



AGENDA
NATURAL RESOURCES COMMITTEE
REGULAR MEETING
THURSDAY, APRIL 4, 2024 – 9:00 AM
ADMINISTRATION CENTER - ROOM A-200
121 W. MAIN STREET, PORT WASHINGTON, WI 53074

The public can access the meeting by viewing the live stream at the link which will be opened five minutes before the call to order:

[Natural Resources Committee Live Stream](#)

The public can submit comments here: [Public Comment Form](#)
[Public Comment Policy](#) & [Instructions For Submitting Public Comments Online](#)

- 1. CALL TO ORDER**
- 2. PROPER NOTICE**
- 3. PUBLIC COMMENTS, CORRESPONDENCE, COMMUNICATIONS**
- 4. APPROVAL OF MINUTES**
 - a. March 7, 2024
- 5. PUBLIC HEARING**
 - 1) Request by Kevin and Ann Kotes, as owners, to petition the Natural Resources Committee for a Zoning Classification change Shoreland-Wetland to Shoreland in the Shoreland District, per Section 7.1300 of the Ozaukee County Shoreland & Floodplain Zoning Ordinance, to reflect the results of a wetland delineation report and survey.

Affecting the following described real estates: **Town of Grafton**, T10N-R21E in the SW 1/4 of the NE 1/4, Section 25, Lot 1 CSM #2077 Vol. 15/269. Tax Key #05-025-03-027.00, Property address: 758 Nantucket Court, Grafton WI 53024
- 6. LAND AND WATER MANAGEMENT DEPARTMENT**
 - a. **Action Items**
 1. Ordinance: Shoreland & Floodplain Zoning Map Amendment - Town of Grafton, Section 25
- 7. UNIVERSITY EXTENSION OFFICE**
 - a. **Discussion Items:**
 1. Introduction of Paul Roback, Extension Ozaukee County Community Development Educator
 - b. **Management/Financial/Informational Reports**
 1. UW-Madison Division of Extension Ozaukee County Reports
 2. Community Development Educator Outreach Report
- 8. REGISTER OF DEEDS/LAND INFORMATION**
 - a. **Action Items:**
 1. Supplemental Appropriation - Land Information Plan Projects
 - b. **Discussion Items:**
 1. GIS Technician Position
 - c. **Management/Financial/Informational Reports**
 1. Register of Deeds/Land Info Department Report
- 9. LAND AND WATER MANAGEMENT DEPARTMENT (CONT.)**
 - a. **Action Items (Cont)**
 1. Memorandum of Agreement Between Natural Resources Conservation Service and Ozaukee County Land and Water Management

2. Unfunded Cooperative Agreement with Natural Resources Conservation Service and Ozaukee County Land and Water Management

b. Discussion Items:

1. Floodplain Zoning Ordinance
2. Proposed New Floodplain Maps

c. Management/Financial/Informational Reports

1. Land & Water Management Report

10. PLANNING AND PARKS DEPARTMENT

a. Action Items:

1. Increase of Revenue Budget Amendment for a Southeastern Wisconsin Invasive Species Consortium, Inc. Grant for Invasive Species Management at Virmond County Park

b. Management/Financial/Informational Reports

1. Planning & Parks Department Management and Financial Reports

11. NEXT MEETING DATE

May 2, 2024 (New Committee)

12. ADJOURNMENT

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk's Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	County Clerk
DIRECTOR:	Karen Niemuth
PREPARER:	Lisa Henning

Agenda Summary March 7, 2024

[<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/03072024-3377>](https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/03072024-3377)

NATURAL RESOURCES COMMITTEE

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Land and Water Management
DIRECTOR:	Katie Vogeler
PREPARER:	Geoff Schramm

Agenda Summary Shoreland-Wetland Rezoning - Kotes

ATTACHMENTS:

- Kotes Public Hearing (PDF)

NATURAL RESOURCES COMMITTEE



LAND AND WATER MANAGEMENT

Katie Vogeler, Director
Edward J. Pfister, Sanitation & Zoning Coordinator
Geoff Schramm, Land & Water Coordinator
www.co.ozaukee.wi.us

March 21, 2024

(March 21, 2024 and March 28, 2024)

OZAUKEE COUNTY NATURAL RESOURCES COMMITTEE PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held at a meeting of the Ozaukee County Natural Resources Committee on April 4, 2024, at 9:00 A.M. in Board Room A-200 of the Ozaukee County Administration Center, 121 W. Main St., Port Washington, to consider the following item(s):

- 1) Request by Kevin and Ann Kotes, as owners, to petition the Natural Resources Committee for a Zoning Classification change Shoreland-Wetland to Shoreland in the Shoreland District, per Section 7.1300 of the Ozaukee County Shoreland & Floodplain Zoning Ordinance, to reflect the results of a wetland delineation report and survey.

Affecting the following described real estates: **Town of Grafton**, T10N-R21E in the SW ¼ of the NE ¼, Section 25, Lot 1 CSM #2077 Vol. 15/269.

Tax Key #05-025-03-027.00, Property address: 758 Nantucket Court, Grafton WI 53024

Information regarding this item on file with the Ozaukee County Department of Land and Water Management, Room 223, Ozaukee County Administration Center, 121 W. Main St., Port Washington.

The public and all interested persons are invited to attend this meeting and comment as appropriate. Discussion and action by the Natural Resources Committee will follow the hearing.

Rob Holyoke, Chairman
Natural Resources Committee

121 W. Main Street, P.O. Box 994, Port Washington, WI 53074
Phone: (262) 284-8313 Fax: (262) 284-8367

Attachment: Kotes Public Hearing (Shoreland-Wetland Rezoning - Kotes)

ORDINANCE NO. (ID # 9993)

SHORELAND & FLOODPLAIN ZONING MAP AMENDMENT - TOWN OF GRAFTON,
SECTION 25

The Ozaukee County Board of Supervisors does ordain that the County Shoreland and Floodplain Zoning Map be amended in accordance with Section 7.1300 of the Ozaukee County Code of Ordinances to indicate a Zoning Classification Change from Shoreland-Wetland to Shoreland.

Affecting the following described real estates: **Town of Grafton**, T10N-R21E in the SW ¼ of the NE ¼, Section 25, Lot 1 CSM #2077 Vol. 15/269.

Tax Key #05-025-03-028.00, Property address: 758 Nantucket Court, Grafton WI 53024

This Ordinance shall take effect upon enactment and publication.

Dated at Port Washington, Wisconsin, this 1st day of May 2024.

SUMMARY: Shoreland and Floodplain Zoning Map Amendment, Town of Grafton, Section 25

VOTE REQUIRED: Majority

NATURAL RESOURCES COMMITTEE

Natural Resources Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Land and Water Management
DIRECTOR:	Katie Vogeler
PREPARER:	Geoff Schramm

Agenda Summary Shoreland & Floodplain Zoning Map Amendment - Town of Grafton, Section 25

BACKGROUND INFORMATION: Request by Kevin and Ann Kotes, as owners, to petition the Natural Resources Committee for a Zoning Classification change Shoreland-Wetland to Shoreland in the Shoreland District, per Section 7.1300 of the Ozaukee County Shoreland & Floodplain Zoning Ordinance, to reflect the results of a wetland delineation report and survey.

Affecting the following described real estates: **Town of Grafton**, T10N-R21E in the SW¼ of the NE ¼, Section 25, Lot 1 CSM #2077 Vol. 15/269.

Tax Key #05-025-03-028.00, Property address: 758 Nantucket Court, Grafton WI 53024

ANALYSIS: The Shoreland and Floodplain is to reflect the wetland delineation report conducted by Stantec Consulting Services Inc. Completed on September 29, 2002.

Per section 7.1300 of the County Shoreland and Floodplain Zoning Ordinance, any change to a wetland boundary shown on a Shoreland and Floodplain Zoning Map requires County Board approval.

FISCAL IMPACT: N/A FUNDING SOURCE: N/A

RECOMMENDED MOTION: Approval to amend the Shoreland & Floodplain Zoning Map to reflect the change in the wetland boundary as a result of the survey completed by James Schneider of North Shore Engineering Inc. dated January 30, 2024.

ATTACHMENTS:

- Kotes File (PDF)



LAND AND WATER MANAGEMENT DEPARTMENT

RECEIVED

FEB 29 2024

OZAUKEE COUNTY
LAND & WATER
MANAGEMENT DEPT

6.a.1.a
Katie Vogeler, Director

Edward J. Pfister, Sanitation & Zoning Coordinat

Geoff Schramm, Land & Water Coordinat

www.co.ozaukee.wi.us

PETITION TO CHANGE ZONING CLASSIFICATION

TO THE OZAUKEE COUNTY NATURAL RESOURCES COMMITTEE:

Ladies & Gentleman:

The undersigned hereby petitions the Ozaukee County Natural Resource Committee to change the zoning classification of the folllowin land in Ozaukee County, Wisconsin from:

Shoreland-Wetland
(Existing Zoning District)

to Shoreland
(Proposed Zoning District)

Owner: KEVIN + ANN KOTES	Agent: KEVIN KOTES
Telephone Number: 262-388-2416	Telephone Number: 262-388-2416
E-Mail Address: KEVINKOTES@GMAIL.COM	E-Mail Address: KEVINKOTES@GMAIL.COM
Mailing Address: 758 NANTUCKET CT	Mailing Address: 758 NANTUCKET CT
City, State, Zip: GRAFTON WI 53024	City, State, Zip: GRAFTON WI 53024
Project Address (if different than mailing address):	Tax Key Number: 050250302700

Legal Description (¼/¼, Section, Township-Range, Municipality): NE ¼ of SEC 25, TOWNSHIP 10 N, RANGE 21 E SW THE TOWN OF GRAFTON		
Lot Number: 1	Block Number: N/A	Subdivision Name or CSM # 2077 Vol 15/269

Additional Information: Recognize wetland delineation Report and Survey to correct the Wisconsin Wetland Inventory Map.
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NOTICE TO PETITIONERS:

The procedure to rezone / amend the Ozaukee County Shoreland and Floodplain Zoning Ordinance must comply with the statue and administrative rule provisions described in Sections 7.1300-7.1305. The criteria that the board must consider to reach a decision on th petition are stated in the ordinance [Sections 7.1300 (comprehensive), 7.1302 (floodplain), and 7.1305 (shoreland-wetland)].

This petition (original only) and any support documents must be filed with the Ozaukee County Land & Water Management Departm one month in advance of the applicable Natural Resources Committee meeting date. Required support documents include:

- (1) A survey clearly showing the boundaries (wetland / floodplain) of any area to be rezoned, and
 - (2) A written statement that addresses the criteria in ordinance Sections 7.1300-7.1305 as they relate to the proposed rezoning, if applicacble (see descriptions on back page). Application materials shall be limited to 8.50 x 11.50, 8.50 x 14.00, or 11.00 x 17.00 shee
- Petitions will be considered at the next available committee meeting.

(continue on page 2)

NOTICE TO PETITIONERS (continued)

Notice of a public hearing on the petition will be published as a Class II notice under CH. 985, Wisconsin Statutes. The applicant will be notified of the date, time, and location of the hearing. It is advisable for the applicant or an agent for the applicant to attend the hearing.

A rezoning application fee of \$330.00, payable to Ozaukee County, is due at the time the petition is filed.

Comprehensive Rezoning

Section 7.1300 - Applies to all areas within the shoreland zoning jurisdictional area except floodplain and wetland areas. Rezoning of floodplain or wetland areas are regulated under Sections 7.1302 & 7.1305 (see below).

Floodplain Rezoning

Section 7.1302 - Floodplain management regulations may only be removed by rezoning the area to remove it from the floodplain provided the property:

- (a) is filled to an elevation 2 feet above the regional flood elevation and is contiguous to lands outside the floodplain, or
- (b) was above the regional flood elevation at the time of the effective date of the floodplain zoning map (mapped floodplain error).

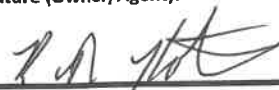
Shoreland-Wetland Rezoning

Section 7.1305 - A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Preservation of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat;
7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

Section 7.1305(C) - If the Wisconsin Department of Natural Resources notifies the natural resources committee or county board that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board approval of this amendment is mailed to the DNR. During that 30-day period the department may notify the county board that it will adopt a superseding shoreland ordinance for the county under Section 59.692 (6), Wis. Stats. If the department does so notify the county board, the effect of this amendment shall be stayed until the Section 59.692 (6) adoption procedure is completed or otherwise terminated."

Signature (Owner/Agent): 		Date: 2/29/24	Petition Fee: \$330.00
			Petition Date:
(For Department use only)			Check / Receipt Number: 3010/17529
Date of NR Committee Approval:		Date of County Board Approval:	
Comments:			



LAND AND WATER MANAGEMENT DEPARTMENT

Katie Vogeler, Director
 Edward J. Pfister, Sanitation & Zoning Coordinator
 Geoff Schramm, Land & Water Coordinator
www.co.ozaukee.wi.us

Staff Report – Natural Resources Committee Hearing – April 4, 2024

Petition to Change Zoning Classification from Shoreland-Wetland Zoning to Shoreland Zoning by Kevin & Ann Kotes, owners for the property located at 758 Nantucket Court, Lot 1 CSM #2077 Vol. 15/269; Part of the SW ¼ of the NE ¼ Section 25 T10N-R22E Town of Grafton; Tax Key #05-025-03-027.00 –

Requests and findings:

- 1) *To amend the wetland boundary on the Ozaukee County Zoning Map #47 based on the wetland delineation report for the above referenced property.*
- 2) Stantec Consulting Services Inc. conducted the wetland delineation on the above referenced property. The report is dated October 22, 2022.
- 3) The wetland delineation report by Stantec Consulting Services Inc. indicates that there are no wetlands on the referenced property.

The department recommends the recognition of the wetland delineation report and survey to approve the change in zoning classification from Shoreland-Wetland Zoning to Shoreland Zoning.

Attachment: Kotes File (Kevin and Ann Kotes Wetland Delineation Report and Survey)



Stantec Consulting Services Inc.
12080 Corporate Parkway Suite 200, Mequon, WI 53092-2661

October 22, 2022

Attention: Kevin and Ann Kotes
758 Nantucket Court
Grafton, WI 53024

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

Dear Kevin and Ann,

Stantec Consulting Services Inc. (Stantec) completed a wetland determination of an approximately 0.5-acre site (the "Study Area") located in Section 25, T10N – R21E in the Town of Grafton, Ozaukee County, Wisconsin (Figure 1). The wetland determination was completed on September 29, 2022 by Sarah Majerus, an assured delineator at Stantec (see Attachment A for delineator qualifications).

There were no wetlands identified within the Study Area. A summary of the methods used and results of the field investigation are summarized below.

Methods

The wetland determination was made using the three criteria (vegetation, soil, and hydrology) and technical approach defined in the *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (1987) and subsequent guidance documents, and applicable Regional Supplement to the *Corps of Engineers Wetland Delineation Manual*. According to procedures described in the 1987 Manual and the Northcentral and Northeast Regional Supplement (2012) areas that under normal circumstances reflect a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology (e.g., inundated or saturated soils) are considered wetlands.

The wetland determination involved the use of available resources to assist in the assessment such as U.S. Geological Survey (USGS) topographic maps, U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) soil survey, Wisconsin Department of Natural Resources/WDNR Wisconsin Wetland Inventory (WWI) mapping, and aerial photography (Attachment B, Figures 1-2).

As recent weather patterns influence the visibility and presence of some wetland hydrology indicators, the antecedent precipitation in the three months leading up to the field investigation was reviewed. The current year's precipitation data were compared to the most recent long-term (30-year) precipitation averages and standard deviation to determine if precipitation was normal, wet, or dry for the area using the Antecedent Precipitation Tool as developed by the U.S. Army Corps of Engineers (Attachment C).

The sample points completed during the field investigation were identified and surveyed with a Global Positioning System (GPS) capable of sub-meter accuracy and mapped using Geographical Information System (GIS) software.

October 22, 2022
Kevin and Ann Kotes
Page 2 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

Results

A review of desktop resources found soils mapped within the Study Area by the NRCS Soil Survey of Ozaukee County includes Ritchey silt loam, 0 to 6 percent slopes (RkB) (Attachment B, Figure 2). The Ritchey series consists of well-drained soil over bedrock or glacial till and is mapped as non-hydric. The WDNR WWI mapping identifies one forested wetland (T3K) within the Study Area (Attachment B, Figure 2). The antecedent precipitation evaluation for the three-month period preceding the field investigation indicated wetter than normal site conditions.

The Study Area consists of mowed turf grass with scattered trees, sloping west toward partially vegetated exposed bedrock along the Milwaukee River. The north and south boundaries of the Study Area consist of mesic forest. Topography within the Study Area is relatively flat, with a slight rise in central portion. The east edge of the Study Area is defined by toe of slope that rises approximately 50 feet toward the landowner's home. The west edge of the Study Area is defined by the Milwaukee River. No wetlands were observed during the field investigation.

Two wetland determination sample points were observed to document non-wetland conditions within the Study Area (Attachment B, Figure 2). The data sheets completed for the sample points are provided in Attachment D. Representative photographs of the Study Area are included in Attachment E.

Sample point UPL-1 was recorded at a low point within a shallow depression near the north Study Area boundary. The sample point was located along the west edge of WWI-mapped wetland. Dominant vegetation included hairy crabgrass (*Digitaria ischaemum*, FACU) witchgrass (*Panicum capillare*, FAC), and common ragweed (*Ambrosia artemisiifolia*, FACU). Soils consisted of sand over limestone bedrock. Hydrophytic vegetation, hydric soils, and wetland hydrology were not observed at UPL-1; therefore, the three wetland criteria were not met and this plot was determined to be upland.

Sample point UPL-2 was in a lower landscape position near the south Study Area boundary. Dominant vegetation included silver maple (*Acer saccharinum*, FACW), common buckthorn (*Rhamnus cathartica*, FAC), reed canary grass (*Phalaris arundinacea*, FACW), and white snakeroot (*Ageratina altissima*, FACU). Soils consisted of sand over limestone bedrock. While this plot met the requirements for hydrophytic vegetation and hydrology, no primary hydrology indicators were met, and soils were non-hydric. This plot was therefore determined to be upland.

In summary, based on the results of the on-site investigation, it was determined that no wetlands are present within the Study Area. UPL-1 and UPL-2 were determined to be non-wetland based on the lack of hydric soils and primary wetland hydrology indicators. UPL-2 had dominant hydrophytic vegetation, likely due to adjacent trees and shrubs which were all located south and slightly down slope from the sample point, outside of the Study Area. Neither sample point met all three criteria for wetland.

October 22, 2022
Kevin and Ann Kotes
Page 3 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

Please contact me if you have any questions regarding this wetland determination.

Regards,

Stantec Consulting Services Inc.



Sarah Majerus, PWS
Senior Scientist
Phone: (920) 627-3183
Sarah.Majerus@stantec.com

Attachments: Attachment A – Delineator Qualifications
Attachment B – Figures 1-2
Attachment C – APT Analysis
Attachment D – Wetland Determination Data Forms
Attachment E – Study Area Photographs

Attachment: Kotes File (Kevin and Ann Kotes Wetland Delineation Report and Survey)

October 22, 2022
Kevin and Ann Kotes
Page 4 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

References

Deters, Jason. U.S. Army Corps of Engineers (USACE). 2022. Antecedent Precipitation Tool – Version 1.0.20. Accessed: March 10, 2022.

Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Soil Survey Geographic (SSURGO) Database. Available online at <http://websoilsurvey.nrcs.usda.gov/> or <http://datagateway.nrcs.usda.gov/>. Accessed [October 2022].

U.S. Army Corps of Engineers (USACE) and Wisconsin Department of Natural Resources (WDNR). "Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources", Issued March 4, 2015. Available online at <http://dnr.wi.gov/topic/wetlands/documents/FinalWisconsinDelineationGuidance.pdf>.

USACE. 2011. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*, ed. J.S. Wakely, R.W. Lichvar, C.V. Nobel, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

United States Geological Survey (USGS). *Wisconsin 7.5 Minute Series (Topographic) Maps*. 1:24,000. Reston, VA: United States Department of the Interior, USGS.

Wisconsin Department of Natural Resources (WDNR), Bureau of Watershed Management. 2018. [Digital inventory of Wisconsin wetlands]. Wisconsin Wetland Inventory. WDNR Surface Water Data Viewer, <https://dnrmaps.wi.gov/H5/?Viewer=SWDV>.

WDNR 24K Hydro Full File Geodatabase (Updated May 10, 2018). [24k hydrography geospatial data layers]. Available online: <https://data-wi-dnr.opendata.arcgis.com/datasets?t=water>

October 22, 2022
Kevin and Ann Kotes
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Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

ATTACHMENT A – DELINEATOR QUALIFICATIONS

Sarah Majerus PWS

Environmental Scientist

Sarah is an experienced wetland ecologist with more than 10 years of experience working with local non-profits, businesses, and municipalities to provide integrated solutions that protect and conserve our resources. Sarah specializes in wetland identification and delineation, wetland and waterway permitting, botanical assessment and characterization, and habitat restoration planning and design. She is certified as a Professional Wetland Scientist (PWS) with the Society of Wetland Scientists and a State Assured Wetland Delineator with the Wisconsin Department of Natural Resources (WDNR).

EDUCATION

Bachelor of Science, Zoology and Biological Aspects of Conservation, University of Wisconsin - Madison, Madison, Wisconsin, 2004

CERTIFICATIONS & TRAINING

Grasses, Sedges & Rushes, University of Wisconsin - La Crosse, La Crosse, Wisconsin, 2018

Wetland Flora, Institute of Botanical Training, LLC, Mukwonago, Wisconsin, 2017

Advanced Hydric Soils, Wetland Training Institute, Portage, Wisconsin, 2014

Advanced Wetland Delineation, University of Wisconsin - La Crosse, Sturgeon Bay, Wisconsin, 2016

Basic Wetland Delineation, University of Wisconsin - La Crosse, Waupaca, Wisconsin, 2008

REGISTRATIONS

Professional Wetland Scientist #2586, Society of Wetland Scientists, 2015-Present

MEMBERSHIPS

Member, Wisconsin Wetlands Association

Member, Society of Wetland Scientists



April 1, 2022

Sarah Majerus, PWS
Stantec
12075 Corporate Parkway Suite 200
Mequon, WI 53092

Subject: 2022 Assured Wetland Delineator Confirmation

Dear Ms. Majerus:

This letter provides Wisconsin Department of Natural Resources (WDNR) confirmation for the wetland delineations you conduct during the 2022 growing season. You and your clients will not need to wait for the WDNR to review your wetland delineations before moving forward with project planning. This will help expedite the review process for WDNR's wetland regulatory program. Your name and contact information will continue to be listed on our website at: <http://dnr.wi.gov/topic/wetlands/assurance.html>.

In the instance where a municipality may require a letter of confirmation for your work prior to moving forward in the local regulatory process, this letter shall serve as that confirmation. Although your wetland delineations do not require WDNR field review, inclusion of a Wetland Delineation Report is required for projects needing State authorized wetland, waterway and/or storm water permit approvals.

In order to comply with Chapter 23.321, State Statutes, please supply the department with a polygon shapefile of the wetland boundaries delineated within the project area. Please do not include data such as parcel boundaries, project limits, wetland graphic representation symbols, etc. If internal upland polygons are found within a wetland polygon, then please label as UPLAND. The shapefile should utilize a State Plane Projection and be overlain onto recent aerial photography. If a different projection system is used, please indicate in which system the data are projected. In the correspondence sent with the shapefile, please supply a brief description of each wetland's plant community (eg: wet meadow, floodplain forest, etc.). Please send these data to Calvin Lawrence (608-266-0756 or email at calvin.lawrence@wisconsin.gov).

If you or any client has a question regarding your status in the Wetland Delineation Professional Assurance Program, contact me by email at kara.brooks@wisconsin.gov or phone at 414-308-6780. Thank you for all your hard work and best wishes for the upcoming field season.

