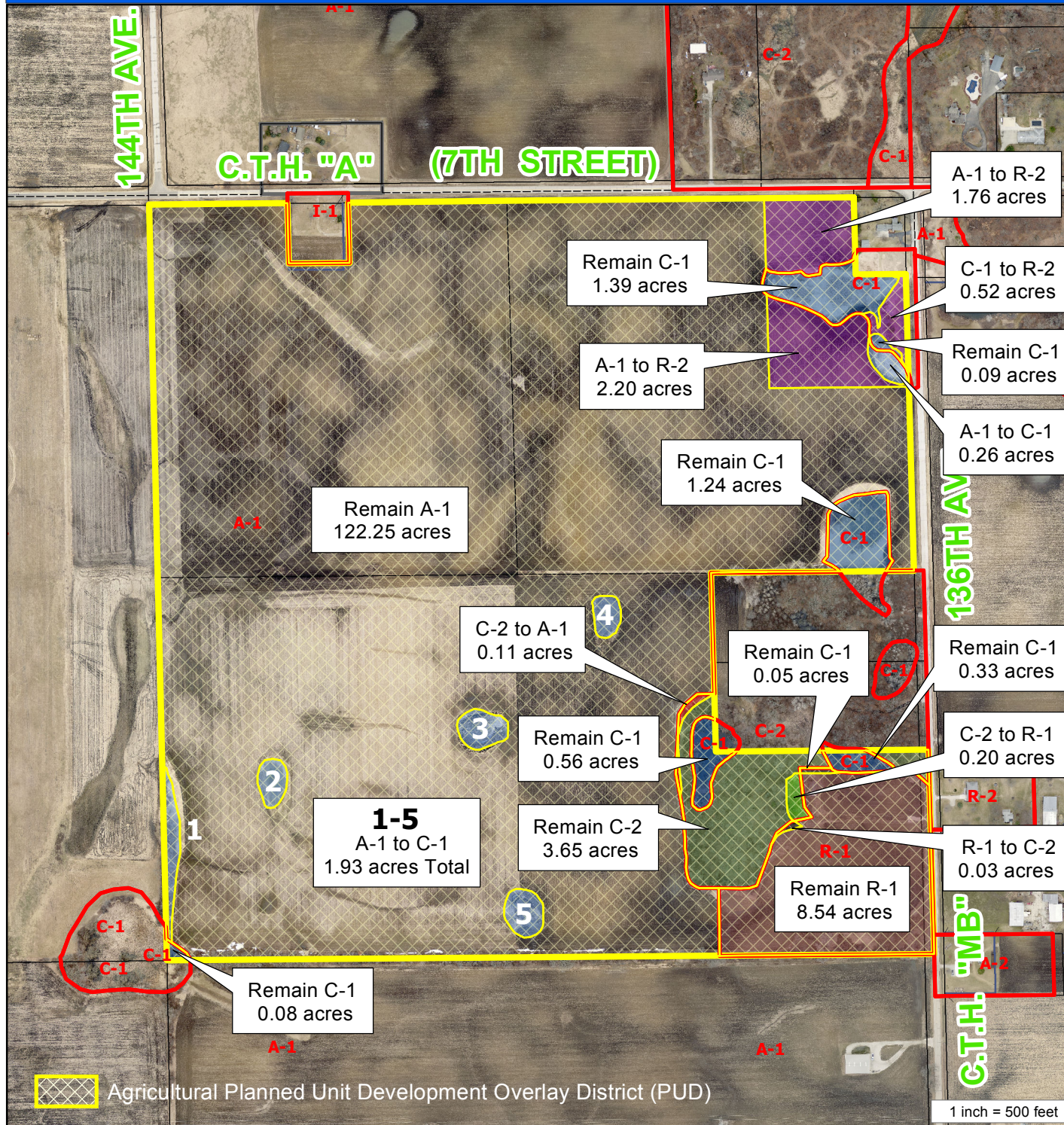
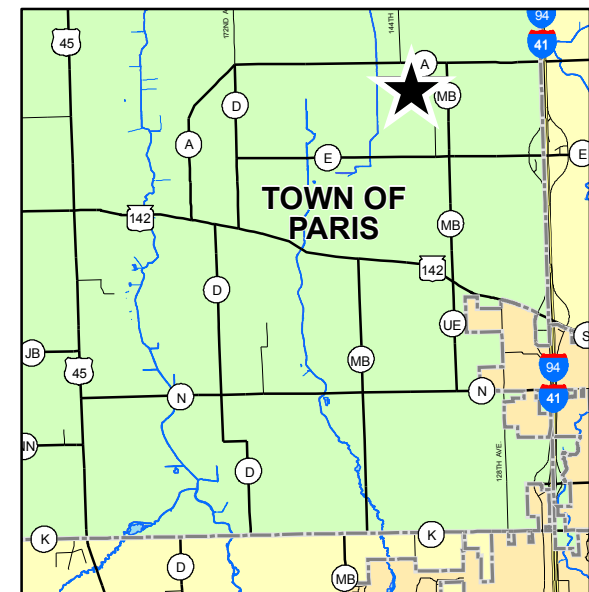
Badtke Holdings LLC (Owner)

LOCATION: NE 1/4 of Section 11,
Town of Paris

TAX PARCEL(S): #45-4-221-111-0107
#45-4-221-111-0102
#45-4-221-111-0303

REQUEST:

Requesting a rezoning from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District & C-1 Lowland Resource Conservancy District to A-1 Agricultural Preservation District, R-1 Rural Residential District, R-2 Suburban Single-Family Residential District, C-2 Upland Resource Conservancy District & C-1 Lowland Resource Conservancy District.





COUNTY OF KENOSHA

Department of Planning and Development

January 2013

RECEIVED

NOV 14 2018

Kenosha County
Planning and Development

LAND DIVISION APPLICATION

In order for applications to be processed, all information, drawings, application signatures, and fees required shall be submitted at time of application.

Please check the appropriate box below for the type of application being submitted:

- ☒ Certified Survey Map
- ☐ Subdivision Preliminary Plat
- ☐ Subdivision Final Plat
- ☐ Condominium Plat

Applicant is: ☒ Property Owner ☐ Subdivider ☐ Other _____

Applicant Name: Jeff Badtke Date 11-6-18

Mailing Address: 1520 136th ave Phone # 262-206-4433

Union Grove WI 53182 Phone # _____

Tax Parcel Number(s): 45-4-221-111-0107 45-4-221-111-0102 ~~45-4-221-111-0302~~ ~~45-4-221-111-0101~~

_____ Acreage of Project: 141

Location of Property (including legal description):

See attached draft of survey map

Subdivision/Development Name (if applicable): _____

Existing Zoning: A-1 & C-1 Proposed Zoning: A-1 & C-1 & R-1 + R2

Town Land Use Plan District Designation(s) (if applicable):

Present "farmland Protection" , "SEC" (secondary Environmental Corridor) and

"Rural Density residential"

Proposed "farmland Protection" , "SEC" (secondary Environmental Corridor) ,

"Rural Density residential" and "Suburban-Density residential"

Present Use(s) of Property: Vacant Farmland and Wetland

Proposed Use(s) of Property: To combine 3 parcels and Subdivide off (1) 5 acre, (1) 4.5 acre and (1) 1.77a

The subdivision abuts or adjoins a state trunk highway.....Yes () No (✓)

The subdivision will be served by public sewerYes () No (✓)

The subdivision abuts a county trunk highwayYes (✓) No ()

The subdivision contains shoreland/floodplain areasYes () No (✓)

The subdivision lies within the extra-territorial plat (ETP) authority
area of a nearby Village or CityYes (✓) No ()

*Applicant is responsible for submitting to the ETP authority any fees and documentation
needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:

Property Owner's Signature



Date

11-6-18

Property Owner's Signature

Date

REQUIRED APPLICABLE SIGNATURES:

Applicant's Signature

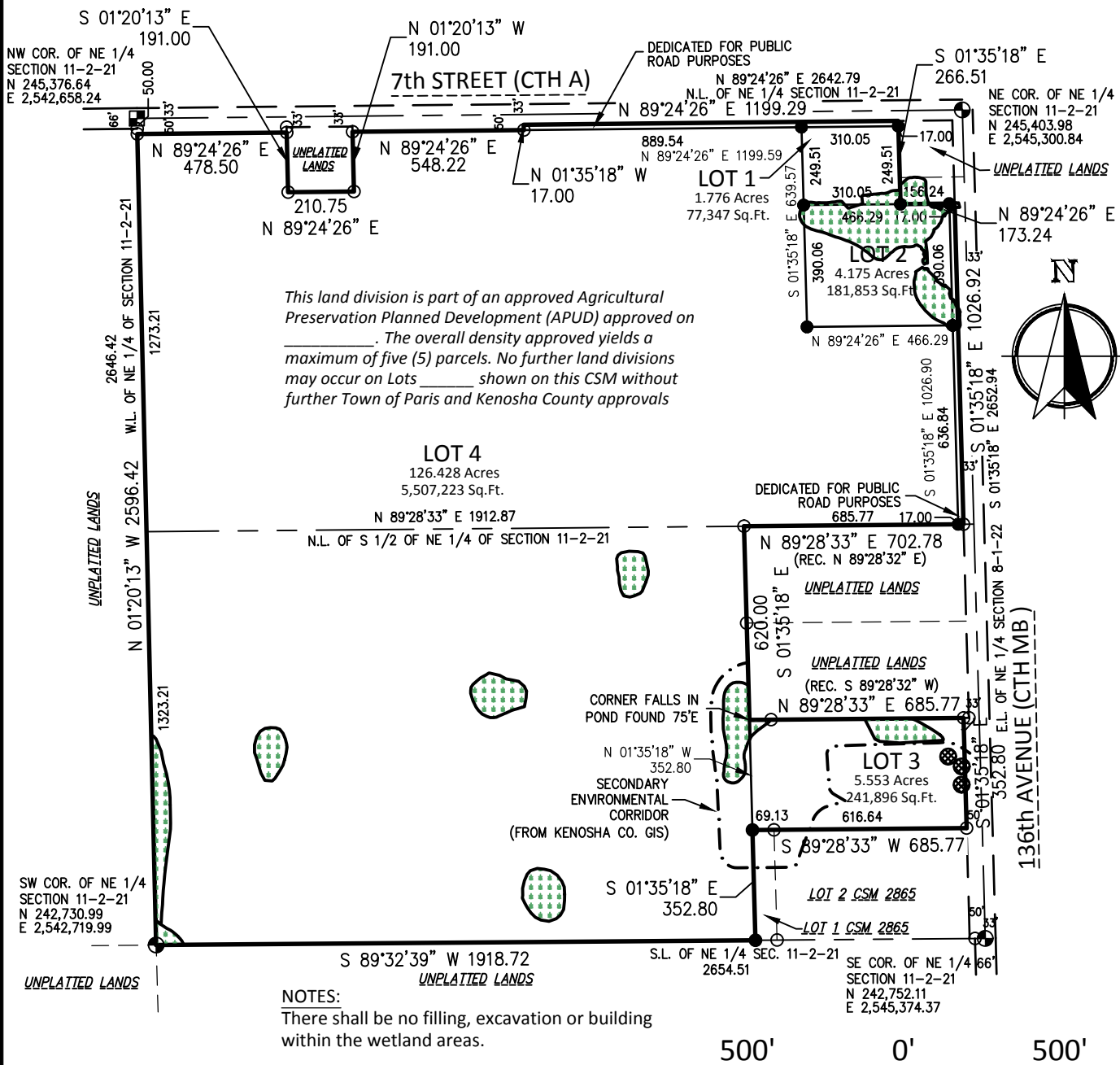
Date

Developer's Signature

Date

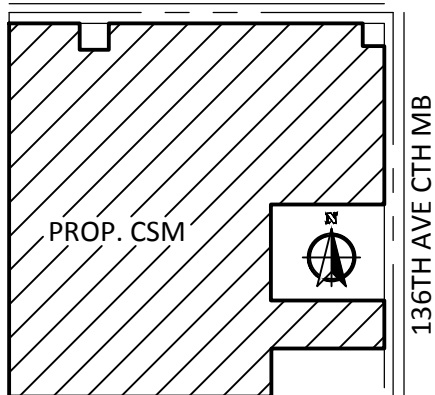
CERTIFIED SURVEY MAP NO.

A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.



LOCATION MAP

7TH STREET CTH A



NE 1/4 SECTION 11-2-21



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS

1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbssc.net

This Instrument was drafted by Mark R. Madsen October 29, 2018

500' 0' 500'

SCALE 1"=500'

NOTES: ZONING OF PARCELS IS A-1, R-1, C-1 & C-2

OWNER/LAND SPLITTER: BADTKE HOLDING, LLC.
ADDRESS: 1520 136th AVENUE UNION GROVE, WI
53182

BEARINGS BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE. BASED
UPON NAD 1927. THE EAST LINE OF OF THE NE
1/4 OF SECTION 11-2-21 IS ASSUMED TO BEAR
N 01°35'18" W.

LEGEND:

- 1" O.D. IRON PIPE FOUND
- 5/8" O.D.x18" REBAR - 1.13 LBS. / LIN. FT. SET
- ⊗ SOIL BORING
- ⊞ CONC. MON. W / BRASS CAP FOUND
- ⊟ CONC. MON. W / SEWRPC BRASS CAP FOUND
- ⊠ WETLANDS (TAKEN FROM KENOSHA CO. GIS)

2018.0056.02.DWG
SHEET 1 OF 4 SHEETS

CERTIFIED SURVEY MAP NO. _____

A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Mark R. Madsen, hereby certify: That I have prepared this Certified Survey Map at the direction of Badtke Holdings, LLC ., Owner; THAT such Map is a correct representation of the exterior boundaries of the land surveyed and are described as: A re-division of Lot 1 of Certified Survey Map No. 2865, recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on June 20, 2018 as Document No. 1821861, being part of the Northwest 1/4, the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 11, Township 2 North, Range 21 East in the Town of Paris, Kenosha County, Wisconsin, bounded and described as follows: Commence at the Northwest corner of the Northeast 1/4 of said Section 11; thence S01°20'13"E 50.00 feet to the South right-of-way of 7th Street (CTH A) and the point of beginning of this description; run thence N89°24'26"E 478.50 feet along the South right-of-way of 7th Street and parallel to the North line of said Northeast 1/4; thence S01°20'13"E 191.00 feet parallel with the West line of said Northeast 1/4; thence N89°24'26"E 210.75 feet parallel with the North line of said Northeast 1/4; thence N01°20'13"W 191.00 feet parallel with the West line of said Northeast 1/4 to the South right-of-way of 7th Street; thence N89°24'26"E 548.22 feet along the South right-of-way of 7th Street and parallel to the North line of said Northeast 1/4; thence N01°35'18"W 17.00 feet parallel with the East line of said Northeast 1/4 to the South right-of-way of 7th; thence N89°24'26"E 1199.29 feet along the South right-of-way of 7th Street and parallel to the North line of said Northeast 1/4; thence S01°35'18"E 266.51 feet parallel to the East line of said Northeast 1/4 to the South line of said Northeast 1/4 corner of said Northeast 1/4; thence N89°24'26"E 173.24 feet parallel to the North line of said Northeast 1/4 to the West right-of-way of 136th Avenue (CTH MB); thence S01°35'18"E 1026.92 feet along the West right-of-way of 136th Avenue (CTH MB) and parallel to the East line of said Northeast 1/4 to the North line of the South 1/2 of said Northeast 1/4; thence S89°28'33"W 702.77 feet along the North line of the South 1/2 of said Northeast 1/4; thence S01°35'18"E 620.00 feet parallel with the East line of said Northeast 1/4; thence N89°28'33"E 685.77 feet parallel with the North line of the South 1/2 of said Northeast 1/4 to the West right-of-way of 136th Avenue (CTH MB); thence S01°35'18"E 352.80 feet along the West right-of-way of 136th Avenue (CTH MB) and parallel to the East line of said Northeast 1/4; thence S89°28'33"W 685.77 feet parallel with the North line of the South 1/2 of said Northeast 1/4; thence S01°35'18"E 352.80 feet parallel to the East line of said Northeast 1/4 to the South line of said Northeast 1/4 corner of said Northeast 1/4; thence S89°32'39"W 1918.72 feet along the South line of said Northeast 1/4 to the Southwest corner of said Northeast 1/4; thence N01°20'13"W 2596.42 feet along the West line of said Northeast 1/4 to the South right-of-way of 7th Street (CTH A) and the point of beginning. Containing 126.428 acres.

THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and Title 14 of the Code of General Ordinances for the Town of Paris and the Kenosha County Subdivision Control Ordinance. THAT such map is a true representation of all exterior boundaries of the land surveyed and the land division thereof made;

October 29, 2018

Mark R. Madsen, P.E., P.L.S. (S-2271)
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd. Suite 200
Racine, WI 53406
(262) 634-5588



Nielsen Madsen + Barber

CIVIL ENGINEERS AND LAND SURVEYORS

1458 Horizon Blvd. Suite 200, Racine, WI. 53406

Tele: (262)634-5588 Website: www.nmbcsc.net

CERTIFIED SURVEY MAP NO. _____

A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

OWNERS' CERTIFICATE

Badtke Holdings, LLC. as Owner hereby certifies that it has caused the lands described on this map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. It also does further certify that this Certified Survey Map is required to be submitted to the the following for approval: Town Board of the Town of Paris and Kenosha County Planning, Development & Extension Education Committee.

IN WITNESS WHEREOF the said Jeff Badtke has caused these presents to be signed by Jeff Badtke, as Member at _____ Wisconsin on this _____ day of _____ 2018.

Jeff Badtke, Member
1520 136th Avenue
Union Grove, WI 53182

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2018, _____ of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said corporation, and acknowledged that he executed the foregoing as such officer as the deed of said corporation, by its authority.

Notary Public, _____
My commission expires: _____

CONSENT OF CORPORATE MORTGAGEE

Advia Credit Union, a corporation duly organized and existing under and by virtue of the laws of the State of _____, mortgagee of the above-described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent to the above certificate of Badtke Holdings, LLC., owner.

IN WITNESS WHEREOF, the said Advia Credit Union, Inc. has caused these presents to be signed by _____, its _____, at _____, _____ and its corporate seal to be hereunto affixed this _____ day of _____, 2018.

Advia Credit Union

CERTIFIED SURVEY MAP NO. _____

A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP No. 2865 BEING PART OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2018, _____ of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said corporation, and acknowledged that he executed the foregoing as such officer as the deed of said corporation, by its authority.

Notary Public, _____
My commission expires: _____

TOWN CERTIFICATE
APPROVED as a Certified Survey Map this _____ day of _____, 2018.

Beverly McCumber, Clerk/Treasurer
TOWN OF PARIS

KENOSHA COUNTY PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE APPROVAL
This certified survey map was hereby approved by Kenosha County Planning, Development & Extension Education Committee on this _____ day of _____, 2018.

Erin Decker - Chairperson



COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

DEC 06 2018

Kenosha County
Planning and Development

REZONING APPLICATION

(a) Property Owner's Name:

Badtke Holdings

Print Name: Jeff Badtke

Signature: 

Mailing Address: 1520 136th ave

City: Union Grove

State: WI

Zip: 53182

Phone Number: 262-206-4433

E-mail (optional): Jeff@grassmaninc.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:

Property was part of CSM #2884

recorded 11-30-18

Part of 45-4-221-173-0202

Lot 2 CSM# 2884 = 45-4-221-173-0242

Property Address of property to be rezoned:

No address yet , Burlington rd

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

Commercial structure will be used for Badger Diesel.

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input checked="" type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input checked="" type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input checked="" type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
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<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "[Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035](#)".

The existing planned land use category for the subject property is:

<input type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input checked="" type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

☐

Yes

☒

No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

☐

Yes

☒

No

(j) The name of the County Supervisor of the district wherein the property is located ([District Map](#)):

Supervisory District Number: 19 County Board Supervisor: Michael Skaltzky

(k) The fee specified in Section 12.05-8 of this ordinance.

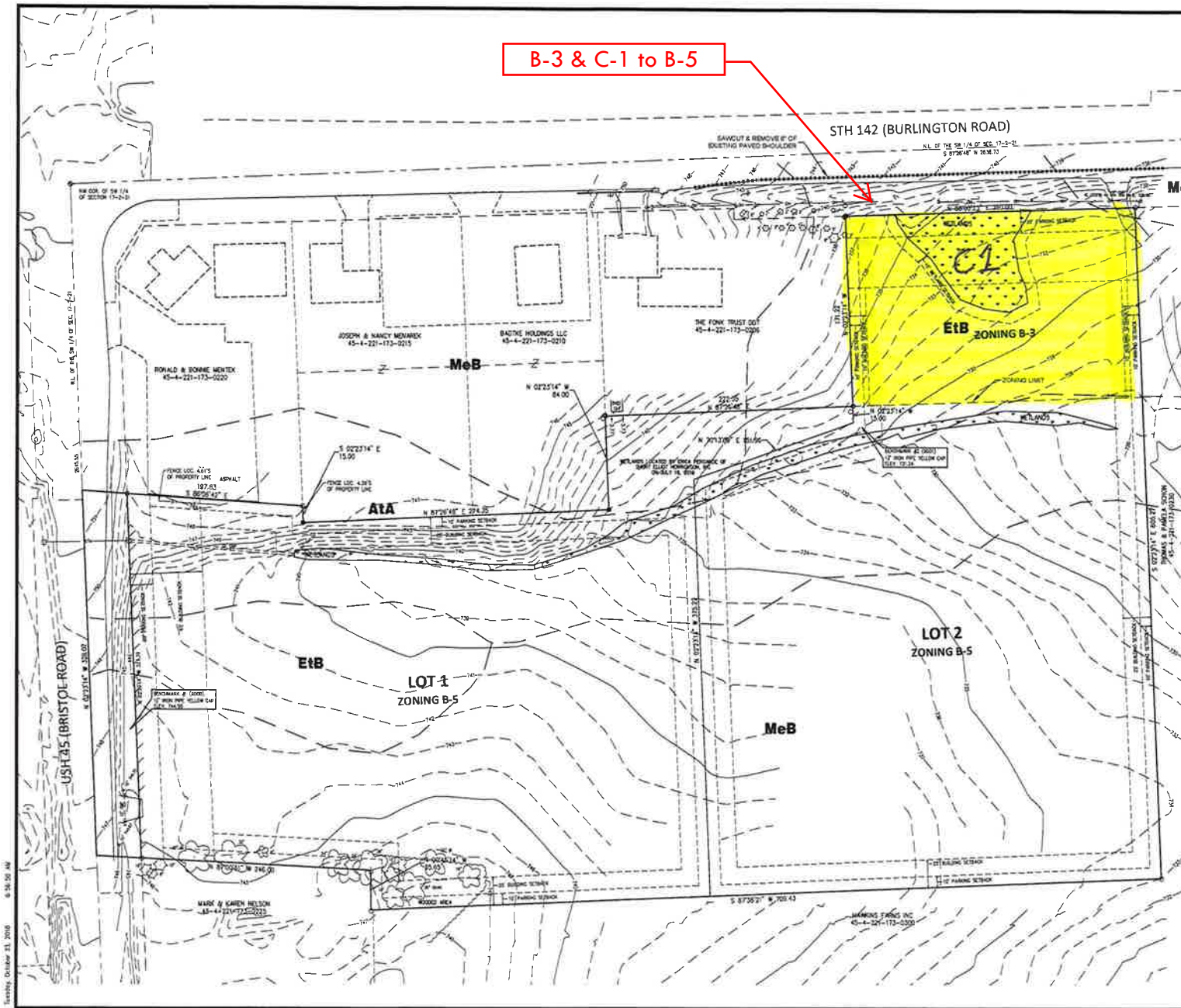
Request for Rezoning Petition\$750.00

(For other fees see the [Fee Schedule](#))

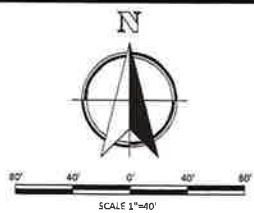
Note: Agricultural Use Conversion Charge

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Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.



B-3 & C-1 to B-5



LEGAL DESCRIPTION

That part of the northwest 1/4 of the Southwest 1/4 of Section 17, Township 2 North, Range 21 East in the Town of Paris, Kenosha County, Wisconsin, bounded as follows: Begin at a point on the West line of the Southwest 1/4 of said Section 17 located 202'22"14" E 274.80 feet from the Southwest 1/4 corner of said Section 17; thence S80°04'42" E 197.43 feet; thence S02°22'14" W 15.00 feet; thence N67°29'40" E 274.35 feet; thence N02°22'14" W 84.00 feet; thence N67°29'40" E 202.30 feet; thence N02°22'14" W 117.22 feet to the South right-of-way of STH-142; thence N88°02'22" E 290.00 feet along said South right-of-way; thence S02°22'14" E 808.27 feet; thence S87°30'37" W 708.43 feet; thence S02°46'14" W 35.55 feet; thence N02°22'14" W 248.00 feet to the West line of said Section 17; thence H02°22'14" W 328.00 feet along said West line to the point of beginning. Containing 9.170 acres.

C1 + B3
to B5

UTILITY NOTE

EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE TYPE, LOCATION, SIZE AND ELEVATION OF UNDERGROUND UTILITIES AS THEY DEEM NECESSARY FOR IMPROVED UTILITY CONNECTIONS AND / OR TO AVOID DAMAGE THERETO. CONTRACTOR SHALL CALL "DIGGERS HOTLINE" PRIOR TO ANY CONSTRUCTION.



Call 800 or (800) 242-8511
www.diggershotline.com

BEARING BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM: NAD 83
BASED UPON NAD 83

ALL ELEVATIONS REFER TO NATIONAL
CELESTIAL DATUM OF 1985

LEGEND:
— S — FENCE
□ CATCH BASIN
□ POWER POLE
— CH — OVERHEAD WIRE
● ROUNDRON PIPE
● EYEBOL PIPE
— SH — OVERHEAD WIRE
— SOL — SOL CLASSIFICATION

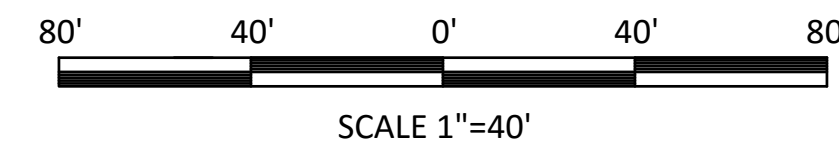
mb
Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd, Suite 200, Racine, WI 53406
Tel: (262) 634-5588 Website: www.nmbac.net

**PARIS EQUIPMENT
EXISTING CONDITIONS SURVEY
FOR
BADTKE HOLDINGS LLC**
TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN

NO.	REVISION	DATE
1	RECEIVED PER WISCONSIN DEPT. OF NATURAL RESOURCES	8-15-2017
2	ADDITIONAL WORK ON THE AREA	8-15-2017
3	RECEIVED PER WISCONSIN DEPT. OF NATURAL RESOURCES	8-15-2017
4		
5		
6		
7		
8		
9		
10		

PROJ: MGR: _____
DRAFTED: _____
DATE: 8-15-2017
CHECKED: _____
DATE: 8-15-2017
2016.0094.01
SHEET
C-2

ISSUE FOR CONSTRUCTION - 9-15-2017



That part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 2 North, Range 21 East in the Town of Paris, Kenosha County, Wisconsin, bounded as follows: Begin at a point on the West line of the Southwest $\frac{1}{4}$ of said Section 17 located S02°23'14"E 274.80 feet from the Southwest $\frac{1}{4}$ corner of said Section 17, thence S88°00'23"E 27.35 feet; thence S02°23'14"E 15.00 feet; thence N87°26'48"E 274.35 feet; thence N02°23'14"E 84.00 feet; thence N87°26'48"E 222.35; thence N02°23'14"W 17.22 feet to the South right-of-way of ETH 142; thence N88°00'23"E 260.00 feet along said South right-of-way; thence N02°23'14"E 605.27 feet; thence S87°35'31"W 709.43 feet; thence N00°14'14"W 35.00 feet; thence N87°00'51"W 150.00 feet to the West line of said Section 17; thence N02°23'14"W 328.02 feet along said West line to the point of beginning.

Containing 9.170 acres.








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BEARING BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE.
BASED UPON NAD 1927.

ALL ELEVATIONS REFER TO NATIONAL
GEODETIC DATUM OF 1929.

