

G. CONSERVANCY DISTRICTS

12.25-1 C-1 LOWLAND RESOURCE CONSERVANCY DISTRICT (11/5/86)

(a) Primary Purpose and Characteristics

The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or manmade resources and to protect water courses and marshes including the shorelands of navigable waters, and areas that are not naturally drained, or which are subject to periodic flooding, where development would result in hazards to health or safety or would deplete or destroy natural resources or be otherwise incompatible with public welfare.

(b) Designation of Lowland Conservancy Areas

For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Kenosha County Department of Planning and Development shall develop district maps reflecting the best data available. The district delineation process shall make use of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer or other maps that reflect the best data available. This District includes all shoreland areas that are considered wetlands as defined in this Ordinance and as mapped and/or determined as wetlands in this Ordinance. Shoreland/Wetlands designated on the Wisconsin Wetland Inventory Maps prepared by the WDNR as also depicted on the Department of Natural Resources Surface Water Data Viewer are also referred to as being located in the "Shoreland-Wetland Zoning District" as defined in this Ordinance. Said Shoreland/Wetlands are subject to the regulations of this Section.

(c) Mapping Disputes in the C-1 District

Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the staff of the Kenosha County Department of Planning and Development shall resolve the discrepancy in the following manner:

- 1 The Kenosha County Department of Planning and Development staff shall request that the staff of the Wisconsin Department of Natural Resources determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland
- 2 The Kenosha County Department of Planning and Development shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within 30 days, whether he will pursue a final wetland determination on the property.
- 3 Should the property owner decide to pursue a final wetland determination, he shall have a plat of survey prepared by a Wisconsin Registered Land Surveyor. The plat of survey shall show all property lines, structures on the lot or parcel, and the location of the wetland boundary as staked in the field. The plat of survey shall be filed with the Kenosha County Department of Planning and Development.
- 4 The Kenosha County Department of Planning and Development shall institute the appropriate action to change the Zoning Map to conform to the plat of survey. No fee shall be required of the property owner for this action.

(d) Principal Uses.

- 1 The following uses provided they do not involve filling, flooding, draining, dredging, ditching, tiling, or excavation:
 - a. Hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law.
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
- 2 The following uses which may involve filling, flooding, draining, dredging, ditching, tiling, and excavating but only to the extent specifically provided below:
 - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(e) Conditional Uses (see also section 12.29-8)

No conditional uses shall be permitted in the C-1 Lowland Resource Conservancy District except:

- 1 Roads necessary to conduct silvicultural and agricultural cultivation activities.
- 2 Nonresidential buildings for wildlife management.
- 3 Park and recreation areas.
- 4 Railroad lines.
- 5 Utilities.
- 6 Wildlife ponds. (6/2/92)

(f) Lot Area

Where a lot or parcel is located partially within a C-1 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District may not be used to meet the lot area requirement of the adjoining district where public sanitary

sewerage facilities are available. Where public sanitary sewerage facilities are not available, the area of the lot or parcel in the C-1 District may be used to meet the lot area requirement provided that at least 40,000 square feet is provided outside the C-1 District. (8/6/02)

- (g) Structures
No structure shall be permitted, except those permitted by conditional use grant, in the C-1 Lowland Resource Conservancy District. Furthermore, no on-site soil absorption sanitary sewage system, holding tank, or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Lowland Resource Conservancy District.
- (h) Platting Subdivisions (8/6/02)
When platting new subdivisions, every effort shall be made to contain lands zoned C-1 Lowland Resource Conservancy District in outlots to be owned and controlled by a community association.
- (i) Prohibited Uses. Any use not listed in section 12.25-1(d) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 12.25-1(c) of this ordinance and s. 59.69(5)(e), Wis. Stats.