Sincerely,

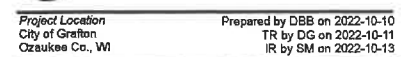
October 22, 2022
Kevin and Ann Kotes
Page 6 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

ATTACHMENT B – FIGURES 1-2



 Study Area
 Parcel Boundary



Client/Project	193709212
Kevin Kotes	
Kotes-Wetland Presence/Absence	

1

Title

Page 1 of 1

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Slantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Slantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, Kevin Kotes, NADS, WisDOT, NRCS, WDNR
 3. Background: 2021 NAIP

Legend

- Study Area
- Parcel Boundary
- Sample Point
- Field Delineated Open Water
- NRCS Soil Survey Data**
- Hydric Soil Rating**
- Hydric (H)
- Predominantly Hydric (PH)
- Partially Hydric (PaH)
- Predominantly Non-Hydric (PNH)
- Non-Hydric (NH)

WWI Wetland Class Points

■ Wetland Too Small to Delineate*

WWI Wetland Class Areas

- Wetland
- Filled Area*
- Wetland Indicators*
- DNR 24k Hydrography
- Perennial Stream*
- Intermittent Stream*
- Waterbody

0 50 100 Feet
 (At original document size of 8.5x11)
 1:1,200



Project Location
 City of Grafton
 Ozaukee Co., WI

Prepared by DBB on 2022-10-10
 TR by MP on 2022-10-10
 IR by SM on 2022-10-13

Client/Project
 Kevin Kotes
 Kotes-Wetland Presence/Absence

193709212

Figure No.
 2

Title
 Environmental Features

*No Features Within Data Frame

Page 1 of 1

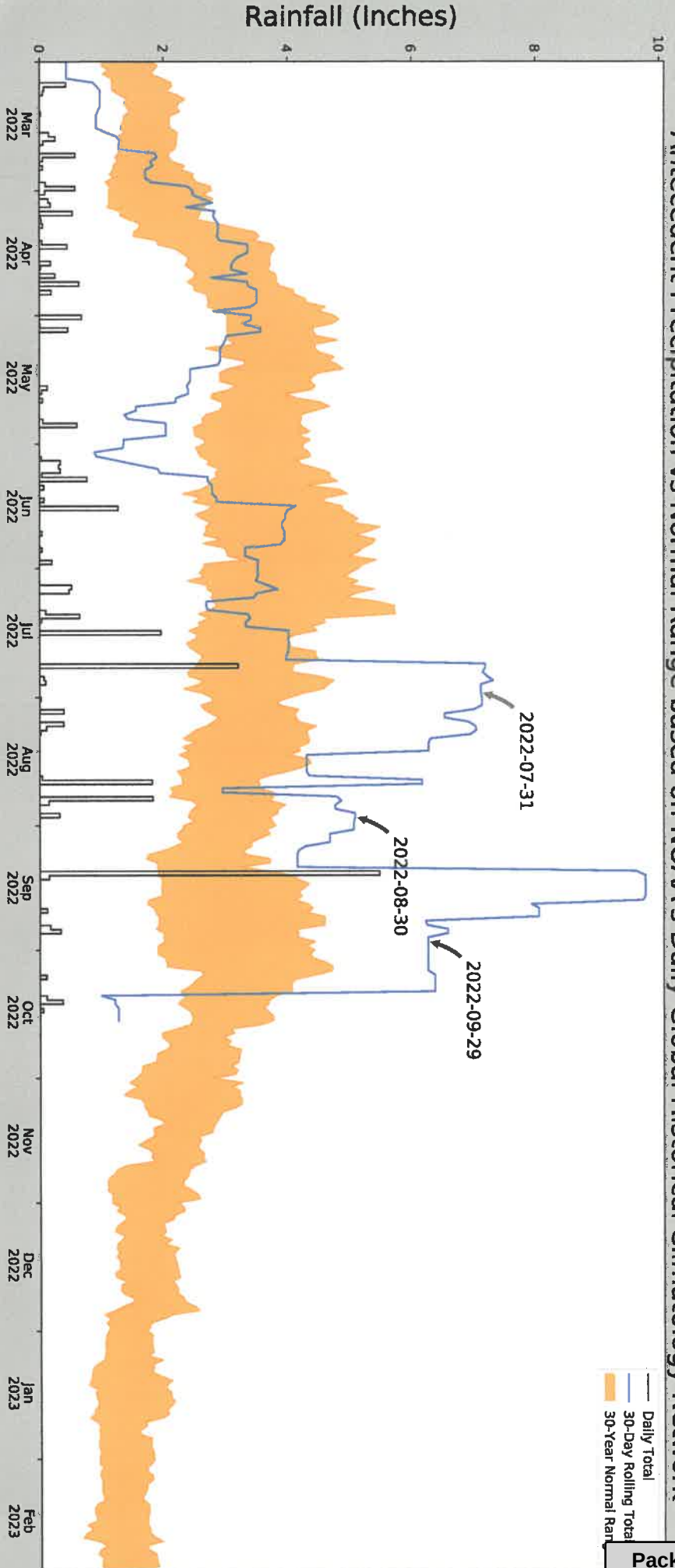
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October 22, 2022
Kevin and Ann Kotes
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Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

ATTACHMENT C – APT ANALYSIS

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.305309, -87.95279
Observation Date	2022-09-29
Elevation (ft)	705.24
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Days Normal	Days Antecedent	Product
2022-09-29	2.020079	4.436614	6.255906	Wet	3	3	3	86	9
2022-08-30	2.389213	3.715354	5.086614	Wet	3	3	2	0	6
2022-07-31	2.61811	4.265748	7.11811	Wet	3	3	1	0	3
Result									Wetter than Normal - 18

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
GERMANTOWN	43.2389, -88.1222	850.066	9.679	144.826	5.757	11304	86
GERMANTOWN 0.6 S	43.2268, -88.1214	855.971	0.837	5.905	0.382	3	4
GERMANTOWN 1.3 NE	43.2313, -88.1023	887.139	1.131	37.073	0.551	2	0
MENOMONEE FALLS 3.2 NNW	43.1882, -88.1555	881.89	3.884	31.824	1.871	2	0
CEDARBURG 3.7 WSW	43.2788, -88.0566	878.937	4.301	28.871	2.06	2	0
JACKSON 0.5 SSE	43.3144, -88.1617	895.997	5.582	45.931	2.768	3	0
RICHFIELD 3 SSW	43.2111, -88.2092	983.924	4.783	133.858	2.793	4	0
WEST BEND	43.3681, -88.0838	939.961	9.113	89.895	4.92	27	0
W BEND FIRE STN #2	43.4319, -88.1603	895.013	13.472	44.947	6.668	4	0
MT MARY COLLEGE	43.0722, -88.0294	714.895	12.431	135.171	7.274	2	0



Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

October 22, 2022
Kevin and Ann Kotes
Page 8 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

ATTACHMENT D – WETLAND DETERMINATION DATA FORMS

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Kotes Property City/County: Town of Grafton/Ozaukee Sampling Date: 09/29/2022
 Applicant/Owner: Kevin and Ann Kotes State: Wis Sampling Point: UPL-1
 Investigator(s): S. Majerus Section, Township, Range: S25 T10N R21E
 Landform (hillside, terrace, etc.): Toeslope Local relief (concave, convex, none): Concave Slope %: 0
 Subregion (LRR or MLRA): LRR K, MLRA 95B Lat: 43.305309 Long: -87.95279 Datum: WGS84
 Soil Map Unit Name: Ritchey silt loam, 0 to 6 percent slopes NWI classification: T3K
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☒, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☐ No ☒
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present? Yes ☐ No ☒	If yes, optional Wetland Site ID: <u>NA</u>
Wetland Hydrology Present? Yes ☐ No ☒	
Remarks: (Explain alternative procedures here or in a separate report.) Soil core was observed at the toe of slope, in a shallow swale atop the bank of the Milwaukee River. Recent disturbance due to dam removal and exposure of limestone bedrock. Landowner noted that his property was used for a bypass during dam removal. Antecedent precipitation evaluation indicates wetter than normal site conditions.	

HYDROLOGY

Wetland Hydrology Indicators:		<u>Secondary Indicators (minimum of two required)</u>	
<u>Primary Indicators (minimum of one is required; check all that apply)</u>			
☐ Surface Water (A1)	☐ Water-Stained Leaves (B9)	☐ Surface Soil Cracks (B6)	
☐ High Water Table (A2)	☐ Aquatic Fauna (B13)	☐ Drainage Patterns (B10)	
☐ Saturation (A3)	☐ Marl Deposits (B15)	☐ Moss Trim Lines (B16)	
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)	☐ Dry-Season Water Table (C2)	
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres on Living Roots (C3)	☐ Crayfish Burrows (C8)	
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)	☒ Stunted or Stressed Plants (D1)	
☐ Iron Deposits (B5)	☐ Thin Muck Surface (C7)	☒ Geomorphic Position (D2)	
☐ Inundation Visible on Aerial Imagery (B7)	☐ Other (Explain in Remarks)	☐ Shallow Aquitard (D3)	
☐ Sparsely Vegetated Concave Surface (B8)		☐ Microtopographic Relief (D4)	
		☐ FAC-Neutral Test (D5)	
Field Observations:			
Surface Water Present Yes ☐ No ☒	Depth (inches):	Wetland Hydrology Present? Yes ☐ No ☒	
Water Table Present Yes ☐ No ☒	Depth (inches):		
Saturation Present Yes ☐ No ☒	Depth (inches):		
(includes capillary fringe)			
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

VEGETATION – Use scientific names of plants.

Sampling Point: UPL-1

<u>Tree Stratum</u> (Plot size: <u>30 ft</u>)	<u>Absolute % Cover</u>	<u>Dominant Species</u>	<u>Indicator Status</u>
1. <u>Thuja occidentalis</u>	<u>10</u>	<u>Yes</u>	<u>FACW</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
<u>10</u> = Total Cover			
<u>Sapling/Shrub Stratum</u> (Plot size: <u>15 ft</u>)			
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
<u>0</u> = Total Cover			
<u>Herb Stratum</u> (Plot size: <u>5 ft</u>)			
1. <u>Digitaria ischaemum</u>	<u>20</u>	<u>Yes</u>	<u>FACU</u>
2. <u>Panicum capillare</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>
3. <u>Ambrosia artemisiifolia</u>	<u>10</u>	<u>Yes</u>	<u>FACU</u>
4. <u>Setaria pumila</u>	<u>5</u>	<u>No</u>	<u>FAC</u>
5. <u>Verbena hastata</u>	<u>5</u>	<u>No</u>	<u>FACW</u>
6. <u>Verbascum thapsus</u>	<u>5</u>	<u>No</u>	<u>UPL</u>
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
<u>55</u> = Total Cover			
<u>Woody Vine Stratum</u> (Plot size: <u>30 ft</u>)			
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
<u>0</u> = Total Cover			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>15</u>	x 2 = <u>30</u>
FAC species <u>15</u>	x 3 = <u>45</u>
FACU species <u>30</u>	x 4 = <u>120</u>
UPL species <u>5</u>	x 5 = <u>25</u>
Column Totals: <u>65</u> (A)	<u>220</u> (B)
Prevalence Index = B/A = <u>3.38</u>	

Hydrophytic Vegetation Indicators:

- 1 - Rapid Test for Hydrophytic Vegetation
- 2 - Dominance Test is >50%
- 3 - Prevalence Index is $\leq 3.0^1$
- 4 - Morphological Adaptations¹
(Provide supporting data in Remarks or on a separate sheet)

_____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks: (Include photo numbers here or on a separate sheet.)

SÒIL

Sampling Point: UPL-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

☐ Histosol (A1)	☐ Polyvalue Below Surface (S8) (LRR R ,
☐ Histic Epipedon (A2)	MLRA 149B)
☐ Black Histic (A3)	☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
☐ Hydrogen Sulfide (A4)	☐ High Chroma Sands (S11) (LRR K, L)
☐ Stratified Layers (A5)	☐ Loamy Mucky Mineral (F1) (LRR K, L)
☐ Depleted Below Dark Surface (A11)	☐ Loamy Gleyed Matrix (F2)
☐ Thick Dark Surface (A12)	☐ Depleted Matrix (F3)
☐ Sandy Mucky Mineral (S1)	☐ Redox Dark Surface (F6)
☐ Sandy Gleyed Matrix (S4)	☐ Depleted Dark Surface (F7)
☐ Sandy Redox (S5)	☐ Redox Depressions (F8)
☐ Stripped Matrix (S6)	☐ Marl (F10) (LRR K, L)
☐ Dark Surface (S7)	

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
☐ Polyvalue Below Surface (S8) (**LRR K, L**)
☐ Thin Dark Surface (S9) (**LRR K, L**)
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
☐ Red Parent Material (F21)
☐ Very Shallow Dark Surface (F22)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No X

Remarks:

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Kotes Property City/County: Town of Grafton/Ozaukee Sampling Date: 09/29/2022
 Applicant/Owner: Kevin and Ann Kotes State: Wis Sampling Point: UPL-2
 Investigator(s): S. Majerus Section, Township, Range: S25 T10N R21E
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope %: 0
 Subregion (LRR or MLRA): LRR K, MLRA 95B Lat: 43.304917 Long: -87.952881 Datum: WGS84
 Soil Map Unit Name: Ritchey silt loam, 0 to 6 percent slopes NWI classification: NA
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No X (If no, explain in Remarks.)
 Are Vegetation , Soil X, or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u> Hydric Soil Present? Yes <u> </u> No <u>X</u> Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u> If yes, optional Wetland Site ID: <u>NA</u>
Remarks: (Explain alternative procedures here or in a separate report.) Soil core was observed in a shallow swale at the base of exposed bedrock, adjacent to an open water feature, atop the bank of the Milwaukee River. Antecedent precipitation evaluation indicates wetter than normal site conditions. While dominant hydrophytic vegetation and secondary indicators of hydrology were observed at this plot, hydric soils were lacking, and hydrology was met only by vegetation and landscape position despite a wetter than normal climate. No primary indicators were observed; therefore, this plot was determined to be upland.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required: check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>	
☐ Surface Water (A1) ☐ High Water Table (A2) ☐ Saturation (A3) ☐ Water Marks (B1) ☐ Sediment Deposits (B2) ☐ Drift Deposits (B3) ☐ Algal Mat or Crust (B4) ☐ Iron Deposits (B5) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Sparsely Vegetated Concave Surface (B8)	☐ Water-Stained Leaves (B9) ☐ Aquatic Fauna (B13) ☐ Marl Deposits (B15) ☐ Hydrogen Sulfide Odor (C1) ☐ Oxidized Rhizospheres on Living Roots (C3) ☐ Presence of Reduced Iron (C4) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Thin Muck Surface (C7) ☐ Other (Explain in Remarks)	☐ Surface Soil Cracks (B6) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Stunted or Stressed Plants (D1) ☒ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ Microtopographic Relief (D4) ☒ FAC-Neutral Test (D5)	
Field Observations: Surface Water Present Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> (includes capillary fringe)		Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

Attachment: Kotes File (Kevin and Ann Kotes Wetland Delineation Report and Survey)

VEGETATION – Use scientific names of plants.

Sampling Point: UPL-2

Tree Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species	Indicator Status	
1. <u>Acer saccharinum</u>	10	Yes	FACW	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75</u> (A/B)
2. <u>Acer negundo</u>	5	No	FAC	
3. <u>Thuja occidentalis</u>	5	No	FACW	
4. _____				
5. _____				
6. _____				
7. _____				
<u>20</u> = Total Cover				Prevalence Index worksheet: Total % Cover of: Multiply by: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>65</u> x 2 = <u>130</u> FAC species <u>25</u> x 3 = <u>75</u> FACU species <u>25</u> x 4 = <u>100</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>115</u> (A) <u>305</u> (B) Prevalence Index = B/A = <u>2.65</u>
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				Hydrophytic Vegetation Indicators: - 1 - Rapid Test for Hydrophytic Vegetation X 2 - Dominance Test is >50% X 3 - Prevalence Index is ≤3.0 ¹ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation ¹ (Explain)
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				Hydrophytic Vegetation Present? Yes <u>X</u> No _____
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				Remarks: (Include photo numbers here or on a separate sheet.)
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				
<u>20</u> = Total Cover				

Attachment: Kotes File (Kevin and Ann Kotes Wetland Delineation Report and Survey)

SÒIL

Sampling Point: UPL-2

[illegible]

October 22, 2022
Kevin and Ann Kotes
Page 9 of 9

Reference: Summary of Wetland Presence/Absence Evaluation, Town of Grafton, Ozaukee County, Wisconsin

ATTACHMENT E – STUDY AREA PHOTOGRAPHS



View of the Milwaukee River, facing south



View of Study Area, facing south





View of Study Area, facing north

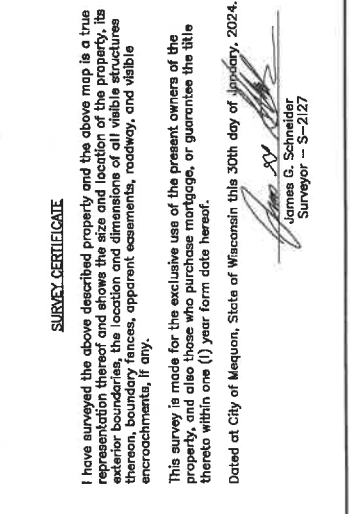


6.a.1.a



View of UPL-2, facing southeast





Said Parcel containing 109,096 sq. ft/2.505 acres of land, more or less to the water's edge.

Dated at City of Mequon, State of Wisconsin this 30th day of January, 2024.

THIS IS AN ORIGINAL PRINT
ONLY IF STAMPED IN RED

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	UW Extension
DIRECTOR:	Cindy Sarkady
PREPARER:	Claudia Breitengross

Agenda Summary Introduction of Paul Roback, Extension Ozaukee County Community Development Educator

NATURAL RESOURCES COMMITTEE

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	UW Extension
DIRECTOR:	Cindy Sarkady
PREPARER:	Claudia Breitengross

Agenda Summary UW-Madison Division of Extension Ozaukee County Reports

ATTACHMENTS:

- March 2024 Report (PDF)
- 2024 Oversight Comm Recommended PnL Amended Bdgt3.2024 (PDF)

NATURAL RESOURCES COMMITTEE



Extension

UNIVERSITY OF WISCONSIN-MADISON
OZAUKEE COUNTY

MARCH 2024 REPORT

4-H YOUTH DEVELOPMENT



Positive Youth Development prepares the youth of today to become the effective, empathetic adults of tomorrow. Our research-based youth enrichment programs like teens in governance build youth and adult capacity and partnerships that help both sides grow. 4-H clubs, camps and after-school programs give young people the hands-on experiences they need to develop an understanding of themselves and the world.

Colleen Machut, 4-H Program Educator

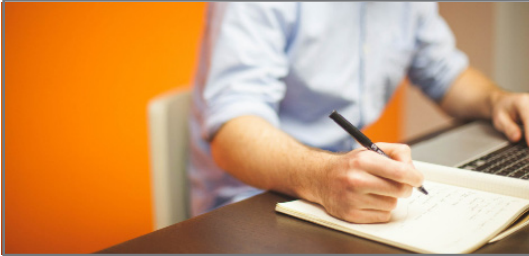
- Conducting club visits/observations with 4-H clubs and chartered groups. Conducting club visits will provide evidence of current 4-H practices in action and will indicate support and training that club leaders may need in order to best facilitate youth in taking advantage of 4-H programming and developing life skills.
- Scheduling and planning two support and feedback sessions for 4-H volunteers and youth members in April 2024. Analysis of needs assessment interviews combined with data analysis from enrollment data and Thrive data will create a full picture of the current status of the 4-H program and help to create clear goals for improvement moving forward so we can more effectively serve the needs and interests of youth in an inclusive way.
- Continued needs assessment 1:1 interviews with 4-H leaders and subsequent data analysis to set goals for 4-H supports and resources to be provided to 4-H volunteers and members. Holding feedback and support sessions will allow volunteers and youth members to have their voices heard and provide them with an opportunity to ask clarifying questions and make suggestions so that they can more fully participate in the opportunities that 4-H has to offer.


Extension

 UNIVERSITY OF WISCONSIN-MADISON
 OZAUKEE COUNTY

MARCH 2024 REPORT

COMMUNITY DEVELOPMENT



Community Development provides educational programming to assist leaders, communities, and organizations realize their fullest potential. We work with communities to build the vitality that enhances their quality of life and enriches the lives of their residents. IN short, the Community Development Institute plants and cultivates the seeds for thriving communities and organizations.

Paul Roback, Community Development Educator

A board member from Family Promise of Ozaukee County, a local nonprofit, contacted Paul to facilitate a process that would create a strategic plan for the organization. To achieve the planning objectives, Paul first engaged the organization's board and staff with an online survey to solicit feedback on updating the organization's mission statement and seek input for creating a vision statement. A second survey was sent to external stakeholders to determine how well the organization fulfills its mission. Then, Paul facilitated two strategic planning sessions attended by 17 board members and staff. The planning process included updating their mission statement, creating a vision statement, identifying and prioritizing goals, and developing actions steps to ensure their success.

From evaluation (N=13), 100% of participants agreed that updating the mission statement helped clarify their role as an organization, creating a vision statement assisted them in understanding the general direction for their organization's future, and identifying and prioritizing goals increased their ability to identify issues and set priorities. 92% agreed that creating action plans increased their ability to identify their next steps for future implementation. Participants evaluated Paul's facilitation as a 4.8 on a 5-point Likert Scale (1=poor and 5=excellent). One participant commented "I think you got us as a whole board to focus in a way we have not done before." Another commented "great job as always. Your unique way to manage a group is awesome."


Extension

 UNIVERSITY OF WISCONSIN-MADISON
 OZAUKEE COUNTY

MARCH 2024 REPORT

AGRICULTURE



If it happens on a farm or in a field, the Extension Institute of Agriculture works with you to achieve better results. Our innovative dairy management programs range from genetics to farm and business management. Extension researchers work hand-in-hand with row crop, forage and fresh produce growers to provide best practices for every aspect of the growing phase. We also advise communities on using sustainable practices to create inviting spaces free from invasive species

Crops

Liz Gartman, Regional Crops Educator

The agriculture marketplace is constantly changing, requiring producers to identify farming practices that allow them to remain profitable and environmentally sustainable. Partnering with the Cedar Creek Farmers Producer Led Group and Washington Co. Land & Water, we planned a Regional Ag update meeting that provided insight on topics related to disability resources for farmers, manure and nutrient management, feed efficiency and quality for livestock and marketing considerations to recognize as we plan the 2024 crop year. I invited speakers that are experts in their field and were able to provide up to date, practical management applications for attendees. Attempts were made to include speakers with a wide range of expertise to provide a well-rounded program to best suit the needs of attendees.

92% of attendees rated the program as “Excellent” or “Good” overall. A majority (over 50%) of attendees indicated they would use information “a great deal” related to Feeding Cover Crops (54%); Manure Management (65%), Local Nitrogen Rates (52%) and Marketing Ideas for 2024 (53.6%). Attendees indicated they saw value in manure sampling and management, implementing cover crops as part of soil health programs, and practical ways to feed cover crops to livestock. These management practices can better equip producers and supporting agribusinesses and agency staff to increase resiliency in crop systems and farm businesses.

We teach, learn, lead and serve, connecting people with the University of Wisconsin, and engaging with them in transforming lives and communities.

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Ozaukee County Office

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Support Staff

Liz Gartman
Regional Crops Educator

Paul Roback
*Community Development
Educator*

Cassi Worster
Area Marketing Specialist

An EEO/AA employer, University of Wisconsin-Madison Division of Extension provides equal opportunities in employment and programming, including Title VI, Title IX, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act requirements.

Attachment: March 2024 Report (UW-Madison Division of Extension Ozaukee County Reports)

Ozaukee County Committee Report

General Fund University of Wisconsin Extension

For the Two Months Ending Thursday, February 29, 2024

Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Intergovernmental Revenues	-	-	\$3,890	\$3,890	0.00%
Public Charges for Services	-	-	\$7,980	\$7,980	0.00%
Total Revenues	-	-	\$11,870	\$11,870	0.00%
Expenditures					
Salaries	\$5,101	\$7,454	\$66,305	\$58,851	11.24%
Fringe Benefits	\$633	\$935	\$8,253	\$7,318	11.33%
Travel/Training	-	-	\$13,588	\$13,588	0.00%
Supplies	-	\$673	\$17,940	\$17,267	3.75%
Purchased Services	\$88	\$211	\$106,664	\$106,453	0.20%
Interdepartment Charges	\$1,392	\$2,878	\$20,619	\$17,741	13.96%
Other Expenses	-	-	\$1,043	\$1,043	0.00%
Total Operating Expenditures	\$7,214	\$12,151	\$234,412	\$222,261	5.18%
Capital Outlay					
Total Expenditures	\$7,214	\$12,151	\$234,412	\$222,261	5.18%
Net Increase (Decrease)	(\$7,214)	(\$12,151)	(\$222,542)	(\$210,391)	5.46%

Equity:

Attachment: 2024 Oversight Comm Recommended PnL Amended Bdgt3.2024 (UW-Madison Division of Extension Ozaukee County Reports)

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	UW Extension
DIRECTOR:	Cindy Sarkady
PREPARER:	Claudia Breitengross

Agenda Summary Community Development Educator Outreach Report

ATTACHMENTS:

- Community Development Educator Outreach Report-2024-04-04 (PDF)

NATURAL RESOURCES COMMITTEE



Community Development Programming



Extension Community Development Educator Paul Roback **responds to requests for assistance from local communities and organizations** who want to enhance local decision-making and respond to new challenges and opportunities. Programs are designed and delivered to meet these locally identified needs.

Background

- 22+ years of Extension experience.
- Built the capacity of 100+ nonprofits, community organizations, coalitions, local governments, and school districts.
 - Board development, strategic planning, visioning, public policy analysis, and program evaluation.
- Certified Real Colors facilitator- co-taught 60+ workshops to over 1,300 participants from local governments, nonprofits, school districts, and businesses.
- Professor in the Department of Extension & and an Affiliate of the Center for Community and Nonprofit Studies at UW-Madison's School of Human Ecology.
- Recognized by state and national Extension colleagues.
- Presenter at state and national conferences.
- International Extension experiences- Japan, Guyana, & Costa Rica.