LEGEND

- | | | | |
|---------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------|---------------------|
|  | FENCE |  | FOUND IRON PIPE |
|  | CATCH BASIN |  | SET IRON PIPE |
|  | POWER POLE |  | OVERHEAD WIRES |
| | |  | SOIL CLASSIFICATION |

Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS

11458 Horizon Blvd. Suite 200, Racine, WI. 53406
 Tele: (262)634-5588 Website: www.nmbssc.net

FOR

FOR
BADTKE HOLDINGS LLC

DADTKE HOLDINGS LLC
TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN

[illegible]

PROJ. MGR: _____ MDB
DRAFTED: _____ NDB
DATE: _____ 7-14-2017
CHECKED: _____ JJC
DATE: _____ 7-14-2017

2016.0094.01

SHEET
C-2

#1032466

CERTIFIED SURVEY MAP NO. 2004

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

W 1/4 CORNER OF
SECTION 17-2-21
N 237,056.84
E 2,524,274.75

STH 142
(WIDTH VARIES)

E-W 1/4 LINE OF SECTION 17-2-21

S 87°26'48" W 2636.73

N 88°00'23" E 260.00

UNPLATTED LANDS

N 02°23'14" W
ZONING B-3 84.00

S 02°23'14" E
15.00

N 87°26'48" E 274.35

LOT 1
184,530 S.F.
4.236 Acres

LOT 2
215,291 S.F.
4.942 Acres

150' 0' 150'

SCALE 1"=150'



Cross Access Line Table

Line #	Length	Direction
L1	65.16	S02° 23' 14"E
L2	50.00	S88° 00' 23"W
L3	65.16	N02° 23' 14"W
L4	50.00	N88° 00' 23"E

Cross Access Line Table

Line #	Length	Direction
L5	25.15	S02° 23' 14"E
L6	182.74	S86° 06' 42"E
L7	12.97	N02° 23' 14"W
L8	25.00	S87° 26' 48"W

ACCESS NOTE:

ACCESS TO LOT 1 IS SUBJECT TO
APPROVAL BY THE WISCONSIN DEPT.
OF TRANSPORTATION (WisDOT)

GRADING NOTE:

THERE SHALL BE NO FILLING, EXCAVATING
OR BUILDING WITHIN THE WETLAND AREAS.

WETLAND NOTE:

WETLANDS LOCATED BY ERICA PERGANDE
OF SHORT ELLIOT HENDRICKSON, INC.
ON JULY 19, 2016

NOTES:

ZONING OF PARCELS IS B-3, B-5 & C-1

OWNER/SUBDIVIDER: BADTKE HOLDINGS
ADDRESS: 1520 136th AVENUE
UNION GROVE, WI. 53182

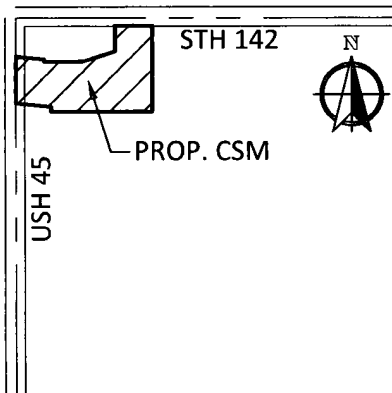
ALL ELEVATIONS REFER TO NATIONAL
GEODETIC DATUM OF 1929.

BEARINGS BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE.
BASED UPON NAD 1927. THE WEST LINE OF
SECTION 17-2-21 IS ASSUMED TO BEAR
S 02°23'14" E.

LEGEND:

- 1" O.D. IRON PIPE FOUND
- 5/8" O.D. REBAR - 1.68LBS/LIN FT. SET
- ⊕ 6" CONC MON. W/ BRASS CAP FOUND
- //// NO VEHICULAR ACCESS

LOCATION MAP



SW 1/4 SECTION 17-1-21



Nielsen Madsen + Barber

CIVIL ENGINEERS AND LAND SURVEYORS

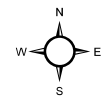
1458 Horizon Blvd Suite 200, Racine, WI 53406

Tele (262)634-5588 Website www.nmbasc.net

This Instrument was drafted by Mark R. Madsen November 2, 2018

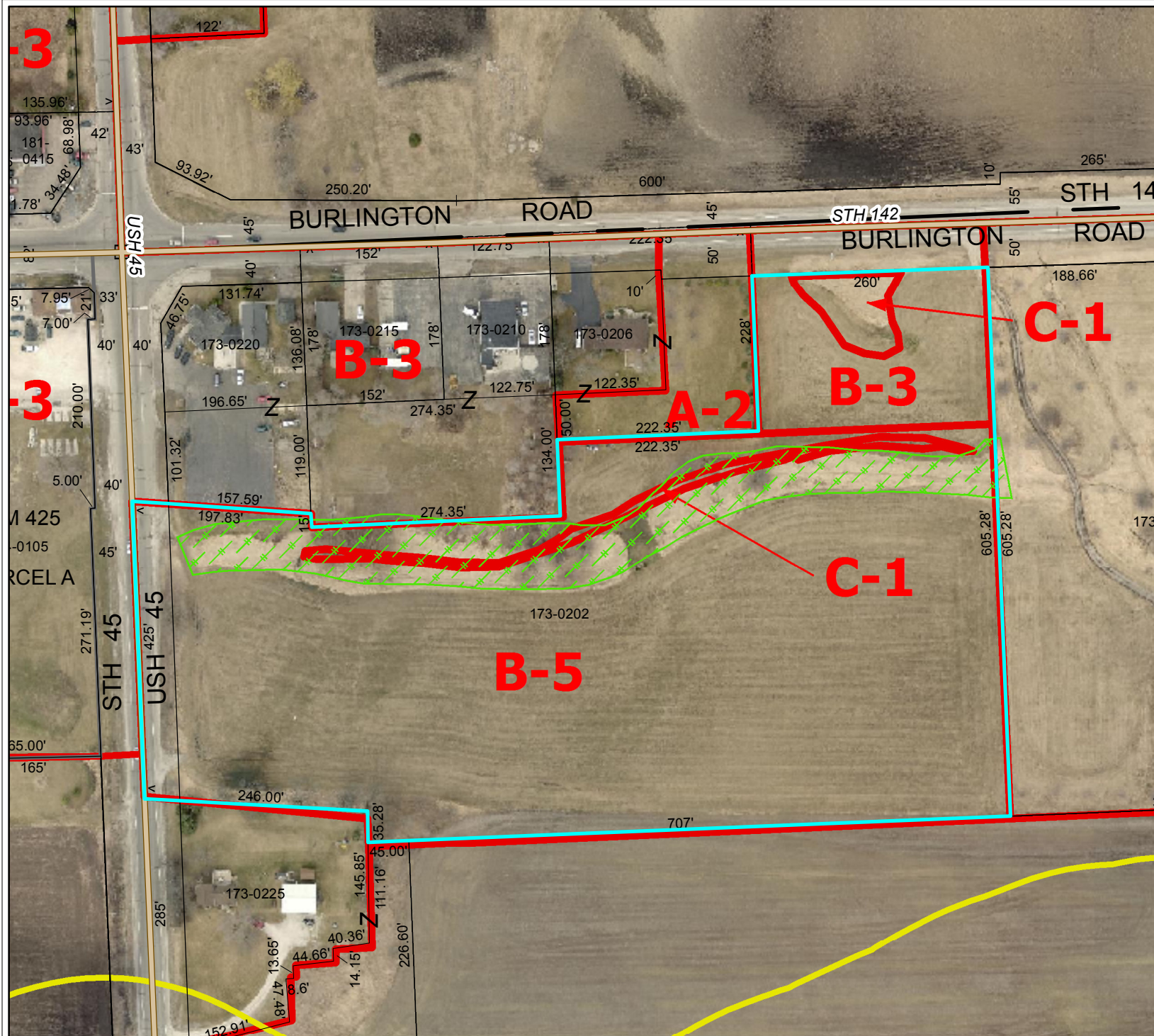
2016.0094.01.DWG
SHEET 1 OF 4 SHEETS

Kenosha County



1 inch = 150 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.





DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

REPLY TO ATTENTION OF
REGULATORY BRANCH

Regulatory File No. MVP-2017-02811-DJM

Badtke Holdings, LLC
c/o Jeff Badtke
1520 136th Street
Union Grove, Wisconsin 53018

DEC 06 2018

Dear Mr. Badtke:

This correspondence is in regard to your pre-construction notification (PCN) requesting Department of the Army (DA) authorization to discharge fill material into 7,064 square feet of wetland for the purpose of constructing a 5,000 square-foot commercial building and an associated 17,400 square-foot parking lot. The project site is in the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 2 North, Range 21 East, Kenosha County, Wisconsin.

Certain minor activities are eligible for authorization by general permits, which include Nationwide (NWP) and Regional General (RGP) permits. Your project as shown on the enclosed figures labeled MVP-2017-02811-DJM Pages 1 of 3 through 3 of 3 is authorized by NWP 39, Commercial and Institutional Developments.

In order for this verification to be valid, you must ensure the work is performed in accordance with the enclosed general permit terms, General Conditions, St. Paul District Regional Conditions, and the Wisconsin Department of Natural Resources' 401 Water Quality Certification Conditions.

You are also required to complete and return the enclosed Compliance Certification form within 30 days upon completion of your project in accordance with your permit conditions. Please mail the completed form to the Corps contact identified in the last paragraph.

This verification is valid until March 18, 2022, unless the general permit is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of general permit expiration, modification, or revocation, you will have 12 months from the date of expiration, modification or revocation to complete the activity under the present terms and conditions of the general permit.

Our verification of this permit is based on the project description and construction methods provided in your PCN. You are cautioned that a change in the location or plans may invalidate this verification. Proposed changes should be coordinated with this office prior to construction. Failure to comply with all terms and conditions of this permit verification invalidates this verification and could result in a violation of Section 301 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

No jurisdictional determination was requested or prepared for this project. While not required, you may request a jurisdictional determination from the Corps contact indicated below.

If you have any questions, please contact me in our St. Paul office at (651) 290-5191 or daniel.j.munson@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



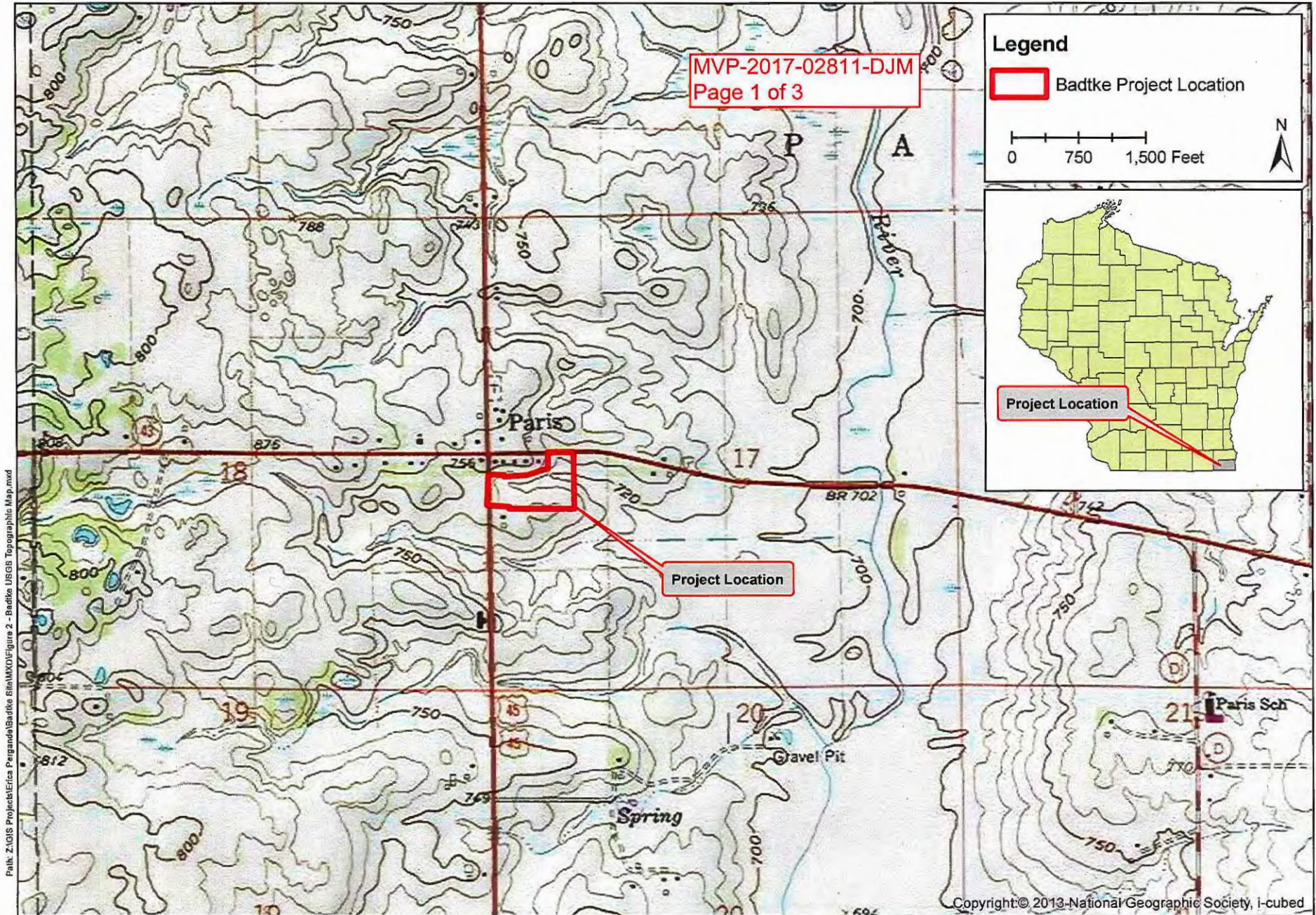
Daniel J. Munson
Project Manager

Enclosures:

Drawings – MVP-2017-02811-DJM Pages 1-2 of 2
Compliance certification form
NWP permit terms and conditions
WDNR 401 Water Quality Certification Conditions

cc:

Michelle Scott – WDNR (michelle.scott@wisconsin.gov)
Karen Erickson – SEH, Inc. (kerickson@sehinc.com)

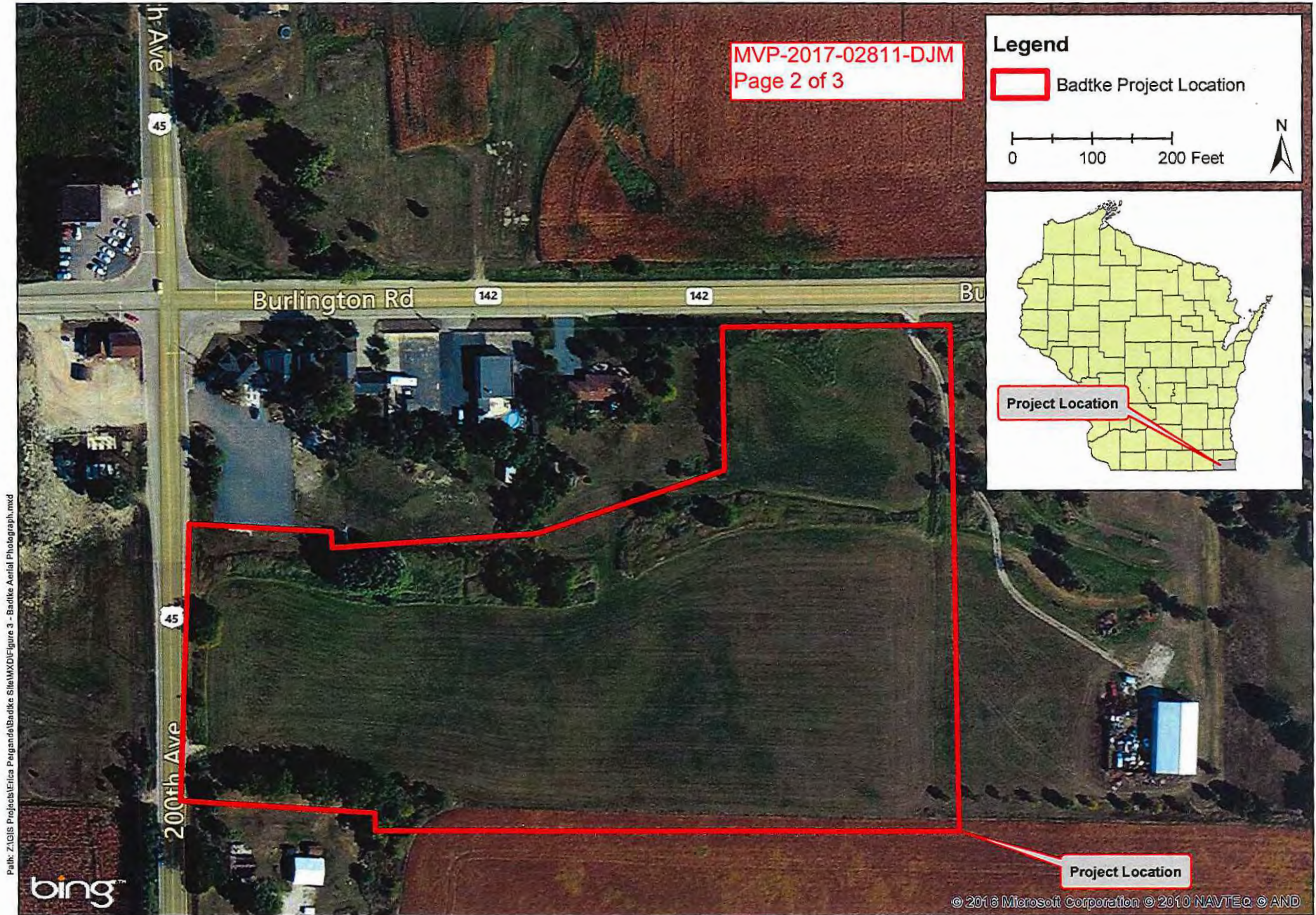


501 Maple Avenue
Delafield, WI 53108
(262) 646-6855

Project: BADTJ 137664
Print Date: 8/22/2016
Map by: smorrison
Projection: WISCRS,
Kenosha County

USGS Topographic Map
Town of Paris, Kenosha County, Wisconsin

Figure
2

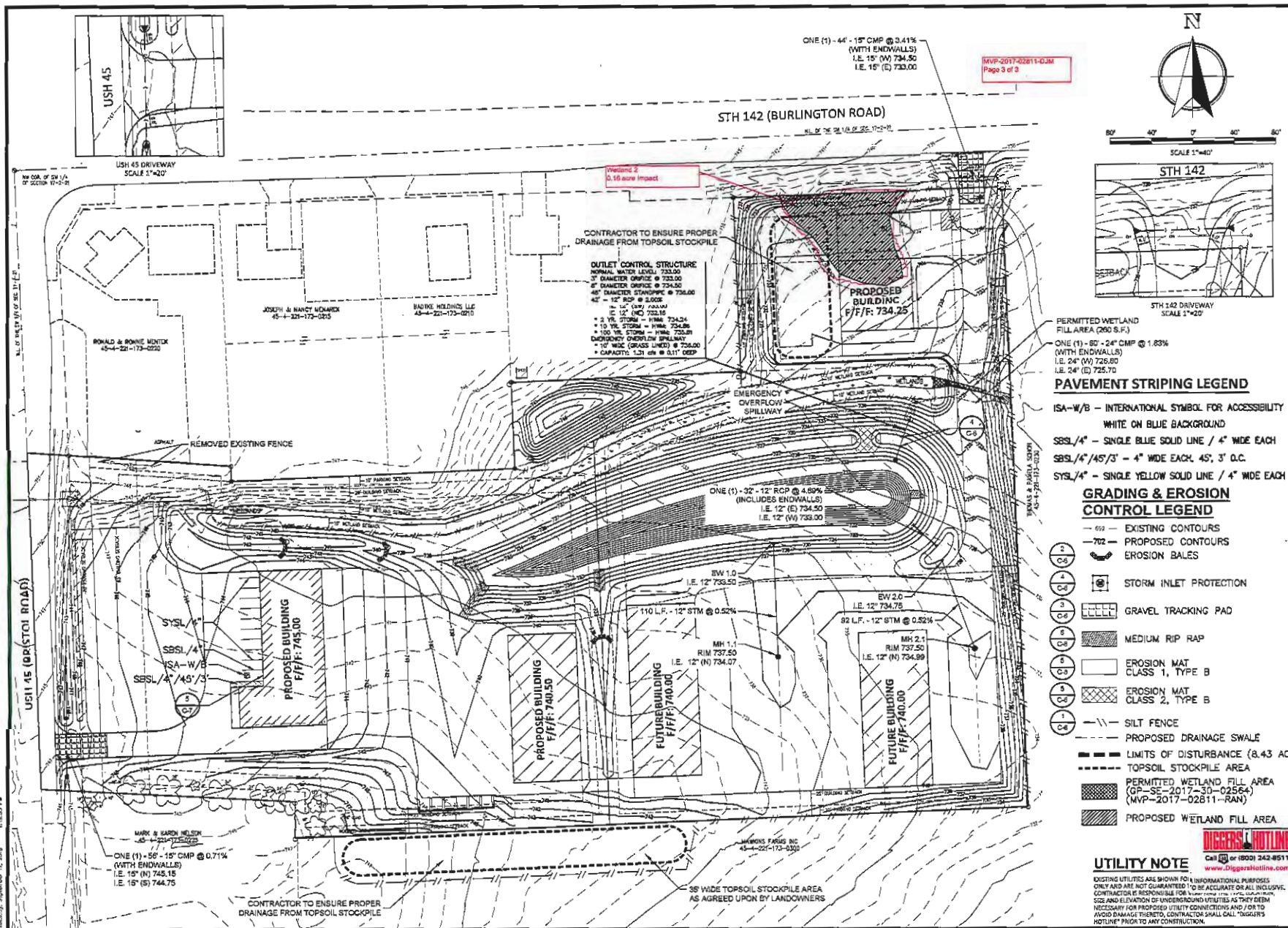


501 Maple Avenue
Delafield, WI 53108
(262) 646-6855

Project: BADTJ 137864
Print Date: 8/22/2016
Map by: smorrison
Projection: WISCRS,
Kenosha County

2016 Aerial Photograph
Town of Paris, Kenosha County, Wisconsin

Figure
3





**US Army Corps
of Engineers®**

St. Paul District

COMPLIANCE CERTIFICATION

Regulatory File Number: MVP-2017-02811-DJM
Name of Permittee: Badtke Holdings, LLC
County/State: Kenosha County, Wisconsin
Date of Issuance: **DEC 06 2018**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the Corps contact identified in your verification letter within 30 days.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

By signing below, the permittee is certifying that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

2017 Nationwide Permits St. Paul District Regional and General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following regional and general conditions, as applicable, in addition to any regional or case specific conditions imposed by the division engineer or district engineer. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

The following Regional Conditions are applicable to all NWPs:

Nationwide Permit (NWP) Limitations:

- A. **Discretionary authority:** As allowed under 33 CFR 330.1(d), the District retains discretionary authority to require an individual permit of any activity eligible for authorization by a NWP based on concern for the aquatic environment or for any other factor of the public interest.
- B. **Limit on Tributary Impacts:** Any regulated activity that would result in the loss of greater than 500 linear feet of a tributary in a single location is not authorized by a NWP with the exception of projects verified by NWPs 13, 27, 32, 37, 53 or 54 where the permanent alteration would have an overall beneficial effect on the aquatic ecosystem associated with discharges proposed. A waiver from the specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that permanent alteration of the tributary would have an overall beneficial effect on the aquatic ecosystem associated with the discharges proposed. This regional condition does not expand the limitations of a specific NWP where that NWP is more restrictive.
- C. **Linear Projects:** No linear utility or linear transportation projects are eligible for authorization by NWPs. These projects will be reviewed for authorization under the St. Paul District's regional or programmatic general permits or an individual permit.
- D. **Great Lakes Compact:** No project or part of a project that would divert more than 10,000 gallons per day of surface or ground water into or out of the Great Lakes Basin is authorized by NWPs.
- E. **Tribal Rights:** As stated in General Condition 17 of the NWPs, no activity may impair tribal rights, including treaty rights, protected tribal resources or tribal lands.
- F. **Areas under a Special Area Management Plan:** Regulated activities located within an area eligible for authorization under a valid Special Area Management Plan with an associated programmatic general permit are ineligible for authorization by NWPs.
- G. **Designated Critical Resource Water:** The Lake Superior National Estuarine Research Reserve is a designated critical resource water and is subject to the NWP limitations and PCN requirements described in General Condition #22 of the NWPs.
- H. **Calcareous fens:**
WISCONSIN: No work in a calcareous fen is authorized by a NWP unless the Wisconsin Department of Natural Resources (WI DNR) has approved an individual permit for the proposed regulated activity. Project proponents must provide evidence of an approved individual permit to the District.
MINNESOTA: No work in a calcareous fen is authorized by a NWP unless the Minnesota Department of Natural Resources (MN DNR) has approved a calcareous fen management plan specific to a project that otherwise qualifies for authorization by a NWP. Project proponents must provide evidence of an approved fen management plan to the District. A list of known Minnesota calcareous fens can be found at: http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf.

Pre-Construction Notification (PCN) Requirements for Specific Water/Places

- I. **PCNs for Special Aquatic Resources:** A project proponent must notify the District by submitting a PCN if a regulated activity would occur in any of the following aquatic resources. **Prior to beginning work in these waters, a District NWP verification letter must be received.**

PROJECTS IN WISCONSIN:

- (1) state-designated wild rice waters (<https://data.glifwc.org/manoomin.harvest.info>);
- (2) coastal plain marshes;
- (3) bog wetland plant communities;
- (4) interdunal wetlands;
- (5) Great Lakes ridge and swale complexes;

The complete Ramsar list is available at (<https://rsis Ramsar.org/>).

More information about plant community types 2-5 listed above, may be obtained from the Wisconsin Department of Natural Resources website at: <http://dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland>.

Additional information on identifying bog and fen communities can be found at: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

PROJECTS IN MINNESOTA:

- (1) wild rice waters listed in Appendix A of these conditions and identified in Minn. R. 7050.0470, subpart 1;

Additional information on identifying bog and fen communities can be found at: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and at the MN DNR's Native Plant Community Classification's website: <http://www.dnr.state.mn.us/npc/classification.html>.

- J. **PCNs for Bridges, Structures, and Vessels more than 50 years old:** A project proponent must notify the District by submitting a PCN if work or fill requiring District authorization would affect a bridge, structure or permanently moored or sunken vessels more than 50 years old.
- K. **PCNs for Suspected Sediment or Soil Contamination:** A project proponent must notify the District by submitting a PCN if any regulated activity would occur in areas of known or suspected sediment or soil contamination, including but not limited to Superfund sites. Superfund sites in Minnesota or Wisconsin can be located by searching the EPA's website: <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>. This condition does not apply to NWP 20. Response Operations for Oil or Hazardous Substances.
- L. **PCNs for the Apostle Islands National Lakeshore and Madeline Island:** A project proponent must notify the District by submitting a PCN if the regulated activity would result in the work, fill or placement of a structure within the boundaries of the Apostle Islands National Lakeshore or Madeline Island in Wisconsin. **Prior to beginning regulated activities in these waters, a District NWP verification letter must be received.**
- M. **PCNs for Temporary Impacts:** A project proponent must notify the District by submitting a PCN if temporary impacts would remain in place for longer than 90 days between May 15 and November 15. The PCN must specify how long the temporary impact will remain and include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. See also Regional Condition Q.

Mitigation Requirements

- N. **Compensatory Mitigation:** Proposed projects that require a PCN must include a statement describing how permanent *and* temporary impacts to waters of the U.S. would be avoided and minimized. The PCN must also include either: (a) a statement describing how impacts to waters of the U.S. would be compensated in accordance with the Federal Mitigation Rule (33 CFR Part 332) and the current St Paul District Policies for Compensatory Mitigation or (b) a statement explaining why compensatory mitigation should not be required for the proposed impacts.

Site Protection

- O. Site Inspection:** The permittee shall allow representatives from the District to inspect the proposed project site and the authorized activity to ensure that it is being, or has been, constructed and maintained in accordance with the NWP authorization.
- P. Restoration for Temporary Impacts:** All temporary impacts in waters of the U.S., including wetlands, that occur as a result of the regulated activity must be fully contained with appropriate erosion control or containment methods, be restored to preconstruction contours and elevations, and revegetated with native, non-invasive vegetation. A project proponent may request, in writing, a waiver from this condition from the District. An acceptable reason for a waiver to this condition may include, but is not limited to, the District allowing natural restoration of the site when the resulting grade and existing seed bank are sufficient for the site to restore to pre-construction conditions.
- Q. Duration of Temporary Impacts:** Temporary impacts in waters of the U.S., including wetlands, must be avoided and limited to the smallest area and the shortest duration required to accomplish the project purpose.
- PART A, ACTIVITIES WITHOUT PCN REQUIREMENTS:**
Temporary impacts may not remain in place longer than 90 days between May 15 and November 15. Before those 90 days have lapsed all temporary discharges must be removed in their entirety. If the temporary impacts would remain in place for longer than 90 days between May 15 and November 15, a PCN is required and the activity is subject to the requirements and limitations described in part B of this regional condition.
- PART B, ACTIVITIES WITH PCN REQUIREMENTS:**
The PCN must specify how long the temporary impact will remain and include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. Temporary impacts are allowed to stay in place as long as specified in the PCN unless otherwise conditioned in a Corps NWP verification. All temporary impacts must be removed in their entirety in accordance with the plan described in the PCN unless otherwise conditioned in a NWP verification provided by the District.
- R. Culverts and Crossings:** Unless a NWP verification authorizes otherwise, replacement and installation of culverts or crossings authorized by a NWP are to follow (or be restored to) the natural alignment and profile of the tributary. The culvert(s) or bridge(s) must adequately pass bedload, sediment load, and provide site-appropriate fish and wildlife passage. Example design elements include recessing single culverts to accommodate natural bankfull width and adjusting additional culvert inverts at an elevation higher than the bankfull elevation.
- S. Best Management Practices:** To minimize adverse effects from soil loss and/or sediment transport that may occur as a result of the authorized discharge and associated earth work, appropriate best management practices shall be maintained and remain in place until the affected area is stabilized with vegetation or ground cover.
- T. Riprap:** For all NWPs that allow for the use of riprap material for bank stabilization, only rock shall be used and it must be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal or high flows. A project proponent may request from the District, in writing, approval to use alternative riprap materials.
- U. Pollutant or Hazardous Waste Spills:** If a spill of any potential pollutant or hazardous waste occurs, it is the responsibility of the permittee to immediately notify the National Response Center at 1-800-424-8802 or www.nrc.uscg.mil AND
IN WISCONSIN: the Wisconsin Department of Natural Resources' Spills Team at 1-800-943-0003
IN MINNESOTA: the Minnesota State Duty Officer at 1-800-422-0798.
The permittee is responsible for removing such pollutants and hazardous materials and for minimizing any contamination resulting from a spill in accordance with state and federal laws.
- V. Clean Construction Equipment:** All construction equipment must be clean prior to entering and before leaving the work site in order to prevent the spread of invasive species.
- W. Compliance:** The permittee is responsible for ensuring that whoever performs, supervises or oversees any portion of the physical work associated with the construction of the project has a copy of and is familiar with all the terms and conditions of the NWP and any special conditions included in any written verification letter from the District. The permittee is ultimately responsible for ensuring that all the terms and conditions of the NWPs are complied with.

The following General Conditions are applicable to all NWPs:

1. Navigation.

- (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or

high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete preconstruction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their World Wide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to

determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns.

Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 **Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.**

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible

mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for:

(i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States;

(ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed;

(iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and

(iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

BEFORE THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Application of the United States Department of the Army,)
Corps of Engineers, for Water Quality Certification for the)
Final Regulations Pertaining to the Issuance, Reissuance,)
and Modification of Nationwide Permits)

On January 6, 2017, the United States Department of the Army, Corps of Engineers (COE), published its final notice regarding the Issuance of Nationwide Permits (NWP) in the Federal Register (agency docket number COE-2015-0017). The publication includes new, existing, and modified NWP. Publication of these NWP serves as the Corps' application to the State for water quality certification (WQC) under Section 401 of the Federal Clean Water Act (CWA).

The Wisconsin Department of Natural Resources (WDNR) has examined the final regulations pursuant to Section 401, CWA, and Chapter NR 299, Wisconsin Administrative Code (Wis. Adm. Code).

The WDNR has determined the following conditions for the NWP are required to ensure compliance with state water quality standards enumerated in s. 299.04, Wis. Adm. Code. The certification contained herein shall expire on March 19, 2022.

Section 401 Certification does not release the permittee from obtaining all other necessary federal, state, and local permits, licenses, certificates, approvals, registrations, charters, or similar forms of permission required by law. It does not limit any other state permit, license, certificate, approval, registration, charter, or similar form of permission required by law that imposes more restrictive requirements. It does not eliminate, waive, or vary the permittee's obligation to comply with all other laws and state statutes and rules throughout the construction, installation, and operation of the project. This Certification does not release the permittee from any liability, penalty, or duty imposed by Wisconsin or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

This Certification does not replace or satisfy any environmental review requirements, including those under the Wisconsin Environmental Policy Act (WEPA) or the National Environmental Policy Act (NEPA).

Note: The specific language in the NWP is not included in this document. Copies of complete nationwide permits published in the Federal Register on January 6, 2017, may be obtained from your local COE field office.

STATE CONDITIONS AND LIMITATIONS OF CERTIFICATION

GENERAL CONDITIONS:

1. The permittee shall allow the WDNR reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

2. If any of these §401 water quality certification conditions are found invalid or unenforceable, the water quality certification is denied for all activities to which that condition applies.

3. Water quality certification is denied without prejudice for activities involving the temporary stockpiling of dredged or fill material in waters of the state, including wetlands.

4. No discharges of dredged or fill material below the ordinary high water mark of a navigable stream as defined by s. 310.03(5), Wis. Adm. Code, may take place during fish spawning periods or times when nursery areas would be adversely impacted. These periods are:

- September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps at <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>.
- March 1st through June 15th for ALL OTHER waters.

5. Unless specifically exempt from state statute and federal Pre-Construction Notification (PCN) requirements, Applicants seeking authorization under these NWP's shall complete the Joint State/Federal Permit Application on the department e-permitting site at <http://dnr.wi.gov/Permits/Water/>.

Nationwide Permits Granted Water Quality Certification:

- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 13 – Bank Stabilization
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water From Upland Contained Disposal Areas
- NWP 18 – Minor Discharges
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 22 – Removal of Vessels
- NWP 25 – Structural Discharges
- NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities
- NWP 28 – Modifications of Existing Marinas
- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines

Nationwide Permits for which Water Quality Certification is Partially Denied

WQC is certified or denied without prejudice as indicated below for the activities authorized by the following NWP. Certified activities are subject to WQC conditions 1-5 above. If activities are denied without prejudice, the applicant must apply to the WDNR for an individual 401 WQC.

- NWP 7 - Outfall Structures and Associated Intake Structures
 - WQC denied: Where the effluent from the outfall is not regulated under the WPDES permit program. WPDES permit information is available at:
<http://dnr.wi.gov/topic/wastewater/PermitApplications.html>
 - WQC certified: All other NWP 7 activities.
- NWP 32 - Completed Enforcement Actions
 - WQC denied: If WDNR is not a party to the agreement or if WDNR has not concurred in writing with the settlement agreement.
 - WQC certified: All other NWP 32 activities.
- NWP 39 - Commercial and Institutional Developments
 - WQC denied: Discharges of dredged or fill material for the construction of the following attendant features: yards, recreation facilities, stormwater management facilities or wastewater management facilities.
 - WQC certified: All other NWP 39 activities.
- NWP 41 - Reshaping Existing Drainage Ditches
 - WQC denied: If any portion of the project will occur in or adjacent to a trout stream or any perennial tributaries to a trout stream. To determine if a waterway is a trout stream, you may use the WDNR website trout maps at
<http://dnr.wi.gov/topic/fishing/trout/streammaps.html>.
 - WQC certified: All other NWP 41 activities.
- NWP 42 - Recreational Activities
 - WQC denied: If the project involves the placement of any dredged or fill material into Wisconsin navigable waters as defined in s. NR 310.03(5), Wis. Adm. Code.
 - WQC certified: All other NWP 42 activities.
- NWP 44 - Mining Activities
 - WQC denied: If the project involves the placement of any dredged or fill material into Wisconsin navigable waters as defined in s. NR 310.03(5), Wis. Adm. Code.
- NWP 46 - Discharges in Ditches
 - WQC denied: If the project involves the placement of any dredged or fill material into Wisconsin navigable waters as defined in s. NR 310.03(5), Wis. Adm. Code.
 - WQC certified: All other NWP 46 activities.
- NWP 51 - Land-Based Renewable Energy Generation Facilities
 - WQC denied: Discharges of dredged or fill material for the construction of the following attendant features: yards, recreation facilities, stormwater management facilities or wastewater management facilities.
 - WQC certified: All other NWP 51 activities.

Water Quality Certification Is Also Denied for the Nationwide Permits Revoked by the Corps of Engineers in Wisconsin and Listed Below:

- NWP 8 – Oils and Gas Structures on the Outer Continental Shelf
- NWP 12 – Utility Line Activities
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 21 – Surface Coal Mining Activities
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered Section 404 Programs
- NWP 34 – Cranberry Production Activities
- NWP 49 – Coal Re-mining Activities
- NWP 50 – Underground Coal Mining Activities

Nationwide Permits Denied Water Quality Certification Without Prejudice At This Time:

The following NWP categories are denied Water Quality Certification (WQC) in their entirety and require an individual Section 401 WQC for all activities under these NWPs. In instances where a state has denied the 401 WQC for discharges under a particular NWP, permittees must furnish the District Engineer for the COE with an individual 401 WQC.

Each category was reviewed and it was determined that: potential water quality and beneficial use impacts would be beyond that considered minimal; the activity was not likely to occur in Wisconsin; the NWP doesn't align with state general permit standards required by statute (NWP 29, 40, 43); inadequate data was available for WDNR to fully evaluate potential water quality and beneficial use impacts; or the category was empty (Reserved).

- NWP 17 – Hydropower Projects
- NWP 19 – Minor Dredging
- NWP 26 – Reserved
- NWP 29 – Residential Developments
- NWP 33 – Temporary Construction, Access and Dewatering
- NWP 40 – Agricultural Activities
- NWP 43 – Stormwater Management Facilities
- NWP 47 – Reserved
- NWP 48 – Existing Commercial Shellfish Aquaculture Activities
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects

Note: State water quality certification is not required for the following Section 10 only NWPs: 1 – Aids to Navigation, 2 – Structures in Artificial Canals, 9 – Structures in Fleeting and Anchorage Areas, 10 – Mooring Buoys, 11 – Temporary Recreational Structures, 28 – Modifications of Existing Marinas, 35 – Maintenance Dredging of Existing Basins.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources.

This determination becomes final in accordance with the provisions of s. NR 299.05(7), Wisconsin Administrative Code, and is judicially reviewable when final. For judicial review of a decision pursuant to Sections 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and to serve the petition on the Secretary of the Department of Natural Resources. The petition must name the Department of Natural Resources as the respondent.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

This notice is provided pursuant to section 227.48(2), Wisconsin Statutes.

Dated at Madison, Wisconsin June 1, 2017

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Ed Elwell
for Cathy Stepp, Secretary



December 7, 2018

GP-SE-2018-30-03495

Badtke Holdings, LLC
Jeff Badtke
1520 136th Street
Union Grove, WI 53018

RE: Coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, located in the Town of Paris, Kenosha County, also described as being in the NW1/4 of the SW1/4 of Section 17, Township 02 North, Range 21 East.

Dear Mr. Badtke:

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, s. 281.36, Wis. Stats.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to fill 0.16 acres of wetlands. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP1-2017 (found at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>). The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Joshua Wied at (262) 574-2132 or email Joshua.Wied@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's wetland resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

If you have any questions, please call me at (262) 574-2132 or email Joshua.Wied@wisconsin.gov.

Sincerely,

Joshua Wied
Water Management Specialist
cc: Rachel Nuetzel, U.S. Army Corps of Engineers
Kenosha County

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application materials and section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP1-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the DNR.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP1-2017
5. **Expiration.** This WDNR-GP1-2017 expires on October 31, 2022. The time limit for completing work authorized by the provisions of WDNR-GP1-2017 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP1-2017 or until the discharge is completed, whichever occurs first.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department before starting construction.
9. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity, and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and approved plan available at the project site at all times until the project is complete.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if the project is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once wetland work commences, all wetland construction activities must be continuous until the permitted activity is completed and the site is stabilized.
12. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.

13. **Project Completion.** Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number, and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP1-2017 in good condition and in conformance with the terms and conditions of this permit utilizing best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP1-2017 and applicable laws.
16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to wetlands as outlined in NR 151.11(6m), Wis. Adm. Code.
17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>.
19. **Federal and State Threatened and Endangered Species.** WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.
21. **Historic Properties and Cultural Resources.** WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

22. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.
23. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(11) and (33), Wis. Stats.
24. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
25. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
26. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:
- Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
 - Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - Design or construction deficiencies associated with the permitted work.
 - Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP1-2017.
27. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if any of the following occur:
- The applicant fails to comply with the terms and conditions of WDNR-GP1-2017.
 - The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
 - Significant new information surfaces which this office did not consider in reaching the original public interest decision.



REZONING SITE MAP

PETITIONER(S):

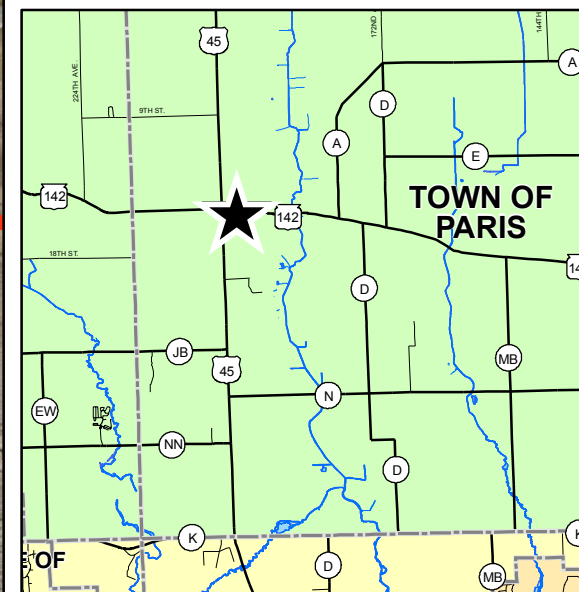
Badtke Holdings LLC (Owner)

LOCATION: SW 1/4 of Section 17,
Town of Paris

TAX PARCEL(S): #45-4-221-173-0242

REQUEST:

Requesting a rezoning from B-5 Wholesale Trade and Warehousing District, B-3 Highway Business District and C-1 Lowland Resource Conservancy District to B-5 Wholesale Trade and Warehousing District, B-3 Highway Business District and C-1 Lowland Resource Conservancy District.



VILLAGE OF SALEM LAKES

Department of Planning & Development

VILLAGE OF SALEM LAKES CONDITIONAL USE PERMIT PROCEDURES

- ☐ 1. Contact the Kenosha County Department of Planning & Development and check with staff to determine if your proposed use is a permitted use, an accessory use or a conditional use. If it is a conditional use, then a conditional use permit must be applied for and received prior to occupying or using the site for that use.
- ☐ 2. Contact the Kenosha County Department of Planning & Development and schedule a pre-conference meeting, which is required for all conditional use permit requests.
Meeting Date: September 19, 2018
- ☐ 3. Contact the Village of Salem Lakes to determine if your conditional use permit application requires concept review by the Village Plan Commission. If so, contact the Village of Salem Lakes clerk to schedule a concept meeting with the Village Plan Commission.
Meeting Date: September 19, 2018 (w/Kenosha County)
- ☐ 4. Complete and submit to the Kenosha County Department of Planning & Development the Village of Salem Lakes Conditional Use Permit Application by the filing deadline.
Filing Deadline: November 19, 2018
- ☐ 5. Upon submission you will be given two copies of the date-stamped application. Submit a copy of the date-stamped application to the Village of Salem Lakes clerk for placement on the agendas of the Village of Salem Lakes Plan Commission and the Village of Salem Lakes Board. Keep the other copy for your records.
- ☐ 6. Attend the Village Plan Commission and the Village Board meetings. **NOTE:** You must attend or the Village will not be able to act on your request. At these meeting you will be asked to brief the committee on your request and ultimately agree to a list of conditions of approval relating to your proposed use.
Village Plan Commission meeting date (tentative): December 19, 2018
Village Board meeting date (tentative): January 14, 2019
- ☐ 7. Village clerk will provide written notice of final action to property owner/applicant.
- ☐ 8. If approved, you may commence with applying for and obtaining any necessary zoning permit(s) for construction (i.e. new buildings, building additions, signage, fencing, etc...) with the Kenosha County Department of Planning and Development.

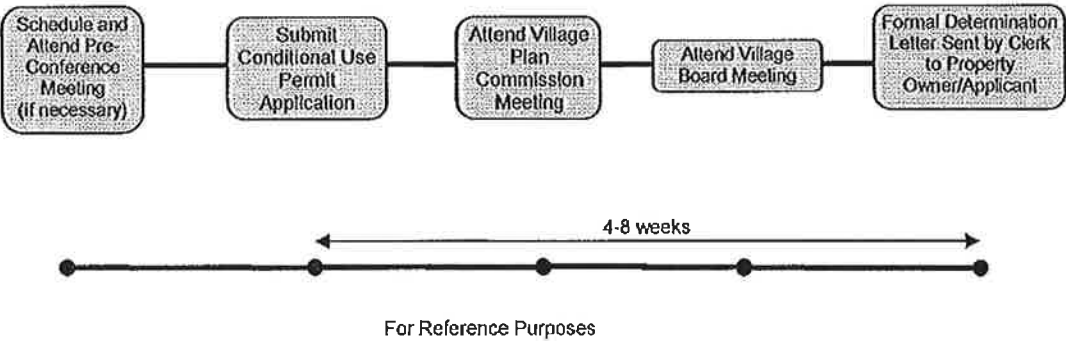
CONDITIONAL USE PERMIT PROCEDURES

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center
Department of Public Works & Development Services
19600 - 75th Street, Suite 185-3
Bristol, Wisconsin 53104-9772

Division of Planning & Development (Including Sanitation & Land Conservation).....	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information.....	653-2622
Village of Salem Lakes	843-2313
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

Conditional Use Permit Timeline



February 2017

VILLAGE OF SALEM LAKES

Department of Planning & Development

RECEIVED

NOV 19 2018

CONDITIONAL USE PERMIT APPLICATION

Kenosha County
Planning and Development

(a) Property Owner's Name:

VR WM Holdings LLC

Print Name: _____ Signature: _____

Mailing Address: 390 Interlocken Crescent, Floor 7

City: Broomfield State: CO Zip: 80021

Phone Number: 262-862-2301 E-mail (optional): _____

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status signed by the legal property owner must be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____ Signature: _____

Business Name: VR WM Holdings LLC (Wilmot Mountain)

Mailing Address: 11931 Fox River Road (PO Box 427)

City: Wilmot State: WI Zip: 53192

Phone Number: 262-862-2301 E-mail (optional): rmuhlenbeck@vailresorts.com

(c) Architect's Name (if applicable):

Print Name: _____ Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(d) Engineer's Name (if applicable):

Print Name: _____ Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

CONDITIONAL USE PERMIT APPLICATION

(e) Tax key number(s) of subject site:

60-4-119-364-0300 (Tubing Hill)

60-4-119-364-0103 (Ski Hill West)

70-4-120-313-0401 (Ski Hill East)

Address of the subject site:

11931 Fox River Rd (Ski Hill), 12301 Fox River Rd. (Tubing Hill)

(f) Plan of Operation (or attach separate plan of operation)

Type of structure:

See attached separate plan of operation

Proposed operation or use of the structure or site:

See attached separate plan

Number of employees (by shift):

Hours of Operation:

Any outdoor entertainment? If so, please explain:

Any outdoor storage? If so, please explain:

Zoning district of the property: PR-1, C-2, C-1, R-4

(g) Attach a plat of survey prepared by a professional land surveyor or site plan drawn to scale and approved by the Village of Salem Lakes Department of Planning & Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, existing and proposed gravel, asphalt and concrete surfaces, existing and proposed signage, existing and proposed buildings, and existing and proposed landscaping.

CONDITIONAL USE PERMIT APPLICATION

For conditional use permit applications that are made within shoreland and floodland areas, such description shall also include information that is necessary for the Village Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or professional surveyor, showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by either the Village of Somers Planning & Development office, Village Plan Commission or Village Board:

(h) The Village of Salem Lakes Department of Planning & Development may ask for additional information.

(i) The fee specified in Section 12.05-8 of this ordinance.

Request for Conditional Use Permit (payable to "Kenosha County") \$1,325.00

(For other fees see the Fee Schedule)



Wilmot Mountain Conditional Use Permit (as of 11/6/18)

Event Type: **Obstacle/Adventure Type Races**

Examples

- Muddy Princess
- Kids Adventure Games
- Warrior Dash
- Rugged Maniac
- Tough Mudder
- Wilmot Mountain 5K

Dates: Events to take place during the time frame of: April 15 – October 30. No more than 8 per year.

Attendance Larger scale events like Rugged Maniac & Warrior Dash (not to exceed 5,000)
Smaller scale events like Kids Adventure Games, approx. 300-500

General information: Utilization of Wilmot Mountain outdoor areas including tubing

Security: Will be hired by contracted event

Insurance: All participants sign Wilmot Mountain Release of Liability (See attached example)
All contract events must adhere by Vail Resorts insurance requirements listed below:

Promoter will carry and maintain, at its sole cost, the following insurance policies with insurance companies with an AM Best Rating of no less than A- VII and on forms satisfactory to Company:

(i) *Commercial general liability insurance in an occurrence format in an amount of \$2,000,000 per occurrence and \$4,000,000 in the aggregate, covering liability arising out of premises operations, personal and advertising injury, products-completed operations, contractual liability and independent contractors. This policy must not contain any participant or spectator exclusions.*

(ii) *Commercial automobile liability insurance with a limit of no less than \$2,000,000 combined single limit each accident for bodily injury and property damage covering "any auto" whether owned, non-owned, scheduled, leased, hired or other.*

(iii) *Workers' Compensation insurance in accordance with applicable law and Employers Liability insurance with a limit of no less than \$500,000 each accident for bodily injury, \$500,000 each employee for bodily injury by disease and \$500,000 policy limit for disease.*

6.2. *Promoter's insurance required by subsections 6.1.(i) and 6.1.(ii) will be primary and non-contributory to any insurance held by Company or its affiliates and, except for Workers' Compensation, the policies will include a waiver of subrogation and will name Company [and the Forest Service] as additional insured. Promoter will (i) provide Company with certificates of insurance evidencing the policies listed above at least five business days prior to the start of the Event; and (ii) provide Company a copy of any carrier notice of cancellation or notice of material changes to policy conditions within five business days after the notice is received. If Promoter engages any subcontractors in connection with the Event, Promoter will require the subcontractor to provide the insurance listed above.*

Physical Layout:	Various based on event specifications (see attached Map)
Restrooms:	Portable restrooms - # based on actual participation 1 per 85 people (beer sales) 1 per 100 people (non-beer sales)

Event Type: Festivals

Examples

- Wilmot Mountain Fall Festival
- Oktoberfest
- Culinary Events (BBQ Cookout, Chili Fest, etc.)

Dates: Events to take place during the time frame of: April 15 – October 30. No more than 5 per year.

Attendance Appx. 1,000 per event

General information: Utilization of Wilmot Mountain outdoor areas & Tubing

Security: Will be hired by contracted event or Wilmot Mountain

Insurance: All participants sign Wilmot Mountain Release of Liability (See attached example)
All contract events must adhere by Vail Resorts insurance requirements listed below:

Promoter will carry and maintain, at its sole cost, the following insurance policies with insurance companies with an AM Best Rating of no less than A- VII and on forms satisfactory to Company:

(i) *Commercial general liability insurance in an occurrence format in an amount of \$2,000,000 per occurrence and \$4,000,000 in the aggregate, covering liability arising out of premises operations, personal and advertising injury, products-completed operations, contractual liability and independent contractors. This policy must not contain any participant or spectator exclusions.*

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(iii) *Workers' Compensation insurance in accordance with applicable law and Employers Liability insurance with a limit of no less than \$500,000 each accident for bodily injury, \$500,000 each employee for bodily injury by disease and \$500,000 policy limit for disease.*

6.2. *Promoter's insurance required by subsections 6.1.(i) and 6.1.(ii) will be primary and non-contributory to any insurance held by Company or its affiliates and, except for Workers' Compensation, the policies will include a waiver of subrogation and will name Company [and the Forest Service] as additional insured. Promoter will (i) provide Company with certificates of insurance evidencing the policies listed above at least five business days prior to the start of the Event; and (ii) provide Company a copy of any carrier notice of cancellation or notice of material changes to policy conditions within five business days after the notice is received. If Promoter*

engages any subcontractors in connection with the Event, Promoter will require the subcontractor to provide the insurance listed above.

Physical Layout: Various based on event specifications (see attached Map)

Restrooms: Portable restrooms - # based on actual participation
1 per 85 people (beer sales)
1 per 100 people (non-beer sales)

Event Type: Vehicular Events

Examples

- Car Shows & Swaps
- Low Speed Autocross
- Boat/RV shows
- Mountain Biking
- Bicycle Races/Meet-Up
- Motorcycle Rally

Dates: Events to take place during the time frame of: April 15 – October 30. No more than 5 per year.

Attendance Appx. 1,000 per event

General information: Utilization of Wilmot Mountain outdoor areas

Security: Will be hired by contracted event or Wilmot Mountain

Insurance: All participants sign Wilmot Mountain Release of Liability (See attached example)
All contract events must adhere by Vail Resorts insurance requirements listed below:

Promoter will carry and maintain, at its sole cost, the following insurance policies with insurance companies with an AM Best Rating of no less than A- VII and on forms satisfactory to Company:

(i) *Commercial general liability insurance in an occurrence format in an amount of \$2,000,000 per occurrence and \$4,000,000 in the aggregate, covering liability arising out of premises operations, personal and advertising injury, products-completed operations, contractual liability and independent contractors. This policy must not contain any participant or spectator exclusions.*

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changes to policy conditions within five business days after the notice is received. If Promoter engages any subcontractors in connection with the Event, Promoter will require the subcontractor to provide the insurance listed above.