Needs Assessment

- 2017 Visioning Session for vacant Ozaukee Community Development position.
- Annually research and track US Census, local newspapers, nonprofit strategic planning, county board oversight committee input, county administrator, and additional data sources.

Response

- Completed Projects
 - Family Promise of Ozaukee County- Strategic Planning
- Current Projects
 - Cedarburg Education Foundation- strategic planning.
 - SE WI Invasive Species Consortium- board development.
- Potential Projects
 - Cedarburg/Grafton Rotary- preplanning meeting. Sent planning proposal.
 - Portal, Inc.- preplanning meeting on 3/22. Sent planning proposal.
 - Lakeshore Regional Child Advocacy Center- preplanning meeting on 3/27.
 - United Way of Northern Ozaukee- meeting on 3/28.
 - Cedarburg Cultural Center- possible facilitation.
 - Ozaukee County HR- possible staff development through Real Colors.

Program Impact: 2014-2023

Since 2014, Paul has measured long-term outcomes of his community development programs using an end-of-year evaluation. During this time, 90 organizations received this evaluation and 77 responded with a response rate of 86%.

As a result of Paul's facilitation:	Strongly Disagree & Disagree	Neutral	Agree & Strongly Agree
▪ Our organization has been strengthened.	0%	4%	96%
▪ Our organization has been more strategic in fulfilling our mission.	0%	7%	94%
▪ Our organization has an increased capacity to address community issues and opportunities.	0%	5%	95%

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 4, 2024
DEPARTMENT: Register of Deeds
DIRECTOR: Jennifer Laurin
PREPARER: Jennifer Laurin

Agenda Summary Supplemental Appropriation - Land Information Plan Projects

BACKGROUND INFORMATION: Ozaukee County Land Information was awarded \$70,000 in 2023 from the WLIP Strategic Initiative Grant. Per State Statute, these funds are to be exclusively used for projects laid out in the Land Information Plan. The county has two years to close out the grant, which is still open. There was a grant balance of \$18,800 not used at the end of 2023.

ANALYSIS: The Land Information Office plans to use the remaining \$18,800 for 2024 projects, including the 2024 Orthophotography and NG-911 centerline & address point data preparation. The Land Information Office wishes to simply carry over the remaining \$18,000 from the 2023 budget to the 2024 budget.

FISCAL IMPACT: \$0

Balance Current Year: None Next Year's Estimated Cost: None

FUNDING SOURCE: Intergovernmental Revenue - Special Revenues

County Levy: \$0 Non-County Levy: \$18,800.00 Indicate source: 2023 Grant

RECOMMENDED MOTION: Approve and recommend to the Ozaukee County Board of Supervisors the budget amendment for the remaining 2023 Grant Funds to be used in 2024.

ATTACHMENTS:

- Budget Amendment Form 2024 (PDF)

NATURAL RESOURCES COMMITTEE



Budget Amendment Request Committee Approval Form

8.a.1.a

TO: Finance Committee

FROM: Land Information Office

Department Name

Date of Request: 11-Mar-24

Resolution No: _____

Period Transfer Recorded: _____

Type of Budget Amendment (check one)

Increase of Revenue: _____

Fund Transfer: _____

Supplemental Appropriations: ☒

Debit / Expense			Credit / Revenue		
Acct #	208-1-01-54107-007	\$ 18,800	A/C #		\$
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc	Purchased Services		Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Total Debits:		18,800	Total Credits:		-

Reason for Request (Be Specific). Also fill out Support Document for County Board.

Ozaukee County Land Information was awarded \$70,000 in 2023 from the WLIP Strategic Initiative Grant. Per State Statute, these funds are to be exclusively used for projects laid out in the Land Information Plan. The county has two years to close out the grant, which is still open. There was a grant balance of \$18,800 not used at the end of 2023. The Land Information Office plans to use the remaining \$18,800 for 2024 projects, including the 2024 Orthophotography and NG-911 centerline & address point data preparation. The Land Information Office wishes to simply carry over the remaining \$18,000 from the 2023 budget to the 2024 budget.

Rob Holyoke

Department Head Signature

TYPE IN Oversight Committee Chairperson's Name

Oversight Committee Members

Finance Committee Members

4/4/2024

4/4/2024

Date of Meeting

Date of Meeting

Date Amended:

Budget Amended By:

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Register of Deeds
DIRECTOR:	Jennifer Laurin
PREPARER:	Jennifer Laurin

Agenda Summary Register of Deeds/Land Info Department Report

ATTACHMENTS:

- March Department Report (DOCX)
- ROD (PDF)
- Land Information (PDF)

NATURAL RESOURCES COMMITTEE



Register of Deeds

Land Information

March 2024 Department Report

Register of Deeds Office: We recorded 681 documents in February, compared to 689 for the same period the year before. 77.83% of the documents this month were recorded as a digital record. We had a profit of \$12,076.00 for February, and \$32,737.00 year-to-date.

In February we received \$110,340.90 in Transfer Fees. Of that amount \$88,272.72 was the portion that went to the State, and \$22,068.18 was the portion that went to the County.

In February, we gained two new contract customers. Our monthly profit for our contract customers was \$5,798.34. Given the nature of the current real estate market, we are excited to see this.

Land Information Office:

Due to the previous GIS Coordinator retiring in 2022, and Ron's upcoming retirement at the end of this year, many additional responsibilities have fallen solely on the current GIS Coordinator.

A few of the many responsibilities of the office include: general mapping, maintaining multiple geodatabases used on the GIS website, preparing centerline & address data for Next-Gen 911 while coordinating with the Sheriff's Department, assisting other departments and municipalities with maps and other GIS needs, along with submitting county data regularly to the State. This office is also tasked with many data requests by the public and other general administrative duties.

In addition, when Ron retires this year, this office will also be absorbing the task of mapping all parcel splits and updating the Tax Assessment Roll.

The Land Information Office is currently down to a staff of one. Due to the increased work load of the office and reduced staff, we need to add a GIS Technician position. The GIS Tech position was previously budgeted, however, when it was not filled last year, it was removed.

Ozaukee County Committee Report

General Fund Register of Deeds

For the Two Months Ending Thursday, February 29, 2024

Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Public Charges for Services	\$46,677	\$103,961	\$1,000,000	\$896,039	10.40%
Total Revenues	\$46,677	\$103,961	\$1,000,000	\$896,039	10.40%
Expenditures					
Salaries	\$20,461	\$32,675	\$260,054	\$227,379	12.56%
Fringe Benefits	\$8,540	\$21,478	\$94,314	\$72,836	22.77%
Travel/Training	\$178	\$203	\$2,700	\$2,497	7.52%
Supplies	\$12	\$169	\$1,325	\$1,156	12.75%
Purchased Services	\$2,945	\$11,546	\$103,150	\$91,604	11.19%
Interdepartment Charges	\$2,465	\$5,103	\$36,437	\$31,334	14.00%
Other Expenses	-	\$50	-	(\$50)	0.00%
Total Operating Expenditures	\$34,601	\$71,224	\$497,980	\$426,756	14.30%
Capital Outlay					
Total Expenditures	\$34,601	\$71,224	\$497,980	\$426,756	14.30%
Net Increase (Decrease)	\$12,076	\$32,737	\$502,020	\$469,283	6.52%

Equity:

Attachment: ROD (Register of Deeds/Land Info Monthly Department Report)

Ozaukee County Committee Report

Special Revenue Fund Land Information

For the Two Months Ending Thursday, February 29, 2024
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Taxes	-	-	\$57,535	\$57,535	0.00%
Intergovernmental Revenues	-	-	\$11,000	\$11,000	0.00%
Public Charges for Services	\$5,406	\$12,142	\$100,000	\$87,858	12.14%
Total Revenues	\$5,406	\$12,142	\$168,535	\$156,393	7.20%
Expenditures					
Salaries	\$4,979	\$7,469	\$64,722	\$57,253	11.54%
Fringe Benefits	\$1,703	\$3,944	\$20,930	\$16,986	18.84%
Travel/Training	-	\$525	\$7,000	\$6,475	7.50%
Supplies	-	-	\$16,500	\$16,500	0.00%
Purchased Services	\$19	\$39	\$54,000	\$53,961	0.07%
Interdepartment Charges	\$379	\$758	\$4,846	\$4,088	15.64%
Other Expenses	-	-	\$537	\$537	0.00%
Total Operating Expenditures	\$7,080	\$12,735	\$168,535	\$155,800	7.56%
Capital Outlay					
Total Expenditures	\$7,080	\$12,735	\$168,535	\$155,800	7.56%
Net Increase (Decrease)	(\$1,674)	(\$593)	-	\$593	0.00%

E q u i t y:

Attachment: Land Information (Register of Deeds/Land Info Monthly Department Report)

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 4, 2024
DEPARTMENT: Land and Water Management
DIRECTOR: Katie Vogeler
PREPARER: Geoff Schramm

Agenda Summary Memorandum of Agreement Between Natural Resources Conservation Service and Ozaukee County Land and Water Management

BACKGROUND INFORMATION: The Intergovernmental Cooperation Agreement reflects the responsibilities and tasks associated with the NRCS and Ozaukee County Land and Water. This agreement is through December 31, 2021.

ANALYSIS: The Land & Water Management Department will be working with the Demo Farm Network to install soil and water conservation practices.

FISCAL IMPACT: County is allocating staff time to assist with the Ozaukee County Demo Farm Network to work with these landowners to install soil health practices. Outreach and Educational activities will be utilized to teach other landowners the value of these farm practices.

FUNDING SOURCE: NRCS

County Levy: \$0

RECOMMENDED MOTION: Approval

ATTACHMENTS:

- Memorandum of Agreement Between NRCS and Ozaukee County Land and Water (PDF)

NATURAL RESOURCES COMMITTEE

MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND
Ozaukee County Land & Water Management Department

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the Ozaukee County Land & Water Management Department (Ozaukee County LWCD). The collective name of both entities is hereafter referred to as the "Parties".

The Parties have common objectives of delivering technical and financial assistance to farmers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This MOA agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of our cooperators/customers;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. BACKGROUND

The Parties share a history of collaborating to deliver comprehensive technical and financial assistance to farmers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

Ozaukee County LWCD is responsible for planning, setting priorities and implementing land and water conservation programs as authorized under Chapter 92, Wisconsin Statutes.

III. STATEMENT OF MUTUAL BENEFIT

The Parties recognize the importance of working together to broaden strategic assessment and planning authority under the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either part to activities beyond the scope of its respective mission and statutory authorities.

IV. RESPONSIBILITIES

A. NRCS will:

1. Designate the NRCS Assistant State Conservationist for Field Operations as the liaison to Ozaukee County LWCD for this MOA Agreement. Implementation of the MOA at the local level will be coordinated by the NRCS District Conservationist.
2. Collaborate with Ozaukee County LWCD to develop and implement work strategies designed to meet the soil and water conservation goals and objectives of the County Land

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and Water Resource Management Plan, as well as NRCS's Local Work Group, State Technical Committee, and Agency Priorities.

3. Acknowledge the County Land and Water Resource Management Plan when convening the Local Work Group for developing and updating County conservation priorities.
4. Provide consultation and guidance to the County Land Conservation Committee and County Conservation staff on NRCS policy and technical issues when requested.
5. Assist in providing technical training to County employees in the art and science of soil conservation and water quality technology, to the extent that NRCS personnel can be made available.
6. Acknowledge State and County standards and specifications related to conservation work, and help inform prospective participants of such requirements. NRCS has no authority to assume joint responsibility when the County adopts standards and specifications that differ from NRCS standards and specifications. NRCS has no authority to help the County apply practices for State or County programs using standards and specifications that are not contained in the Field Office Technical Guide (FOTG).

B. Ozaukee County LWCD will:

1. Designate the Director, or equivalent, as the liaison for this MOA Agreement.
2. Collaborate with the NRCS to develop and implement work strategies designed to meet the soil and water conservation goals and objectives of the County Land and Water Resource Management Plan, as well as NRCS Local Work Group, State Technical Committee, and Agency Priorities.
3. Include County resource concerns and priorities as set by the Local Work Group when developing and updating the County Land and Water Resource Management Plan.
4. Acknowledge NRCS standards and specifications contained in the NRCS FOTG related to federal conservation work, and help inform prospective participants of such requirements.
5. Assist in promoting NRCS programs to the extent determined by the County.
6. Assist in providing training to NRCS employees on State and/or County laws and ordinances related to conservation program implementation, to the extent that County personnel can be made available.

V. DATA AND INFORMATION SHARING

1. Any information furnished to NRCS under this MOA agreement is subject to the Freedom of Information Act (5 U.S.C. 552).
2. Activities performed under this MOA agreement may involve access to confidential and potentially sensitive information about governmental and landowner issues. The term "confidential information" means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.
3. Ozaukee County LWCD personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. Ozaukee County LWCD personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with 7 USC 8791 (Section 1619 of PL 110-234, the Food, Conservation, and Energy Act of 2008).
4. See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

VI. GENERAL PROVISIONS

A. Period of Performance

1. This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

1. This MOA may be amended upon written request of either Party and the subsequent written concurrence of the other. Either of the Parties may terminate this MOA with a 60-day written notice to the other.

C. Transfer of Funding or Non-Monetary Resources

1. This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:
 - a. Office spaces and equipment/supplies
 - b. Vehicles and associated expenses (e.g., fuel, maintenance)
 - c. Computers, software, and technical equipment

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2. Specific work projects or activities that involve the transfer of funds, services, or property will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOA does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations. The appropriate instruments include:
 - a. Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
 - b. Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
 - c. Reimbursable Agreement (31 USC 6505; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

1. This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
2. The Parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each Party will carry out its separate activities in a coordinated and mutually beneficial manner.
3. All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.
4. All activities conducted under this MOA shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

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VII. SIGNATURES

In witness whereof, the Parties to this MOA through their duly authorized representatives have executed this MOA on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOA as set forth herein.

OZAUKEE COUNTY LAND & WATER MANAGEMENT DEPARTMENT

GEOFF SCHRAMM Date
Land and Water Coordinator

For

KATIE VOGELER
Director

USDA NATURAL RESOURCES CONSERVATION SERVICE

JOSHUA ODEKIRK Date
Acting State Conservationist

APPENDIX A

ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS

I. Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter, “Acknowledgment”) is to require acknowledgment by Ozaukee County Land & Water Management Department (hereinafter, the “Conservation Cooperator”) of the requirements of 7 USC 8791 (Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill)), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The Conservation Cooperator assists USDA in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Federal agreement. Those individuals or organizations (governmental or nongovernmental) that assist USDA with providing conservation-related services are known as Conservation Cooperators.

II. NRCS Conservation Cooperator

As a Conservation Cooperator, the Conservation Cooperator is authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for the Conservation Cooperator to provide conservation related services or to perform monitoring, assessing, or evaluating of conservation benefits (as specified in the agreement between NRCS and the Conservation Cooperator). Disclosure to the Conservation Cooperator can include receiving the protected information either 1) directly from USDA; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer’s permission.

III. Section 1619 of the 2008 Farm Bill

Section 1619 of the Food, Conservation, and Energy Act of 2008 hereinafter, “section 1619” provides that USDA, or any “contractor or cooperator” of USDA, “shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.” USDA may disclose protected information to a USDA cooperator when such cooperator is “providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices” if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. The Conservation Cooperator is a

“contractor or cooperator” of USDA within the meaning of Section 1619. Accordingly, the Conservation Cooperator may not subsequently disclose any information protected by section 1619. By entering the agreement that references this Acknowledgement, the Conservation Cooperator is certifying future compliance with the statutory obligations under Section 1619.

IV. Responsibilities

A. The Conservation Cooperator certifies that:

1. It acknowledges and understands that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
2. Acceptance of the agreement referencing this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with USDA prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
3. The Conservation Cooperator will use the protected information only to perform work that is directly connected to conservation related services or perform monitoring, assessing, or evaluating conservation benefits, as specified in the agreement between NRCS and the Conservation Cooperator (hereinafter, “the Work”). Use of the protected information to perform work that is not directly connected to the Work is expressly prohibited.
4. The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to perform the Work.
5. The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer a Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
6. The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
7. When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with USDA to determine whether the information must be withheld.
8. This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned,

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extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.

9. Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer a Conservation Cooperator. When the Conservation Cooperator is no longer a Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to USDA. The Conservation Cooperator must provide to USDA written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
10. The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

V. Protected Information

- A. Examples of non-releasable information under Section 1619 of the Farm Bill include, but **not limited to**, the following:
 1. State identification and county number (where reported and where located).
 2. Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 3. Farm, tract, field, and contract numbers.
 4. Production shares and share of acres for each Farm Serial Number (FSN) field.
 5. Acreage information, including crop codes.
 6. All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
 7. Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
 8. Location of conservation practices.
- B. Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however, the Conservation Cooperator shall consult with USDA if there is any uncertainty as to the provision of such information.
- C. Section 1619 also allows disclosure of otherwise protected information if "the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite." The Conservation Cooperator must consult with USDA as to whether specific information falls within this exception prior to relying on this exception.

VI. Violations

N5524MOU0012700

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by USDA, including termination of the underlying Federal agreement.

VII. Effective Period

This Acknowledgment will be in effect on the date of the final signature of the underlying agreement and continues until USDA notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 4, 2024
DEPARTMENT: Land and Water Management
DIRECTOR: Katie Vogeler
PREPARER: Geoff Schramm

Agenda Summary Unfunded Cooperative Agreement with Natural Resources Conservation Service and Ozaukee County Land and Water Management

BACKGROUND INFORMATION: The Unfunded Cooperative Agreement reflects the responsibilities and tasks associated with the NRCS and Ozaukee County Land and Water. This agreement is through December 31, 2028.

ANALYSIS: The Land & Water Management Department will be working with the Demo Farm Network to install soil and water conservation practices.

FISCAL IMPACT: County is allocating staff time to assist with the Ozaukee County Demo Farm Network to work with these landowners to install soil health practices. Outreach and Educational activities will be utilized to teach other landowners the value of these farm practices.

FUNDING SOURCE: NRCS

County Levy: \$0

RECOMMENDED MOTION: Approval

ATTACHMENTS:

- Unfunded Cooperative Agreement with NRCS and Ozaukee County Land and Water (PDF)

NATURAL RESOURCES COMMITTEE

Unfunded Cooperative Agreement Face Sheet

Agreement Number N5524UCA0002319		Amendment No.	Period of Performance Date of Final Signature - 12/31/2028	DUNS: N/A EIN: N/A
Natural Resources Conservation Service (NRCS) (Name and Address) USDA Natural Resources Conservation Service 8030 Excelsior Drive, Suite 200 Madison, WI 53717			Partner Organization (Name and Address) Ozaukee County Land & Water Management Department 121 W Main Street Port Washington, WI 53074	
NRCS Program Contact Abigale Johnson abigale.johnson@usda.gov		FPAC - BC Administrative Contact: Kimberly Johnson kimberly.johnson2@usda.gov	Partner Program Contact: Katie Vogeler kvogeler@ozaukeecounty.gov	Partner Administrative Contact: Katie Vogeler kvogeler@ozaukeecounty.gov
CFDA Number 10.902	Authority 16 U.S.C. 590 a-f		Type of Action i. New Agreement	Instrument type Unfunded Cooperative Agreement
Location: Ozaukee County, Wisconsin				
Details: This Unfunded Cooperative Agreement specifies what shared resources each Party will provide. A complete agreement includes this Face Sheet, Continuation Face Sheet(s)(if applicable), the Statement of Work, and the Unfunded Cooperative Agreement Initial Estimate and Annual Usage Report, attached hereto and incorporated herein. This agreement is subject to applicable USDA NRCS statutory provisions and regulations. In accepting this agreement or amendment, the undersigned represents that he or she is duly authorized to act on behalf of the Partner organization and agrees to comply with agreement terms and conditions, including all attachments.				
Name and Title of Authorized Agency Representative JOSHUA ODEKIRK Acting State Conservationist		Signature		Date
Name and Title of Authorized Partner Representative Geoff Schramm Land and Water Coordinator on behalf of Katie Vogeler, Director		Signature		Date

NONDISCRIMINATION STATEMENT - The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender.

PRIVACY ACT STATEMENT - The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 552a).

Statement of Work

I. Purpose

The purpose of this agreement is to accelerate delivery of Farm Bill programs and enhance conservation delivery through a partnership with the Ozaukee County Land & Water Management Department. The Natural Resources Conservation Service (NRCS) and Ozaukee County Land & Water Management Department (Partner) (together, Parties) have a mutual interest in delivering timely and effective assistance to customers participating in USDA programs and addressing natural resource concerns.

This agreement supplements the Memorandum of Agreement between the Parties and documents areas of common interest and clarifies the roles of federal, state, and local partners in providing conservation leadership and technical and financial assistance to customers in order to help them conserve and enhance natural resources through a voluntary cooperative approach. The agreement will specify the transfer of resources between NRCS and the Partner to accomplish delivery of NRCS programs and mutual conservation priorities.

II. Objectives

The Parties will jointly address opportunities, concerns, and problems related to the use of natural resources that help keep land healthy. Benefits of these activities include sustained and improved agricultural productivity; cleaner, safer, and more dependable water supplies; clean air; abundant wildlife; enhanced recreational opportunities; tranquil and scenic landscapes; reduced damages caused by flood, fires, and other natural disasters; and an enhanced natural resource base to support continued economic development and strengthen quality of life.

III. Budget Narrative

The Parties intend to share resources as identified in the “Resources Required” section of this agreement. Because the level of support offered by each party may vary from year to year, at the beginning of each fiscal year the Parties must cooperate to plan and document the specific resources allocated for that year’s performance using the Unfunded Cooperative Agreement Initial Estimate and Annual Usage Report.

IV. Responsibilities of the Parties

A. NRCS will:

1. In accordance with Section VI below, provide access to NRCS vehicles, equipment, technology, and technical tools to the extent available (intermittent, non-exclusive basis) to facilitate mission delivery and enable mutually beneficial program outcomes.
2. In accordance with Section VI below, provide access to shared office spaces to the extent available, where parties can better collaborate to achieve mutually beneficial outcomes and provide improved access and services to customers within the local community.

3. Employees of NRCS shall participate in efforts under this agreement solely as representatives of the United States. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of Partner or any member of Partner. They also shall not assist the Partner or any member of the Partner with efforts to lobby Congress, or to raise money through fundraising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with Partner, or any member of Partner, concerning future employment and shall refrain from participation in work regarding the Partner until approved by the Agency (USDA-NRCS).

B. Partner will:

1. In accordance with Section VI below, provide access to shared office spaces on an intermittent, non-exclusive basis, where the parties can better collaborate to achieve mutually beneficial outcomes and provide improved access and services to customers within the local community.
2. Utilize and report vehicle usage in accordance with Section VI, below.
3. Provide an annual report of activities and accomplishments to NRCS by the end of each fiscal year.
4. By entering into this agreement, the undersigned attests that the Partner:
 - a. Has not been convicted of a felony criminal violation under Federal or State law in the past 24 months preceding the date of signature, nor has any officer or agent of the Partner been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of signature.
 - b. Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
5. Ensure that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies. In addition, Partner agrees to comply with USDA Farm Production and Conservation mission area and NRCS requirements related to access to Government owned or controlled information systems as may be amended from time to time and communicated to the Partner.

V. Expected Accomplishments and Deliverables

See the attached Memorandum of Agreement (MOA), which documents the mutually agreed-to responsibilities of the parties and is incorporated herein.

VI. Resources Required

NRCS and the Partner may potentially share resources such as office space, vehicles, equipment, and supplies to carry out program activities to the extent available by each Party. For details see the Unfunded Cooperative Agreement Initial Estimate and Annual Usage Report. All resources provided by

NRCS are subject to availability of funds. In the event of a lapse in appropriations and Government shutdown, the Partner will not be permitted to use NRCS resources.

A. Vehicles

NRCS vehicles may be utilized for official business only as it relates to the work specified in this agreement and attachments, if available and needed.

1. Partner may request use of a government vehicle (GOV) in order to facilitate delivery of conservation technical assistance to landowners in support of the NRCS mission. Use of the vehicle will significantly increase the efficiency of the delivery of conservation programs. Approval from local NRCS Field Office shall be required for each and every vehicle use request.
2. Vehicle operators may only use GOVs for NRCS official business specified under this agreement. Use of vehicle by Partner must directly be related to a NRCS related conservation project or activity. Operators must avoid, when possible, any situation that may convey an impression to the public that the vehicle operator is using the assigned vehicle for an unofficial purpose.
3. Vehicle operators must immediately report any safety or mechanical deficiencies to local NRCS representative and must not operate the vehicle with known mechanical problems or safety deficiencies. NRCS is responsible for correcting deficiencies.
4. The NRCS will share a GOV with the Partner for official NRCS business. GOVs shall not be used to support any revenue-generating activity for the Partner.
5. The Partner will obtain prior written approval from NRCS for using vehicles at irregular hours or under circumstances in which using motor vehicles may create an unfavorable public reaction (for example, during Federal holiday or after business hours).
6. NRCS will bear the cost of maintenance of vehicles used by the Partner. Except in the case of an accident caused by a Partner driver (see vehicle accident provisions below), the NRCS will make repairs as necessary for safety and as needed to keep vehicle in safe operating condition.
7. NRCS will ensure placement of Federal Motor Vehicle Registration System (FMVRS) registration card in every GOV, which serves as the registration and proof of insurance documentation to be provided to law enforcement.
8. The NRCS technical contact for the agreement will work closely with the Partner in fulfilling the terms and conditions of this attachment at the local level.
9. Home-to-work transportation by Partner employees is prohibited.
10. The Partner will ensure that each vehicle operator has a valid state driver's license and instruct operators to carry a valid state driver's license while operating a GOV.