Physical Layout: Various based on event specifications (see attached Map)

Restrooms: Portable restrooms - # based on actual participation
1 per 85 people (beer sales)
1 per 100 people (non-beer sales)

Event Type:	On-Mountain Entertainment/Activities
Examples	<ul style="list-style-type: none"> • Bands/Music • Movie Nights • School/Education Field Trips • Equipment Swap
Dates:	Events to take place during the time frame of: April 15 – October 30. No more than 5 per year.
Attendance	Appx. 1,000 per event
General information:	Utilization of Wilmot Mountain outdoor areas
Security:	Will be hired by contracted event or Wilmot Mountain
Insurance:	<p>All participants sign Wilmot Mountain Release of Liability (See attached example)</p> <p>All contract events must adhere by Vail Resorts insurance requirements listed below:</p>

Promoter will carry and maintain, at its sole cost, the following insurance policies with insurance companies with an AM Best Rating of no less than A- VII and on forms satisfactory to Company:

(i) *Commercial general liability insurance in an occurrence format in an amount of \$2,000,000 per occurrence and \$4,000,000 in the aggregate, covering liability arising out of premises operations, personal and advertising injury, products-completed operations, contractual liability and independent contractors. This policy must not contain any participant or spectator exclusions.*

(ii) *Commercial automobile liability insurance with a limit of no less than \$2,000,000 combined single limit each accident for bodily injury and property damage covering "any auto" whether owned, non-owned, scheduled, leased, hired or other.*

(iii) *Workers' Compensation insurance in accordance with applicable law and Employers Liability insurance with a limit of no less than \$500,000 each accident for bodily injury, \$500,000 each employee for bodily injury by disease and \$500,000 policy limit for disease.*

6.2. *Promoter's insurance required by subsections 6.1.(i) and 6.1.(ii) will be primary and non-contributory to any insurance held by Company or its affiliates and, except for Workers' Compensation, the policies will include a waiver of subrogation and will name Company [and the Forest Service] as additional insured. Promoter will (i) provide Company with certificates of insurance evidencing the policies listed above at least five business days prior to the start of the Event; and (ii) provide Company a copy of any carrier notice of cancellation or notice of material changes to policy conditions within five business days after the notice is received. If Promoter*

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Physical Layout: Various based on event specifications (see attached Map)

Restrooms: Portable restrooms - # based on actual participation
1 per 85 people (beer sales)
1 per 100 people (non-beer sales)

Kenosha County

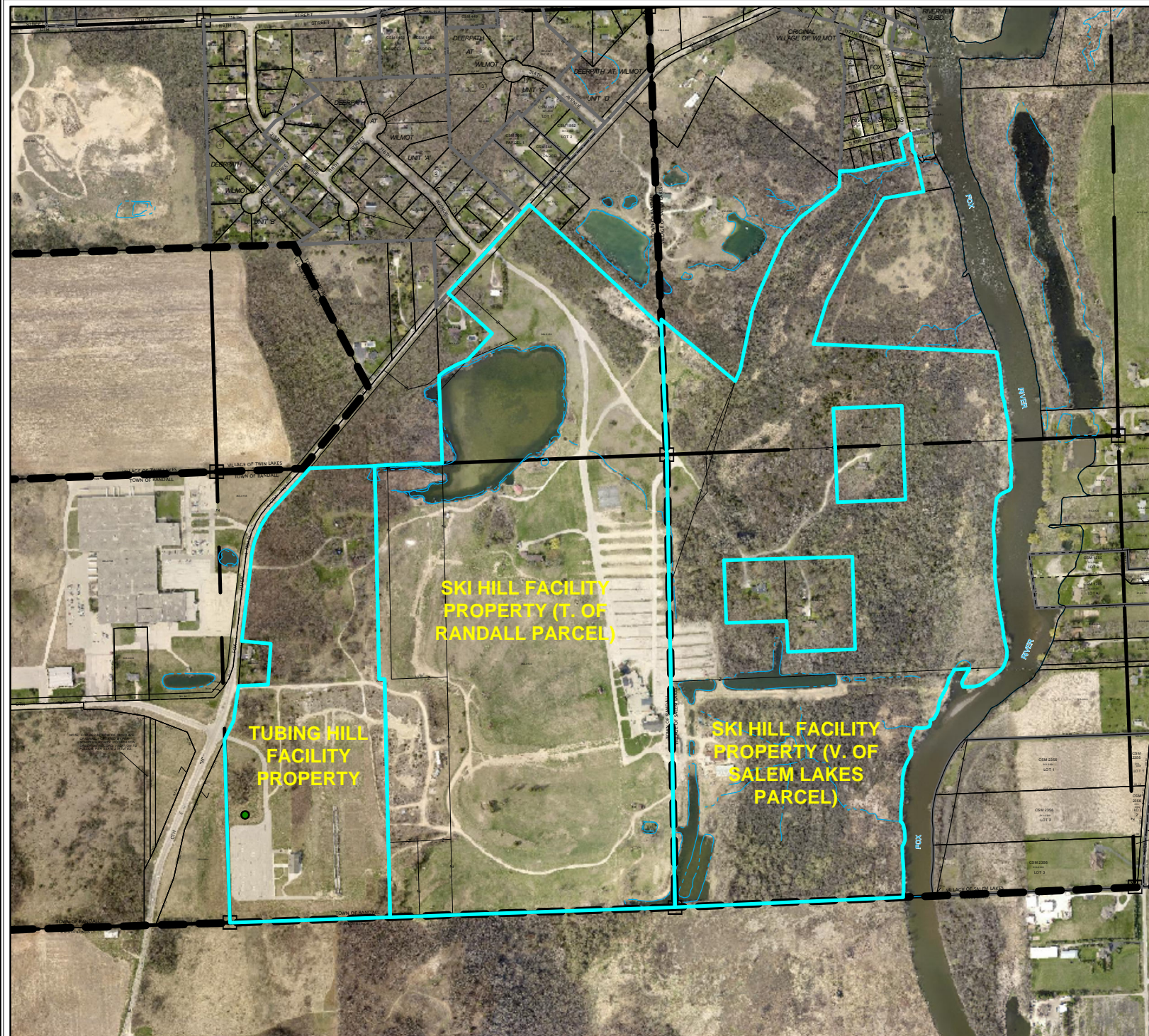


SUBJECT PROPERTIES




1 inch = 800 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

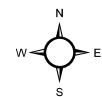


Kenosha County



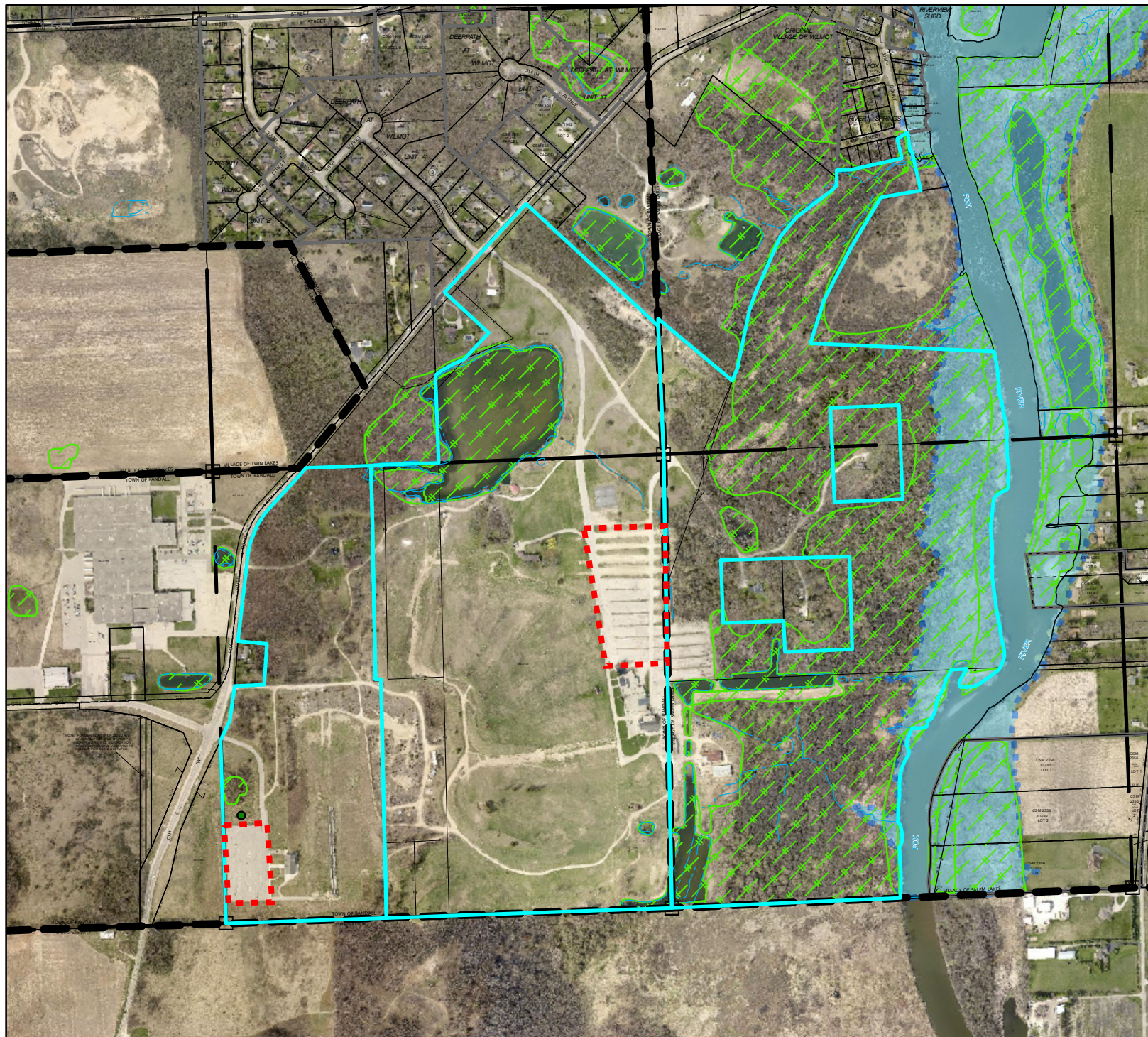
 VEHICULAR
EVENTS

TYPICAL SITE
PLAN CONCEPT



1 inch = 800 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



Kenosha County



**ON-MOUNTAIN
EVENTS/
ENTERTAINMENT**

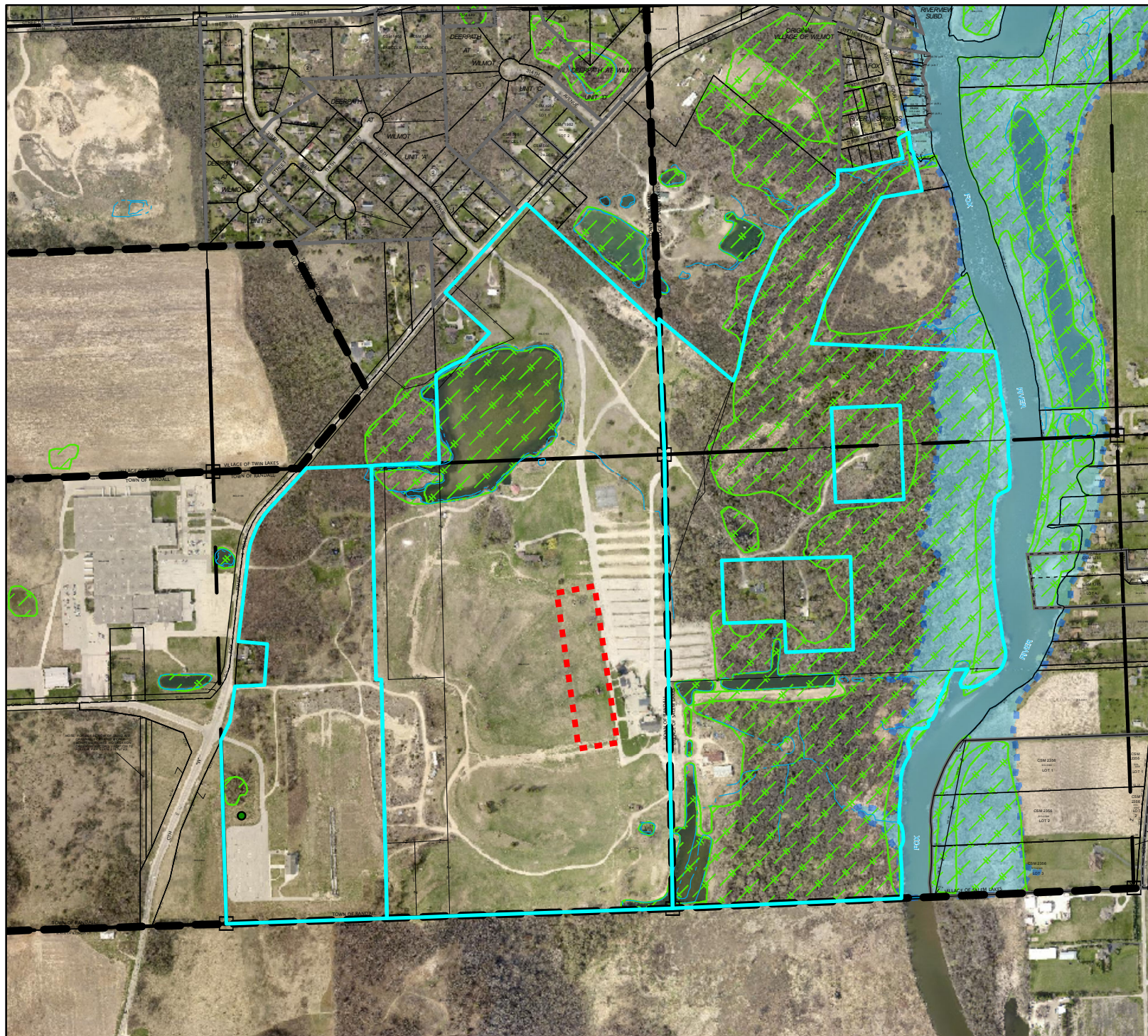
**TYPICAL SITE
PLAN CONCEPT**

BASE AREAS



1 inch = 800 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



Kenosha County

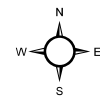


 FESTIVALS

TYPICAL SITE
PLAN CONCEPT

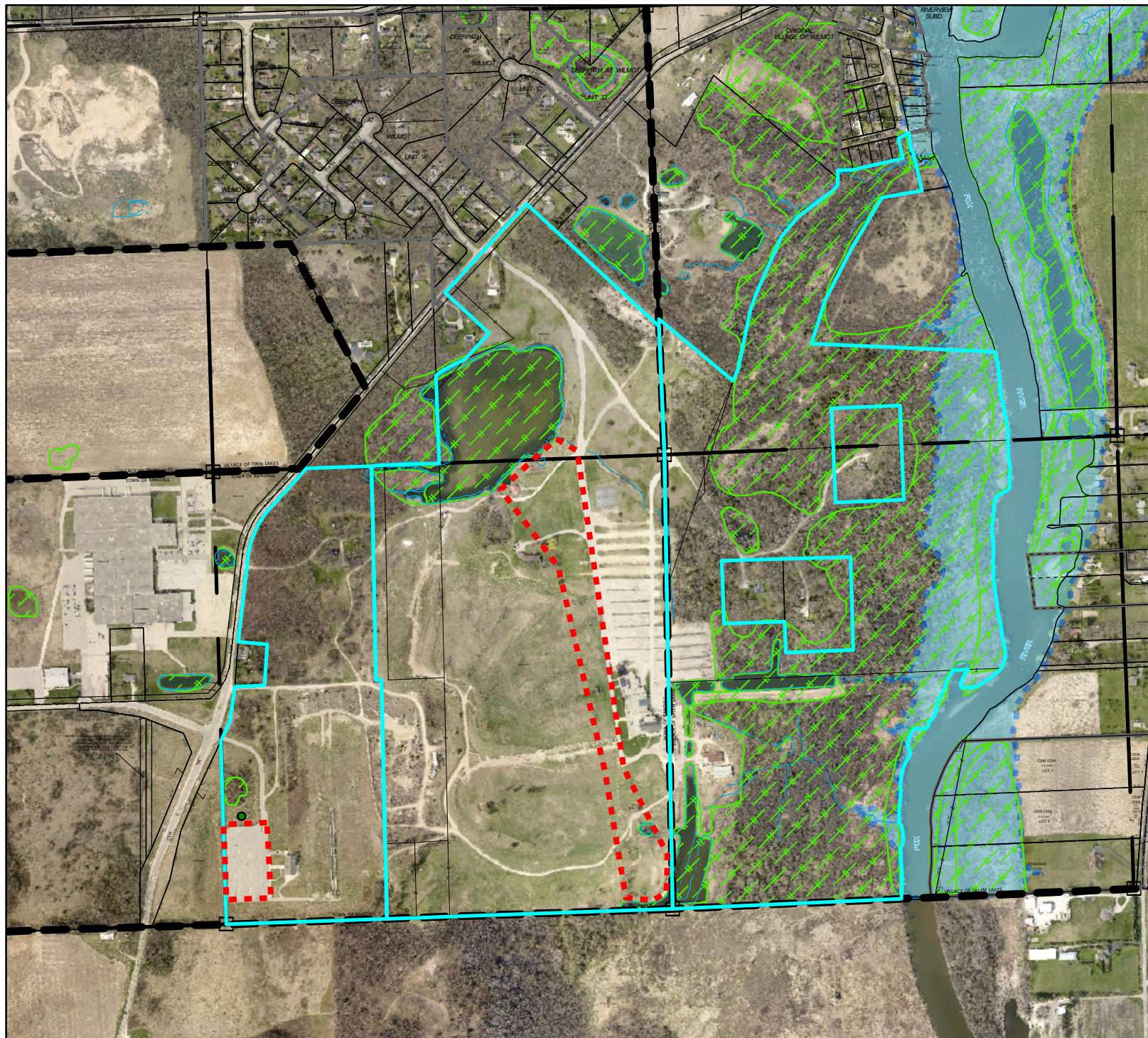
BASE AREAS

5K MAP (SEE
NEXT PAGE)

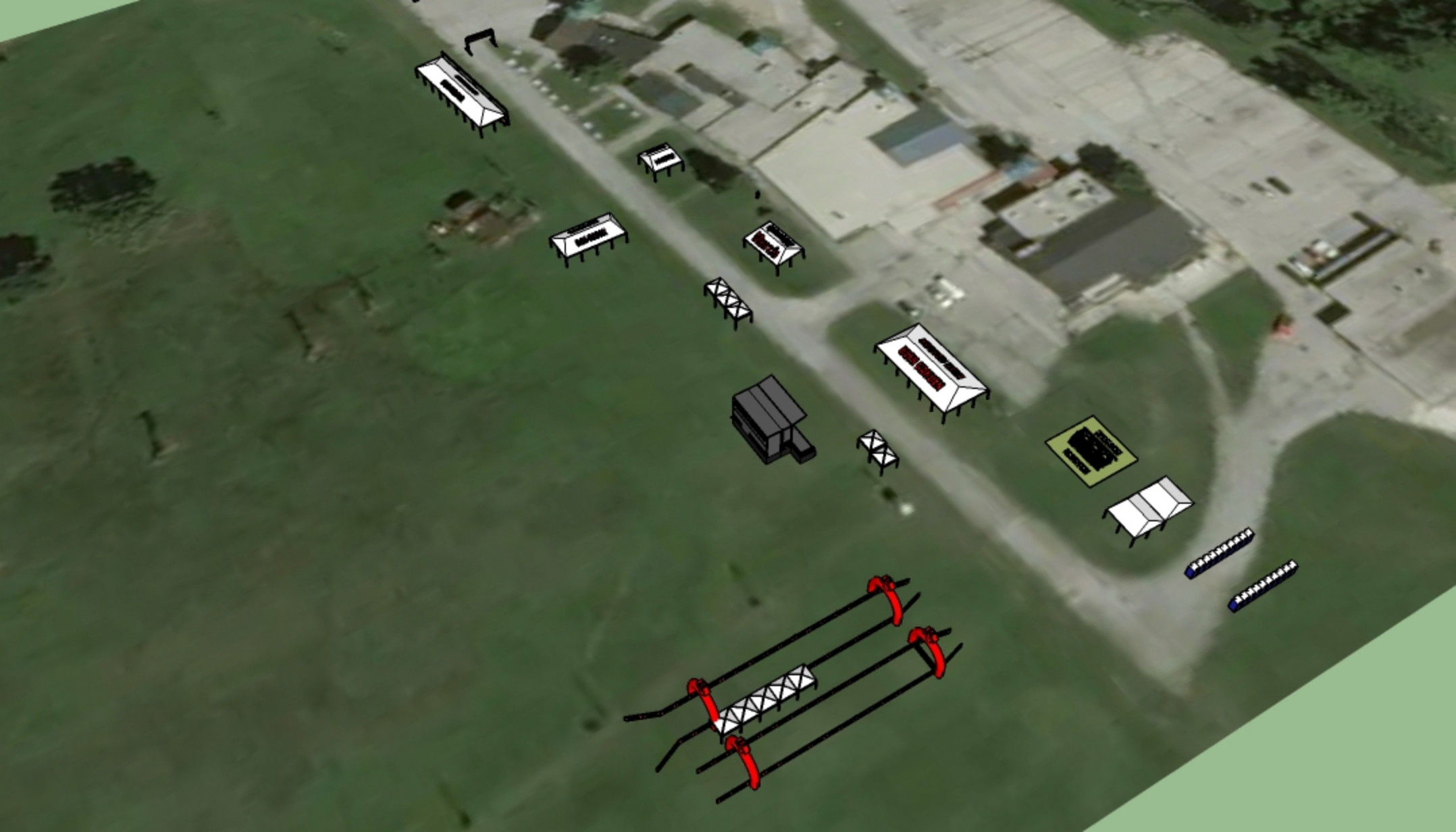


1 inch = 800 feet

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Course Layout

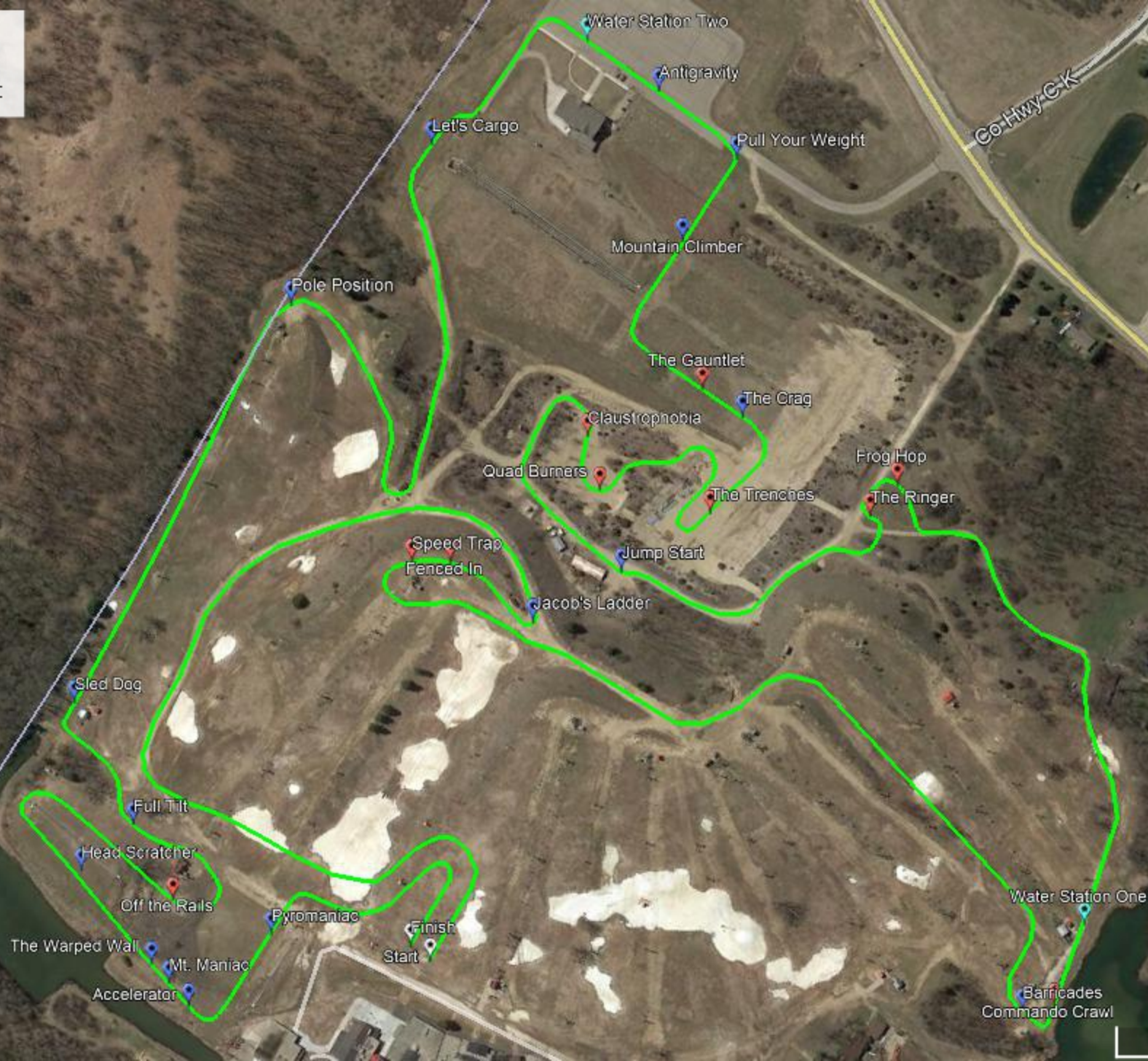
Wilmot Mountain Ski Resort

Legend

- Course
- Obstacle (Excavation)
- Obstacle (No Excavation)
- Start - Finish
- Water Station

Google Earth

©2018 Google



**SKI AREA & SUMMER ACTIVITY
RELEASE OF LIABILITY, WAIVER OF CLAIMS, ASSUMPTION OF RISK & INDEMNITY AGREEMENT**

**WARNING: PLEASE READ CAREFULLY BEFORE SIGNING!
THIS IS A RELEASE OF LIABILITY & WAIVER OF CERTAIN LEGAL RIGHTS
INCLUDING THE RIGHT TO SUE OR CLAIM COMPENSATION**

1. I understand that each person participating in the Activity is a "Participant." I am signing this on my own behalf and, if a Participant is under the age of 18 (US) or 19 (Canada), I am signing as that Participant's parent or legal guardian.

2. I understand that certain recreational activities, including but not limited to, zip lines, resort or vehicle tours, road or mountain biking, bicycle racing or competing, using a bike park, water sports (including boating, canoeing, fishing, and swimming), simulated skiing, tubing, sledding, roller/ice skating, climbing/rock walls, ropes/challenge courses, alpine slides, alpine coasters, rebound trampolines, hiking, sightseeing, slack lines, bounce houses, laser tag, orienteering, disc golf, golf, archery, geocaching, merry-go-round, and other recreational activities, whether guided, instructed, self-directed or otherwise, including but not limited to, use of the ski area facilities, walkways, or chairlifts/gondolas for any reason (the "Activities"), **CAN BE HAZARDOUS AND PRESENT A RISK OF PHYSICAL INJURY OR DEATH.**

3. I understand that all Activities carry certain risks, inherent and otherwise, including but not limited to, injury or death caused by: falling or loss of balance; loss of control; high speeds; strenuous activity; equipment failure (including unexpected loss of braking or handling) or improper use; the natural rugged environment; wildlife; and the negligence of the activity operator, instructor, or other participants. In addition, each Activity carries certain unique risks, which include but are not limited to, injuries or death caused by: (a) collisions or entanglements with other people, ropes/cables, equipment and natural or manmade objects, (b) forest growth/downed timber, rocks, loose gravel, streams, creeks, holes, potholes, debris and other rugged, steep, slippery, or otherwise dangerous terrain, (c) high altitude and extreme weather, (d) open water, capsizing, swimming, drowning, and cold water immersion, (e) vehicle collisions, driver error and rollovers, (f) other natural or constructed features, such as bike park terrain features, bridges, ramps, berms, and bumps, (g) misloading, entanglements, or falls from chairlifts/gondolas, and (h) trail configuration, unmaintained or unmarked trails/roads, or trail obstructions. I understand that the description of the risks in this agreement is not complete and voluntarily choose for participant to participate in and **EXPRESSLY ASSUME ALL RISKS AND DANGERS OF THE ACTIVITY AND THE POSSIBILITY OF PERSONAL INJURY, DEATH, PROPERTY DAMAGE AND LOSS** resulting therefrom, whether or not described here, known or unknown, inherent or otherwise.

4. I expressly acknowledge that: (a) Participant has been informed of and understands all rules and regulations of participation in the Activity; (b) Participant is responsible for understanding and complying with all signage, including instructions on use of the lifts; (c) Participant must have the physical dexterity and knowledge to safely load, ride and unload the lifts; (d) equipment and obstacles may be encountered at any time; (e) that falls and collisions occur and that injuries are a common and ordinary occurrence of the Activity; (f) **PARTICIPANT HAS THE OPPORTUNITY TO INSPECT THE ACTIVITY COURSES AND VENUES PRIOR TO PARTICIPATING** in the Activity; (g) **PARTICIPANT ASSUMES THE RISK OF ALL COURSE AND VENUE CONDITIONS.**

5. I agree to accept any equipment **"AS IS"** and **WITH NO WARRANTIES**, express or implied. I agree that the Participant listed on this form will be the only person using the equipment and will not use it until Participant has received and understands instructions on its use and function.

6. Additionally, in consideration for allowing the Participant to participate in the Activity, **I AGREE**, to the greatest extent permitted by law, **TO WAIVE ANY AND ALL CLAIMS AGAINST AND TO HOLD HARMLESS, RELEASE, INDEMNIFY, AND AGREE NOT TO SUE** Vail Resorts, Inc., The Vail Corporation, Trimont Land Company, Heavenly Valley, Limited Partnership, VR US Holdings, Inc., VR US Holdings II, LLC, VR CPC Holdings, Inc., Whistler Blackcomb Holdings Inc., Blackcomb Skiing Enterprises Limited Partnership, Whistler Mountain Resort Limited Partnership, each of their affiliated companies and subsidiaries, the resort owner/operator, land owner, activity operator, the equipment manufacturer, Activity organizer, Activity promoter, United States Ski & Snowboard Association, Snow Park Technologies, LLC, The Burton Corporation, Beaver Creek Resort Company, Dundee Resort Development, LLC d/b/a Arapahoe Basin Ski Area, the United States, Her Majesty The Queen In Right Of The Province Of British Columbia and all their respective insurance companies, successors in interest, commercial & corporate sponsors, affiliates, agents, employees, representatives, assignees, officers, directors, and shareholders (each a "Released Party") **FOR ANY INJURY, INCLUDING DEATH, LOSS, PROPERTY DAMAGE OR EXPENSE, WHICH I OR PARTICIPANT MAY SUFFER, ARISING IN WHOLE OR IN PART OUT OF PARTICIPANT'S PARTICIPATION IN THE ACTIVITY, INCLUDING, BUT NOT LIMITED TO, THOSE CLAIMS BASED ON ANY RELEASED PARTY'S ALLEGED OR ACTUAL NEGLIGENCE OR BREACH OF ANY CONTRACT AND/OR EXPRESS OR IMPLIED WARRANTY OR BREACH OF ANY STATUTORY OR OTHER DUTY OF CARE, INCLUDING IN BRITISH COLUMBIA ANY DUTY OF CARE UNDER THE OCCUPIERS LIABILITY ACT. I UNDERSTAND THAT NEGLIGENCE INCLUDES FAILURE ON THE PART OF ANY RELEASED PARTY TO TAKE REASONABLE STEPS TO SAFEGUARD OR PROTECT AGAINST THE RISKS, DANGERS AND HAZARDS OF THE ACTIVITY.**

In further consideration for allowing Participant to participate in the Activity, **I FURTHER RELEASE AND GIVE UP ANY AND ALL CLAIMS AND RIGHTS THAT I MAY NOW HAVE AGAINST ANY RELEASED PARTY AND UNDERSTAND THIS RELEASES ALL CLAIMS,**

INCLUDING THOSE OF WHICH I AM NOT AWARE, THOSE NOT MENTIONED IN THIS RELEASE AND THOSE RESULTING FROM ANYTHING WHICH HAS HAPPENED UP TO NOW.