11. The Partner will ensure vehicle operators use all safety devices and follow appropriate motor vehicle manufacturer safety guidelines when operating GOVs. Seat belts must be used when operating or riding in GOVs.
12. The Partner will ban all vehicle operators from text messaging and using tobacco (smoke and smokeless) while using GOVs.
13. The Partner will utilize the NRCS-provided fleet card to pay for all fuel and repairs, with the exception of accident repairs for which the Partner is paying an auto repair facility directly (see accident provisions below). The Partner must comply with all NRCS fleet card policies, to include but not limited to the use of unique driver PINs, receipt retention requirements, fleet card training requirements, and prohibitions against using the card for unofficial purposes. Partner drivers must safeguard the fleet card at all times to prevent it from potential unauthorized use.
14. The Partner will immediately report all vehicle accidents and traffic violations to NRCS and complete all required documents to report accidents. The Partner will reimburse NRCS or pay an auto repair Company directly for any and all repairs to the GOV as a result of an accident caused by the Partner operator and pay all traffic violation citations.
15. The Partner will assume responsibility for claims arising from accidents caused by Partner drivers. The Partner will be responsible for receiving, processing, and paying tort claims that are submitted due to an accident caused by a Partner driver.
16. The Partner will notify the NRCS immediately of any loss, theft, or damage to a GOV, GOV license plates, or fleet cards.
17. It is prohibited for individuals other than federal employees or Partner employees performing official NRCS business under this agreement to ride as passengers in GOVs. Any other passengers must be approved through the passenger approval process described in NRCS vehicle policy.
18. The technical contact for the Partner will work with NRCS with fulfilling the terms and conditions of this attachment at the local level.
19. The use of GOVs may be suspended or revoked by NRCS, if it determines that corrective action is needed to meet the provisions of this attachment.
20. The furnishing of vehicles is contingent upon the availability of vehicles and appropriations.
21. The vehicle use policies outlined in this agreement do not contain all Federal, Departmental, and NRCS policies regarding the use of motor vehicles. This document is not intended to provide complete details, and the NRCS and the Partner must abide by all other appropriate policies governing GOV use.
22. The vehicle use policies outlined in this agreement do not contain all Federal, Departmental, and NRCS policies regarding the use of motor vehicles. This document is not intended to provide complete details, and the NRCS and the Partner must abide by all other appropriate policies governing GOV use.

B. Office Space

1. Shared work and office spaces are needed to more effectively carry out program activities and provide quality service to our mutual customers.
2. NRCS may have reserved work spaces in NRCS offices or spaces on an as needed basis, as well as access to common spaces such as conference rooms, kitchens, etc.

C. Equipment and Technology

1. NRCS may provide the Partner access to USDA computers, software, and the technical information needed to perform the work outlined in this agreement.
2. NRCS may provide access to technologies and applications to ensure consistent technical standards and documentation.

VII. Milestones

On a yearly basis the Parties shall jointly complete the Unfunded Cooperative Agreement Annual Usage Report.

VIII. Special Provisions

- A. This agreement may be extended or amended upon written request of either NRCS or the Partner and the subsequent written concurrence of the other. Either the NRCS or the Partner may terminate this agreement with a 60-day written notice to the other.
- B. The Partner assures and certifies that it will comply with the minimum-wage and maximum-hour provisions of the Federal Fair Labor Standards Act.
- C. Employees of the Partner shall remain its employees while carrying out their duties under this agreement and will not be considered Federal employees or agents of the United States for any purposes under this agreement.
- D. Employees of NRCS will participate in efforts under this agreement solely as representatives of the United States. They may not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of the recipient. They also may not assist the recipient with efforts to lobby Congress or to raise money through fundraising efforts. Further, FPAC employees must report to their immediate supervisor any negotiations with the recipient concerning future employment and must refrain from participation in projects or agreements with such recipients.
- E. Each party assumes responsibility for the actions of its own officials and employees acting within the scope of their employment to the extent provided by Federal, tribal, state, or local laws, including liability for injury to persons or damage to property resulting from the conduct of its own operations. The Government's liability shall be governed by the provisions of the Federal Tort Claims Act (28 U.S.C. 2671-80).
- F. Privacy Act and Prohibition Against Certain Internal Confidentiality Agreements
 1. Activities performed under this agreement may involve access to confidential and

potentially sensitive information about governmental and landowner issues. The term “confidential information” means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.

2. The Partner’s personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. The Partner’s personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with 7 USC 8791 (Section 1619 of PL 110-234, the Food, Conservation, and Energy Act of 2008).
3. The Partner agrees to comply with the “Prohibition Against Certain Internal Confidentiality Agreements:”
 - a. You may not require your employees or contractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
 - b. You must notify your employees or contractors that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this agreement provision are no longer in effect.
 - c. The prohibition in paragraph (1) of this agreement provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 - d. If NRCS determines that you are not in compliance with this agreement provision, NRCS:
 - i. Will prohibit your use of funds under this agreement, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law;
 - ii. May pursue other remedies available for your material failure to comply with agreement terms and conditions.

G. Acknowledgment of Section 1619 Compliance

The Partner agrees to comply with NRCS guidelines and requirements regarding the disclosure of information protected under Section 1619 of the Food, Conservation, and Energy Act of 2008 (PL 110-246), 7 U.S.C. 8791 as described below.

1. Responsibilities.
 - a. Signature on this agreement indicates acknowledgment and understanding that the Partner is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Partner will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this agreement. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The

Partner will be held responsible should disclosure of the protected information occur.

- b. Acceptance of this agreement legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Partner to comply with the provisions in Section 1619. The Partner must consult with NRCS prior to providing protected information to an entity or individual outside of the Partner and as necessary to implement the program to ensure that such release is permissible.
- c. The Partner will use the protected information only to perform work that is directly connected to this agreement. Use of the protected information to perform work that is not directly connected to this agreement is expressly prohibited.
- d. The Partner must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information to perform work under this agreement.
- e. The provisions in Section 1619 are continuing obligations. Even when the Partner is no longer a Partner, or when individuals currently affiliated with the Partner become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with these provisions.
- f. The Partner must notify all managers, supervisors, employees, contractors, agents, and representatives about this provision and the requirements of Section 1619. Notifications about the existence of this provision must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
- g. When the Partner is unsure whether particular information is covered or protected by Section 1619, the Partner must consult with NRCS to determine whether the information must be withheld.
- h. Use of the protected information for any purpose is expressly prohibited after the period of performance end date of this agreement. Upon the agreement end date, any protected information provided under this agreement must be immediately destroyed or returned to NRCS. The Partner must provide to NRCS written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
- i. Any State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

2. Protected Information.

- a. Examples of the types of information prohibited by disclosure under Section 1619 include, but are not limited to, the following:
 - i. State identification and county number (where reported and where located).

- ii. Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 - iii. Farm, tract, field, and contract numbers.
 - iv. Production shares and share of acres for each Farm Serial Number (FSN) field.
 - v. Acreage information, including crop codes.
 - vi. All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
 - vii. Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
 - viii. Location of conservation practices.
- b. Section 1619 allows disclosure of “payment information (including payment information and the names and addresses of Partners of payments) under any Department program *that is otherwise authorized by law*” (emphasis added). The names and payment information of producers generally may be provided to the public; however, the Partner shall consult with NRCS if there is any uncertainty as to the provision of such information.
- c. Section 1619 also allows disclosure of otherwise protected information if “the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite.” The Partner must consult with NRCS as to whether specific information falls within this exception prior to relying on this exception.
3. Violations. The Partner will be held responsible for violations of this provision and Section 1619. A violation of this provision by the Partner may result in action by NRCS, including termination of the underlying Federal agreement.
4. Effective Period. The requirements of this provision is effective on the date of the final signature and will continue until NRCS notifies the Partner that it is no longer required based on changes in applicable Federal law.

H. Records

- 1. Comply with state and federal legal requirements and limitations for access and use of relevant records. Confidential and personal information is for official use only and under no circumstances will it be used for personal gain. Adequate safeguards will be in place to protect confidential and personal information and appropriate training will be conducted to ensure all staff members and Board supervisors are advised of record policies and procedures and that NRCS records and District records are to be maintained in separate file cabinets at all times.
- 2. The Partner Records are subject to Wisconsin Open Records Law.
- 3. Any Partner personnel with access to USDA facilities and computer systems shall be subject to the security background checks as required by USDA.
- 4. In the event of a lapse in appropriations and government shutdown, the Partner will not be permitted access to any NRCS records.

I. Technical Standards

Partner personnel must use the NRCS Field Office Technical Guide (FOTG) and/or other science-based technical standards if assisting with NRCS programs or activities.

J. Training

1. The Parties may provide appropriate leadership in administrative and technical training as determined by program needs and required by USDA, NRCS and Partner policy.
2. Training may also include the orientation of employees in organizational philosophies, programs, authorities, roles and responsibilities of the parties.
3. As applicable and as resources allow, training sponsored by either Party can be made available to each Party's personnel without cost to the other party, including timely notice to the other of any impending training opportunities.

K. Civil Rights

All activities and programs conducted under this Agreement shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

Unfunded Cooperative Agreement Initial Estimate and Annual Usage Report

Agreement
Number

N5524UCA0002319

Partner Name

Ozaukee County
Land & Water Management DepartmentPeriod of
report

Initial Estimate (1st Year)

Date

Service	Quantity	Provided by	
		NRCS	Partner
Space Provided	Square Footage None	☐	☐
Vehicle Usage	Mileage NRCS vehicle use may potentially occur over the course of the agreement period.	☒	☐
Equipment usage	Details NRCS equipment usage may potentially occur over the course of the agreement period.	☒	☐
Personnel	Hours provided and position title Limited to none initially identified.	☐	☐

Attachment: Unfunded Cooperative Agreement with NRCS and Ozaukee County Land and Water (Unfunded Cooperative Agreement with NRCS)

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Land and Water Management
DIRECTOR:	Katie Vogeler
PREPARER:	Geoff Schramm

Agenda Summary Floodplain Zoning Ordinance

ATTACHMENTS:

- Floodplain Zoning Ordinance - Draft (PDF)

NATURAL RESOURCES COMMITTEE

CHAPTER 18.00000

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CHAPTER 18.00000

OZAUKEE COUNTY FLOODPLAIN ZONING ORDINANCE

18.01000 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS18.01100 STATUTORY AUTHORIZATION

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

18.01200 FINDING OF FACT

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

18.01300 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

18.01400 TITLE

This ordinance shall be known as the OZAUKEE COUNTY FLOODPLAIN ZONING ORDINANCE.

18.01500 GENERAL PROVISIONS01 AREAS TO BE REGULATED

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

02 OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, AI-30, AE, AH, AO, VE, VI-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (A) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (B) below. These maps and revisions are on file in the office of the Ozaukee County Land & Water Management Department, 121 W Main Street, Port Washington, WI.

(A) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS):

(01) Flood Insurance Rate Maps (FIRMs) for Ozaukee County (Community Number 55089) panel Numbers, dated July 31, 2024:

55089C0016G	55089C0017G	55089C0018G
55089C0019G	55089C0036G	55089C0037G
55089C0038G	55089C0039G	55089C0041G
55089C0042G	55089C0043G	55089C0044G
55089C0061G	55089C0062G	55089C0063G
55089C0064G	55089C0070G	55089C0081G
55089C0082G	55089C0083G	55089C0084G
55089C0091G	55089C0092G	55089C0093G
55089C0094G	55089C0101G	55089C0102G
55089C0103G	55089C0104G	55089C0106G
55089C0107G	55089C0108G	55089C0109G
55089C0111G	55089C0112G	55089C0113G
55089C0114G	55089C0116G	55089C0117G
55089C0118G	55089C0119G	55089C0126G
55089C0127G	55089C0128G	55089C0129G
55089C0131G	55089C0133G	55089C0136G
55089C0137G	55089C0138G	55089C0152G
55089C0154G	55089C0156G	55089C0157G
55089C0158G	55089C0159G	55089C0165G
55089C0166G	55089C0167G	55089C0168G
55089C0169G	55089C0176G	55089C0177G
55089C0178G	55089C0179G	55089C0181G
55089C0182G	55089C0183G	55089C0184G
55089C0186G	55089C0187G	55089C0188G
55089C0189G	55089C0191G	55089C0192G
55089C0193G	55089C0194G	

Approved by: The DNR and FEMA

(B) OFFICIAL MAPS: Based on other studies:

(01) A Dam Failure Analysis for Grafton Dam, prepared and approved by the Department of Natural Resources, whose related exhibits conforming to ch. NR 333.05(2)(L)6. and 7., were transmitted to Ozaukee County on October 15, 2007, including:

(a) Map consisting of one sheet, titled “Cedar Creek/Milwaukee River Dambreak Hazard Map”, dated October 4, 2007, showing cross section labels and shaded flood areas. Areas governed by this analysis include locations from a point above State Highway 60 to a point below County Highway C along the Milwaukee River.

(b) Floodway data table, consisting of two sheets, titled “Floodway Data – Milwaukee River”, dated October 4, 2007, listing cross sections lettered AG through BM. The value in the column headed “Regulatory (feet NGVD)” is the governing elevation for each cross section on the map corresponding to the label in the “Cross Section” column in the table.

(c) Flood profiles, consisting of three sheets, titled “Dambreak Hazard Profile – Milwaukee River”, dated October 4, 2007, showing cross sections lettered AG through BM.

(02) A combined Dam Failure Analysis for Cedarburg Woolen Mills Dam, Ruck Dam, Columbia Mills Dam, and Wire & Nail Factory Dam, prepared and approved by the Department of Natural Resources, whose related exhibits conforming to ch. NR 333.05(2)(L)6. and 7., were transmitted to Ozaukee County on October 15, 2007, including:

(a) Map consisting of one sheet, titled “Cedar Creek/Milwaukee River Dambreak Hazard Map”, dated October 4, 2007, showing cross section labels and shaded flood areas. Areas governed by this analysis include locations from a point above the Cedarburg Woolen Mills Dam to a point at the confluence with the Milwaukee River.

(b) Floodway data table, consisting of four sheets, titled “Floodway Data – Cedar Creek”, dated October 4, 2007, listing cross sections lettered A through AM. The value in the column headed “Regulatory (feet NGVD)” is the governing elevation for each cross section on the map corresponding to the label in the “Cross Section” column in the table.

(c) Flood profiles, consisting of three sheets, titled “Dambreak Hazard Profile – Cedar Creek”, dated October 4, 2007, showing cross sections lettered A through AM.

O3 ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

(A) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 18.05105.

(B) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 18.05105, within A Zones shown on the FIRM.

(C) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(D) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study’s floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.

O4 LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (A) or (B) below. If a significant difference exists, the map shall be amended according to s. 18.08000 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a shoreland permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 18.07303 and the criteria in (A) and (B) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 18.08000 *Amendments*.

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

(B) Where flood profiles do not exist for projects, including any boundary of zone A, AO, V1-30, VE, or V, the location of the boundary shall be determined by the map scale.

05 REMOVAL OF LANDS FROM THE FLOODPLAIN

(A) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 18.08000 *Amendments*.

(B) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

(01) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and

(02) The fill must be contiguous to land outside the floodplain. The applicant shall obtain a shoreland permit before applying for a LOMR or LOMR-F.

(C) Removal of lands from the floodplain may also occur by operation of s 87.30(1)(e), Wis. Stats. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 CFR 70.

(D) Removal of lands from the floodplain, is not a recognition that any future structure will be reasonably safe from flooding. Structures placed on lands removed from the floodplain, by the placement of fill, shall continue to meet the requirements of s. 18.04300.

06 COMPLIANCE

(A) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

(B) Failure to obtain a shoreland permit shall be a violation of these regulations and shall be punishable in accordance with s. 18.09000.

(C) Shoreland permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 18.09000.

07 MUNICIPALITIES AND STATE AGENCIES REGULATED

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

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

08 ABROGATION AND RESTRICTIONS

(A) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 59.69, s. 59.692 or s. 59.694 or s. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(B) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

09 INTERPRETATION

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

10 WARNING AND DISCLAIMER OF LIABILITY

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

11 SEVERABILITY

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

18.02000 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

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

- (A) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (B) Be constructed with flood-resistant materials;
- (C) Be constructed by methods and practices that minimize flood damages; and
- (D) Mechanical and utility equipment must be elevated to, or above, the flood protection elevation.

02 If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

- (A) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- (B) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- (C) Adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 18.07102.

18.02100 HYDRAULIC AND HYDROLOGIC ANALYSES

01 No floodplain development shall:

- (A) Obstruct flow, as defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (B) Cause any increase in the regional flood height due to floodplain storage area lost.

02 The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 18.08000 *Amendments* are met.

18.02200 WATERCOURSE ALTERATIONS

No shoreland permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 18.02100 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to s. 18.08000 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

18.02300 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 18.08000 *Amendments*.

18.02400 PUBLIC OR PRIVATE CAMPGROUNDS

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

- 01 The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 02 A shoreland permit for the campground is issued by the zoning administrator;
- 03 The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- 04 There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 05 This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in s. 18.02404 - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 06 All mobile recreational vehicles placed on site must meet one of the following:
 - (A) Be fully licensed, if required, and ready for highway use; or
 - (B) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - (C) Meet the requirements in either s. 18.03000, 18.04000, 18.05100, or 18.05200 for the floodplain district in which the structure is located.

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.
- 07 All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 18.02406 and shall ensure compliance with all the provisions of this section;
- 08 The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- 09 The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

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

11 Standards for structures in a campground:

(A) All structures must comply with section 18.02400 or meet the applicable requirements in s. 18.03000, 18.04000, 18.05100, or 18.05200 for the floodplain district in which the structure is located;

(B) Deck/Landing - a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality, in compliance with section 18.02404. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(C) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.

(D) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality, in compliance with section 18.02404.

(E) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality, in compliance with section 18.02404.

12 A shoreland permit shall be obtained, as provided under s. 18.07102, before any development, repair, modification, or addition to an existing structure may be initiated. A shoreland permit shall also be obtained, as provided under s. 18.07102, before any change in use of a building or structure, including sewer and water facilities, may be initiated.

18.02500 REGULATION OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS) & WELLS

01 This department administers the regulation for private onsite wastewater treatment systems (POWTS) for all municipal jurisdictions within Ozaukee County, as required per ch. SPS 383, Wis. Admin. Code.

02 This department administers the regulation for private wells on properties served by Private Onsite Wastewater Treatment Systems (POWTS) for all municipal jurisdictions within Ozaukee County.

18.03000 FLOODWAY DISTRICT (FW)18.03100 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 18.05105.

18.03200 PERMITTED USES

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

- they are not prohibited by any other ordinance;
- they meet the standards in s. 18.03300 and 18.03400; and
- all permits or certificates have been issued according to s. 18.07100.

01 Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

02 Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

03 Non-structural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 18.03304.

04 Uses or structures accessory to open space uses or classified as historic structures that comply with s. 18.03300 and 18.03400.

05 Extraction of sand, gravel, or other materials that comply with s. 18.03304.

06 Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with chs. 30 and 31, Wis. Stats.

07 Public utilities, streets, and bridges that comply with s. 18.03303.

08 Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.

09 Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

10 Wastewater treatment ponds or facilities permitted under ch. NR 110.15(3)(b), Wis. Adm. Code.

11 Sanitary sewer or water supply lines that service existing or proposed development located outside the floodway, in compliance with the regulations for the floodplain area occupied.

18.03300 STANDARDS FOR THE DEVELOPMENT IN THE FLOODWAY01 GENERAL

(A) Any development in the floodway shall comply with s. 18.02000 and have a low flood damage potential.

(B) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 18.02100 and 18.07102(C). The analysis must be completed by a registered professional engineer, licensed in the state of Wisconsin.

(C) Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 18.03301(B) above demonstrates that the encroachment will cause no increase in the flood elevation during flood events, up to the base flood at any location, or removes the encroached area from the regulatory floodway as provided in s. 18.01505.

O2 STRUCTURES

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

(A) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;

(B) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

(01) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight, with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation, without human intervention during flooding;

(02) Have structural components capable of meeting all provisions of Section 18.03302(G) and;

(03) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 18.03302(G).

(C) Must be anchored to resist flotation, collapse, and lateral movement;

(D) Mechanical and utility equipment must be elevated to or above the flood protection elevation;

(E) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood;

(F) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 18.03302(A) through 18.03302(E) and meets or exceeds the following standards:

(01) The lowest floor must be elevated to or above the regional flood elevation;

(02) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(03) The bottom of all openings shall be no higher than one foot above the lowest adjacent grade. The openings must remain open unless equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; and

(04) The use must be limited to parking, building access, or limited storage.

(G) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the regional flood:

(01) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

(02) Construction of wells, water supply systems, and private onsite wastewater treatment systems (POWTS) so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 18.03404 and 18.03405;

(03) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

(04) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

(05) Placement of utilities to or above the flood protection elevation.

03 PUBLIC UTILITIES, STREETS, AND BRIDGES

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

(A) Adequate floodproofing measures are provided to the flood protection elevation; and

(B) Construction meets the development standards of s. 18.02100.

04 FILL OR DEPOSITION OF MATERIALS

(A) The requirements of s. 18.02100 are met;

(B) No material is deposited in navigable waters unless a permit is issued by the Department of Natural Resources pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(C) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and

(D) The fill is not classified as a solid or hazardous material or defined as a manufacturing byproduct per s. 18.10000.

18.03400 PROHIBITED USES

All uses not listed as permitted uses in s. 18.03200 are prohibited, including the following uses:

01 Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

02 Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

03 Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

04 Any private onsite wastewater treatment system (POWTS) or public sewage system, except portable latrines that are removed prior to flooding and systems associated with recreational areas and

Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

05 Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

07 Any wastewater treatment ponds or facilities, except those permitted under ch. NR 110.15(3)(b), Wis. Adm. Code; and

08 Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, which comply with the regulations for the floodplain area occupied.

18.04000 FLOODFRINGE DISTRICT (FF)18.04100 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 18.05105.

18.04200 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 18.04300 are met, the use is not prohibited by this or any other ordinance or regulation, and all permits or certificates specified in s. 18.07100 have been issued.

18.04300 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

According to the use requested, s 18.02000 shall apply in addition to the requirements listed below. Any existing structure in the floodfringe must meet the requirements of s. 18.06000 *Nonconforming Uses*. For any lot created after April 13, 2006, no filling shall be permitted to accommodate the requirements of ss. 18.04301(A) and (B), 18.04302, 18.04303, and 18.04304, unless a variance is granted by the Board of Adjustment in accordance with s. 18.070304. [s. 7.0301, Ozaukee County Shoreland & Floodplain Ordinance]

01 RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed all standards listed below. Any existing structure in the floodfringe must meet the requirements of s. 18.06000 *Nonconforming Uses*.

(A) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 18.01505.

(B) Notwithstanding s. 18.04301(A), a basement or crawlspace floor may be placed one (1) foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

(C) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (D);

(D) In developments where existing street or sewer line elevations make compliance with subd. (C) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

(01) The municipality has written assurance from police, fire, and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(02) The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

02 ACCESSORY STRUCTURES OR USES

In addition to s. 18.02000, new construction and substantial improvements of accessory structures shall be constructed on fill, with the lowest floor at or above the regional flood elevation.

03 COMMERCIAL USES

In addition to s. 18.02000, any commercial structure, which is erected, altered, or moved into the floodfringe, shall meet the requirements of s. 18.04301. Subject to the requirements of s. 18.04305, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

04 MANUFACTURING AND INDUSTRIAL USES

In addition to s. 18.02000, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe, shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 18.07500. Subject to the requirements of s. 18.04305, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

05 STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish, or aquatic life, shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 18.07500. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

06 PUBLIC UTILITIES, STREETS, AND BRIDGES

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

(A) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 18.07500.

(B) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

07 SEWAGE SYSTEMS DISPOSAL

All ~~sewage disposal~~ private onsite wastewater treatment systems (POWTS) shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 18.07503, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

08 WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 18.07503, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

09 SOLID WASTE DISPOSAL SITES

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

10 DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance. ~~The fill shall not be defined as a manufacturing byproduct per s. 18.10000.~~

11 MANUFACTURED HOMES

(A) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(B) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(01) Have the lowest floor elevated to the flood protection elevation; and

(02) Be anchored so they do not float, collapse, or move laterally during a flood.