7. I ALSO AGREE TO PAY ALL COSTS, INCLUDING ATTORNEYS' FEES, INCURRED BY ANY RELEASED PARTY IN DEFENDING AN INVESTIGATION, CLAIM OR LAWSUIT BROUGHT BY OR ON PARTICIPANT'S BEHALF WHETHER ARISING IN WHOLE OR IN PART FROM PARTICIPANT'S PARTICIPATION IN ANY ACTIVITY OR FROM ANY MISREPRESENTATIONS OR FRAUDULENT EXECUTION OF THIS AGREEMENT.

8. I represent that Participant is in good health and that there are no special problems associated with Participant's physical or mental condition. I authorize a licensed physician or other medical care provider to carry out any emergency medical care for Participant which may be necessary and agree to be fully responsible for any associated costs.

9. I agree that any and all claims for loss, injury and/or death arising from the Participant's participation in the Activity shall be governed by the law of the State or Province where the alleged incident occurred and that **exclusive jurisdiction** of any such claim shall be in a court of competent jurisdiction in the in the State or Province where the alleged incident occurred, except that all cases arising out of an alleged incident at Heavenly Mountain shall be governed by California law and the exclusive jurisdiction of any such claim will be a California court of competent jurisdiction.

10. If a minor/child/infant Participant is participating in the Activity, I represent that I am the minor/child/infant Participant's parent or legal guardian and that **I VOLUNTARILY GRANT PERMISSION FOR HIM/HER TO TAKE PART IN THE ACTIVITY**. I acknowledge that I am signing this release on behalf of the minor/child/infant and that **THEY SHALL BE BOUND BY ALL THE TERMS OF THIS RELEASE**. If my child is participating, I also acknowledge that: (a) I have spoken to my child about the Activity; (b) my child understands and appreciates the risks of participating in the Activity; and (c) my child is voluntarily participating in the Activity. By signing this agreement without a parent or guardian's signature, I represent that I am at least 18 years old (US) or 19 years old (Canada). **I AGREE TO INDEMNIFY THE RELEASED PARTIES FOR ALL LIABILITY AND CLAIMS, INCLUDING ATTORNEYS' FEES**, arising from any misrepresentations in or fraudulent execution of this agreement.

11. **USE OF A HELMET IS STRONGLY RECOMMENDED**. I understand that **A HELMET IS IN NO WAY A GUARANTEE OF SAFETY** and that no helmet can protect the wearer against all foreseeable impacts to the head, and that biking and other activities can expose the user to forces that exceed the limits of protection provided by a helmet.

12. I understand that this Agreement will apply for each and every day Participant engages in any Activity during the applicable operating season. If any part of this release is deemed to be unenforceable, the remaining terms shall be an enforceable contract between the parties. This release shall be binding upon my and my child's assignees, subrogors, distributors, heirs, next of kin, executors and personal representatives.

13. By participating in the Activity, I grant the Released Parties the right of publicity to own and use any image collected of Participant while participating in the Activity.

MINOR / CHILD / INFANT PARTICIPANT INFORMATION - Requires Parent/Guardian to Complete, Sign & Date Below

MINOR #1 – Last Name, First Name, M.I. (print) Date of Birth (MM-DD-YYYY) MINOR #3 – Last Name, First Name, M.I. (print) Date of Birth (MM-DD-YYYY)

MINOR #2 – Last Name, First Name, M.I. (print) Date of Birth (MM-DD-YYYY) MINOR #4 – Last Name, First Name, M.I. (print) Date of Birth (MM-DD-YYYY)

ADULT PARTICIPANT & SIGNATURE OF PARENT/GUARDIAN – Required to Complete, Sign & Date Below

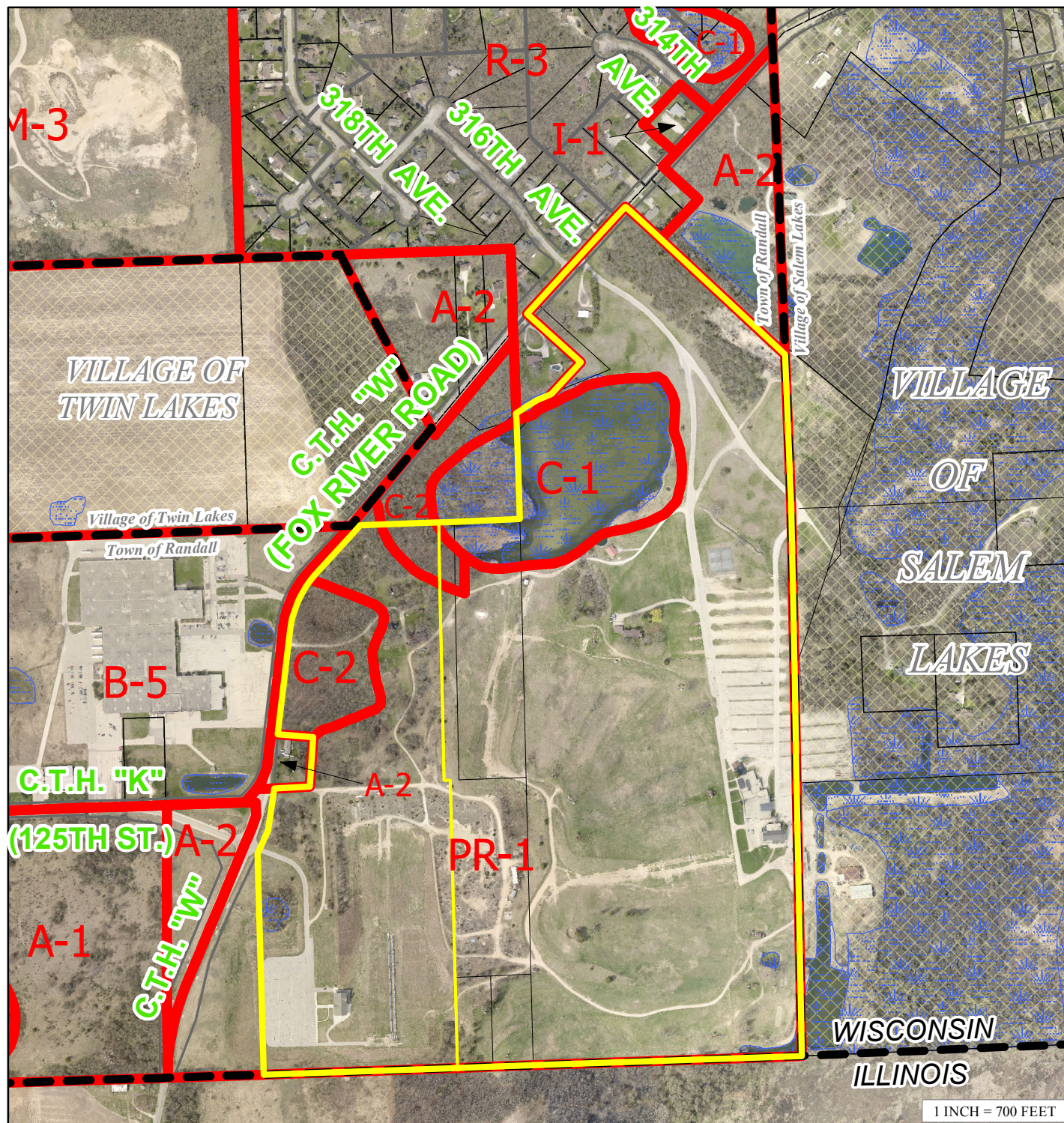
ADULT / PARENT / GUARDIAN #1 – Last Name, First Name, M.I. Date of Birth (MM-DD-YYYY) ☒ SIGNATURE DATE

ADULT / PARENT / GUARDIAN #2 – Last Name, First Name, M.I. Date of Birth (MM-DD-YYYY) ☒ SIGNATURE DATE

ADDRESS – Street Address / Mailing Address City State / Province Zip / Postal Code Contact Phone #

EMERGENCY CONTACT RELATION PHONE NUMBER

E-MAIL ADDRESS (Give us your email address to receive alerts, resort news, exclusive offers & more.)



CONDITIONAL USE SITE MAP

PETITIONER(S):

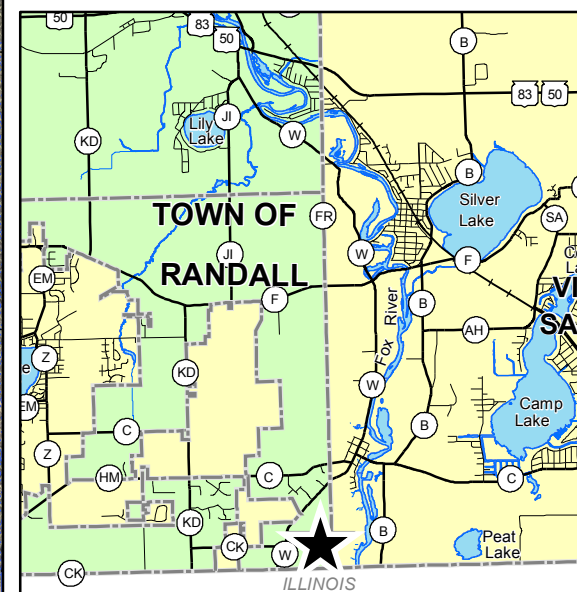
VR WM Holdings LLC (Owner)
Rachael Muhlenbeck (Agent)

LOCATION: East 1/2 of Section 36,
Town of Randall

TAX PARCEL(S): #60-4-119-364-0300
#60-4-119-364-0103

REQUEST:

Requesting a Conditional Use Permit to allow multiple events at an existing ski facility in the PR-1 Park-Recreational District.



1 INCH = 700 FEET



January 2013

COUNTY OF KENOSHA

Department of Planning and Development

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035 MAP AMENDMENT APPLICATION

RECEIVED

DEC 11 2018

Kenosha County
Planning and Development

(a) Property Owner's Name:

Wilks Trust

x

Signature

Mailing Address:

5101 - 152nd Avenue

City: Kenosha

State: WI

Zip: 53144

Phone Number: (262) 939-5420

E-mail (optional):

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

x

Signature

Mailing Address:

City:

State:

Zip:

Phone Number:

E-mail (optional):

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

Farmland Protection

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

Farmland Protection and Suburban - Density Residential

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(d) Proposed use (a statement of intended use and/or the type, extent, area, etc. of any development project):

Create a three (3) acre residential lot for development.

(e) Compatibility with the Kenosha County comprehensive plan (address the following questions in detail):

(e-1) Is the proposed amendment consistent with the goals, objectives, policies, and programs of this plan? Explain:

Yes, large suburban lots are scattered throughout the plan. The three (3) acre lot that is proposed is adjacent to similar lots to the North.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

Yes, the land immediately North is also designated Suburban Density Residential.

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

No. There are not wetlands, shorelands or environmental corridors affected by this development.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-4) Has a substantial public benefit been demonstrated by the proposed plan amendment? Explain:

N/A

(e-5) Are public roads, services, and utilities available, or planned to be available in the near future, to serve the proposed development? Explain:

N/A. Lot has frontage on a County Truck Highway. A well and POWTS system will provide for domestic sewer and water.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

Yes. A County Truck Highway provides access. Private well and POWTS provided for sewer and water.

(e-7) Any additional data or information as requested by the Department of Planning and Development:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(f) Attach a legal description and provide the tax key number(s) below of property to be amended on the Kenosha County comprehensive plan:

Lot 1, Certified Survey Map _____

(g) Attach plot plan or survey plat of property to be amended on the comprehensive plan (showing location, dimensions, planned land use of adjacent properties, existing uses and buildings of adjacent properties—drawn to scale).

(h) The name of the County Supervisor of the district wherein the property is located:

Supervisory District Number: 19 County Board Supervisor: Michael Skalitzky

(i) Attach a copy (original newspaper clipping or certified copy from the Town) of the notice of public hearing (per section 66.1001(4)(d) of Wisconsin State Statutes) that is published by your Town at least 30 days before the public hearing is held. Include the date of publication with the copy of the notice of public hearing.

Note: Your application will not be processed by Kenosha County until a copy of the notice of public hearing and town approval letter is received by the Kenosha County Department of Planning and Development.

(j) Attach a copy of the enacted town resolution and ordinance (per section 66.1001(4)(c) of Wisconsin State Statutes) adopting the amendment to the Kenosha County comprehensive plan map.

Note: Your application will not be processed by Kenosha County until a copy of the enacted town resolution and ordinance adopting the amendment is received by the Kenosha County Department of Planning and Development.

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Land Use Plan Map Amendment \$250.00 payable to "Kenosha County"

(For other fees see the Fee Schedule)

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

IMPORTANT TELEPHONE NUMBERS

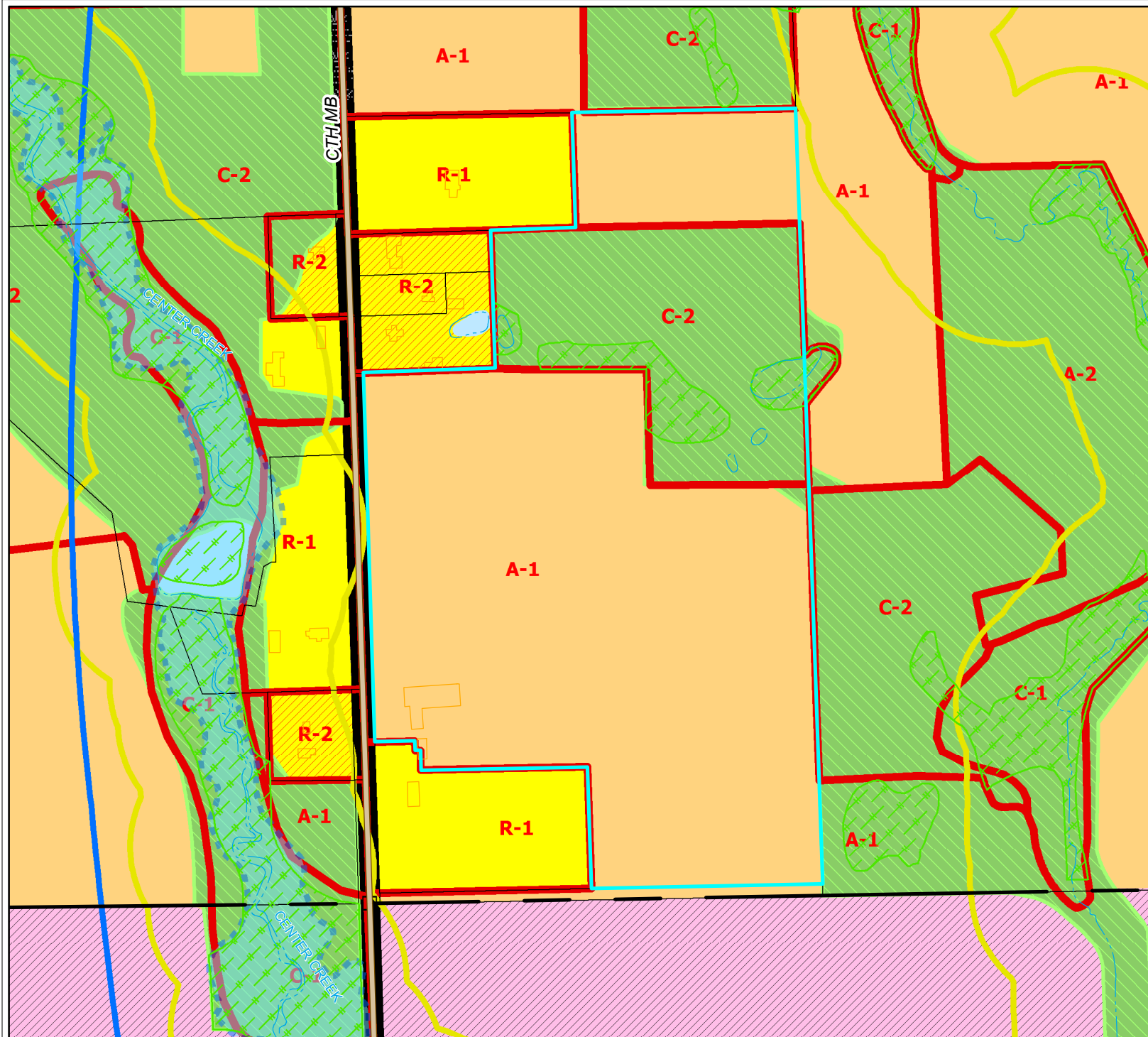
Kenosha County Center	
Department of Planning & Development	
19600 - 75 th Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of.....	878-2218
Paris, Town of	859-3006
Randall, Town of.....	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of.....	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office.....	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

Kenosha County



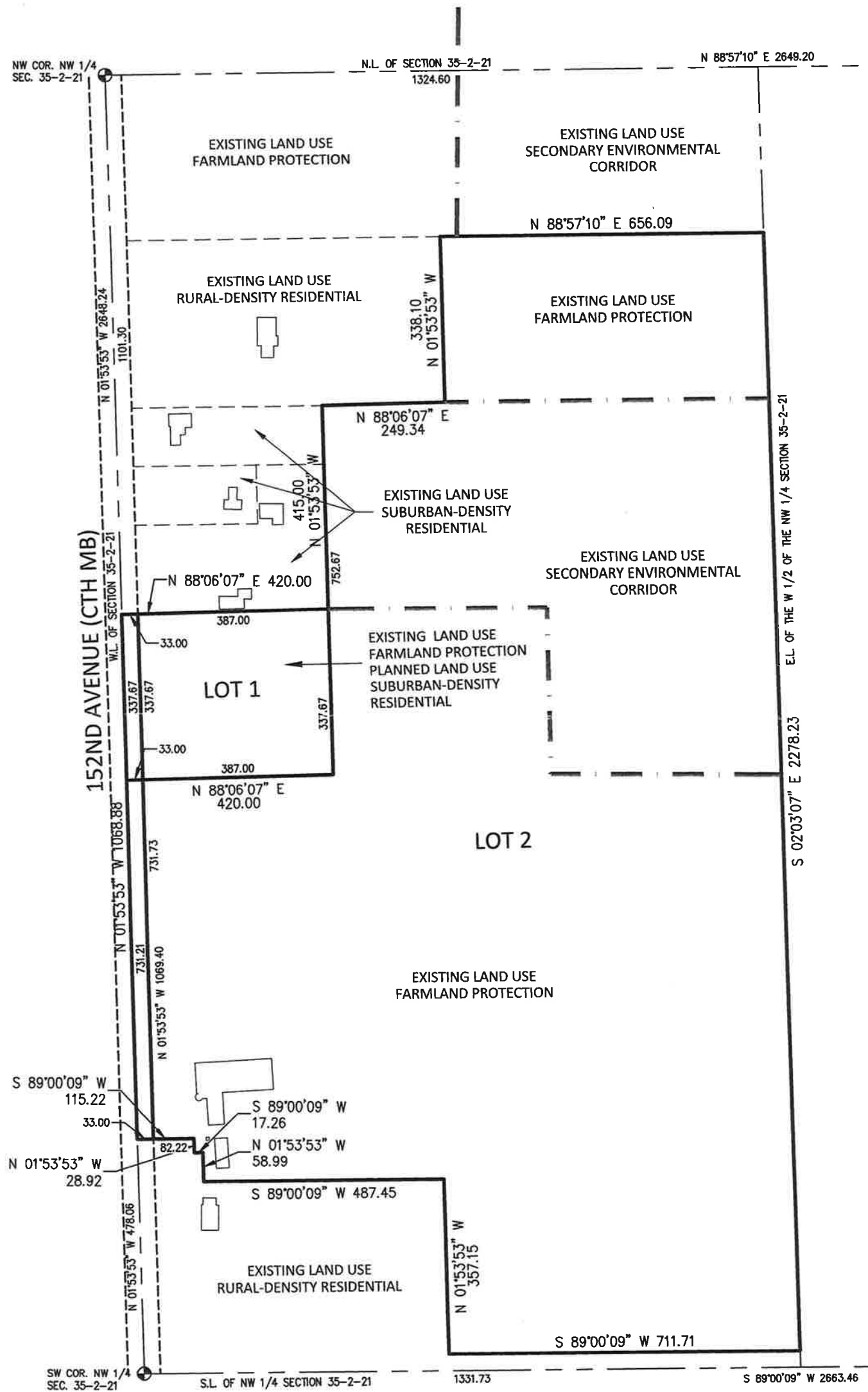
1 inch = 400 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



Lot 1, Certified Survey Map No. _____ in the Town of Paris, Kenosha County, Wisconsin.
Tax ID: 45-4-221-352-_____.
Supervisory District 19, County Board Supervisor Michael Skalitzy

LAND USE PER "MAP 65"



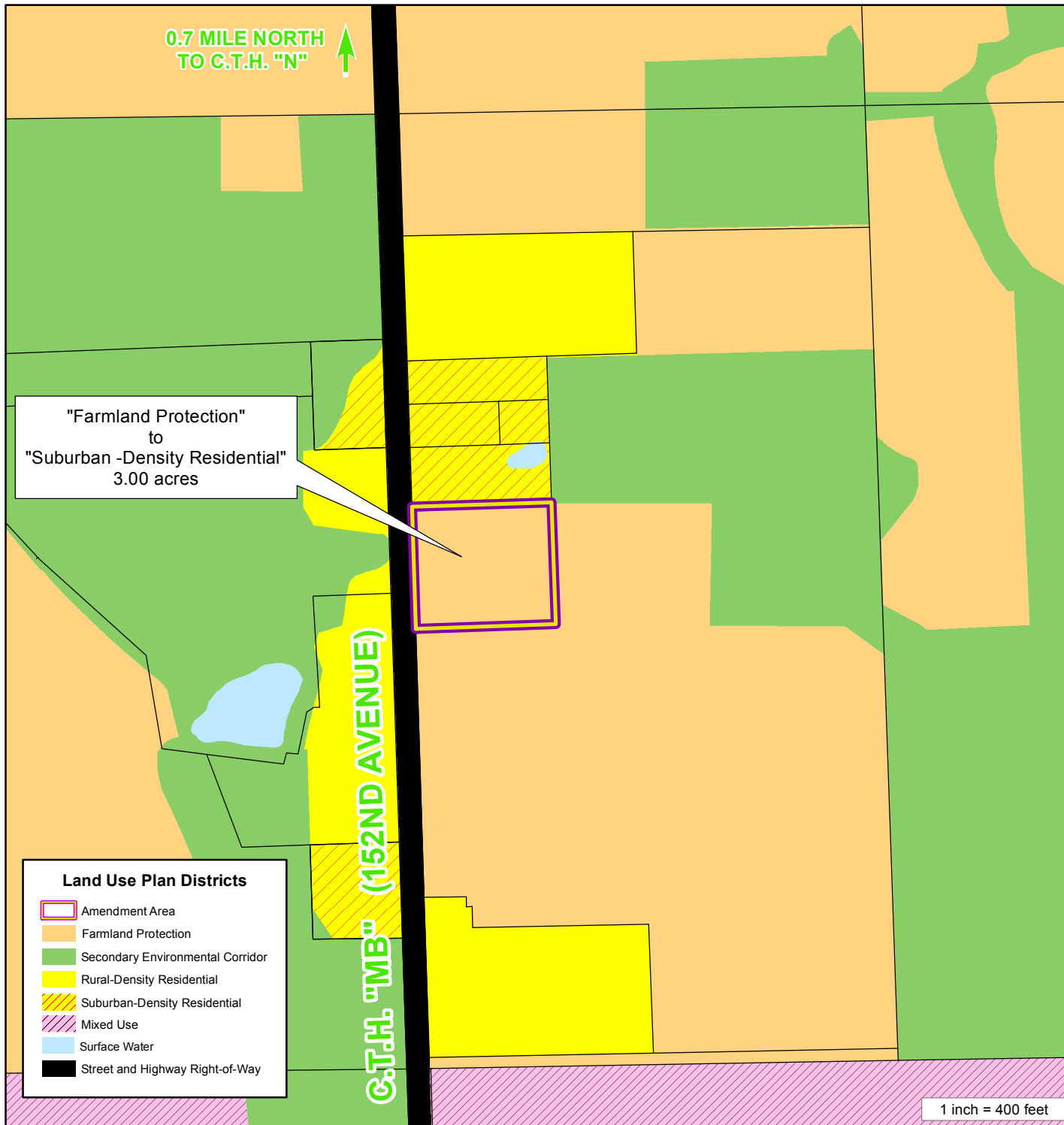
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Monday, December 10, 2018



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbssc.net

Scale: 1" = 250'
Drawn By: SCB
DATE: 12-10-2018
2018.0312.01
Land Use Exhibit
Donald Wilks
Paris, Wisconsin



COMPREHENSIVE PLAN AMENDMENT SITE MAP

PETITIONER(S):

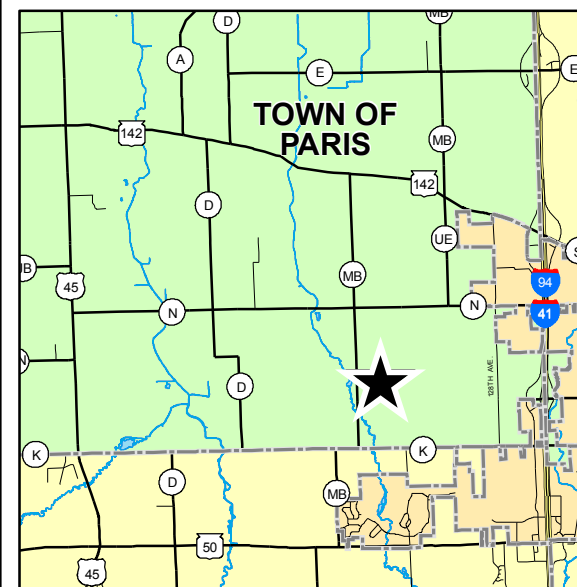
Wilks Trust (Owner),
Donald Wilks (Agent)

LOCATION: NW 1/4 of Section 35,
Town of Paris

TAX PARCEL(S): #45-4-221-352-0303

REQUEST:

Requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection" & "SEC" to "Suburban-Density Residential", "Farmland Protection" & "SEC".





COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

DEC 11 2018

Kenosha County
Planning and Development

REZONING APPLICATION

(a) Property Owner's Name:

Wilk Trust

Print Name: Donald Wilks

Signature: 

Mailing Address: 5101 - 152nd Avenue

City: Kenosha

State: WI

Zip: 53144

Phone Number: (262) 939-5420

E-mail (optional): _____

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:

45-4-221-352--0303

Property Address of property to be rezoned:

152nd Avenue

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

Certified Survey Map is to create a 3 acre parcel for construction of a single-family residence.

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input checked="" type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
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<input type="checkbox"/> R-11 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035".

The existing planned land use category for the subject property is:

<input checked="" type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

☐

Yes

☒

No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

☐

Yes

☒

No

(j) The name of the County Supervisor of the district wherein the property is located (District Map):

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Rezoning Petition\$750.00

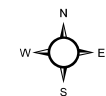
(For other fees see the Fee Schedule)

Note: Agricultural Use Conversion Charge

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/sif/useassmt.html>.