(C) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 18.04301.

12 MOBILE RECREATIONAL VEHICLES

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

(A) Fully licensed and ready for highway use; or

(B) Shall meet the elevation and anchoring requirements in s. 18.04311(B) and (C).

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

18.05000 OTHER FLOODPLAIN DISTRICTS18.05100 GENERAL FLOODPLAIN DISTRICT (GFP)01 APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 18.01502(A).

02 FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 18.01502(A), the boundaries of the regulatory floodway shall be determined pursuant to s. 18.05105. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. 18.03000. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 18.04000.

03 PERMITTED USES

Pursuant to s. 18.05105 it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 18.03200) and Floodfringe (s. 18.04200) Districts are allowed within the General Floodplain District, according to the standards of s. 18.05104 provided that all permits or certificates required under s. 18.07100 have been issued.

04 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Section 18.03000 applies to floodway areas, determined to pursuant to s. 18.05105; Section 18.04000 applies to floodfringe areas, determined to pursuant to s. 18.05105.

(A) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

(01) To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade plus one (1) additional foot of freeboard; or

(02) If the depth is not specified on the FIRM, three (3) feet above the highest adjacent natural grade or higher.

(B) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(C) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

(D) All development in zones AO and zone AH shall meet the requirements of s. 18.04000, applicable to flood fringe areas.

05 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

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

(A) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood zone as shown on the FIRM.

(B) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries.

(01) A Hydrologic and Hydraulic Study as specified in s. 18.07102(C).

(02) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, wells, water supply systems, private onsite wastewater treatment systems (POWTS), and sanitary sewers facilities; soil types and other pertinent information.

(03) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, wells, water supply systems, private onsite wastewater treatment systems (POWTS) and sanitary sewers facilities.

18.05200 COSTAL FLOODPLAIN DISTRICT (CFD)

01 APPLICABILITY

The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, VI-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. 18.01503(D) or a regulatory floodway identified pursuant to s. 18.05105, extends into a Coastal Floodplain District, development shall comply with the standards of s. 18.03000 and s. 18.05200.

02 STANDARDS FOR DEVELOPMENT IN THE COSTAL FLOODPLAIN DISTRICT

Development in the Costal Floodplain District shall meet the requirements of s. 18.02000, as well as the following.

(A) New construction shall be located landward of the Ordinary High Water Mark (OHWM).

(B) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.

(C) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.

(D) The use of fill for structural support of buildings is prohibited.

(01) Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runoff, ramping, or deflection of floodwaters that cause damage to buildings.

(E) New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the Flood Protection Elevation.

(01) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil

Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or other equivalent standard.

(02) A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of s. 18.05202(E).

(F) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(01) For the purpose of s. 18.05202(F), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.

(02) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or equivalent standard.

(G) Require within flood-prone areas:

(01) New and replacement ~~wells or~~ water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(02) New and replacement ~~sanitary sewage private onsite wastewater treatment~~ systems (POWTS) ~~are~~ to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. ~~and Private onsite wastewater treatment disposal~~ systems (POWTS) ~~are~~ to be located ~~as~~ to avoid impairment to them or contamination from them during flooding.

(H) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:

(01) Fully licensed and ready for highway use; or

(02) Shall meet the standards of s. 18.05202(A) through 18.05202(G) inclusive.

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

(I) Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of s. 18.05202(A) through 18.05202(G) inclusive.

18.06000 NONCONFORMING USES18.06100 GENERAL

01 Applicability:

(A) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Wis. Stats. and ch. NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

(B) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.

02 The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(A) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other non-structural components and the maintenance, repair, or replacement of existing private ~~sewage onsite wastewater treatment systems (POWTS), wells, or~~ water supply systems, or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

(B) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(C) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(D) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 18.04301. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(E) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 18.04301. Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

(F) If on a per event basis the total value of the work being done under (D) and (E) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 18.04301.

(G) Except as provided in subd. (H), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(H) For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

(01) Residential Structures

(a) Shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 18.07502.

(b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

(c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.

(e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 18.05404.

(f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(02) Non-residential Structures

(a) Shall meet the requirements of s. 18.06102(H)(01)(a)-(f).

(b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 18.07501 or 18.07502.

(c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 18.05104.

03 A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 18.03301, flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 18.07500 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 18.06102(H)(01) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

18.06200 FLOODWAY DISTRICT (FW)

01 No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

- (A) Has been granted a permit or variance which meets all ordinance requirements;
- (B) Meets the requirements of s. 18.06100;
- (C) Shall not increase the obstruction to flood flows or regional flood height;
- (D) Any addition to the existing structure shall be floodproofed, pursuant to s. 18.07500, by means other than the use of fill, to the flood protection elevation; and
- (E) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (01) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (02) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (03) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (04) The use must be limited to parking, building access or limited storage.

02 No new private onsite ~~sewage disposal~~ wastewater treatment system (POWTS) shall be allowed in the Floodway District. ~~or addition to an existing onsite sewage disposal system, except where an addition has been~~ When the replacement of a private onsite wastewater treatment system (POWTS) is ordered by a government agency to correct a hazard to public health, only a private onsite wastewater treatment system (POWTS) holding tank component shall be allowed in the Floodway District. ~~Any replacement;~~ The repair, or maintenance, or continued use of an existing private onsite ~~sewage disposal~~ wastewater treatment system (POWTS) utilizing a soil dispersal component that is located in a floodway area, ~~shall~~ is a violation of ordinance and ch. 9.0 of the Ozaukee County Code of Ordinances, and shall

be immediately abated. [s. 9.031(1)(b), Ozaukee County Sanitation & Health Ordinance] All replacement private onsite wastewater treatment systems (POWTS) are to meet the applicable requirements of all municipal ordinances, s. 18.07503 and ch. SPS 383, Wis. Adm. Code.

03 No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 18.07503 and chs. NR 811 and NR 812, Wis. Adm. Code.

18.06300 FLOODFRINGE DISTRICT (FF)

01 No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 18.04300 except where s. 18.06302 is applicable.

02 Where compliance with the provisions of s. 18.06301 would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in s. 18.07300, may grant a variance from those provisions of s. 18.06301 for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (A) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (B) Human lives are not endangered;
- (C) Public facilities, such as water or sewer, shall not be installed;
- (D) Flood depths shall not exceed two feet;
- (E) Flood velocities shall not exceed two feet per second; and
- (F) The structure shall not be used for storage of materials as described in s. 18.04305.

03 All new and existing private onsite wastewater treatment ~~sewage disposal~~ systems (POWTS), or additions and modifications thereto, ~~replacement, repair or maintenance of a private sewage disposal system~~ shall meet all the applicable provisions of all local ordinances, s. 18.07503 and ch. SPS 383, Wis. Adm. Code. The repair, maintenance, or continued use of an existing private onsite wastewater treatment (POWTS) that does not meet the requirements of s. 18.04307 is a violation of ordinance and ch. 9.0 of the Ozaukee County Code of Ordinances, and shall be immediately brought back into compliance. [s. 9.031(1)(b), Ozaukee County Sanitation & Health Ordinance]

04 All new wells, ~~or~~ and the addition to, replacement, repair, or maintenance of ~~a~~ existing wells shall meet the applicable provisions of this ordinance, s. 18.07603 and chs. NR 811 and NR 812, Wis. Adm. Code.

18.06400 COSTAL FLOODPLAIN DISTRICT (CFD)

01 New construction and substantial improvement shall meet the standards of s. 18.05200.

02 No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in s. 18.05200.

18.07000 ADMINISTRATION

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

18.07100 ZONING ADMINISTRATOR01 DUTIES AND POWERS

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

- (A) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (B) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (C) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (D) Keep records of all official actions such as:
 - (01) All permits issued, inspections made, and work approved;
 - (02) Documentation of certified lowest floor and regional flood elevations;
 - (03) Floodproofing certificates;
 - (04) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 - (05) All substantial damage assessment reports for floodplain structures;
 - (06) List of nonconforming structures and uses;
 - (07) In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements;
 - (08) In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under s. 18.05200.
- (E) Submit copies of the following items to the Department Regional office:
 - (01) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (02) Copies of case-by-case analyses and other required information.
 - (03) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(F) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(G) Submit copies of amendments to the FEMA Regional office.

02 SHORELAND PERMIT

A shoreland permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including private onsite wastewater treatment system (POWTS) and well installation ~~sewer and water facilities~~, may be initiated. Application to the zoning administrator shall include:

(A) GENERAL INFORMATION

(01) Name and address of the applicant, property owner, and contractor;

(02) Legal description, proposed use, and whether it is new construction or a modification;

(B) SITE DEVELOPMENT PLAN

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

(01) Location, dimensions, area and elevation of the lot;

(02) Location of the ordinary highwater mark of any abutting navigable waterways;

(03) Location of any structures with distances measured from the lot lines and street center lines;

(04) Location of any existing or proposed private onsite ~~sewage~~ wastewater treatment systems (POWTS), wells, or ~~private~~ water supply systems;

(05) Location and elevation of existing or future access roads;

(06) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

(07) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(08) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of ss. 18.03000 or 18.04000 are met; and

(09) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 18.02100. This may include any of the information noted in s. 18.03301.

(C) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

(01) Zone A floodplains and in AE zones within which a floodway is not delineated:

(a) Hydrology

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

(b) Hydraulic Modeling

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

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

(c) Mapping

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

- (i) if the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- (ii) if any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study

must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(02) Zone AE Floodplains

(a) Hydrology

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

(b) Hydraulic Model

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

(i) duplicate effective model

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

(ii) corrected effective model

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

(iii) existing (pre-project conditions) model

the existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.

(iv) revised (post-project conditions) model

the revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

(v) all changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

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

(c) Mapping

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

(i) consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

(ii) certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

(iii) annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

(iv) if an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

(v) the revised floodplain boundaries shall tie into the effective floodplain boundaries.

(vi) all cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

(vii) both the current and proposed floodways shall be shown on the map.

(viii) the stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(D) STORMWATER & EROSION CONTROLS

(01) All stormwater plans shall be completed by a professional engineer registered in the State. The plans shall demonstrate that the post-construction stormwater flow will not adversely impact neighboring properties or impede natural drainage patterns. A post-construction elevational survey, from a land surveyor registered in the State, is required to certify that the preceding requirements have been met. All plans shall be reviewed and approved by the Department.

(02) All erosion control plans shall be completed by a professional engineer or architect registered in the State. The plans shall utilize erosion control measures, as described in the Wisconsin Construction Site Best Management Practice Handbook, and shall be installed on the property prior to the start of any construction and maintained until the area is completely revegetated. All plans shall be reviewed and approved by the Department.

(E) PERMIT FEES

(01) All persons, firms, or corporations performing work which by this ordinance requires the issuance of a permit, variance, or other specified review shall pay a fee to the zoning administrator to help defray the cost of administration, investigation, advertising, and processing. A fee shall be required for a shoreland permit, written floodplain determination, zoning text or map amendment, review of hydraulic and hydrologic studies, review of stormwater plans, review of erosion control plans, and zoning appeal or variance requests. Fees shall be set forth in the fee schedule per ch. 19.0 of the Ozaukee County Code of Ordinances, as may be amended annually. Fees are non-refundable, unless a written request is submitted within two (2) business days of the date the application was filed. [s. 7.1107A., Ozaukee County Shoreland & Floodplain Zoning Ordinance]

(02) Fees paid for applications for variances and appeals are applicable for one hearing only. Fees are not refundable if the applicant cancels the hearing or if the request is denied. If the hearing is rescheduled at the request of the applicant, additional fees up to the full fee will be charged for actual costs incurred. [s. 7.1107B., Ozaukee County Shoreland & Floodplain Zoning Ordinance]

(03) If work is started before a permit is applied for and issued, the zoning administrator shall charge a fee of ten (10) times the applicable permit and review fees. This penalty shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance. [s. 7.1108, Ozaukee County Shoreland & Floodplain Zoning Ordinance]

(F) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than ~~one (1) year +80 days~~ after issuance. The permit may be extended for a maximum of ~~one (1) year 80 days~~ for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or Flood Insurance Study, that took effect after the permit date.

03 CERTIFICATE OF COMPLIANCE

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

- (A) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (B) Application for such certificate shall be concurrent with the application for a permit;
- (C) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (D) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 18.07500 are met;
- (E) Where applicable pursuant to s. 18.05104, the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement;
- (F) Where applicable pursuant to s. 18.05104, the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 18.05104.

04 OTHER PERMITS

Prior to obtaining a shoreland permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

18.07200 ZONING AGENCY

01 The Ozaukee County Board of Adjustment shall:

- (A) oversee the functions of the office of the zoning administrator; and
- (B) review and advise the governing body on all proposed amendments to this ordinance, maps, and text; and

(C) publish adequate notice pursuant to ch. 985, Wis. Stats., specifying the date, time, place, and subject of the public hearing.

O2 The Ozaukee County Board of Adjustment shall not:

- (A) grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
- (B) amend the text or zoning maps in place of official action by the governing body.

18.07300 BOARD OF ADJUSTMENT

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

O1 POWERS AND DUTIES

The Board of Adjustment shall:

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

O2 APPEALS TO THE BOARD

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

(B) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

(O1) Notice – The board shall:

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

(O2) Hearing – Any party may appear in person or by agent. The board shall:

- (a) Resolve boundary disputes according to s. 1807303;
- (b) Decide variance applications according to s. 18.07304; and
- (c) Decide appeals of permit denials according to s. 18.07400.

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

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

03 BOUNDARY DISPUTES

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

- (A) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary;
- (B) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (C) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 18.08000 *Amendments*.

04 VARIANCE

- (A) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - (01) Literal enforcement of the ordinance will cause unnecessary hardship;
 - (02) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - (03) The variance is not contrary to the public interest; and
 - (04) The variance is consistent with the purpose of this ordinance in s. 18.01300.
- (B) In addition to the criteria in subd. (A), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - (01) The variance shall not cause any increase in the regional flood elevation;
 - (02) The applicant has shown good and sufficient cause for issuance of the variance;
 - (03) Failure to grant the variance would result in exceptional hardship;

(04) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

(05) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(C) A variance shall not:

(01) Grant, extend or increase any use prohibited in the zoning district;

(02) Be granted for a hardship based solely on an economic gain or loss;

(03) Be granted for a hardship which is self-created;

(04) Damage the rights or property values of other persons in the area;

(05) Allow actions without the amendments to this ordinance or map(s) required in s. 18.08000 *Amendments*; and

(06) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(D) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

18.07400 TO REVIEW APPEALS OF PERMIT DENIALS

01 The Zoning Agency (s. 18.07200) or Board shall review all data related to the appeal. This may include:

(A) Permit application data listed in s. 18.07102;

(B) Floodway/floodfringe determination data in s. 18.05105;

(C) Data listed in s. 18.03301(B) where the applicant has not submitted this information to the zoning administrator; and

(D) Other data submitted with the application or submitted to the Board with the appeal.

02 For appeals of all denied permits the Board shall:

(A) Follow the procedures of s. 18.07300;

(B) Consider zoning agency recommendations; and

(C) Either uphold the denial or grant the appeal.

03 For appeals concerning increases in regional flood elevation the Board shall:

(A) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 18.08000 *Amendments*; and

(B) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

18.07500 FLOODPROOFING STANDARDS

01 No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 18.02000, 18.03000, 18.04000, 18.05100, or 18.05200.

02 For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(A) certified by a registered professional engineer or architect; or

(B) meeting or exceeding the following standards:

(01) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(02) the bottom of all openings shall be no higher than one foot above grade; and

(03) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

03 Floodproofing measures shall be designed, as appropriate, to:

(A) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(B) Protect structures to the flood protection elevation;

(C) Anchor structures to foundations to resist flotation and lateral movement;

(D) Minimize or eliminate infiltration of flood waters;

(E) Minimize or eliminate discharges into flood waters;

(F) Placement of essential utilities to or above the flood protection elevation; and

(G) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(01) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

(02) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(03) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(04) The use must be limited to parking, building access or limited storage.

18.07600 PUBLIC INFORMATION

01 Place marks on structures to show the depth of inundation during the regional flood.

02 All maps, engineering data and regulations shall be available and widely distributed.

03 Real estate transfers should show what floodplain district any real property is in.

18.08000 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 18.08100.

01 In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 18.08100. Any such alterations must be reviewed and approved by FEMA and the DNR.

02 In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 18.08100.

18.08100 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 18.08200 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- 01 Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- 02 Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- 03 Any changes to any other officially adopted floodplain maps listed in s. 18.01502(B);
- 04 Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- 05 Correction of discrepancies between the water surface profiles and floodplain maps;
- 06 Any upgrade to a floodplain zoning ordinance text required by ch. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- 07 All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

18.08200 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 59.69, Wis. Stats. The petitions shall include all data required by ss. 18.05105 and 18.07102. The shoreland permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes

01 The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Wis. Stats.

02 No amendments shall become effective until reviewed and approved by the Department.

03 All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

18.09000 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$250.00 (two hundred fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Wis. Stats.

18.10000 DEFINITIONS

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

01 A ZONES

Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

02 AH ZONE

See "AREA OF SHALLOW FLOODING"

03 AO ZONE

See "AREA OF SHALLOW FLOODING"

04 ACCESSORY STRUCTURE OR USE

A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

05 ALTERATION

An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

06 AREA OF SHALLOW FLOODING

A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

07 BASE FLOOD

Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a Flood Insurance Study and depicted on a FIRM.

08 BASEMENT

Any enclosed area of a building having its floor sub-grade on all sides.

09 BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

10 BUILDING

See "STRUCTURE"

11 BULKHEAD LINE

A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

12 CAMPGROUND

Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

13 CAMPING UNIT

Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

14 CERTIFICATE OF COMPLIANCE

A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

15 CHANNEL

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

16 COSTAL FLOODPLAIN

An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood and which is also subject to additional hazard due to wave runup.

17 COSTAL HIGH HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.

18 CRAWLWAYS or CRAWL SPACE

An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

19 DECK

An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

20 DEPARTMENT

The Wisconsin Department of Natural Resources.

21 DEVELOPMENT

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair, or removal of ~~public or private sewage disposal~~ onsite wastewater treatment systems (POWTS), wells, or water supply ~~facilities~~ systems.

22 DRYLAND ACCESS

A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

23 ENCROACHMENT

Any fill, structure, equipment, use or development in the floodway.

24 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

25 FLOOD INSURANCE RATE MAP (FIRM)

A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

26 FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

27 FLOOD FREQUENCY

The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

28 FLOODFRINGE

That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

29 FLOOD HAZARD BOUNDARY MAP

A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

30 FLOOD INSURANCE STUDY (FIS)

A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

31 FLOODPLAIN

Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

32 FLOODPLAIN ISLAND

A natural geologic land formation within the floodplain that is surrounded, but not covered by floodwater, during the regional flood.

33 FLOODPLAIN MANAGEMENT

Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

34 FLOOD PROFILE

A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

35 FLOODPROOFING

Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

36 FLOOD PROTECTION ELEVATION (FPE)

An elevation of two feet of freeboard above the Regional Flood Elevation (Also see: "FREEBOARD").

37 FLOOD STORAGE

Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

38 FLOODWAY (FW)

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

39 FREEBOARD

A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

40 HABITABLE STRUCTURE

Any structure or portion thereof used or designed for human habitation.

41 HEARING NOTICE

Publication or posting meeting the requirements of ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

42 HIGH FLOOD DAMAGE POTENTIAL

Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

43 HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

44 HISTORIC STRUCTURE

Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

45 INCREASE IN REGIONAL FLOOD HEIGHT

A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

46 LAND USE

Any non-structural use made of unimproved or improved real estate (Also see "DEVELOPMENT").

47 LOWEST ADJACENT GRADE

Elevation of the lowest ground surface that touches any of the exterior walls of a building.

48 LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 18.05202(F), is not considered the building's lowest floor.

49 MAINTENANCE

The act or process of ordinary upkeep and repairs, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

50 MANUFACTURED HOME

A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

51 MANUFACTURING BYPRODUCTS

Materials produced as part of a byproduct of manufacturing. Such products include, but are not limited to, sludge, residue, powder, dust, slag, ash, and waste sand.

52 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

53 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING

A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

54 MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

55 MOBILE/MANUFACTURED RECREATIONAL VEHICLE

A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-

duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

56 MODEL, CORRECTED EFFECTIVE

A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

57 MODEL, DUPLICATE EFFECTIVE

A copy of the hydraulic analysis used in the effective Flood Insurance Study and referred to as the effective model.

58 MODEL, EFFECTIVE

The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

59 MODEL, EXISTING (PRE-PROJECT)

A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

60 MODEL, REVISED (POST-PROJECT)

A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

61 MODERATE WAVE ACTION AREA (MoWA)

A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified (Also known as "coastal A zone").

62 MUNICIPALITY or MUNICIPAL

The county, city, or village governmental units enacting, administering, and enforcing this floodplain zoning ordinance.

63 NORTH AMERICAN VERTICAL DATUM (NAVD)

Elevations referenced to mean sea level datum, 1988 adjustment.

65 NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

66 NON-FLOOD DISASTER

A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

67 NONCONFORMING STRUCTURE

An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain in which it occupies (For example, an existing

residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming).

68 NONCONFORMING USE

An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain in which it occupies (such as a residence in the floodway).

69 OBSTRUCTION TO FLOW

Any development which blocks the conveyance of floodwaters such that this development alone, or together with any future development, will cause an increase in regional flood height.

70 OFFICIAL FLOODPLAIN ZONING MAP

That map, adopted and made part of this ordinance, as described in s. 18.01502, which has been approved by the Department and FEMA.

71 OPEN SPACE USE

Those uses having a relatively low flood damage potential and not involving structures.

72 ORDINARY HIGHWATER MARK (OHWM)

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

73 PERSON

An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

74 PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

75 PRIVATE ~~SEWAGE~~ ~~ON-SITE~~ WASTEWATER TREATMENT SYSTEM (POWTS)

A sewage treatment and disposal system serving one structure with a septic tank ~~or tanks~~ and ~~a~~ soil absorption ~~field component that is~~ located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption ~~field component~~, a holding tank ~~component~~, a system serving more than one structure, or a system located on a different parcel than the structure.

76 PRIVATE WATER MAIN

~~A water main serving 2 or more buildings and not part of the municipal water system.~~

77 PUBLIC UTILITIES

Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

78 REASONABLY SAFE FROM FLOODING

Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

79 REGIONAL FLOOD

A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the Regional Flood Elevation is equivalent to the Base Flood Elevation.

80 SAND DUNES

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

81 START OF CONSTRUCTION

The date the shoreland permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

82 STRUCTURE

Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

83 SUBDIVISION

Has the meaning given in s. 236.02(12), Wis. Stats.

84 SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

85 SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

86 UNNECESSARY HARDSHIP

Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

87 VARIANCE

An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

88 VIOLATION

The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation, until such time as that documentation is provided.

89 WATERSHED

The entire region contributing runoff or surface water to a watercourse or body of water.

90 WATER SERVICE

That portion of a water supply system from the water main or private water supply up to and including the building control valve.

91 WATER SUPPLY SYSTEM

The piping of a private water main or water service through which water is conveyed to points of usage.