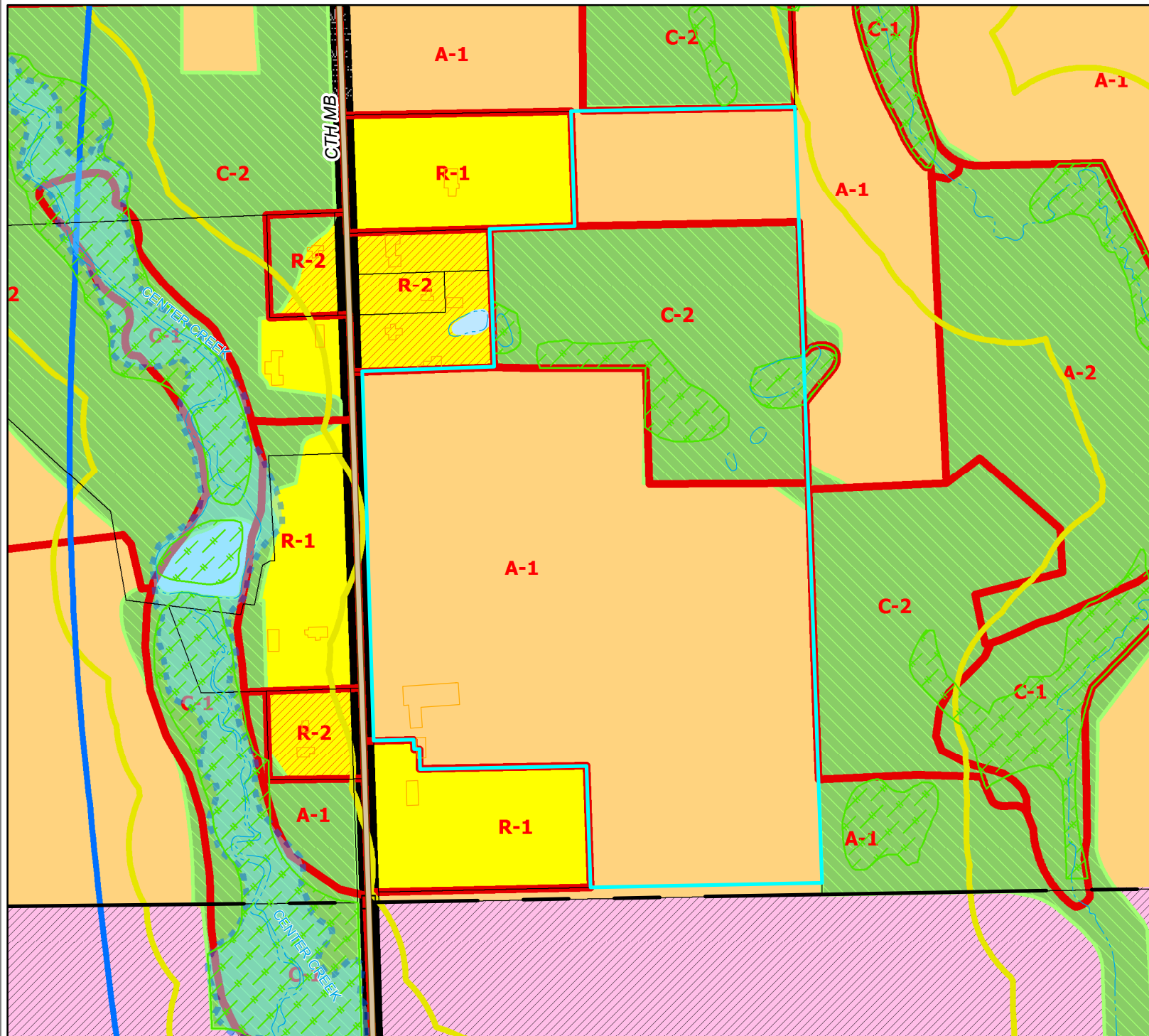
Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.

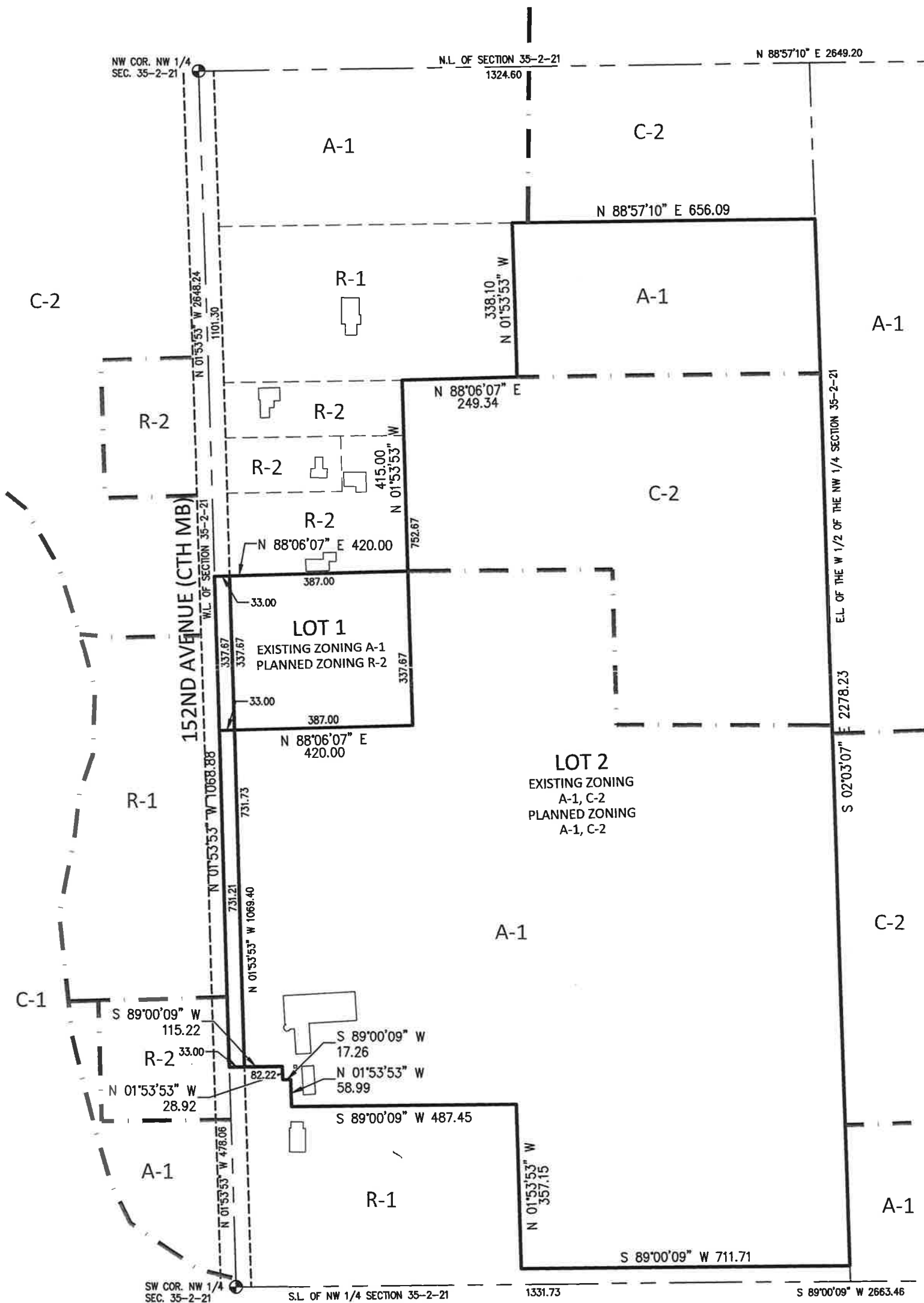
Kenosha County



1 inch = 400 feet

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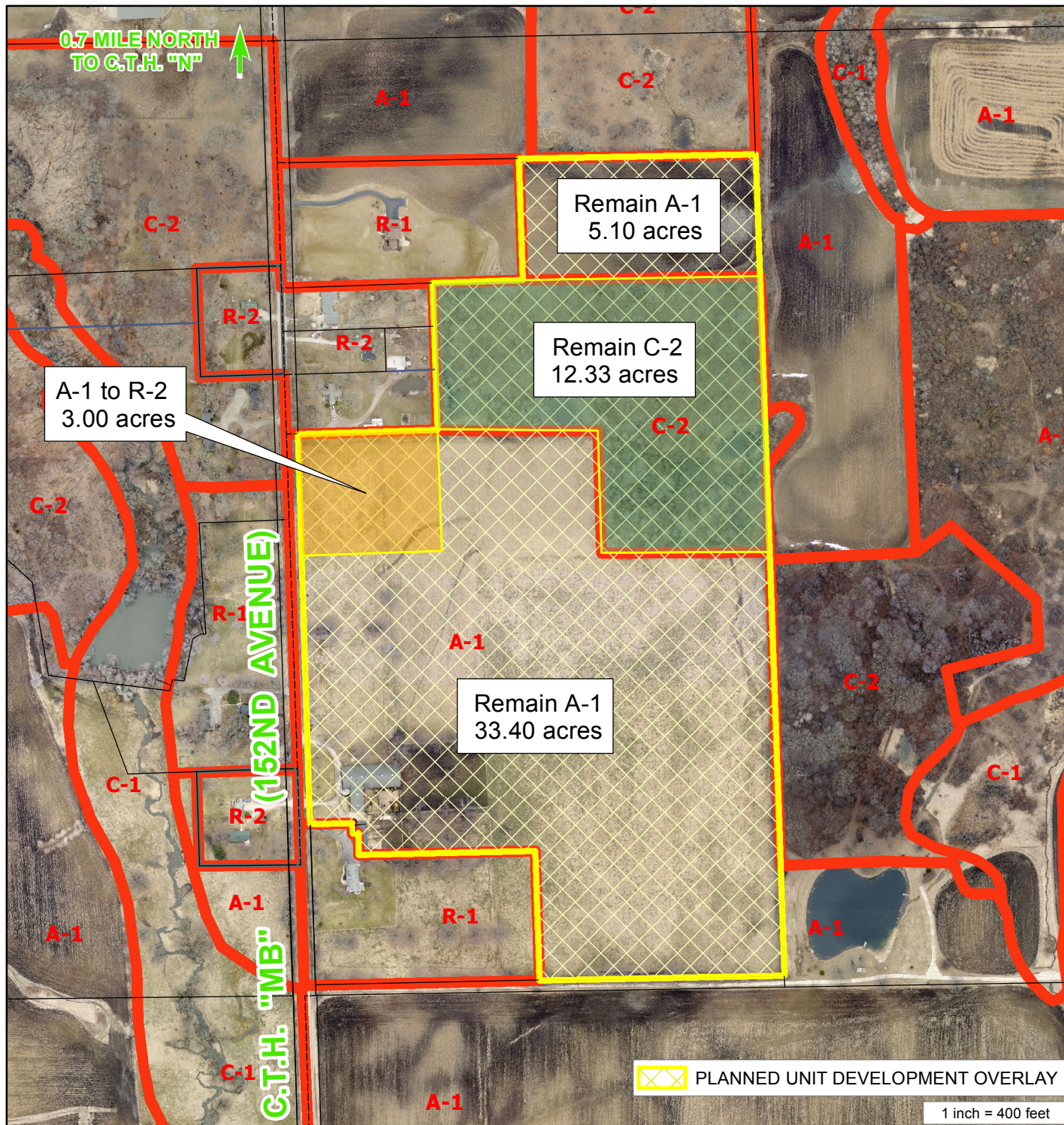


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CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbasc.net

Scale: 1" = 250'
Drawn By: SCB
DATE: 12-10-2018
2018.0312.01
Zoning Exhibit
Donald Wilks
Paris, Wisconsin



REZONING SITE MAP

PETITIONER(S):

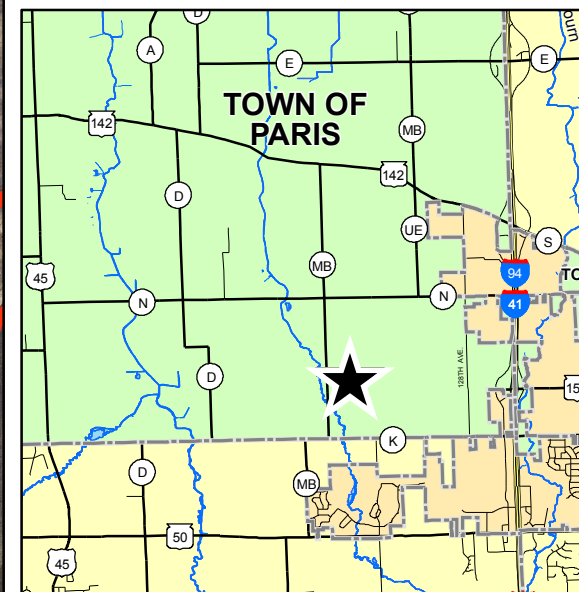
Wilks Trust (Owner)
Donald Wilks (Agent)

LOCATION: NW 1/4 of Section 35,
Town of Paris

TAX PARCEL(S): #45-4-221-352-0303

REQUEST:

Requesting a rezoning from A-1 Agricultural Preservation District & C-2 Upland Resource Conservancy District to R-2 Suburban Single-Family Residential District, A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District & PUD Planned Unit Development Overlay District.





January 2013

COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

DEC 11 2018

Kenosha County
Planning and Development

LAND DIVISION APPLICATION

In order for applications to be processed, all information, drawings, application signatures, and fees required shall be submitted at time of application.

Please check the appropriate box below for the type of application being submitted:

- ☒ Certified Survey Map
☐ Subdivision Preliminary Plat
☐ Subdivision Final Plat
☐ Condominium Plat

Applicant is: ☒ Property Owner ☐ Subdivider ☐ Other _____

Applicant Name: Wilks Trust Date _____

Mailing Address: 5101 - 152nd Avenue Phone # (262) 939-5420

Kenosha, WI 53144 Phone # _____

Tax Parcel Number(s): 45-4-221-352-0303

_____ Acreage of Project: 54.010

Location of Property (including legal description):

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 35, Township 2 North

Range 21 East, in the Town of Paris, Kenosha County, Wisconsin.

See the attached CSM for complete legal description

Subdivision/Development Name (if applicable): NA

Existing Zoning: A-1 / C-2 Proposed Zoning: R-2 (Lot 1)

**LAND DIVISION
APPLICATION**

Town Land Use Plan District Designation(s) (if applicable):

Present Farmland Protection

Proposed Farmland Protection (Lot 2) ; Suburban - Density Residential (Lot 1)

Present Use(s) of Property: Farmland

Proposed Use(s) of Property: Residential / Farmland

The subdivision abuts or adjoins a state trunk highway.....Yes () No (X)

The subdivision will be served by public sewerYes () No (X)

The subdivision abuts a county trunk highwayYes (X) No ()

The subdivision contains shoreland/floodplain areasYes () No (X)

The subdivision lies within the extra-territorial plat (ETP) authority
area of a nearby Village or CityYes () No (X)

*Applicant is responsible for submitting to the ETP authority any fees and documentation
needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:


Property Owner's Signature

12/10/18
Date

Property Owner's Signature

Date

REQUIRED APPLICABLE SIGNATURES:

Applicant's Signature

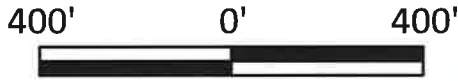
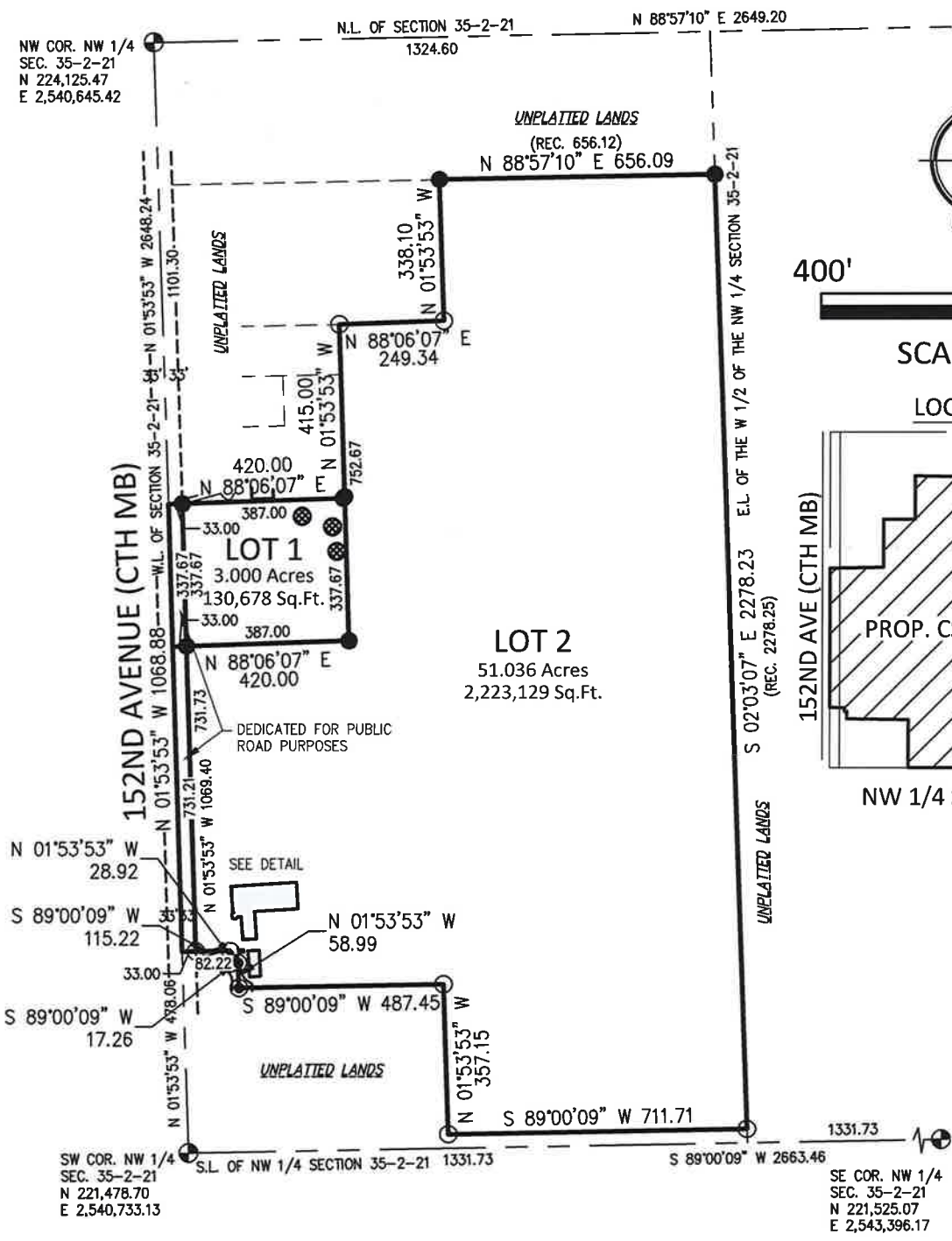
Date

Developer's Signature

Date

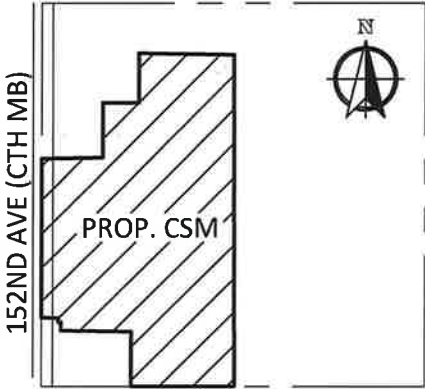
CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.



SCALE 1"=400'

LOCATION MAP



NW 1/4 SECTION 35-2-21

NOTES:
ZONING OF PARCELS IS A-1 & C-2
OWNER/LAND SPLITTER: WILKS TRUST
ADDRESS: 5101 152ND AVENUE
KENOSHA, WI. 53144
BEARINGS BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE.
BASED UPON NAD 1927. THE WEST LINE OF
SECTION 35-2-21 IS ASSUMED TO BEAR
N 01°53'53" W.

- LEGEND:
- 1" O.D. IRON PIPE FOUND
 - 5/8" O.D.x18" REBAR - 1.68LBS/LIN FT. SET
 - ⊕ 6" CONC. MON. W / BRASS CAP FOUND
 - ⊙ "PK" NAIL
 - ⊗ SOIL BORING



Mark R. Madsen
11-7-2018



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbssc.net

CERTIFIED SURVEY MAP NO. _____


PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Mark R. Madsen, hereby certify: That I have prepared this Certified Survey Map at the direction of the Owners; THAT such Map is a correct representation of the exterior boundaries of the land surveyed and are described as: That part of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 2 North, Range 21 East in the Town of Paris, Kenosha County, Wisconsin, bounded as follows: Begin at a point on the West line of the Northwest 1/4 of said Section 35 located N01°53'53"W 478.06 feet from the Southwest 1/4 corner of the Northwest 1/4 of said Section 35; continue thence N01°53'53"W 1068.88 feet along the West line of the Northwest 1/4 of said Section 35; thence N88°06'07"E 420.00 feet; thence N01°53'53"W 415.00 feet parallel to the West line of the Northwest 1/4 of said Section 35; thence N88°06'07"E 249.34 feet; thence N01°53'53"W 338.10 feet parallel to the West line of the Northwest 1/4 of said Section 35; thence N88°57'10"E 656.09 feet parallel to the North line of the Northwest 1/4 of said Section 35 to the East line of the West 1/2 of the Northwest 1/4 of Section 35; thence S02°03'07"E 2278.23 feet along the East line of the West 1/2 of the Northwest 1/4 of Section 35; thence S89°00'09"E 711.71 feet parallel to the South line of the Northwest 1/4 of said Section 35; thence N01°53'53"W 357.15 feet parallel to the West line of the Northwest 1/4 of said Section 35; thence S89°00'09"W 487.45 feet parallel to the South line of the Northwest 1/4 of said Section 35; thence N01°53'53"W 58.99 feet parallel to the West line of the Northwest 1/4 of said Section 35; thence S89°00'09"W 17.26 feet parallel to the South line of the Northwest 1/4 of said Section 35; thence N01°53'53"W 28.92 feet parallel to the West line of the Northwest 1/4 of said Section 35; thence S89°00'09"W 115.22 feet parallel to the South line of the Northwest 1/4 of said Section 35 to the West line of the Northwest 1/4 of said Section 35 and the point of beginning. Containing 54.036 acres.

THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and Title 14 of the Code of General Ordinances for the Town of Paris and the Kenosha County Subdivision Control Ordinance. THAT such map is a true representation of all exterior boundaries of the land surveyed and the land division thereof made;

November 07, 2018


Mark R. Madsen, P.E., P.L.S. (S-2271)
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd. Suite 200
Racine, WI 53406
(262)634-5588



OWNERS' CERTIFICATE

We Donald R. and Robbyn J. Wilks as Trustees of the Wilks Trust dated March 9, 2006, as Owners, hereby certify that we have caused the lands described on this map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also do further certify that this Certified Survey Map is required to be submitted to the following for approval or objection: Town Board of the Town of Paris.

IN WITNESS WHEREOF the said owners have caused these presents to be signed as Owners at _____ Wisconsin on this _____ day of _____ 2018.

Donald R. Wilks, as Trustee of the Wilks Trust dated March 9, 2006

Robbyn J. Wilks, as Trustee of the Wilks Trust dated March 9, 2006



Nielsen Madsen & Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbssc.net

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 21 EAST, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN.

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2018, Donald R. and Robbyn J. Wilks as Trustees of the Wilks Trust dated March 9, 2006, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the foregoing.

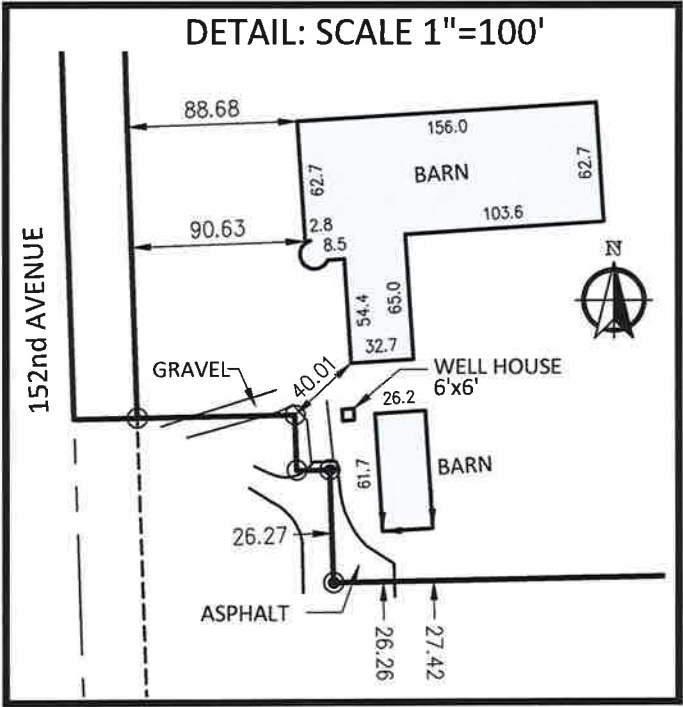
Notary Public, _____
My commission expires: _____

TOWN CERTIFICATE
APPROVED as a Certified Survey Map this _____ day of _____, 2018.

Beverly McCumber, Clerk/Treasurer
TOWN OF PARIS

KENOSHA COUNTY PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE APPROVAL
This certified survey map was hereby approved by Kenosha County Planning, Development & Extension Education Committee on this _____ day of _____, 2018.

Erin Decker - Chairperson



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tele: (262)634-5588 Website: www.nmbssc.net

This Instrument was drafted by Mark R. Madsen November 07, 2018



Mark R. Madsen
11-7-2018

2018.0312.01.DWG
SHEET 3 OF 3 SHEETS



COUNTY OF KENOSHA
Department of Planning and Development

January 2013

RECEIVED

DEC 17 2018

Kenosha County
Deputy County Clerk

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN
FOR KENOSHA COUNTY: 2035
MAP AMENDMENT APPLICATION

(a) Property Owner's Name:

Clarence J. & Mary R. Daniels

x Clarence J. Daniels Mary R. Daniels
Signature

Mailing Address:

34410 State Highway 50

City: Burlington State: WI Zip: 53105

Phone Number: 262-537-2677 E-mail (optional): Mary.daniels60@yahoo.com

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

x _____
Signature

Mailing Address:

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

"General Agricultural & Open Land"

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

"General Agricultural & Open Land" and "Rural-Density Residential."

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(d) Proposed use (a statement of intended use and/or the type, extent, area, etc. of any development project):

Buildable home site

(e) Compatibility with the Kenosha County comprehensive plan (address the following questions in detail):

(e-1) Is the proposed amendment consistent with the goals, objectives, policies, and programs of this plan? Explain:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-4) Has a substantial public benefit been demonstrated by the proposed plan amendment? Explain:

(e-5) Are public roads, services, and utilities available, or planned to be available in the near future, to serve the proposed development? Explain:

yes

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

(e-7) Any additional data or information as requested by the Department of Planning and Development:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(f) Attach a legal description and provide the tax key number(s) below of property to be amended on the Kenosha County comprehensive plan:

30-4-220-294-0400

(g) Attach plot plan or survey plat of property to be amended on the comprehensive plan (showing location, dimensions, planned land use of adjacent properties, existing uses and buildings of adjacent properties—drawn to scale).

(h) The name of the County Supervisor of the district wherein the property is located:

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(i) Attach a copy (original newspaper clipping or certified copy from the Town) of the notice of public hearing (per section 66.1001(4)(d) of Wisconsin State Statutes) that is published by your Town at least 30 days before the public hearing is held. Include the date of publication with the copy of the notice of public hearing.

Note: Your application will not be processed by Kenosha County until a copy of the notice of public hearing and town approval letter is received by the Kenosha County Department of Planning and Development.

(j) Attach a copy of the enacted town resolution and ordinance (per section 66.1001(4)(c) of Wisconsin State Statutes) adopting the amendment to the Kenosha County comprehensive plan map.

Note: Your application will not be processed by Kenosha County until a copy of the enacted town resolution and ordinance adopting the amendment is received by the Kenosha County Department of Planning and Development.