92 WATER SURFACE PROFILE

A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

93 WELL

Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Land and Water Management
DIRECTOR:	Katie Vogeler
PREPARER:	Geoff Schramm

Agenda Summary Proposed New Floodplain Maps

ATTACHMENTS:

- Proposed New Floodplain Maps (PDF)

NATURAL RESOURCES COMMITTEE



Federal Emergency Management Agency

Washington, D.C. 20472

January 31, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Lee Schlenvogt
County Board Chairperson, Ozaukee
County
121 West Main Street
Port Washington WI 53074

Community Name: Ozaukee County,
Wisconsin
(Unincorporated Areas)
Community No.: 550310
Map Panels See FIRM Index
Affected:

Dear Chairperson Schlenvogt:

This is to notify you of the final flood hazard determination for Ozaukee County, Wisconsin and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on July 31, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d) and (e);
2. Adopting all the standards of 44 CFR Part 60.3(d) and (e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d) and (e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) and (e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These

files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Sarah Rafajko, NFIP State Coordinator for Wisconsin by telephone at (608) 893-8710. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region V at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.,
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

Enclosure:
Final SOMA

cc: Community Map Repository
Katie Vogeler, Director - Land & Water Management, Ozaukee County

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on July 31, 2024.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR	08-05-1362P	10/10/2008	COMMONS AT FIVE CORNERS	55089C0159F	55089C0159G

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	199100497FIA	03/16/1983	County Highway H	5503100025C	55089C0101G
LOMA	199103675FIA	01/27/1987	3548 Highway W	5503100075C	55089C0114G 55089C0118G
LOMA	199107064FIA	08/22/1991	Lots 13 and 14, Block 1, Sandy Beach Subdivision, Ozaukee County, Wisconsin	5503100050C	55089C0133G
LOMA	97-05-2984A	07/16/1997	C.S.M. 2175 - LOT 6, IN SECT. 9 - 775 LANCASTER CT.	55089C0070D	55089C0184G
LOMA	98-05-278A	02/18/1998	MICHIGAN SHORES SUBDIVISION - LOTS 8 & 9, BLOCK 1 - 5352 SANDY BEACH LANE	55089C0050D	55089C0131G
LOMA	98-05-3214A	06/03/1998	MICHIGAN SHORES - LOT 14, BLOCK 1 - 5316 SANDY BEACH LANE	55089C0050D	55089C0131G
LOMA	98-05-6184A	09/30/1998	LOT 3, CERTIFIED SURVEY MAP NO. 2174 - 744 LANCASTER COURT	55089C0058D	55089C0182G
LOMA	99-05-2240A	03/05/1999	SECTION 14 - 5221 CEDAR CREEK ROAD	55089C0062D	55089C0178G
LOMR-F	99-05-2988A	03/30/1999	C.S.M. NO. 2678, LOT 5 - WOODCREEK DRIVE	55089C0065D	55089C0158G
LOMR-F	00-05-1562X	01/28/2000	3420 HIGHWAY W	55089C0056D	55089C0118G
LOMA	00-05-2076A	08/01/2000	11155 CEDAR CREEK ROAD	55089C0065D	55089C0158G
LOMA	00-05-0914A	09/21/2000	5100 COUNTRY CLUB BEACH ROAD	55089C0050D	55089C0133G
LOMA	01-05-2860A	06/29/2001	A PORTION OF GOVT LOT 1, SECTION 20; 3657 BIRCHWOOD ROAD	55089C0055D	55089C0092G
LOMA	02-05-0767A	12/05/2001	C.S.M. 2313, LOT 1; 4151 BLUE GOOSE ROAD	55089C0020D	55089C0092G
LOMA	02-05-1519A	03/13/2002	PART OF NW 1/4, NW 1/4 OF SECTION 17, T10N-R21E; 9727 CEDAR CREEK ROAD	55089C0065D	55089C0158G
LOMA	03-05-2957A	05/09/2003	SANDY BEACH SUBDIVISION, BLOCK 1, LOTS 5 AND 6; 5266 SOUTH SAND BEACH ROAD	55089C0050E	55089C0131G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	03-05-3001A	07/25/2003	S29, T12N, R21 E; W 4342 RIVER ROAD	55089C0020D	55089C0082G
LOMR-F	03-05-2335A	10/15/2003	PART OF SEC. 7, T 12 N, R 23 E; 6888 JAY BEACH RD.	55089C0050E	55089C0070G
LOMA	04-05-0172A	02/11/2004	CSM NO 2124, LOT 1; 4851 HIGHWAY KW	55089C0050E	55089C0128G
LOMA	04-05-1368A	02/18/2004	Edgewater Park, Lots 31 and 32; 1996 Edgewater Drive	55089C0058D	55089C0177G
LOMR-F	05-05-2098A	04/01/2005	SAUK TRAIL BEACH, SECTION 6, LOTS 31-33 -- 7018 SAUK TRAIL BEACH ROAD	55089C0050E	55089C0070G
LOMA	05-05-4139A	10/13/2005	ROLLING GLEN SUBDIV, LOT 13 -- 9976 ROYAL OAK ROAD	55089C0055D	55089C0156G
LOMA	07-05-0275A	11/24/2006	1710 MALIBU DRIVE -- PORTION OF SECTION 10, T10N, R21E, PARCEL 4, CSM 804 (WI)	55089C0062D	55089C0178G
LOMA	08-05-1753A	02/12/2008	PORTION OF SECTION 9, T10N, R21E -- 8816 KAEHLERS MILL ROAD	55089C0157F	55089C0157G
LOMA	08-05-2229A	03/06/2008	CEDAR CREEK ESTATES, BLOCK 4, LOT 8 -- 1460 CEDAR CREEK PARKWAY	55089C0178F	55089C0178G
LOMA	08-05-3021A	04/30/2008	C.S.M. 354, PARCEL 1, PORTION OF SECTION 20, T10N, R21E -- 1028 GRANVILLE ROAD	55089C0158F	55089C0158G
LOMA	08-05-3106A	05/20/2008	C.S.M. 2111, PARCEL 1, PORTION OF SECTION 20, T10N, R21E -- 994 GRANVILLE ROAD	55089C0166F	55089C0166G
LOMA	08-05-3035A	05/30/2008	1400 COTTONTAIL LANE -- PORTION OF SECTION 36, T11N, R21E	55089C0118F	55089C0118G
LOMR-F	08-05-3530X	05/27/2008	SAUK TRAIL BEACH, LOTS 42 - 44 -- 7070 SAUK TRAIL BEACH ROAD	55089C0070F	55089C0070G
LOMA	08-05-3538A	06/10/2008	C.S.M. 450, PARCEL 1 -- 7095 CEDAR CREEK ROAD	55089C0159F	55089C0159G
LOMA	08-05-3616A	06/10/2008	8925 PLEASANT VALLEY ROAD -- PARCEL 1, CSM NO. 705	55089C0157F	55089C0157G
LOMA	08-05-5237A	10/21/2008	C.S.M. 1826, LOT 4 -- 6246 HOMESTEAD DRIVE	55089C0070F	55089C0070G
LOMA	08-05-4344A	11/06/2008	C.S.M. 1637, LOT 18, PORTION OF SECTION 7, T12N, R23E -- 6626 SILVER SHORES DRIVE	55089C0070F	55089C0070G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-FW	08-05-4705A	11/06/2008	C.S.M. 2037, LOT 1, PORTION OF SECTION 27, T11N, R21E -- 2261 COLD SPRINGS ROAD	55089C0113F	55089C0113G
LOMA	09-05-0966A	01/15/2009	SANDY BEACH SUBDIV, BLOCK 1, LOT 3 -- 5286 SANDY BEACH ROAD	55089C0131F	55089C0131G
LOMR-F	09-05-1368A	03/12/2009	SAUK TRAIL BEACH, LOTS 51, 52, PORTION OF 50 -- 7122 SAUK TRAIL BEACH DRIVE	55089C0070F	55089C0070G
LOMR-F	09-05-0555A	04/14/2009	COUNTRY CLUB BEACH, BLOCK 2, LOTS 3 & 4 -- 5090 COUNTRY CLUB ROAD	55089C0133F	55089C0133G
LOMA	09-05-2529A	04/28/2009	DEERFIELD HILLS, LOT 17 -- 2089 DEERFIELD DRIVE	55089C0111F	55089C0111G
LOMA	09-05-2933A	06/09/2009	LOTS 8-9, BLOCK 9, EAST ADDITION -- 4170 RIVER ROAD	55089C0101F	55089C0101G
LOMR-F	09-05-2832A	06/15/2009	RIVER-VIEW FOREST SUBDIV, LOTS 13-14 -- 1937 RIVERVIEW TRAIL	55089C0112F	55089C0112G
LOMR-F	09-05-4523A	08/18/2009	C.S.M. NO. 2129, OUTLOT 1 (PORTION OF SECTION 6, T12N, R23E) -- 120 HIDDEN BLUFF ROAD	55089C0070F	55089C0070G
LOMA	09-05-5455A	09/22/2009	Parcel 80341400200--2102 Cedar Sauk Road	55089C0176F	55089C0176G
LOMR-F	09-05-5916A	10/06/2009	PORTION OF GOVT. LOT 1, SECTION 18, T12N, R23E -- 6410 SOUTH SILVER BEACH ROAD	55089C0070F	55089C0070G
LOMA	10-05-0711A	02/25/2010	2397 WOODLAND ROAD	55089C0109F	55089C0109G
LOMA	10-05-1756A	03/16/2010	697 JAY ROAD	55089C0064F	55089C0064G
LOMR-FW	10-05-2867A	05/13/2010	LOT 7 & 8, BLOCK 7 -- 5484 2ND STREET	55089C0101F	55089C0101G
LOMR-F	10-05-6104A	10/07/2010	PORTION OF SECTION 28, T12N, R23E -- 6352 SAUK TRAIL ROAD	55089C0070F	55089C0070G
LOMA	10-05-6259A	10/05/2010	8809 PLEASANT VALLEY ROAD	55089C0157F	55089C0157G
LOMA	10-05-7036A	11/04/2010	LOT 6 AND PART OF LOT 7, WELLENSTEIN'S ADDITION -- 5674 CEDAR BEACH ROAD	55089C0131F	55089C0131G
LOMA	10-05-7455A	12/02/2010	A PORTION OF GOVERNMENT LOT 1, SECTION 7, T12N, R23E -- 6892 JAY ROAD BEACH SOUTH	55089C0070F	55089C0070G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	11-05-7848A	09/15/2011	LOT 18, BLOCK 1, PIONEER ACRES -- 225 HIGHVIEW DRIVE	55089C0186F	55089C0186G
LOMR-FW	12-05-0803A	11/22/2011	PARCEL 4, CERTIFIED SURVEY MAP NO. 804 -- 1710 MALIBU DRIVE	55089C0178F	55089C0178G
LOMA	12-05-2297A	02/23/2012	A PORTION OF LOTS 1, 9, AND 10, ORIGINAL (FOSTER'S 1ST) PLAT -- N5401 PARK AVENUE	55089C0101F	55089C0101G
LOMR-FW	12-05-3966A	03/29/2012	A PORTION OF GOVERNMENT LOT 1, SEC 25, T11N, R21E -- 3234 COUNTY HIGHWAY W	55089C0114F 55089C0118F	55089C0114G 55089C0118G
LOMA	13-05-1107A	11/13/2012	175 Pebble Beach Road	55089C0070F	55089C0070G
LOMA	13-05-1018A	11/20/2012	5646 CEDAR BEACH LANE	55089C0131F	55089C0131G
LOMA	13-05-0987A	12/28/2012	LOT 9, BLOCK 4, CEDAR CREEK ESTATES -- 1472 CEDAR CREEK PARKWAY	55089C0178F	55089C0178G
LOMA	13-05-2057A	02/07/2013	A PORTION OF GOVERNMENT LOT 3, SECTION 28, T12N, R21E -- W4149 RIVER ROAD	55089C0101F	55089C0101G
LOMA	13-05-3960A	03/11/2013	Lot 3, Certified Survey Map# 1709 Subdivision - 762 Ulao Parkway South	55089C0184F	55089C0184G
LOMA	13-05-3857A	03/28/2013	LOT 45, EDGEWATER PARK -- 1888 EDGEWATER DRIVE	55089C0177F	55089C0177G
LOMA	13-05-5048A	05/21/2013	LOT 7, CERTIFIED SURVEY MAP NO. 1827 -- 6276 HOMESTEAD DRIVE	55089C0070F	55089C0070G
LOMR-FW	14-05-1516A	01/28/2014	PARCEL 1, CERTIFIED SURVEY MAP NO. 804 -- 1746 MALIBU DRIVE	55089C0178F	55089C0178G
LOMA	15-05-1687A	01/08/2015	WELLENSTEIN'S ADDITION, LOT 1 -- 5696 CEDAR BEACH LANE	55089C0131F	55089C0131G
LOMA	15-05-2090A	01/29/2015	PORTION OF SECTION 5, T10N, R21E -- 2225 IVY LANE	55089C0156F	55089C0156G
LOMA	15-05-2214A	02/03/2015	SECTION 18, T12N, R23E -- 6144 MONDLUCH DRIVE	55089C0070F	55089C0070G
LOMA	15-05-4948A	06/22/2015	C.S.M. 1826, PORTION OF LOT 5 -- HOMESTEAD DRIVE	55089C0070F	55089C0070G
LOMR-FW	15-05-7355A	10/20/2015	EAST ADDITION N/K/A FOSTER'S 2ND PLAT, BLOCK 7, LOTS 6 & 7 -- N5478 2ND STREET	55089C0101F	55089C0101G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-F	15-05-6505A	01/14/2016	COUNTRY CLUB BEACH, BLOCK 2, LOT 5 -- 5080 COUNTRY CLUB BEACH ROAD	55089C0133F	55089C0133G
LOMA	16-05-7029A	10/13/2016	Lot 2, CSM 2433 Subdivision - Lakefield Road	55089C0191F	55089C0191G
LOMA	17-05-0363A	11/16/2016	Lot 14, Block 1, Beta Vista Subdivision - 427 Timbercrest Court	55089C0187F	55089C0187G
LOMA	17-05-0418A	11/18/2016	CSM NO. 3863, LOT 1 -- 5550 CEDAR BEACH SOUTH	55089C0131F	55089C0131G
LOMA	17-05-0606A	12/08/2016	SECTION 28, T12N, R21E -- W4046 CTH Z	55089C0101F	55089C0101G
LOMA	17-05-1100A	12/19/2016	CSM NO. 1952, LOT 5 -- 140 HIDDEN BLUFF ROAD	55089C0070F	55089C0070G
LOMR-F	17-05-2584A	04/12/2017	GOVERNMENT LOT 4, SECTION 7, T12N, R23E -- 6566 SILVER BEACH NORTH	55089C0070F	55089C0070G
LOMR-F	17-05-5653A	08/18/2017	SAUK TRAIL BEACH, LOTS 26-28 -- 7002 SAUK TRAIL BEACH ROAD	55089C0070F	55089C0070G
LOMR-FW	18-05-0343A	11/22/2017	CEDAR CREEK ESTATES, BLOCK 4, LOT 6 -- 1428 CEDAR CREEK PARKWAY	55089C0178F	55089C0178G
LOMA	18-05-1429A	01/17/2018	CEDAR CREEK ESTATES, BLOCK 3, LOT 8 -- 1431 CEDAR CREEK PARKWAY	55089C0178F	55089C0178G
LOMA	18-05-1744A	02/12/2018	SECTION 18, T12N, R23E -- 175 SILVER BEACH ROAD	55089C0070F	55089C0070G
LOMA	18-05-2590A	06/20/2018	SECTION 7, T12N, R23E, GOV LOT 1 -- 6842 JAY BEACH ROAD	55089C0070F	55089C0070G
LOMR-FW	18-05-4221A	07/03/2018	EDGEWATER PARK, LOT 24 -- 2060 EDGEWATER DRIVE	55089C0177F	55089C0177G
LOMA	18-05-4707A	07/24/2018	C.S.M. 1827, LOT 6 -- 6266 HOMESTEAD DRIVE	55089C0070F	55089C0070G
LOMR-F	19-05-5474A	01/16/2020	SAUK TRAIL BEACH, LOT 61 -- 7160 SAUK TRAIL BEACH ROAD	55089C0070F	55089C0070G
LOMA	20-05-2117A	03/04/2020	Lot 22, Sauk Trail Beach Subdivision - 6964 Sauk Trail Beach Road	55089C0070F	55089C0070G
LOMA	20-05-4787A	09/25/2020	Lot 15-16, Block 1, Pioneer Acres Subdivision - 175 Sunset Lane	55089C0186F	55089C0186G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	20-05-4890A	10/05/2020	Lot 19 - 21, Sauk Trail Beach Subdivision - 6958 Sauk Trail Beach Road	55089C0070F	55089C0070G
LOMA	21-05-1279A	02/10/2021	SAUK TRAIL BEACH, LOTS 38-40 -- 7062 SAUK TRAIL BEACH ROAD	55089C0070F	55089C0070G
LOMA	22-05-3110A	09/19/2022	Lot 3, CSM No. 2129 Subdivision - 132 Hidden Bluff Road	55089C0070F	55089C0070G
LOMR-F	22-05-2923A	09/27/2022	CSM NO. 1826, LOT 5 & CSM NO. 1827, LOT 6 -- 6256 HOMESTEAD DRIVE	55089C0070F	55089C0070G
LOMR-F	23-05-1364A	05/01/2023	CERTIFIED SURVEY MAP NO. 2129, LOT 4 -- 136 NORTH HIDDEN BLUFF ROAD	55089C0070F	55089C0070G

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	87-05-1415W	01/27/1987	3548 HIGHWAY WEST	6
102	98-05-387P	02/17/1999	CEDAR CREEK - WOODCREEK SUBDIVISION	4
LOMA	99-05-3786A	07/08/1999	SECTION 20 - 1041 HORNS CORNERS ROAD	4
LOMR-F	99-05-4426A	12/29/1999	3420 HIGHWAY W	6
LOMA	01-05-329A	01/26/2001	N 1/2, SECTION 20, T11N, R20E; 3657 BIRCHWOOD ROAD	6
LOMA	02-05-4697A	11/06/2002	A PORTION OF SECTION 17, T11N, R21E; BLUE GOOSE ROAD	4
LOMA	06-05-0997A	02/14/2006	C.S.M. 2707, LOT 1 -- 8816 KAEHLERS MILL ROAD	6
LOMR-F	08-05-1742A	02/12/2008	SAUL TRAIL BEACH, LOTS 42 - 44 -- 7070 SAUK TRAIL BEACH ROAD	6
LOMA	09-05-0309A	12/23/2008	CSM 2267, LOT 1 -- 9616 SHERMAN ROAD	4
LOMA	13-05-8672A	10/02/2013	Lot 24, Little Farms Subdivision - 4927 West Elmdale Road	4
LOMA	21-05-1678A	05/10/2021	SECTION 5, T10N, R21E -- BRANDT DRIVE	4
LOMR	19-05-5425P	08/25/2021	The Glen at Cedar Creek	4

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: OZAUKEE COUNTY

Community No: 550310

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	12-05-7519A	08/14/2012	2219 & 2231 IVY LANE, 2210 & 2412 GRANVILLE ROAD	55089C0156F	55089C0156G

Attachment: Proposed New Floodplain Maps (Proposed New Floodplain Maps)

Natural Resources Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	April 4, 2024
DEPARTMENT:	Land and Water Management
DIRECTOR:	Katie Vogeler
PREPARER:	Lisa Henning

Agenda Summary Land & Water Management Report

ATTACHMENTS:

- 1 March 2024 news (PDF)
- LWM Financials (PDF)

NATURAL RESOURCES COMMITTEE



LAND AND WATER MANAGEMENT DEPARTMENT

CURRENT PROJECTS AND REPORT UPDATES

MARCH 2024



MISSION STATEMENT

**To protect, preserve, and enhance natural resources,
local ecology, and the quality of life**

**Ozaukee County Administration Center
Room 223
121 W. Main Street, P. O. Box 994
Port Washington, WI 53074-0994
Phone: 262-284-8313**

Attachment: 1 March 2024 news (Land & Water Management Report)



Land & Water Resource Management

♦ Conservation Planning/Farmland Preservation (FPP)

- 94 farms currently participating in Farmland Preservation Program; status reviews to be completed on about 25% of the farms in 2024 to ensure compliance with the FPP soil and water performance standards. A landowner did a grass waterway project to stay in compliance

♦ Best Management Practices Design and Certification

- Collaborating with NRCS on cost share projects
- Projects include, grass waterway, roof runoff projects, rip rap, and stacking pad runoff storage, manure abandonment and waste storage projects

♦ Administration of Cost-Share Agreements (grants)

- 2024 SWRM bonded grant – \$56,200; SWRM SEG grant – \$25,000.
- Multi Discharge Variance \$22451 Received Total to Date is \$21,269

♦ Nutrient Management

- DATCP SEG funds have started to be contracted with landowners. A reminder letter was sent to all operators in the county about DATCP 590 NMP requirements.

• Environmental Education

- Poster contest information was shared with schools—1 school participated. 1st place posters have moved onto SE Area Poster contest 1 student advanced to the State contest Trophies were dropped off to Lumen Christi School—Mequon

♦ NR151 Compliance Tracking

- No activity

♦ Manure Storage Ordinance

- Starting to organize to update

♦ Stormwater Management & Construction Site Erosion Control-WPDES Permit

- Stantec is finalizing the SLAMM modeling to evaluate nonpoint source pollutant loadings on county property in the MS4 area for compliance with the DNR stormwater permit. A commitment letter was sent to WI DNR.

♦ Buffer Initiative—Conservation Reserve Enhancement Program (CREP)

- 1 landowner in Belgium has officially participated, an inquiry from a Port Washington resident for land eligibility

♦ Wildlife Damage and Abatement

- 2023 reimbursement request will be sent to DNR soon—Approx. \$11,000 reimbursement check will be received sometime before June.

♦ Tree, Shrub, Prairie Grass & Wildflower Seed Program/Pollinator Plant & Grass Sale

- Program is 100% online for purchases—242 tree orders have been received. 86 plant orders

♦ Invasive Species

- No activity

♦ Conservation/ Clean Farm Families

- Soil Health Workshop took place February 8, 2024 with Blake Vince.
- Annual reports have both been submitted for 2023's grant funding received (FFLM and DATCP PLW).
- Applying for an additional grant with SARE for financial assistance with Nitrogen Study at the Highway 57 Demonstration Plot.
- Presented at the Northern Ozaukee Middle School Science Club.

9.c.1.a



Sanitation Program

♦ Sanitation Ordinance

- Three sanitation ordinance violations.
- Maintenance: Zero notices were sent in March; the Office of Corporation Counsel continues action with non-compliant owners; 3098 reports filed to date in 2024

♦ POWTS Plan Reviews, Permits, and Final Inspections

- Eleven plan reviews; fourteen sanitary permits; five final inspection reports, two abandonment permit filed.

♦ Wisconsin Fund

- No qualified applicants for fiscal year 2024 to date.

♦ Miscellaneous

- Working with electronic sanitation permitting system along with LIO.



Shoreland and Floodplain Zoning

♦ Shoreland and Floodplain Zoning Ordinance

- One applicants in March.

♦ Permits

- Two shoreland zoning permits for March.

♦ National Flood Insurance/Community Rating System (CRS)

- Provided floodplain information to numerous landowners.

♦ Non-metallic Mining Reclamation

- Working with the Town of Cedarburg and Jackson on Lannon Mine stock pile and recording year end information to the DNR for 2023.

♦ Miscellaneous

- Working on floodplain and shoreland ordinance changes. We are also working with the DNR and FEMA to adopt new maps in the next few months. .

Land and Water Management Department

Katie Vogeler, Director

Geoff Schramm, Land & Water Coordinator

Ed Pfister, Sanitation & Zoning Coordinator

Chase Brouillette, Soil & Water Conservationist

Barry Sullivan, Sanitation & Zoning Specialist

Tony Austin, Technical Support Specialist

Attachment: 1 March 2024 news (Land & Water Management Report)

Ozaukee County Committee Report
General Fund Land & Water Management
For the Two Months Ending Thursday, February 29, 2024
Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Intergovernmental Revenues	\$266,826	(\$49,332)	\$431,517	\$480,849	-11.43%
Public Charges for Services	\$32,013	\$41,395	\$154,010	\$112,615	26.88%
Licenses & Permits	\$16,633	\$28,919	\$113,000	\$84,081	25.59%
Other Revenue	\$21,200	\$48,800	\$67,600	\$18,800	72.19%
Total Revenues	\$336,672	\$69,782	\$766,127	\$696,345	9.11%
Expenditures					
Salaries	\$45,957	\$68,541	\$654,966	\$586,425	10.46%
Fringe Benefits	\$17,375	\$41,797	\$232,091	\$190,294	18.01%
Travel/Training	\$772	\$1,422	\$16,725	\$15,303	8.50%
Supplies	\$320	\$1,758	\$25,828	\$24,070	6.81%
Purchased Services	\$320	\$791	\$144,124	\$143,333	0.55%
Interdepartment Charges	\$3,183	\$6,802	\$44,983	\$38,181	15.12%
Grants	(\$5,596)	(\$5,478)	\$251,100	\$256,578	-2.18%
Other Expenses	\$1,938	\$5,253	\$97,718	\$92,465	5.38%
Total Operating Expenditures	\$64,269	\$120,886	\$1,467,535	\$1,346,649	8.24%
Capital Outlay					
Total Expenditures	\$64,269	\$120,886	\$1,467,535	\$1,346,649	8.24%
Net Increase (Decrease)	\$272,403	(\$51,104)	(\$701,408)	(\$650,304)	7.29%

Equity:

Attachment: LWM Financials (Land & Water Management Report)

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 4, 2024
DEPARTMENT: Planning and Parks
DIRECTOR: Andrew Struck
PREPARER: Andrew Struck

Agenda Summary Increase of Revenue Budget Amendment for a Southeastern Wisconsin Invasive Species Consortium, Inc. Grant for Invasive Species Management at Virmond County Park

BACKGROUND INFORMATION: The Ozaukee County Planning and Parks Department (Department) was awarded a grant from the Southeastern Wisconsin Invasive Species Consortium, Inc. (SEWISC) Assistance Program to improve the local ecology within Virmond County Park by controlling and managing invasive vegetation. Specifically, this grant will support contracting with conservation corps teams (e.g. AmeriCorps NCCC, Milwaukee Community Service Corps, Wisconsin Youth Conservation Corps and Great Lakes Community Conservation Corps) for assistance with invasive species management in Virmond County Park in 2024.

ANALYSIS: The total grant award is \$3,500. The Ozaukee County Natural Resources Committee unanimously approved the submittal and acceptance of the SEWISC grant application at its February 8, 2024 meeting (Ayes: Holyoke, Matera, Schoessow; Absent: Jobs, Ross). 25% of the total project budget is required as match and will be provided by a secured National Fish and Wildlife Foundation (NFWF) grant (\$6,312), in-kind Department equipment use (e.g. chainsaws, woodchipper) (\$1,191), and volunteer assistance (\$150 value) for a total project cost of \$11,153. The grant award reflects an increase of \$1,500 from NRC approval, hence less required match funding.

FISCAL IMPACT: Balance Current Year: NONE (Additional Revenue \$3,500)

Next Year's Cost: NONE

FUNDING SOURCE:

County Levy _____ Non-County Levy X _____ Indicate source: SEWISC Grant, NFWF SOGL Grant, In-kind Department equipment use and volunteer labor.

RECOMMENDATION: Approve and recommend to the Ozaukee County Board of Supervisors the budget amendment for the Southeastern Wisconsin Invasive Species Consortium, Inc. Assistance Program grant for invasive species management in Virmond County Park.

ATTACHMENTS:

- BA_2023_NRC04042024_SEWISC_Virmond_BA_ATSFinal032824 (PDF)
- P&P_Dept_Virmond_NNIS Mgmt Areas_Map (PDF)

NATURAL RESOURCES COMMITTEE



Budget Amendment Request Committee Approval Form

10.a.1.a

TO: **Finance Committee**
FROM: **Planning and Parks Department**
Date of Request: **3/26/2024**

Resolution No: _____
Period Transfer Recorded: _____
Type of Budget Amendment (check one)
Increase of Revenue: **X**
Fund Transfer: _____
Supplemental Appropriations: _____

Debit / Expense			Credit / Revenue		
Acct #	221-1-01-54533-000	\$ 3,500	A/C #	221-1-01-49501-000	\$ 3,500
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc	Contracted Outside Employment		Cost Ctr & A/C Desc	Private Foundations - SEWISC Virmond Invasives	
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Acct #		\$ -	A/C #		\$ -
	Pre-request Account's Budget	Changed To		Pre-request Account's Budget	Changed To
Cost Ctr & A/C Desc			Cost Ctr & A/C Desc		
Total Debits:		3,500	Total Credits:		3,500

Reason for Request (Be Specific). Also fill out Support Document for County Board.
This is an increase in revenue for a grant received (Project #221-0004-00035) from the Southeastern Wisconsin Invasive Species Consortium, Inc. (SEWISC) to support invasive species management in Virmond County Park. This increase in revenue is for: 1) Contracted Outside Employment (e.g., youth conservation corps).

Department Head Signature: _____
Oversight Committee Members
Date of Meeting: _____

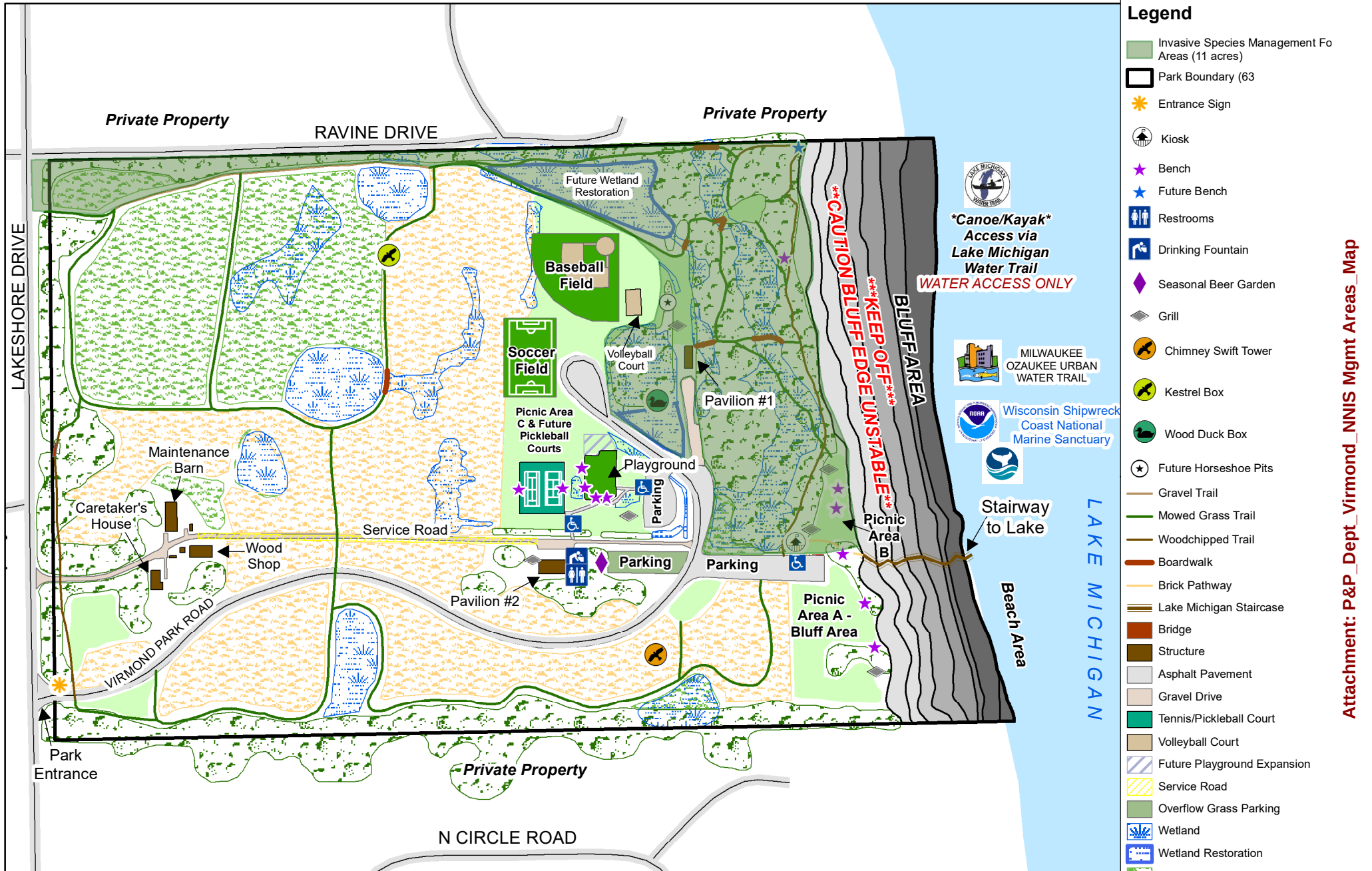
Rob Holyoke
TYPE IN Oversight Committee Chairperson's Name
Finance Committee Members
Date of Meeting: _____

Attachment: BA_2023_NRC04042024_SEWISC_Virmond_BA_ATSFinal032824 (P&PDept_IncRevBA_SEWISCGrant_InvasivesVirmondPark)

Virmond County Park

10606 N Lake Shore Drive, Mequon, WI 53092

10.a.1.b



Legend

- Invasive Species Management Fo Areas (11 acres)
- Park Boundary (63
- Entrance Sign
- Kiosk
- Bench
- Future Bench
- Restrooms
- Drinking Fountain
- Seasonal Beer Garden
- Grill
- Chimney Swift Tower
- Kestrel Box
- Wood Duck Box
- Future Horseshoe Pits
- Gravel Trail
- Mowed Grass Trail
- Woodchipped Trail
- Boardwalk
- Brick Pathway
- Lake Michigan Staircase
- Bridge
- Structure
- Asphalt Pavement
- Gravel Drive
- Tennis/Pickleball Court
- Volleyball Court
- Future Playground Expansion
- Service Road
- Overflow Grass Parking
- Wetland
- Wetland Restoration
- Grassland/Shrub
- Prairie
- Woodland
- Open Lawn

Attachment: P&P_Dept_Virmond_NNIS Mgmt Areas_Map



0 125 250 500 Feet



Ozaukee County
Parks Reservations:



Map Produced By:
Ozaukee County Planning and
Parks Department
3/1/2024

Packet Pg. 138

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 4, 2024
DEPARTMENT: Planning and Parks
DIRECTOR: Andrew Struck
PREPARER: Andrew Struck

Agenda Summary Planning & Parks Department Management and Financial Reports

ATTACHMENTS:

- P&PDEPT_MGMTREPORT_NRC040424_MARCH2024_FINAL_ATS032824(PDF)
- 1) CommRpt2024 February 2024 (PDF)
- 2) Summary of Parks Revenue February 2024 (PDF)
- Ozaukee Press Article, 03.07.2024, County plans to pepper buildings with solar panels (PDF)
- Ozaukee Press Article, 03.14.2024, Clean energy champions (PDF)
- Ozaukee Press Article, 03.14.2024, Easter egg hunt set for March 30 in Fredonia(PDF)
- Washington County Insider, 03.16.2024, Sugar Maple Nature School expands to Hawthorne Hills County Park (PDF)

NATURAL RESOURCES COMMITTEE



GOLF COURSES



10.b.1.a

GOLF COURSES — MEE-KWON PARK AND HAWTHORNE HILLS

- March (thru March 20th) revenue and rounds: \$31,656.00 and 1,005 rounds (2024) and \$327.18 and 0 rounds (2023) for both MKGC & HHGC. Summary of 2024 total revenue (YTD) \$33,139.07 and 1,005 rounds (\$32.97/person) and 2023 total revenue (YTD) \$1,083.88 and 0 rounds (\$/person). Processed over 500 Discount ID cards to date.
- Received 72 resumes this year for golf shop positions (41 for MKGC and 31 for HHGC).
- Early meetings with Concessionaire have been very positive. HHGC is getting an updated kitchen to better serve our customers. New processes for service between nines (at the turn) will increase service and decrease the pace of play.
- GC Maintenance staff and contractors have continued work on ash tree/invasive species removals and tree planting under the USFS & SEWISC grants. Tree planting & ash tree removals will continue in 2024. GC Maintenance is making improvements to the men's bathroom at MKGC and the kitchen at HHGC.



ECOLOGICAL DIVISION



BIRD CONSERVATION / BIRD CITY WISCONSIN

Ozaukee County was awarded "High Flyer" status for its Bird City Wisconsin (BCW) renewal in 2023. The "High Flyer" status is the highest level of achievement under BCW and Ozaukee County was the first County in the State to achieve "High Flyer" status and is one of only 34 communities to accomplish this highest level out of 80 BCW communities in WI. Continued maintenance and monitoring of nest boxes (Kestrel, Bluebird, Wood duck) including 11 new bluebird boxes at Tendick, 9 new bluebird boxes at Virmond and several new Wood duck boxes at LMRFPW and HH Park. Received additional bluebird boxes from WGLBBO for installation at the LMRFPW. Coordinated w/ UW student on Kestrel Box research/monitoring and WGLBBO for Oakland Green.

FISH PASSAGE PROGRAM

Aquatic Connectivity Projects: Coordination with landowners, local municipalities, County Highway Dept (HWY), and contractors (youth conservation corps) for completion of planned construction and site restoration work, including grant-funded materials acquisition and Federal, State and local permitting. Contract management and site visits for finalizing engineering and design work for culvert replacements or remediation work on Tendick Creek in the T Saukville, Sucker Brook Creek in T Port Washington, and Silver Beach Creek in the T Belgium.

Habitat Improvement Projects: Ongoing project planning w/ WDNR & Milwaukee County for aquatic habitat inventories, assessments, & engineering and design support (including an RFP for E&D) for aquatic habitat restoration activities on the Little Menomonee River in Milwaukee County. Continued restoration (e.g. Prairie planting at Oakland Green Park) and finalized plan for stream and wetland restoration work on Tendick Creek/Park. Coordinated with HWY, the Village of Saukville, funding partners and landowners for land acquisitions and planning for habitat restoration in conjunction with the CTH W rehabilitation project in the Village of Saukville. Finalized restoration activities and grant and permit closeout at the stormwater wetland restorations at Mee-Kwon County Park & GC w/ HWY, Conservation Corps Teams & consultant (M2 Engineering). Ongoing Lake Sturgeon habitat assessment work in coordination with WDNR and UW-Milwaukee. On-going planning with partners for Sucker Creek restoration work. Coordinated w/ consultant (Inter-Fluve) on ongoing habitat enhancements at Ulao Creek. Coordination w/ City of Port Washington on planned habitat improvements on Mineral Springs Creek & Sauk Creek. Engineering & design RFP development and project planning for Virmond Park stormwater wetland & CBCGNP restoration projects.

Environmental Monitoring: Continued analysis & reporting of fish, avian, wildlife, and water quality sampling data per QAPPS. Supplies and materials acquisition and project planning for implementation of 2024 monitoring activities. Water quality sampling analysis for the Little Menomonee River/Creek and Ulao & Mole Creeks. Coordinate w/ SEWRPC for flow monitoring on Sucker Creek. Installation of flow and temperature units. Continued water quality monitoring analysis as part of WDNR AOC LMR & SW Grants. Ongoing monitoring/analysis of the underwater "fish cam" at MT Fishway. Continued larval & backpack electrofishing fish monitoring data analysis and reporting on project streams. QAPP development for upcoming 2024 projects (e.g. Sucker Creek impediment remediations). Coordination with Shedd Aquarium on volunteer Sucker fisheries monitoring on Sucker Creek.

Education and Outreach Activities: On-going website and social media development and refinement of multiple education/outreach materials and updates on construction and restoration projects. Temporary signage at construction and restoration projects. Development of temporary and permanent education signage for multiple projects including Mineral Springs Creek w/ LMBO, Lake Michigan public access, wetland restorations, chimney swift tower at Virmond County Park & Tendick Nature Park wetland and prairie restoration. Research of applicable bluff safety signage, brochures and ordinances. Website updates.

Reporting and Other Activities: On-going grant (financial & technical) reporting for USFWS, USFS, NOAA/WCWP, NFWF SOGL, WDNR (Stewardship, SWM, CCA, OGW), SEWISC & FFLM. Submitted multiple grant applications. QAPP & NEPA submittals & approvals for federal & state funded projects. Coordinated w/ AmeriCorps NCCC, WisCorps, & MCSC on 2024 work. Coordinated w/ GLE regarding the GIS Fish & Wildlife Habitat Tool contracts. Coordinated w/ partners (MMSD, Riverkeeper, SEWRPC) on water quality monitoring. Coordinated w/ WGLBBO, CPort Washington, We-Energies, HWY & WDNR regarding stream corridor restoration on Mineral Springs Creek. Coordinated w/ LNRP, OCWC, consultants, & landowners on stream & habitat restoration planning for Sucker Creek in Towns of Port Washington & Belgium. Coord. w/ WDNR MR AOC & Lamp Coordinators. Coordinated w/ Finance on project accounting system, grant reporting/reimbursements & annual audit. Completed multiple federal & state grant reimbursement requests. Mtgs for the AOC MAIT (3/12), Fish & Wildlife Tech Team (3/13), & Project Managers (3/6). Coordinate w/ Hwy, landowners & consultant on CTH W Project. Coordinated w/ Interfluve, raSmith & Fish Creek Restoration consultants on FP & habitat restoration projects. Coordinated w/ WDNR Fisheries on grant funding for current & future projects. Coordinate w/ WGLBBO Re: MSC restoration & educational signage. WI Lakes & Rivers Partnership Mtg (3/5). Virtual Mtgs w/ Sugar Maple Nature School Re: Development (3/8,3/18). Mtg. w/ SEWRPC Re: LMPN grant, inland lake surveys and Sucker Creek flow monitoring (3/8) and deploy monitoring units in Sucker Creek (3/13). Staff Invasive Species Workday at CBCGNP (3/15). Deploy acoustic monitors for herps and birds at LMRFPW (3/11). Coord w/ HWY on 2024 Parks & Ecological Division projects. Coordinated w/ partners (UW-Madison Geoscience Dept, WI Geologic & Natural History Survey, US Geological Survey) on coastal bluff erosion & groundwater monitoring well issues. Mtg w/ WDNR and UW SFS on Lake Sturgeon habitat and assessment project (3/12). Mtg w/ NFWF staff on NCRF projects (3/20). Mtg w/ WDNR & USEPA on current grant projects and future funding opportunities (3/18). Presented at Youth Government Day (3/20). WSC NMS Advisory Cmte. in Two Rivers (3/21).

INVASIVE SPECIES MANAGEMENT

Continued removal of ash trees, invasive shrubs and herbaceous spp. at County Parks and Restoration Areas including Tendick, Covered Bridge, Lion's Den Gorge, Mee-Kwon, CBCGNP, Hawthorne Hills, River Oaks, Ulao Creek NP & Virmond Parks under SEWISC CWMA Grants. Continued work on private foundation grants for invasive species management and native tree planting in the County Park System. Continued planning for ROW Invasive Species Treatment and coordinated w/ HWY on implementation. Coordinated on 2 USFS grants w/ Partners (HH Park & Coastal Parks Project Areas) for tree planting / bidding.

DEPARTMENT ADMINISTRATION

- Attended NRC (3/7), CB (3/6, 3/20), Dept Head (3/12). Completed all Staff Annual Reviews. Senior Planner's Last Day (3/20).
- Managing staff teleworking/remote working and parks & golf course operations. Worked on metric reporting & website statistics.



PLANNING & PARKS DEPARTMENT

CURRENT PROJECTS & REPORT UPDATES

MARCH 2024



MISSION STATEMENT

To provide opportunities for Ozaukee County residents and visitors of Ozaukee County to appreciate and enjoy the natural and cultural resources, local ecology, recreational experiences, well planned sustainable growth and improved quality of life in Ozaukee County through the preservation, restoration and management of natural resources, increased awareness and education, stewardship, promotion of tourism, comprehensive planning, and the acquisition, development, enhancement and operation of large scale, intergovernmental recreational opportunities including exceptionally well-maintained golf courses, multi-use trails and parks.

<https://www.co.ozaukee.wi.us/540/Planning-Parks>

Ozaukee County Administration Center
121 W. Main Street, Box 994
Port Washington, WI 53074-0994
Phone: 262-284-8257

Packet Pg. 140

Attachment: P&PDEPT_MGMTREPORT_NRC040424_MARCH2024_FINAL_ATS032824



Ozaukee County Planning and Parks



PLANNING DIVISION

Comprehensive Planning

- Reviewed local government amendments to County Comprehensive Plan (e.g. Towns of Grafton, Port Washington, Belgium, Cedarburg & Saukville, Villages of Grafton, Belgium & Newburg & Cities of Port Washington & Mequon). Coordinated w/ SEWRPC on County Comp Plan amendment regarding local governments.
- Coordinated w/ Town of Saukville (consultant) and Town & Village of Belgium on amending their local comprehensive plan, planned land use map and County Comprehensive Plan. Explored options w/ SEWRPC.
- Began to review the GIS mapping for the proposed local government amendments to the County Comprehensive Plan (e.g. planned land use map). Follow-up w/ SEWRPC staff regarding level of effort for updates.
- Continued to staff the Comprehensive Planning Board meetings (3/20) (regular schedule—every other month). Meeting agendas and minutes at <https://www.co.ozaukee.wi.us/2107/Comprehensive-Plan-Board>

Land Division / Plat Review / Zoning

- Discussed/reviewed preliminary/final land divisions with landowner(s) in the Towns of Grafton, Port Washington, Saukville & Cedarburg. Generated GIS maps including: zoning, land use, soils, floodplain, wetlands, etc.
- Provided review for proposed projects under the County-owned lands zoning ordinance including Mee-Kwon Park—communications tower, Pinnacle property—communications tower, Highway properties—nonmetallic mining, LMRFWP—public access and Advocates of Ozaukee—building expansion, & Grafton Park and Ride.

Park and Open Space Plan - Park & Natural Areas Preservation/Conservation Planning

- Reviewed prioritization and implementation recommendations in the adopted *Park and Open Space Plan for Ozaukee County: 2035 (POSP)* as approved by County Board on June 1, 2011. Coordinated with SEWRPC staff regarding the update to the POSP, inventory data, mapping, chapters and survey data (on-site surveys). Analyzing on-site Park User surveys. Coordinate the Comprehensive Planning Board - POSP Chapters.
- Discussed recommendations of the POSP with residents, WDNR, MMSD/Conservation Fund, OWLT, WWA, ROTB, FOCB, USFWS and Ozaukee Treasures Network, particularly with regard to identified Natural Areas and proposed County parks and trail systems. Continued discussions with interested citizens regarding developing a mountain bike park and natural area acquisitions (CTH W-Saukville, OIT-TGrafton, Town of Saukville Properties, Waubedonia-TFredonia, LDGPN/CBCGNP Project Area—TGrafton)
- Coordinated with the Conservation Fund/MMSD on the expanded Greenseams Program (CTH W project). Coordinated w/ USFWS, WDNR, Ducks Unlimited, Conservation Fund/MMSD on fish passage projects.
- Coordinated/attended meetings with partners (e.g. FOCB (), WDNR (), MMSD/TCF(), OWLT, OCWC, BCW (), LNRP, DU, OTN, WGBBLO, WAC) to discuss natural area preservation/restoration.
- Revising final drafts of three County Park Master Plans including Virmond, Lion's Den Gorge Nature Preserve (LDGPN) and Clay Bluffs Cedar Gorge Nature Preserve (CBCGNP). Updating all Park Master Plan (GIS) maps w/ Staff. Follow-up on the CBCGNP overall master planning and future restoration. Summarized POSP Public Information Mtgs and prepared draft Chapters including County Project Areas.
- Coordinated with WDNR staff on Stewardship grant requirements.

Farmland Preservation Plan and Working Lands Initiative

- County Board formally adopted the *Farmland Preservation Plan for Ozaukee County: 2035 (FPP)* on July 3, 2013 as a stand alone plan. The County Board adopted the Comprehensive Plan Amendment 2013-02 (incorporation of FPP & POSP) on 12/4/13. Received \$30,000 DATCP FPP Grant and certification extension. Coordinated (w/ SWWT & MMSD and other partners) on implementation of the Cedar, Pigeon, Mole and Ulao Watershed 9 Key Element Plan per FPP (e.g. Tendick Creek floodplain and wetland restoration).
- Coordinated with the Town of Belgium on a revision to the County FPP per a zoning/land use change.

Geographic Information Systems (GIS) / Land Information

- Continued development of the GIS Fish & Wildlife Habitat Model and Ecological Prioritization GIS Tools with partners (NACPRO Award 2021). Reviewed Preservation/Restoration output maps with partners and coordinated with staff/partners/consultant on next steps for the GIS Tools. Continued work on Fisheries component of the GIS Tools. Worked w/ consultant on SLCI reports for LMRFWP (NACo Award 2023).
- Prepared several GIS databases and maps for the Planning, Parks and Trails and Ecological Divisions regarding: land divisions, zoning, tree plantings, natural areas, Trail/ROTB, streams/Impediments, wetland/riparian restorations, stormwater, water quality, fish & wildlife monitoring, invasive species, and restorations.
- Coordinated w/ LIO on GIS databases (trails, land use), JEM Grant (GIS Storybook OIT), & legal descriptions.
- Coordination w/ SEWRPC and LWMD on an update to the County Shoreland (& Floodplain) Zoning Maps.

Floodplain, Stormwater Management, Bluff Erosion and Construction Site Erosion Control

- Developed/reviewed erosion control, floodplain and stormwater management plans, permits and implementation for various Fish Passage Program (e.g. MSC, Sucker & Tendick Creeks), Parks (e.g. Virmond stormwater wetlands, HH Park Multipurpose Maintenance Bldg) & Ozaukee Interurban Trail projects with USACOE, WDNR, LWMD, consultants, & municipalities (e.g. Town of Saukville, City of Mequon).
- Coordinate w/ WCMP State Coastal Hazards WG regarding Virmond Park, LDGPN and other research projects. Coordinated with UW Sea Grant/WGNHS on outreach for Lake Michigan water levels and bluff erosion/climate change, Virmond public access and a guide to native vegetation for coastal bluffs. Coordinated on WCMP Coastal Resilience Project (e.g. predicting bluff erosion and water study—Virmond Park, Master Plans—CBCGNP, Virmond, LDGPN) and coordinate w/ the WCMP CALM Network.

Strategic Planning and Economic Development Planning

- Coordinated w/ Chambers of Commerce, State & County Tourism on a State Tourism Joint Effort Marketing (JEM) grant for promoting the Ozaukee Interurban Trail. Continued to report on the Department goals, objectives, metrics (websites) for the County Strategic Plan.

Non-metallic Mining Planning

- Coordinated w/ the Highway Dept on the implementation of the restoration plan (e.g. tree establishment, Hetzel Pit / Bee-Keeper Bog to comply with the WDNR permit. Coordinated with the Highway Dept for restoration / reclamation activities at the Saukville properties (Guenther, Lakeland and Opitz Pits) and coordinated w/ multi-Department staff, HWY and the Town of Saukville for future land use at these properties ().

Regional Technical Review & Planning Assistance (SEWRPC, MMSD, WisDOT, etc.)

- Coordinated w/ SEWRPC Regional Land Use & Transportation & Natural Areas Advisory Cmte mtgs.
- Coordinated w/ SWWT & OCWC on 9-Key Element Plans-Ulao, Mole, Pigeon, Cedar & Fredonia.
- Coordinated w/ WisDOT & Consultants on STH 60 (3/6), 167, 181 & I-43 reconstruction projects.