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Land Use Plan Map Amendment \$250.00 payable to "Kenosha County"

(For other fees see the [Fee Schedule](#))

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center

Department of Planning & Development
19600 - 75th Street, Post Office Box 520
Bristol, Wisconsin 53104-0520

Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #	857-1920
Public Works Division of Highways	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722



Kenosha County

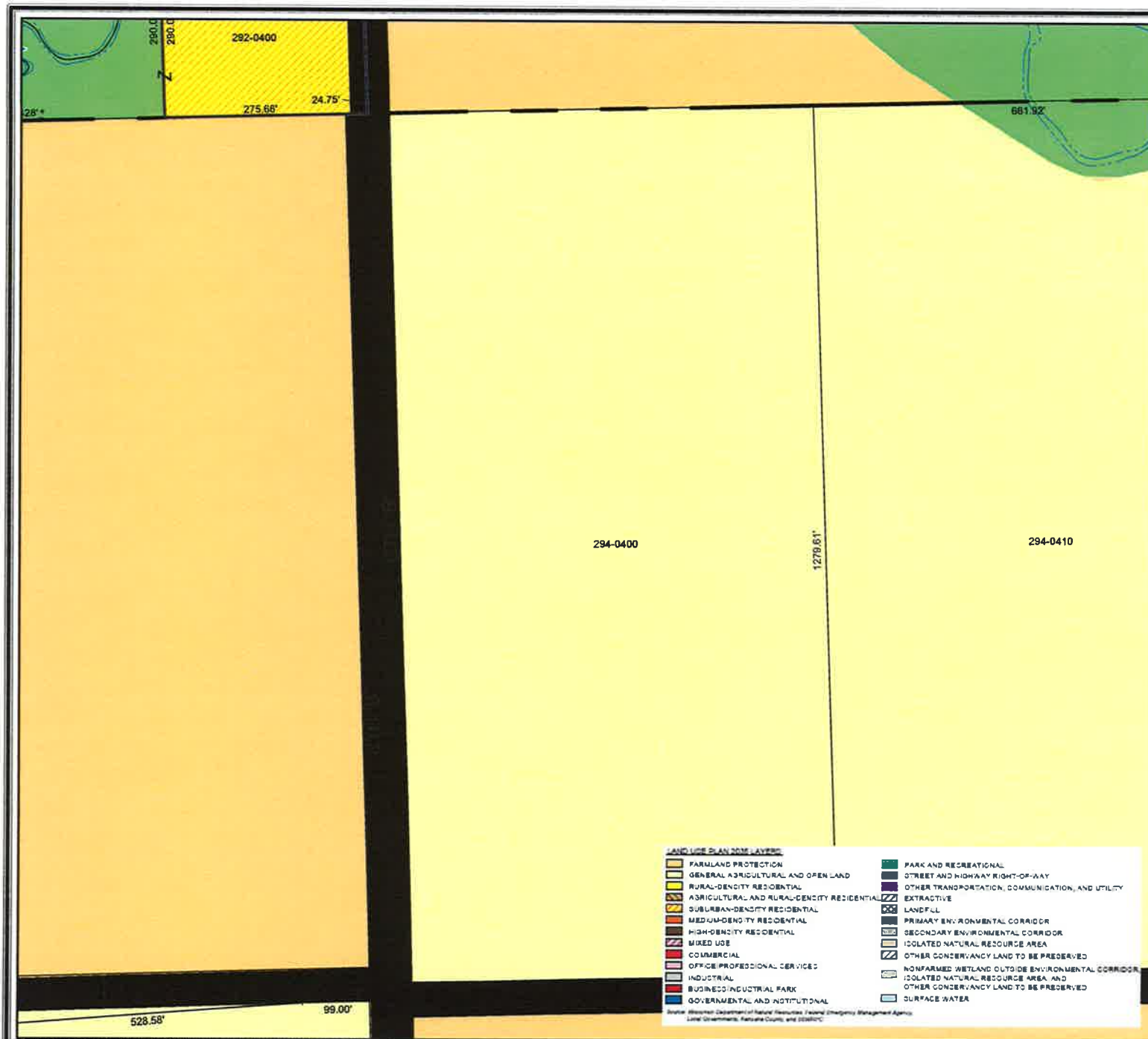


SUBJECT PROPERTY



1 inch = 200 feet

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Kenosha County



CURRENT LAND USE PLAN CLASSIFICATIONS



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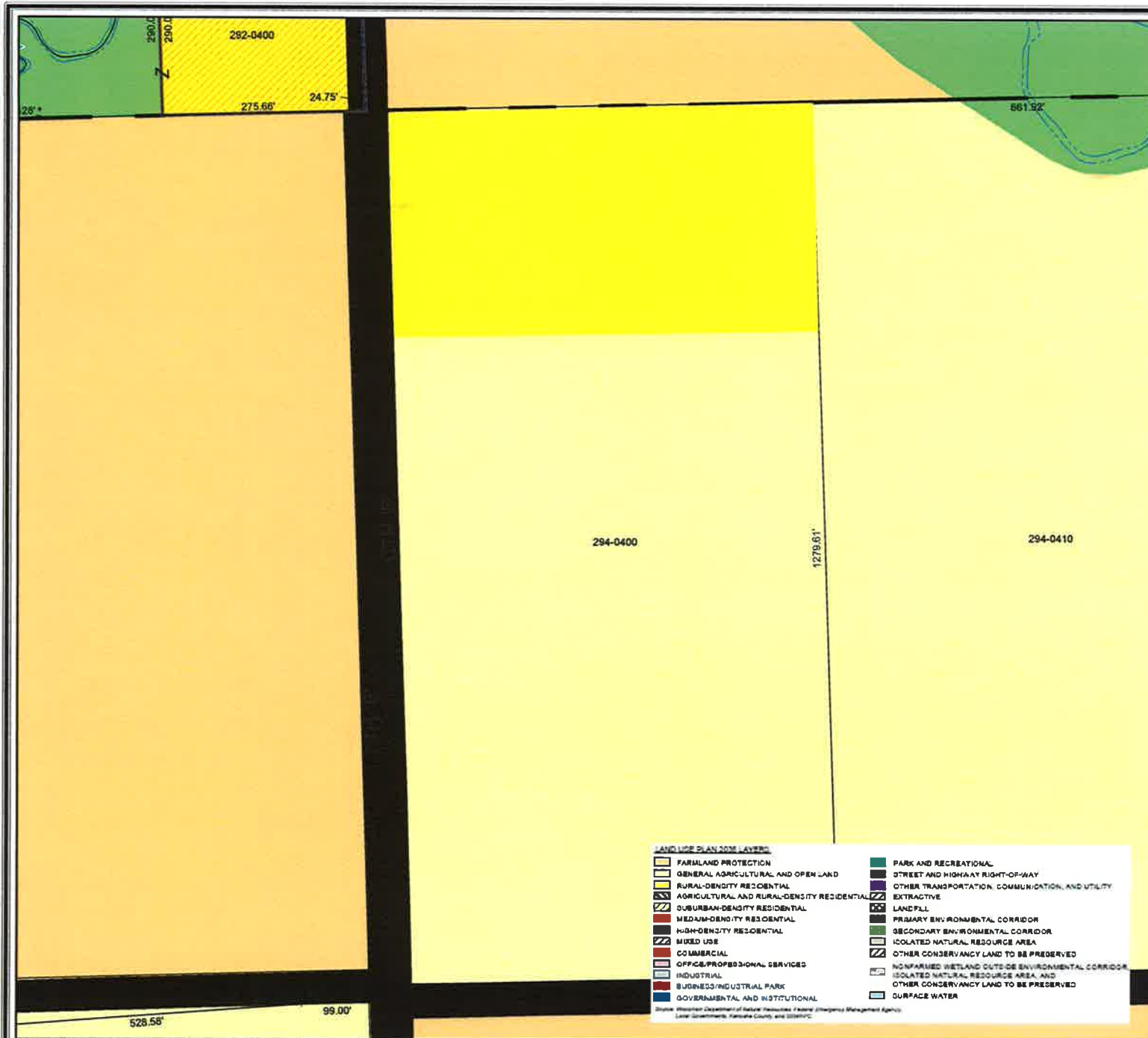
Kenosha County



PROPOSED LAND USE PLAN CLASSIFICATIONS



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COMPREHENSIVE PLAN AMENDMENT SITE MAP

PETITIONER(S):

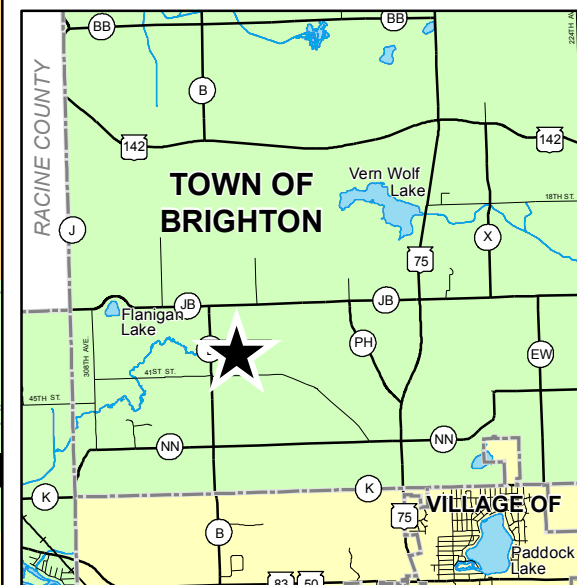
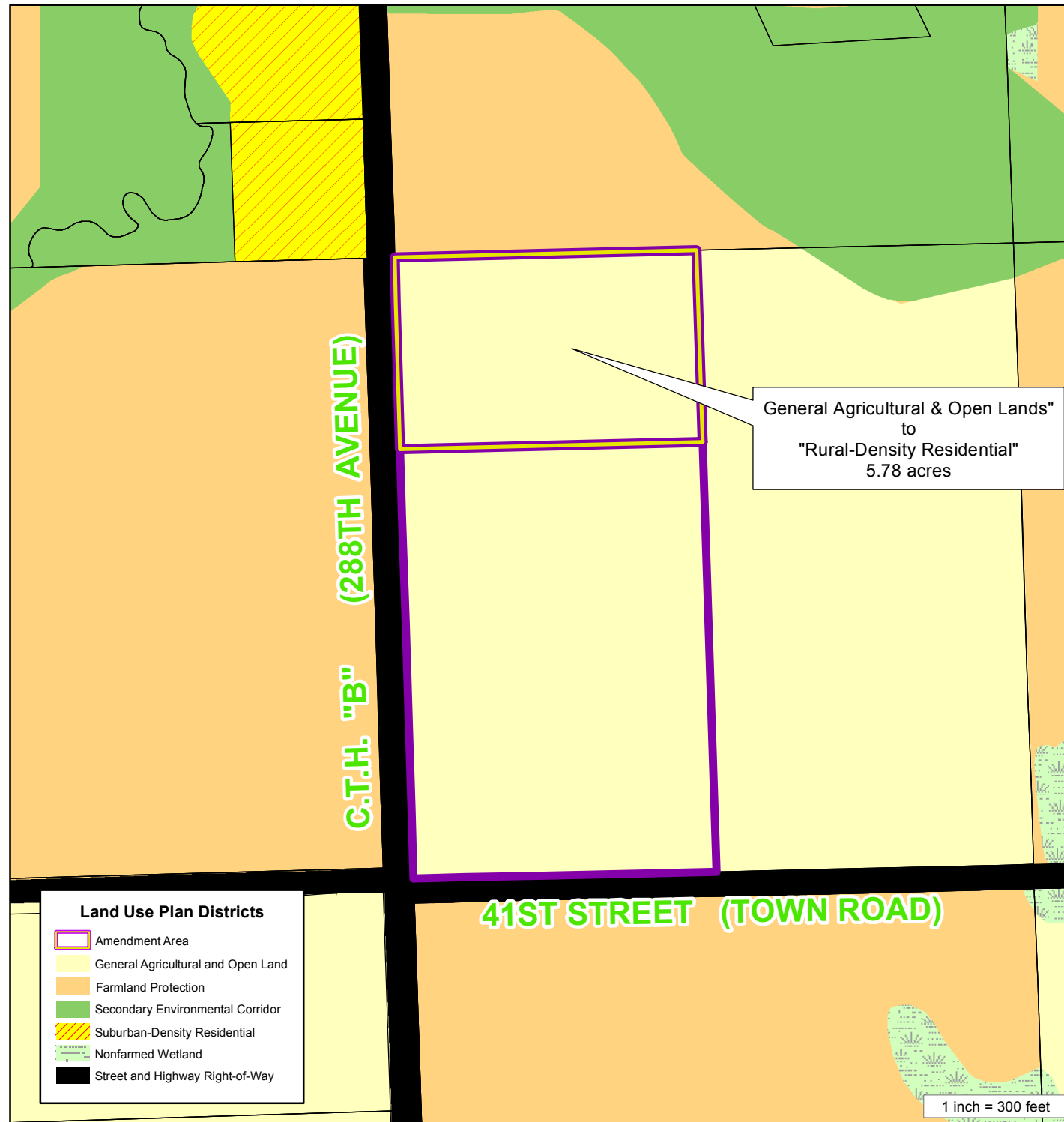
Clarence J. & Mary R. Daniels (Owner)

LOCATION: SE 1/4 of Section 29,
Town of Brighton

TAX PARCEL(S): #30-4-220-294-0400

REQUEST:

Requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "General Agricultural & Open Land" to "General Agricultural & Open Land" and "Rural-Density Residential".



DEC 17 2018

Kenosha County
Deputy County Clerk**COUNTY OF KENOSHA****Department of Planning and Development****REZONING APPLICATION****(a) Property Owner's Name:**

Clarence J. & Mary R. Daniels

Print Name: Clarence JSignature: Clarence J. Daniels Mary R. DanielsMailing Address: 34410 State Highway 50City: BurlingtonState: WI Zip: 53105Phone Number: 262-537-2677 E-mail (optional): mary.daniels60@yahoo.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____ Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:30-4-220-294-0400

Property Address of property to be rezoned:

3911 288th Avenue**(d) Proposed use (a statement of the type, extent, area, etc. of any development project):**

To subdivide appx. 18.73-acre parcel into (1) appx. 5-acre and (1) appx. 14-acre remnant.

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input checked="" type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input checked="" type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
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<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "[Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035](#)".

The existing planned land use category for the subject property is:

<input type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input checked="" type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

☒

Yes

☐

No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

☐

Yes

☒

No

(j) The name of the County Supervisor of the district wherein the property is located ([District Map](#)):

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Rezoning Petition\$750.00

(For other fees see the [Fee Schedule](#))

Note: Agricultural Use Conversion Charge

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/slf/useassmt.html>.

Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.



Kenosha County



**SUBJECT
PROPERTY**



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Kenosha County

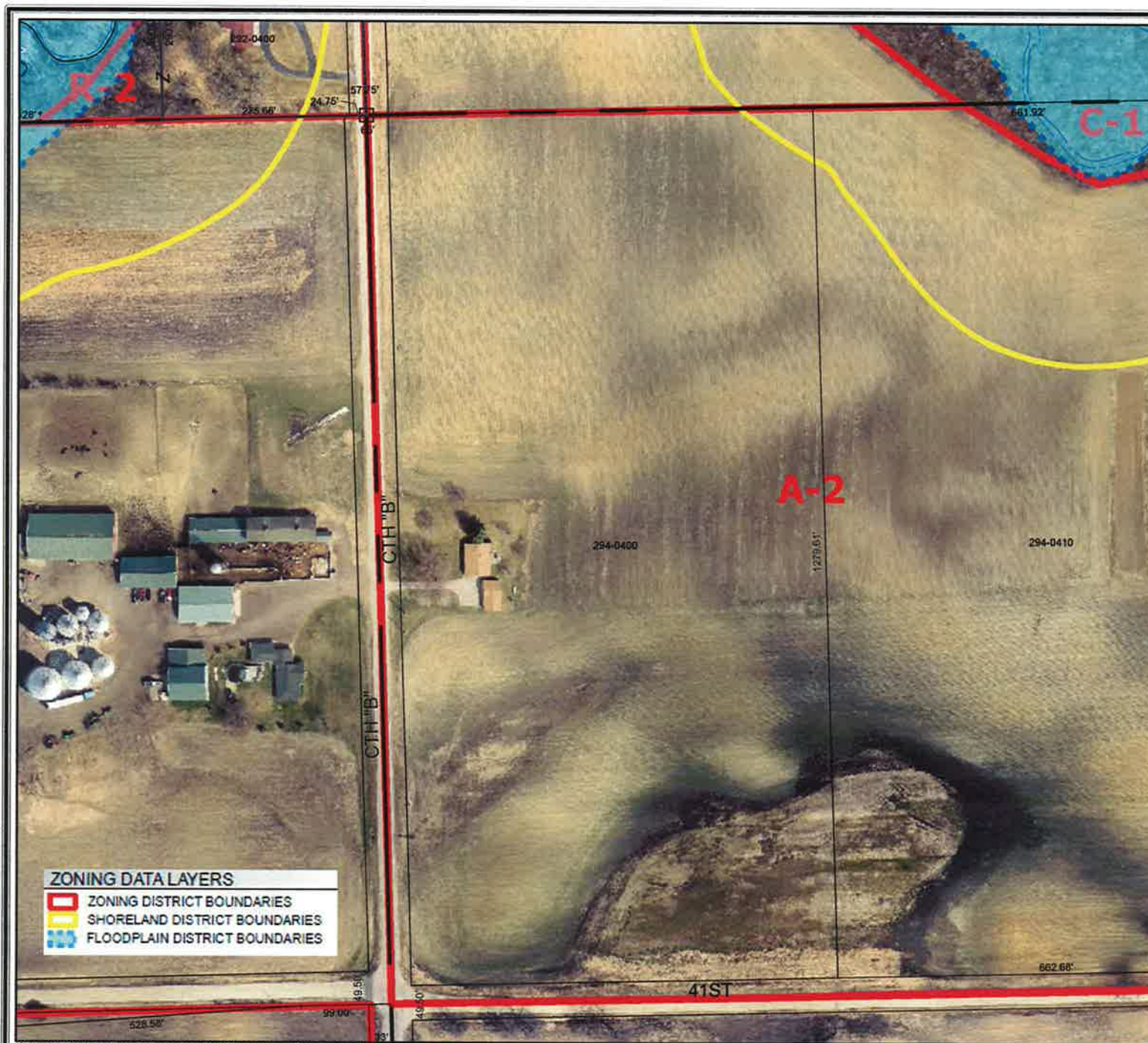


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Source: Kenosha County Department of Planning and Development



Kenosha County



CURRENT ZONING CLASSIFICATIONS

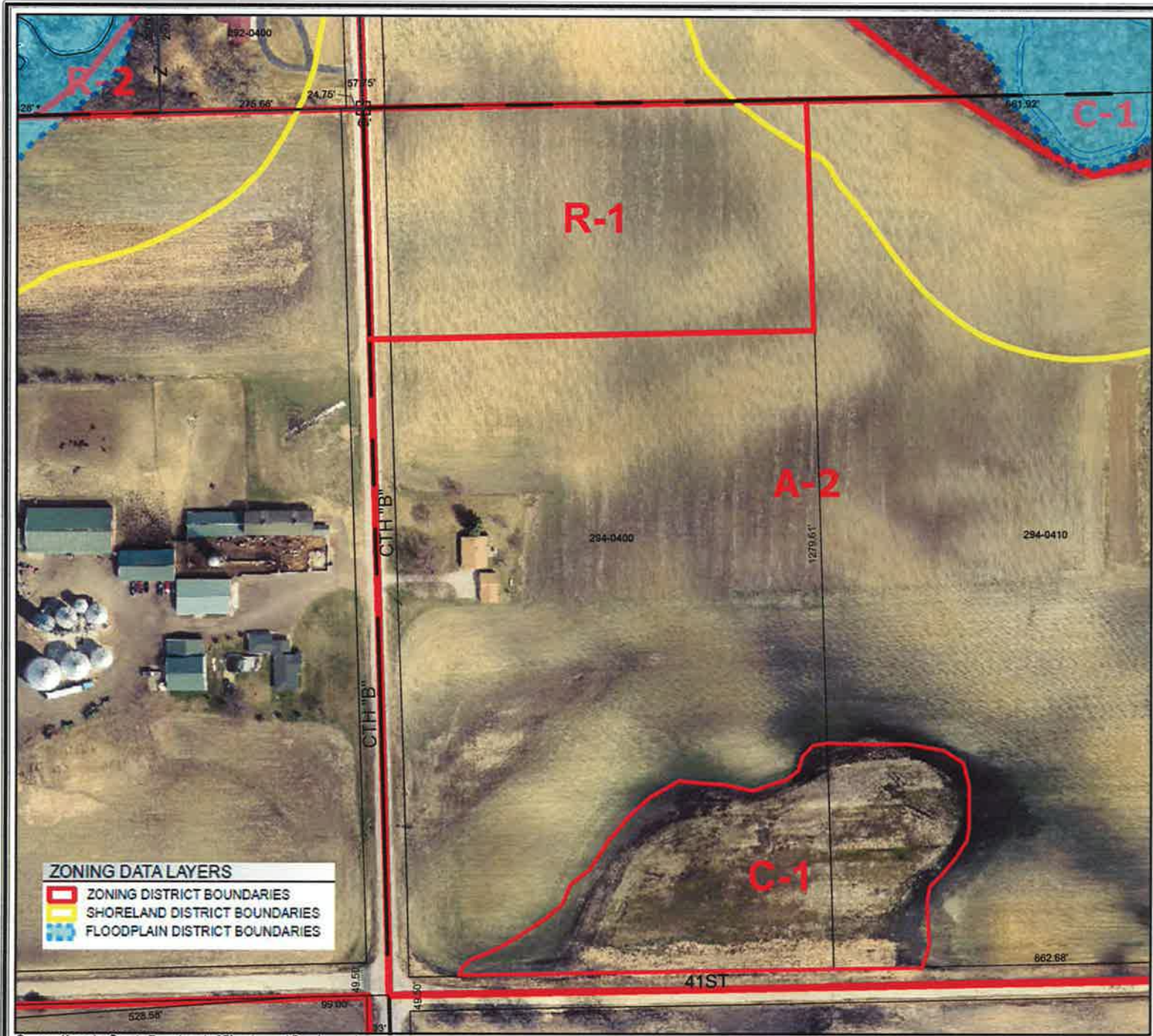


1 inch = 200 feet

ZONING DATA LAYERS

- ZONING DISTRICT BOUNDARIES
- SHORELAND DISTRICT BOUNDARIES
- FLOODPLAIN DISTRICT BOUNDARIES

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Kenosha County



PROPOSED ZONING CLASSIFICATIONS

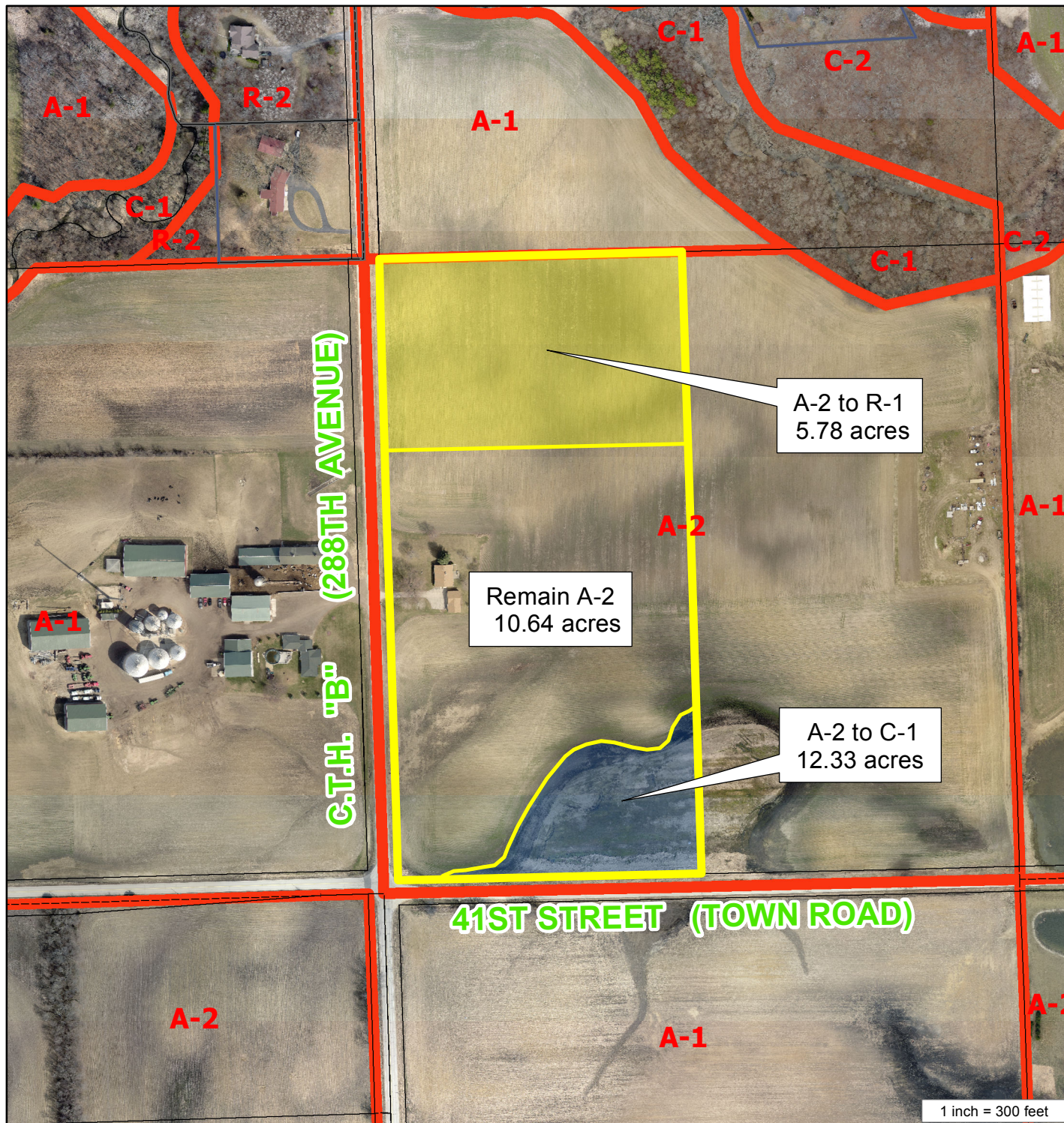


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ZONING DATA LAYERS

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REZONING SITE MAP

PETITIONER(S):

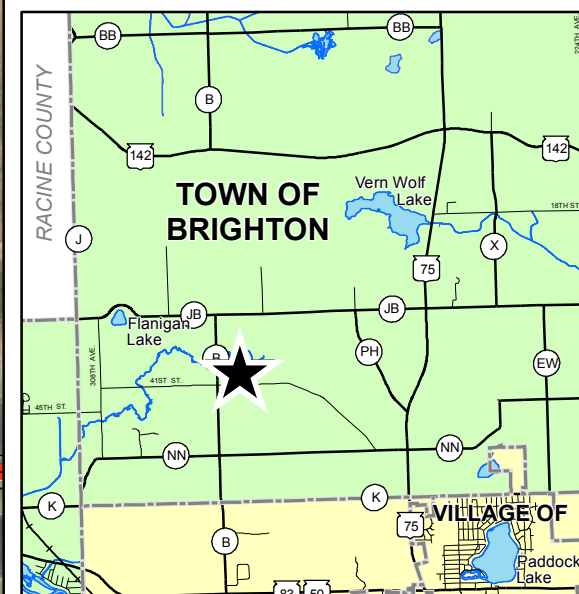
Clarence J. & Mary R. Daniels (Owner)

LOCATION: SE 1/4 of Section 29,
Town of Brighton

TAX PARCEL(S): #30-4-220-294-0400

REQUEST:

Requesting a rezoning from A-2 General Agricultural District to A-2 General Agricultural District, R-1 Rural Residential District & C-1 Lowland Resource Conservancy District.





COUNTY OF KENOSHA
Department of Planning and Development

January 2013

RECEIVED

DEC 17 2018

Kenosha County
Deputy County Clerk

LAND DIVISION APPLICATION

In order for applications to be processed, all information, drawings, application signatures, and fees required shall be submitted at time of application.

Please check the appropriate box below for the type of application being submitted:

- ☒ Certified Survey Map
☐ Subdivision Preliminary Plat
☐ Subdivision Final Plat
☐ Condominium Plat

Applicant is: ☒ Property Owner ☐ Subdivider ☐ Other _____

Applicant Name: Clarence J. & Mary R. Daniels Date 12-04-2018

Mailing Address: 34410 State Highway 50 Phone # _____

Burlington WI 53105 Phone # _____

Tax Parcel Number(s): 30-4-220-294-0400

_____ Acreage of Project: Appx. 18.73 acres

Location of Property (including legal description):

See attached draft certified survey map document.

Subdivision/Development Name (if applicable): No applicable.

Existing Zoning: A-2 Proposed Zoning: A-2 & R-1

LAND DIVISION
APPLICATION

Town Land Use Plan District Designation(s) (if applicable):

Present "General Agricultural & Open Land"

Proposed "General Agricultural & Open Land" and "Rural-Density Residential."

Present Use(s) of Property: 1981-built s.f. residence & 1984-built detached garage.

Proposed Use(s) of Property: To subdivide an appx. 5-acre buildable property on the north end.

The subdivision abuts or adjoins a state trunk highway..... Yes () No (✓)

The subdivision will be served by public sewer Yes () No (✓)

The subdivision abuts a county trunk highway Yes (✓) No ()

The subdivision contains shoreland/floodplain areas Yes (✓) No ()

The subdivision lies within the extra-territorial plat (ETP) authority
area of a nearby Village or City Yes () No ()

*Applicant is responsible for submitting to the ETP authority any fees and documentation
needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:

Clarence J. Daniels
Property Owner's Signature

12-17-2018
Date

Mary R. Daniels
Property Owner's Signature

12-17-2018
Date

REQUIRED APPLICABLE SIGNATURES:

Applicant's Signature

Date

Developer's Signature

Date



Kenosha County



CURRENT LOT LAYOUT



1 inch = 200 feet

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Kenosha County

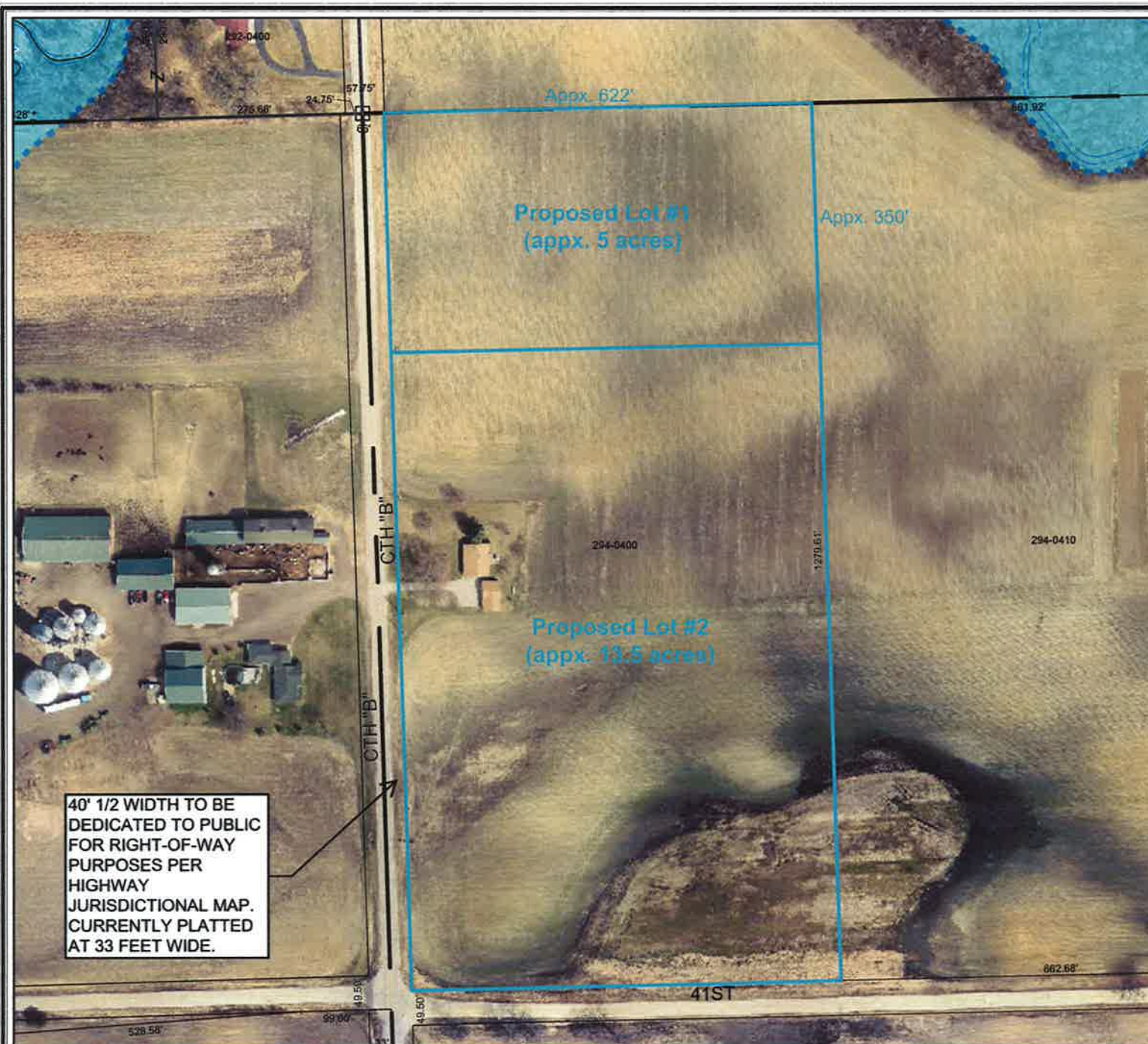


PROPOSED LOT LAYOUT



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40' 1/2 WIDTH TO BE DEDICATED TO PUBLIC FOR RIGHT-OF-WAY PURPOSES PER HIGHWAY JURISDICTIONAL MAP. CURRENTLY PLATTED AT 33 FEET WIDE.

DEC 17 2018

Kenosha County
Deputy County Clerk

COUNTY OF KENOSHA

Division of Health Services

19600 - 75th Street, Suite 185-3
Bristol, Wisconsin 53104-9772
Telephone: (262) 857-1910
Facsimile: (262) 857-1920

Page 1 of 2

APPLICATION FOR SOIL TEST REVIEW FOR PROPOSED CERTIFIED SURVEY MAPS AND SUBDIVISIONS TO BE SERVED BY PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

Pursuant to Chapter 15 of the Kenosha County Municipal Code all lots and parcels of land being subdivided in the manner of Certified Survey Maps and Subdivision Plats shall have soil and site evaluations conducted to determine soil suitability for each proposed parcel. Submittal of soil information shall be done at the time of or prior to applying for review of the proposed land divisions by the Kenosha County Division of Health Services. Please complete the applicant information below and include the required review fees. All checks shall be made payable to "Kenosha County."

Owner: Clarence J. & Mary R. Daniels Agent: _____
Address: 34410 State Highway 50 Burl. Address: _____
Telephone: 262-537-2677 Telephone: _____
Parcel Number of Property Being Divided: 30-4-220-294-0400
Proposed Project To subdivide appx. 18.73-acre parcel into (1) appx. 5-acre and (1) appx. 14-acre remnant.

1. Number of lots/parcels being created (Do not include outlots or the remnant parcel unless it is 35 acres or less) 2.
2. Review Fee = Number from above x \$75 75 x 1 = 75.00-dollars.
3. Does the original parcel have any existing ~~dwellings~~ or buildings served by private on-site wastewater treatment (septic) systems? Yes ☒ No ☐.
4. Are these systems older than July 1, 1980? Yes ☐ No ☐.
5. If you answered yes to questions 3 and 4, this existing septic system must go through an evaluation to determine compliance with SPS 383.32 of the Wisconsin Administrative Code or may need to replace the existing system with a code compliant one as part of this land division procedure. The Sanitary Permit for the replacement system must be issued prior to applying for approval of the land division with the Division of Planning & Development.
6. Certified Survey Maps (CSMs) must have complete soil and site evaluations for all proposed lots including any remnant parcel 35 acres or less. For CSMs involving structures served by private sewage systems the existing system and all treatment tanks shall be located and shown on the survey and must be evaluated for compliance with SPS 383.32, Wisconsin Administrative Code. Existing systems older than July 1, 1980 and in suitable soils shall be required to have a soil and site evaluation conducted to establish a replacement area for a future private sewage system. This area designated for a future system shall be shown on the survey and must meet all setback requirements and be within the boundaries of the newly proposed parcel.

7. Preliminary plats must follow the soil and site evaluation requirements as stated in Chapter 15.07 of the Kenosha County Sanitary Code and Private Sewage System Ordinance. Final plats on clayey glacial till soils will be required to have complete soil tests conducted and have the soil boring locations on the plat.
8. For further information and details of these procedures you may contact a sanitarian in the Division of Health Services or at 262/857-1910.

FOR OFFICE USE ONLY

Soil and Site Evaluations received on _____

Proposed land divisions will be scheduled for hearing with the Planning, Development &

Extension Education Committee on _____

Comments _____

Soil and Site Evaluations have been reviewed and are compliant with Chapter 15.07 and SPS 385

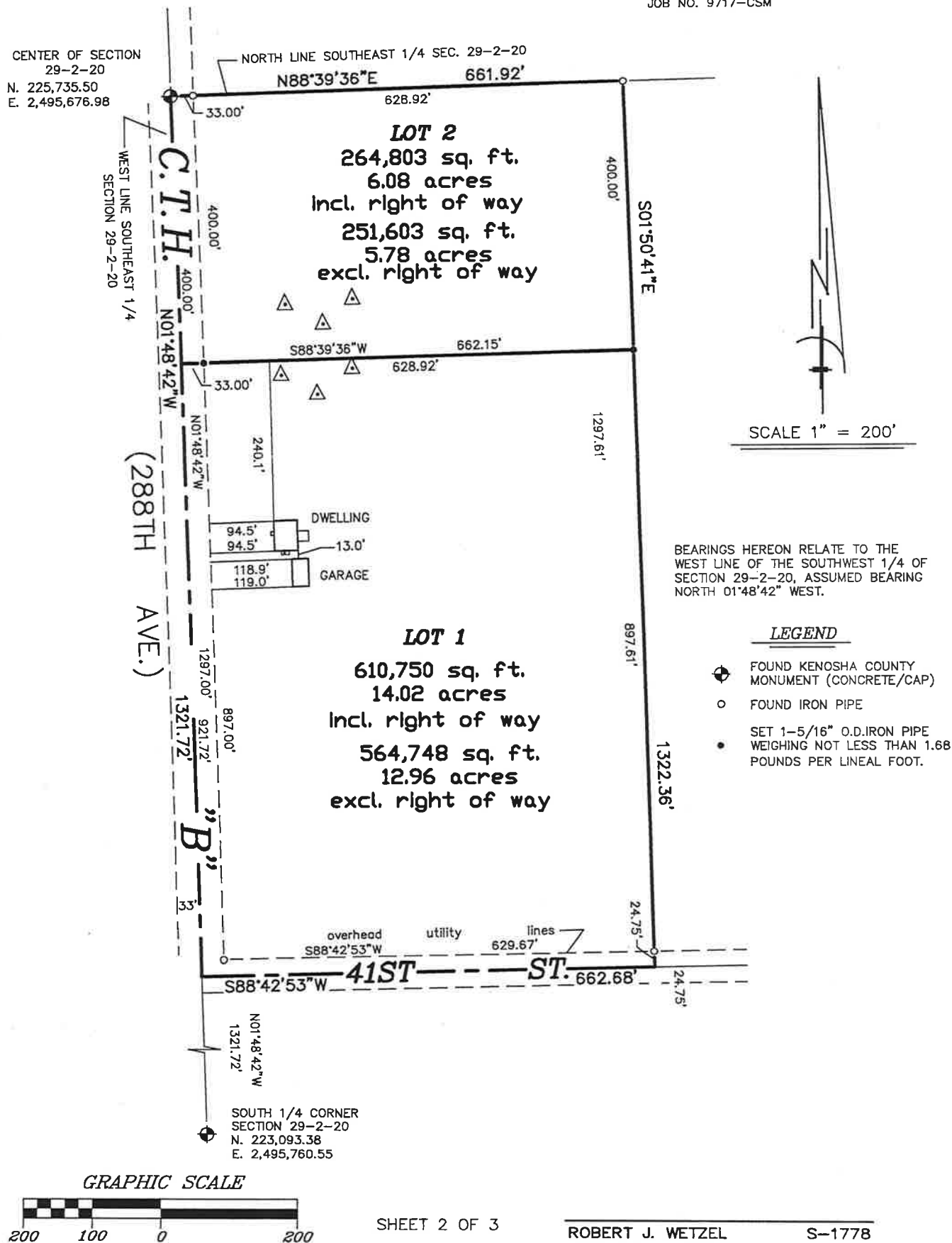
County Sanitarian _____ Date _____

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BRIGHTON, COUNTY OF KENOSHA, STATE OF WISCONSIN.

PREPARED FOR: CLARENCE J. AND MARY R. DANIELS

PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225
JOB NO. 9717-CSM



CERTIFIED SURVEY MAP NO. _____.

BEING PART OF THE NORTHWEST 1/4 OF
THE SOUTHEAST 1/4 OF SECTION 29,
TOWNSHIP 2 NORTH, RANGE 20 EAST OF
THE FOURTH PRINCIPAL MERIDIAN, IN
THE TOWNSHIP OF BRIGHTON, COUNTY OF
KENOSHA AND STATE OF WISCONSIN.

SURVEY FOR: CLARENCE J. AND MARY R. DANIELS

3911 288TH AVENUE

~~KANSASVILLE, WI 53139~~

Re: Gator, SAL 2m, W 53168 - 9575

PREPARED BY: B. W. SURVEYING, INC.

412 N. PINE STREET

BURLINGTON, WI 53105

JOB NO. 9717-CSM

LEGAL DESCRIPTION:

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BRIGHTON, COUNTY OF KENOSHA, STATE OF WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE NORTH 01°48'42" WEST ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 SECTION 1321.72 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 01°48'42" WEST ALONG SAID WEST LINE 1321.72 FEET TO THE CENTER OF SAID SECTION; THENCE NORTH 88°39'36" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 SECTION 661.92 FEET; THENCE SOUTH 01°50'41" EAST 1322.36 FEET TO A POINT IN THE CENTER LINE OF 41ST STREET; THENCE SOUTH 88°42'53" WEST ALONG SAID CENTER LINE 662.68 FEET TO THE PLACE OF BEGINNING. CONTAINING 20.01 ACRES OF LAND MORE OR LESS. SUBJECT TO RIGHTS OF THE PUBLIC OVER THE WEST 33 FEET AND THE SOUTH 24.75 FEET THEREOF FOR ROAD PURPOSES (COUNTY TRUNK HIGHWAY "B" a.k.a. 288TH AVENUE AND 41ST STREET).

SURVEYOR'S CERTIFICATE:

I, ROBERT J. WETZEL, DO HEREBY CERTIFY THAT AT THE DIRECTION OF CLARENCE J. AND MARY R. DANIELS AS OWNERS, THAT I HAVE SURVEYED AND DIVIDED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE DIVISION THEREOF AND THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES AND WITH THE SUBDIVISION CONTROL ORDINANCE OF THE TOWN OF BRIGHTON AND KENOSHA COUNTY, WISCONSIN.

DATED THIS 1ST DAY OF JANUARY, 2019.

ROBERT J. WETZEL

S-1778

CERTIFIED SURVEY MAP NO. _____.

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BRIGHTON, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

WE, CLARENCE J. AND MARY R. DANIELS, AS OWNERS, HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AND DEDICATED AS REPRESENTED HEREON. I ALSO CERTIFY THAT THIS MAP IS REQUIRED BY s.236.34 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: TOWNSHIP OF BRIGHTON AND KENOSHA COUNTY, WISCONSIN.

CLARENCE J. DANIELS

MARY R. DANIELS

**STATE OF WISCONSIN)
COUNTY OF KENOSHA) ss**

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, THE ABOVE NAMED CLARENCE J. AND MARY R. DANIELS, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC
COUNTY OF KENOSHA, STATE OF WISCONSIN
MY COMMISSION EXPIRES:

TOWN OF BRIGHTON TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP APPROVED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON ON THIS _____ DAY OF _____, 20____.

JOHN KIEL

CHAIRMAN

LINDA PERONA

CLERK

DATED THIS 1ST DAY OF JANUARY, 2019.

ROBERT J. WETZEL

S-1778

KENOSHA CO. DEPT. OF PLANNING & DEVELOPMENT FEE SCHEDULE*(effective ~~March 9, 2017~~ February 14, 2019)***I. ORDINANCES**

a.	General Zoning and Shoreland/Floodplain Zoning Ordinance	\$ 50.00
b.	Subdivision Control Ordinance	30.00
c.	Sanitary Ordinance	30.00
d.	Xerox copies (per sheet)25
e.	Xerox copies (color or 11 x 17)	1.00

II. PLANNING AND DEVELOPMENT PERMIT FEES

a.	Accessory bldg. over 150 sq. ft. in area	150.00
b.	Accessory bldg. addition or alteration	80.00
c.	Addition, alteration, or conversion of principal structure:	
	Agricultural	125.00
	Commercial	1,000.00
	Industrial	1,000.00
	Institutional and Park	400.00
	Residential	175.00
	Any other structure	100.00
d.	Advertising signs:	
	Portable	200.00
	Permanent New Sign ≤ 150sq. ft. total.....	150.00
	151-299 sq. ft. total	250.00
	≥ 300sq. ft. total	500.00
	Addition or alteration to Permanent Sign (Does not include re-facing of existing sign)	
	≤ 150sq. ft. total	100.00
	151-299 sq. ft. total	150.00
	≥ 300sq. ft. total	300.00
e.	Appeal to Board of Adjustments of administrative decision not related to a variance request	500.00
f.	Certificate of Compliance.....	250.00
g.	Conditional Use Permit (excluding M-3 and M-4 Districts).....	780.00
h.	Conditional Use Permit Renewal (excluding M-3 and M-4 Districts).....	330.00
i.	Conditional Use Permit in M-3 and M-4 Districts	5,000.00
j.	Decks..... (each)	80.00
k.	Fences..... (each)	50.00
l.	Planned Unit Development/Condominium Review Fee..... (per building)	325.00
m.	Principal Structure:	
	Agricultural:	
	Dwelling	300.00
	General Farm Buildings including Barns, Greenhouses, etc.....	125.00
	Commercial	2,000.00
	Industrial	2,000.00
	Institutional and Park	800.00
	Residential:	
	Single-Family.....	300.00
	Two-Family	600.00
	Multi-Family	(per building) 300.00
	Plus \$50 per unit - Minimum \$900.00 – Maximum	\$2,000.00
n.	Rezoning (map or text amendments)	750.00
o.	Comprehensive Plan Amendment	250.00
p.	Stipulated Shoreland Permit (not including hydraulic Analysis).....	250.00
q.	Swimming Pool	80.00
r.	Pool and Deck	120.00
s.	Pool and Fence.....	100.00
t.	Pool, Deck, and Fence	160.00

u.	Mobile Towers	
	Siting & Construction of a New Mobile Service Support Structure & Facility	\$3,000.00
	Class 1 Collocation	\$1,500.00
	Class 2 Collocation	\$500.00
v.	Variances/Temporary Use	550.00
w.	All Other Permits	200.00

III. SANITATION FEES

a.	Inground Gravity System – With or Without a Lift Chamber	475.00
b.	Inground Gravity or Dosed System Consisting of a Sand Blanket Dispersal Cell	475.00
c.	Inground Gravity – Out of Component Design System.....	475.00
d.	Inground Pressure System	475.00
e.	Pressurized Out of Component Design System	575.00
f.	Mound System	775.00
g.	At-Grade System.....	775.00
h.	Holding Tank (less than 1000 gal/day)	800.00
i.	Holding Tank with a Lift Chamber	850.00
j.	Holding Tank (replacement only) In Lieu of any other Waste Dispersal System	1,825.00
k.	Drip-Line Effluent Dispersal System.....	675.00
l.	Single-Pass Sand Filter System.....	625.00
m.	Recirculating Sand Filter System	725.00
n.	Split-Bed Re-Circulating Sand Filter System	725.00
o.	Segregated Wastewater System	1,025.00
p.	Experimental System	1,025.00
q.	Vault Privies	250.00
r.	Permit Transfer - Installer.....	150.00
s.	Permit Transfer - Owner.....	150.00
t.	Renewal of a Sanitary Permit	150.00
u.	Non-Plumbing Sanitation Systems – Interior Fixtures	100.00
v.	Replacement of Filter Medium on an Existing Pre-Treatment Unit	250.00
w.	Private Interceptor Sewer and Other building Sewer Connecting to an Existing POWTS	150.00
x.	Repairs to an Existing POWTS as Permitted in Chapter 15 of the Kenosha County Municipal Code	150.00
y.	Re-Connection to an Existing POWTS.....	150.00
z.	On-Site Renovation/Treatment.....	150.00
aa.	Re-inspections	100.00
bb.	Sanitary Board of Appeals Request	500.00
cc.	Wisconsin Fund Grant Application Processing.....	200.00
dd.	Plan Review for Holding Tanks (Department of Commerce agent status).....	100.00
ee.	Soil and Site Evaluation Review for all Parcels being Subdivided and Included in a Plat or Certified Survey Map (fees per parcel or lot)	75.00
ff.	Septic Tank, Anaerobic Treatment Tank or Pump Chamber Replacement or Additional Tank	325.00
gg.	Primary Treatment Component added to a Complete System (This fee is added to the Sanitary Permit Fee of the Complete System)	200.00
hh.	Re-Construction of a Mound Absorption Area and Replacement of Sand Medium.....	425.00
ii.	Aerobic Treatment Unit Only.....	475.00
jj.	Peat Bio-Filter Only.....	425.00
kk.	Fixed Media Component Only	475.00
ll.	Contained Wetland Treatment Tank Only	475.00
mm.	Base Sanitary Permit Fee.....	325.00
nn.	Cancellation of Sanitary Permit Fee (deducted from original permit fee).....	150.00
oo.	Plan Revision of a Holding Tank (Agent Status).....	50.00
pp.	Wastewater Re-use/Recycling System.....	1025.00

qq.	Maximum Onsite Field Absorption System Fee	6000.00
rr.	Maximum Onsite Holding Tank Permit Fee	3000.00
ss.	Multi-Onsite System Type POWTS	
	Holding Tank with Aerobically Treated Inground Trench System	1575.00
	Holding Tank with Aerobically Treated Mound System	1775.00
	Holding Tank with Aerobically Treated At-Grade System	1775.00
	Holding Tank with At-Grade system	1575.00
	Holding Tank with Inground Trench System	1375.00
	Holding Tank with Mound System	1575.00
	Sand Filter with At-Grade System	1400.00
	Sand Filter with Inground Trench System	1100.00
	Sand Filter with Mound System	1400.00
	Aerobically Treated Sand Filter with Mound System	1600.00
	Aerobically Treated Sand Filter with At-Grade System	1600.00
	Aerobically Treated Sand Filter with Inground Trench System	1300.00

Note: Systems with daily wastewater flows exceeding 800 gallons per day will have additional fees added to the base fee. Holding tanks exceeding daily wastewater flows of 1,000 gallons per day will have additional fees added to the base fee. Additional fees will be \$75.00 per each 100 gallons above minimum flows. Rounded to the nearest 100 gallons. If the maximum permit fee is achieved via the aforementioned process, then the maximum permit fee shall apply.

IV. MAPS

a.	1" = 1000' Zoning/Shoreland Map by Township	35.00
b.	1" = 200' Aerial Zoning/Shoreland/Floodplain Map (1/4 Sec)	15.00
c.	1" = 400' Aerials per sheet (covers 4 Sections)	25.00
d.	1" = 200' Topographic Maps per sheet (Section)	20.00
e.	1" = 200' Cadastral Map (Section)	20.00
f.	1" = 200' Cadastral Map (1/4 Section)	5.00
g.	1" = 200' Cadastral/Topographic Map (1/4 Section)	10.00
h.	1" = 2500' Kenosha County Map	45.00
i.	1" = 1000' Municipality Road Map	35.00
j.	Municipal Aerial Map (approx. 1" = 900')	55.00
k.	Small format map (11"x 17" or smaller)	5.00
l.	Large format map (County/City Voting Districts & Wards)	35.00
m.	Digitally formatted Cadastral Map (Countywide)	75.00
n.	Digitally Formatted Zoning/Shoreland/Floodplain Map (Countywide)	75.00
o.	Digitally formatted Topographic Map (Countywide)	75.00
p.	Digitally formatted Orthophoto (Countywide)	75.00
q.	CD-ROM charge for digital data (per CD)	30.00
r.	Xerox copies (per sheet)	.25
s.	Xerox copies (color or 11 x 17)	1.00
t.	Engineering copy (full sheet)	10.00
u.	Engineering copy (half sheet)	5.00

VIV. SUBDIVISION AND LAND DIVISION FEES

a.	Preliminary Plat or Condo Plat:	
	Base Fee	3,000.00
	Plus Fee per Lot (includes lots and stormwater outlots)	25.00
b.	Final Plat or Condo Plat:	
	Base Fee	3,000.00
	Plus Fee per Lot (includes buildable lots and stormwater outlots)	25.00
c.	Certified Survey Review (Requires Stormwater Review Pursuant to 14.08-8)	400.00
d.	Subdivision Plat Approval Extension	750.00
e.	Recording Fees (set by Deeds Office)	30.00

VII. DEVELOPMENT REVIEW FEES

a.	Buildability, Re-Buildability, Zoning Verification and Floodplain Review Letters	65.00
	additional parcels	(each) 10.00
b.	Release of Waiver of Liability	20.00
c.	Site Plan Review (does not include stormwater)	
	3,000 or less square feet per building area	750.00
	3,001 to 10,000 square feet per building area	1,000.00
	10,001 to 50,000 square feet per building area	1,250.00
	50,001 to 100,000 square feet per building area	1,500.00
	100,001 – 200,000 sq. ft.	1,750.00
	200,001 – 400,000 sq. ft.	2,000.00
	400,001 – 800,000 sq. ft.	2,250.00
	Over 800,000 sq. ft.	2,500.00
d.	Erosion Control Plan Review (no engineered stormwater management required).....	250.00
e.	Stormwater Management and Erosion Control Plan Review	(quote basis)
	Administrative Fee.....	(10% of quote)
	Preliminary Scoping Meeting.....	200.00
f.	Hydraulic Analysis Engineering Review	varies
g.	FEMA (Conditional) Letter of Map Revision (CLOMR/LOMR) Submittal.....	varies
h.	FEMA CLOMR/LOMR Application Processing ¹	200.00
i.	FEMA Letter of Map Amendment-Out As Shown (LOMA-OAS):	
	Application Processing Service.....	50.00

VIII. NON-METALLIC MINING RECLAMATION FEES

a.	Plan Review Fee (mines size rounded to the nearest whole acre):	
	1-25 acres	1,045.00
	26-50 acres	1,400.00
	51 acres or larger.....	1,750.00
b.	Annual Fee – including local transportation related mines	
	(mine size rounded to the nearest whole acre):	
	No Non-Metallic mining has taken place during the calendar year	100.00
	1-5 acres (does not include mines < 1 acres)	175.00
	6-10 acres	350.00
	11-15 acres	525.00
	16-25 acres	700.00
	26-50 acres	810.00
	51 acres or larger.....	870.00
c.	DNR Annual Fee - collected by county (mine size rounded to the nearest whole acre):	
	(This is in addition to “b” above in accordance with NR 135.39(3))	
	No Non-Metallic mining has taken place during the calendar year	15.00
	1-5 acres (does not include mines < 1 acres)	35.00
	6-10 acres	70.00
	11-15 acres	105.00
	16-25 acres	140.00
	26-50 acres	160.00
	51 acres or larger.....	175.00

IXVII. VILLAGE OF SOMERS

a.	Rezone (includes \$100 Publication).....	1,450.00
b.	Comprehensive Plan Amendment (includes \$85 Publication).....	1,435.00
c.	Conditional Use Permit	1,350.00
d.	Certified Survey Map (includes \$150 Publication)	1,150.00
e.	Variances/Temporary Use (includes \$85 Publication).....	985.00

¹ In accordance with National Flood Insurance Program (NFIP) Regulations

XVIII. VILLAGE OF SALEM LAKES

a.	Rezone (includes \$75 Publication).....	1,325.00
b.	Comprehensive Plan Amendment (includes \$75 Publication).....	1,825.00
c.	Conditional Use Permit (includes \$75 Publication)	1,325.00
d.	Certified Survey Map (includes \$75 Publication)	525.00
e.	Variances/Temporary Use (includes \$75 Publication)	875.00
e.f.	Conceptual Plan Review (\$500 + \$15 Per Lot)	varies
f.g.	Preliminary Plat	
	Base Fee	5,000.00
	Plus Fee per Lot (includes buildable and stormwater outlots)	50.00
h.	Final Plat	
	Base Fee	5,000.00
	Plus Fee per Lot (includes buildable and stormwater outlots)	50.00
i.	Subdivision Plat Approval Extension	750.00