PARKS, RECREATION, NATURAL AREAS AND CULTURE DIVISION



Parks, Natural Areas, Recreation and Culture Implementation

- Implementation of 2024 park projects (e.g. boardwalks and bridges) & approved Capital Improvement Project (CIP) for the County parks (e.g., Maintenance Bldg.). Coordinated w/ Highway Dept on other Park (e.g., HH grading), Fish Passage (Sucker & Mineral Springs Creeks) and Ozaukee Interurban Trail (e.g., tree/brush removal, signage) projects and CTH ROW Invasives. Plan / coordinate w/ Highway Re: 2024 Projects (Park, Ecological/FP) & CTH W E&D, reconstruction, restoration, land acquisitions and funding ().
- Coordinated w/ Eagle Scouts for current and future service projects at various County Parks and the Interurban Trail (e.g. Fencing/Portable Bathroom Shelter—LMRFWP County Park, Invasives—HH Park, etc.).
- Coordinated/continued intensive invasive species removal (e.g. herbaceous & woody shrubs), ash tree removal and 2024 tree plantings at Lion's Den Gorge Nature Preserve, CBCGNP, Virmond, Mee-Kwon, Hawthorne & LMRFWP, Waubedonia, Covered Bridge, Ulao Creek NP and Tendick Nature Parks, Coastal & HH Park Park Areas (USFS grants) & both Golf Courses under private foundation, USFS GLRI and USFS CWMA grants. Continued inventory of invasive species, tree plantings (3/27-3/28) and ash trees in the County Parks.
- Coordinated w/ several recreational organizations regarding the Mee-Kwon County Park master plan. Work on signage/maps/trail marking for the pedestrian trail network. Working on NRF grant to improve trail system.
- Coordinated with the Parks staff on the remodeling and repair of the Shady Lane, Mee-Kwon, Waubedonia & Virmond Park Houses (soffits, paint), out buildings (e.g. woodshop) and yard (e.g., invasives, trees) and the HH Park Multipurpose Maintenance Building (upper level).
- Coordinated w/ Ozaukee Treasures Network (OTN) Steering Cmte., a collaboration of organizations working the implementation of the *Park and Open Space Plan for Ozaukee County*. Coordinated w/ Ozaukee County Watershed Coalition (OCWC) regarding Sucker Creek. Discussed development of Parks Friends Group.
- Managed prairie restoration areas at Tendick Nature Park, LMRFWP, Covered Bridge, Virmond County Park, Oakland Green Park/MSC, MK Park Wetlands and HH Park Multipurpose Maintenance Building. Grant reporting: WDNR CCA, We Energies, DU NAWCA and NFWF SOGL Invasives.
- Worked on the new CBCGNP, Ulao, Covered Bridge & River Oaks County Parks additions regarding survey restoration, tree removal (e.g. ash), invasive species removals, signage, trails, maintenance and tree planting.
- Coordinated with Partners regarding the Clay Bluffs Cedar Gorge Nature Preserve. Continued discussions with partners (OWLT, WDNR, WCMP, USFS & USFWS) Re: Habitat Restoration.
- Coordinated w/ WCMP Coastal Hazards Work Group, contractor, City and WCMP staff on the public access Lake Michigan (e.g. stairway) at Virmond Park. Received 2023 NACPRO Park & Rec Facility—Class I Award.
- Coordinated w/ Parks Division staff on multiple items (e.g. reservations, signage, benches, gates, ash trees, Park Maint. Bldg.), and scheduling w/ Corps Groups (AmeriCorps & WisCorps).
- Coordinated w/ Architect (Kueny) & Contractors for Hawthorne Hills Multipurpose Maintenance Bldg. (3/6, 3/6).
- Coordinated w/ Highway and Grafton & Mequon FDs regarding access/parking at LDGPN and Virmond Park.
- Virtual Meeting w/ UW Madison Landscape Architecture Student on design for HH Park Campground (3/5).

Coordination with Cultural, Tourism & Recreation Groups

- Coordinated/Mtg w/ Ozaukee County Tourism Council (OCTC) Board and Exec Mtgs (3/20). Continued work on Tourism & Trail websites, maps & events. Continued to assist w/ OCTC Treasurer duties Re: 2024 budget. Coordination w/ OCHS Re: OCHS Caretaker, agreement, tree planting, well monitoring, Wi-Fi & 2024 events.

TRAILS DIVISION



Trails Development & Facilitation—Ozaukee Interurban Trail/Snowmobile Trails

- Coordination w/ the Ozaukee Interurban Trail (OIT) Advisory Council including: safety, user counts, Trail we Trail maintenance/drainage/culverts, bike racks, benches, trees, maintenance items for the Trail (e.g. tree removals), RTC grant-Port Washington Trail Improvement Project—design & engineering, Attend Route of the Bark (ROTB) on Regional Quarterly Mtg.(3/5) in Kenosha, coordination w/ communities (Mequon, Cedarburg, Port Washington) & professionals on OIT improvements. Development of Trail gateway signage. Coordinated w/ WisDOT on trail extension in the Grafton/Cedarburg along STH 60 (). Follow-up on RFPs—WisDOT TAP grant.
- Coordinated with We Energies on several occasions on development of trailside facilities in several locations along the Trail (e.g. repair stations, signage, bike racks, benches, trees) and safety and electrical improvements.
- Continued to conduct Trail user counts and analyze correlations with other survey data. Maintained the count.
- Coordinated w/ the Ozaukee Snowmobile Clubs on the existing and new (2023-24) Trail Maintenance and Trail Bridge Grants under the WDNR Trail Recreational Aids Grants. Coordinated and managed the SNARS data and GIS mapping for snowmobile trail maintenance with the Clubs and sent out payments to Clubs.
- Coordination w/ City of Mequon, City of Port, City of Cedarburg, and Village of Thiensville staff regarding trail facilities, safety and trail connections for the OIT. Coordinated w/ Milwaukee County Re: OIT connections & mgmt.
- Coordinated w/ Washington Co. & ROTB regarding planning for trail connections of the OIT to Eisenbahn Trail and criteria for trail network. Coord. w/ T Grafton, C Cedarburg, V Grafton & T Cedarburg.
- Follow-up Re: Trail paving of county-managed portion of OIT and WisDOT TAP grant. Coord. w/ consultants of RFPs for engineering and design consultant (STH 60 & Repaving). Coord. w/ WisDOT on OIT Projects (3/6).

Ozaukee County Committee Report
General Fund Park Commission
For the Two Months Ending Thursday, February 29, 2024
Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Intergovernmental Revenues	-	-	\$34,140	\$34,140	0.00%
Public Charges for Services	\$4,841	\$7,654	\$75,125	\$67,471	10.19%
Interest Revenue	\$12	\$24	-	(\$24)	0.00%
Other Revenue	\$195	\$195	\$125,900	\$125,705	0.15%
Total Revenues	\$5,048	\$7,873	\$235,165	\$227,292	3.35%
Expenditures					
Salaries	\$48,440	\$72,161	\$648,043	\$575,882	11.14%
Fringe Benefits	\$14,313	\$31,119	\$205,808	\$174,689	15.12%
Travel/Training	\$225	\$225	\$7,750	\$7,525	2.90%
Supplies	\$4,771	\$9,256	\$140,900	\$131,644	6.57%
Purchased Services	\$9,920	\$23,663	\$263,400	\$239,737	8.98%
Interdepartment Charges	\$3,554	\$14,466	\$176,944	\$162,478	8.18%
Other Expenses	\$1,971	\$3,797	\$18,942	\$15,145	20.05%
Total Operating Expenditures	\$83,194	\$154,687	\$1,461,787	\$1,307,100	10.58%
Capital Outlay					
Total Expenditures	\$83,194	\$154,687	\$1,461,787	\$1,307,100	10.58%
Other Finance (Sources)	-	-	(\$85,000)	(\$85,000)	0.00%
Net Other Financing Sources/Uses	-	-	(\$85,000)	(\$85,000)	0.00%
Net Increase (Decrease)	(\$78,146)	(\$146,814)	(\$1,141,622)	(\$994,808)	12.86%

E q u i t y:

Attachment: 1) CommRpt2024 February 2024 (P&PDept_Management&FinancialReports)

Ozaukee County Committee Report
Special Revenue Fund Parks Projects
For the Two Months Ending Thursday, February 29, 2024
Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Intergovernmental Revenues	-	-	\$299,275	\$299,275	0.00%
Other Revenue	\$200	\$200	\$10,000	\$9,800	2.00%
Total Revenues	\$200	\$200	\$309,275	\$309,075	0.06%
Expenditures					
Salaries	\$4,912	\$7,386	\$102,348	\$94,962	7.22%
Fringe Benefits	\$1,248	\$2,874	\$26,394	\$23,520	10.89%
Travel/Training	\$94	\$94	-	(\$94)	0.00%
Supplies	\$3,296	\$5,094	\$5,000	(\$94)	101.88%
Purchased Services	-	-	\$5,000	\$5,000	0.00%
Interdepartment Charges	-	\$506	-	(\$506)	0.00%
Total Operating Expenditures	\$9,550	\$15,954	\$138,742	\$122,788	11.50%
Capital Outlay					
Buildings & Land	-	\$10,000	\$200,000	\$190,000	5.00%
Total Capital Outlay	-	\$10,000	\$200,000	\$190,000	5.00%
Total Expenditures	\$9,550	\$25,954	\$338,742	\$312,788	7.66%
Net Increase (Decrease)	(\$9,350)	(\$25,754)	(\$29,467)	(\$3,713)	87.40%

Equity:

Ozaukee County Committee Report
Special Revenue Fund Ozaukee Water Projects
For the Two Months Ending Thursday, February 29, 2024
Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Intergovernmental Revenues	-	-	\$11,446	\$11,446	0.00%
Other Revenue	\$34,000	\$34,000	\$326,455	\$292,455	10.41%
Total Revenues	\$34,000	\$34,000	\$337,901	\$303,901	10.06%
Expenditures					
Salaries	\$13,183	\$19,938	\$225,419	\$205,481	8.84%
Fringe Benefits	\$5,176	\$11,680	\$81,769	\$70,089	14.28%
Travel/Training	-	-	\$746	\$746	0.00%
Supplies	-	-	\$500	\$500	0.00%
Total Operating Expenditures	\$18,359	\$31,618	\$308,434	\$276,816	10.25%
Capital Outlay					
Total Expenditures	\$18,359	\$31,618	\$308,434	\$276,816	10.25%
Net Increase (Decrease)	\$15,641	\$2,382	\$29,467	\$27,085	8.08%
Equity:					

Ozaukee County Committee Report
Enterprise Fund Golf Courses
For the Two Months Ending Thursday, February 29, 2024
Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2024 YTD Actual	2024 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Public Charges for Services	\$96	\$96	\$2,179,800	\$2,179,704	0.00%
Other Revenue	\$15	\$15	\$12,800	\$12,785	0.12%
Total Revenues	\$111	\$111	\$2,192,600	\$2,192,489	0.01%
Expenditures					
Salaries	\$42,125	\$64,682	\$825,658	\$760,976	7.83%
Fringe Benefits	\$19,189	\$47,709	\$263,555	\$215,846	18.10%
Travel/Training	\$902	\$902	\$12,650	\$11,748	7.13%
Supplies	\$37,593	\$43,003	\$348,050	\$305,047	12.36%
Purchased Services	\$11,968	\$13,568	\$188,350	\$174,782	7.20%
Interdepartment Charges	\$3,796	\$7,529	\$59,198	\$51,669	12.72%
Depreciation	\$24,949	\$49,898	\$305,350	\$255,452	16.34%
Other Expenses	(\$18)	(\$18)	\$103,789	\$103,807	-0.02%
Total Operating Expenditures	\$140,504	\$227,273	\$2,106,600	\$1,879,327	10.79%
Capital Outlay					
Equipment & Furniture	-	-	\$370,000	\$370,000	0.00%
Buildings & Land	-	\$3,696	\$1,140,000	\$1,136,304	0.32%
Contra	-	-	(\$1,510,000)	(\$1,510,000)	0.00%
Total Capital Outlay	-	\$3,696	-	(\$3,696)	0.00%
Total Expenditures	\$140,504	\$230,969	\$2,106,600	\$1,875,631	10.96%
Other Finance Uses	-	-	\$86,000	\$86,000	0.00%
Net Other Financing Sources/Uses	-	-	\$86,000	\$86,000	0.00%
Net Increase (Decrease)	(\$140,393)	(\$230,858)	-	\$230,858	0.00%

Equity:



OZAUKEE COUNTY PLANNING & PARKS

Parks Division

Summary of Parks Revenue

February 2024

Location	Fees for Events in February 2024	
	Cur Month	YTD
Covered Bridge	-	-
Ehlers	-	-
Hawthorne Hills	-	-
HH Peters Youth Camp	330.00	825.00
Ozaukee I.U. Trail	-	-
Lions Den Gorge	-	-
Mee-Kwon	-	-
Tendick Nature	285.00	515.03
Virmond	-	-
Waubedonia	-	-
Totals:	615.00	1,340.03

	Revenue Collected During February 2024	
	Cur Month	YTD
	75.00	360.00
	-	-
	-	-
	330.00	323.95
	55.00	55.00
	110.00	320.00
	-	-
	858.32	1,143.32
	805.00	935.00
	1,507.90	3,416.83
	3,741.22	6,554.10

Historic Comparison

Location	Fees for Events in February		
	2022	2023	2024
Covered Bridge	-	-	-
Ehlers	-	-	-
Hawthorne Hills	-	-	-
HH Peters Youth Camp	364.93	489.27	330.00
Ozaukee I.U. Trail	-	-	-
Lions Den Gorge	-	-	-
Mee-Kwon	-	-	-
Tendick Nature	85.31	318.74	285.00
Virmond	-	-	-
Waubedonia	-	-	-
Total:	450.24	808.01	615.00

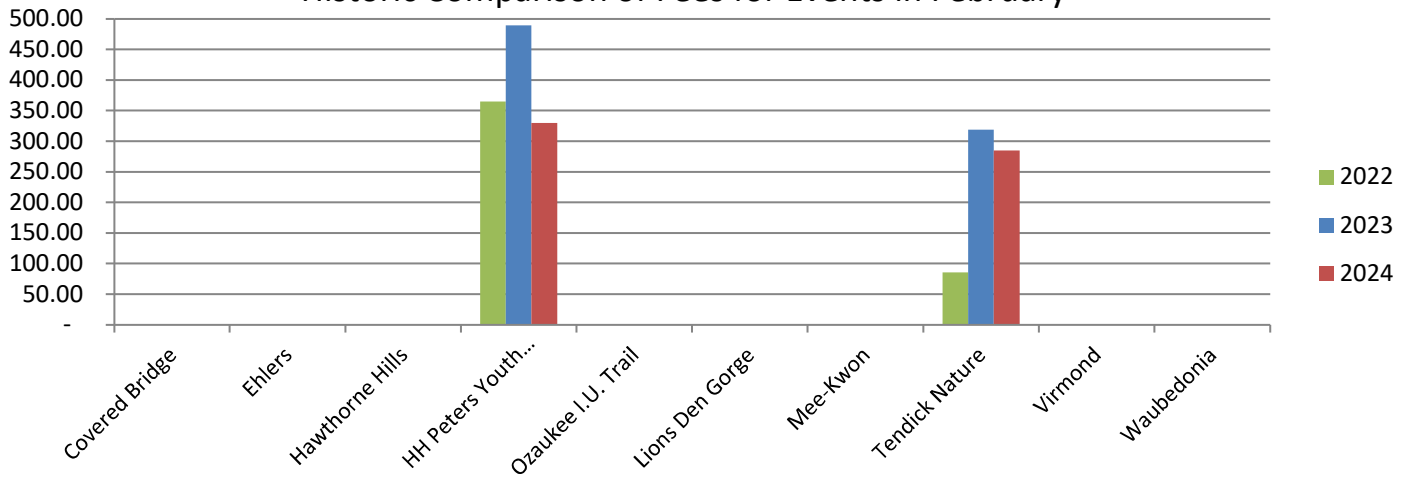
Fee Type	Fees for Events in February YTD		
	2022	2023	2024
Park Fees	364.93	489.27	330.00
Disc Golf Fees	85.31	318.74	285.00
Camping Fees	-	-	-
Firewood	-	-	-
Total:	450.24	808.01	615.00

	Fees for Events in February YTD		
	2022	2023	2024
	-	-	-
	-	-	-
	-	-	-
	834.12	964.21	825.00
	-	-	-
	-	-	-
	-	-	-
	243.60	1,001.23	515.03
	-	-	-
	-	-	-
	1,077.72	1,965.44	1,340.03

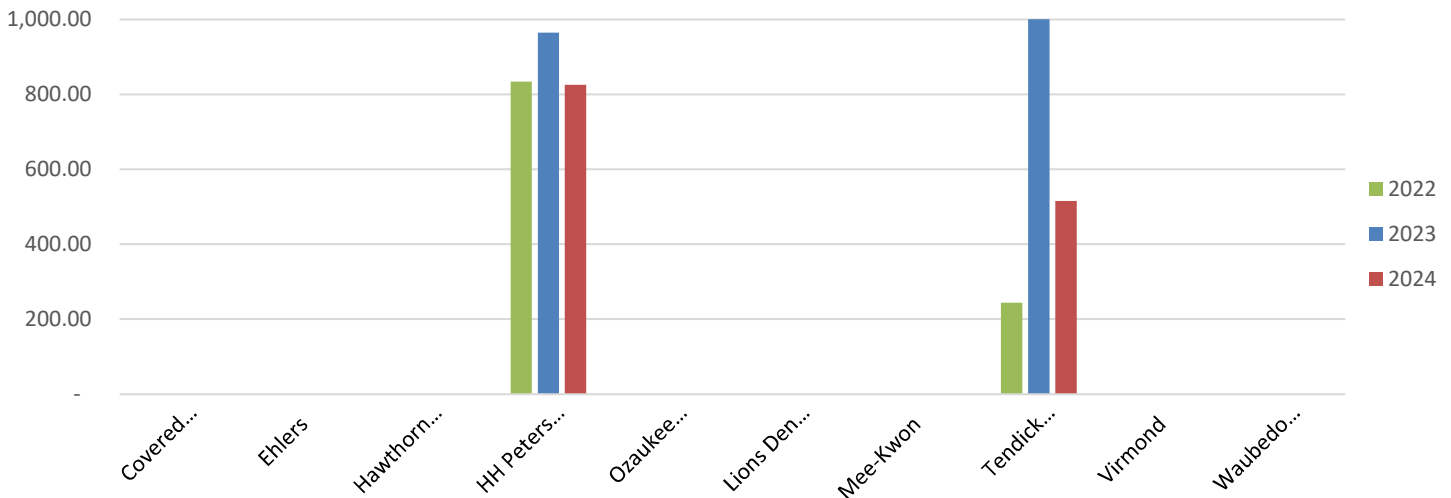
	Fees for Events in February YTD		
	2022	2023	2024
	834.12	964.21	825.00
	243.60	1,001.23	515.03
	-	-	-
	-	-	-
	1,077.72	1,965.44	1,340.03

Attachment: 2) Summary of Parks Revenue February 2024 (P&PDept_Management&FinancialReports)

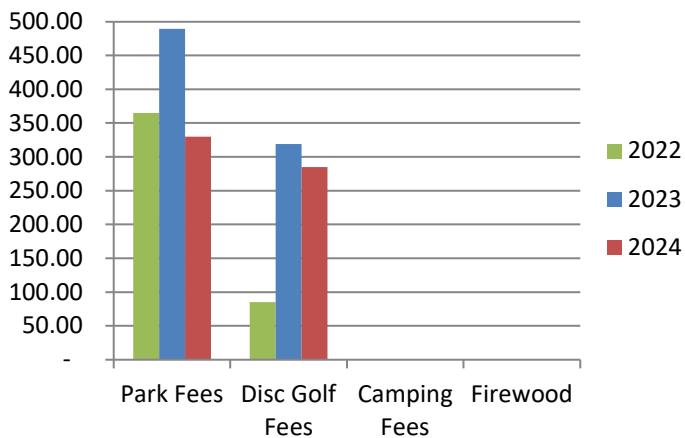
Historic Comparison of Fees for Events in February



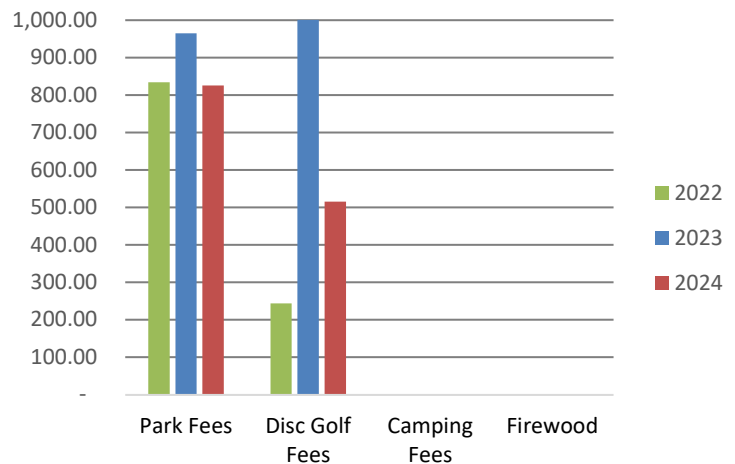
Historic Comparison of Fees for Events YTD February



Historic Comparison for Type of Fees



Historic Comparison for Type of Fees YTD February





Southeast Wisconsin's Largest Independent Community Weekly

Three sections

Thursday, March 7, 2024

\$2

County plans to pepper buildings with solar panels

By DAN BENSON
Ozaukee Press staff

The Ozaukee County Administration Center, Justice Center and Highway Department building could soon be sporting arrays of solar panels on their roofs if plans to do so are approved by the County Board.

Officials say the project would pay for itself within 10 years and save the county about \$40,000 a year in energy costs for another 15 years, the remaining warranted life of the panels, for a total of \$600,000 in savings.

The project would cost about \$708,000, but the net upfront cost to the county would be \$400,000 after taking into account a 30% federal tax credit of \$213,000 and a \$95,000 Focus on Energy renewable energy incentive grant.

■ *Installations at three Port facilities would save \$40,000 annually in energy costs, account for 5.6% of electricity used*

The three arrays would produce 397,000 kilowatt hours of energy per year, offsetting about 23% of the electrical costs at the Administration Center, 68% at the Highway Department and 7% at the Justice Center.

It's estimated that the solar panels would offset 277 metric tons of carbon dioxide per year and 5.6% of the county government's electrical use.

All three buildings are located in Port Washington.

Historically, local governments have not been eligible for federal tax credits but that changed with passage of the Inflation

Reduction Act in 2022, county Policy and Budget Analyst Jason Wittek said.

Wittek said the arrays will be relatively unobtrusive because they would lie flatter than many other solar panels.

The proposed project is one of 13 capital projects, totaling \$2.6 million, proposed by the board's oversight committees that if approved would be paid for through the county's capital reserves fund.

Other capital projects under consideration and their costs include:

■ Remodeling courtrooms at the Justice Center, \$258,200.
■ Replacing Sheriff's Office firearms,

\$88,179.

■ A countywide financial management software implementation and contract with a vendor to help oversee the project, \$990,000.

■ Purchase and install security cameras and gates at Hawthorne Hills, Tondick and Virmond county parks, \$120,500.

■ Repaving the parking lot of the National Flag Day Foundation's Americanism Center in Waubesa, \$50,000.

■ Campground and development of the Sugar Maple School site at Hawthorne Hills Park, \$225,000.

■ Countywide radio system upgrade, \$600,000.

The county's capital reserves are funded from end-of-year general fund surplus. See **County** on page 11B

County: Capital reserve fund hits high of \$4 million

FROM PAGE 3B

including sales tax revenue.

County Administrator Jason Dzwiniel said the capital reserve fund currently stands at about \$4 million, in part due to the influx of federal American Rescue Plan Act funds in recent years.

"There is probably more money in the (capital reserve) fund than we've had historically, thanks to ARPA funds," Dzwiniel said.

Dzwiniel said the fund will continue to grow as the 2023 books are closed.

The Sheriff's Office has 110 handguns, with about 80 of those being 17 years old, having been placed into service in 2007.

They are worn by deputies on a daily basis and used multiple times a year during live-fire training sessions. The manufacturer recommends parts and magazines be replaced after five years and the entire pistol after 10 years, Sheriff

Christy Knowles said.

"Our pistols are well past the manufacturer's recommended service life," she wrote in a memo. "Continuous use of these outdated pistols is likely to lead to a firearms failure. If the failure occurs during a use of force encounter or deadly force situation it may result in the death or great bodily harm of a citizen or deputy."

The pistols will include mounted flashlights, allowing a deputy to grip the pistol with two hands.

They also will be equipped with mounted red dot sights, which Knowles said are proven to increase accuracy.

"Ozaukee County has seen an increase in violent crime and criminal activity," she said. "The Ozaukee County Sheriff's Office needs to be properly equipped to perform their duties. The pistol is part of their standard duty equipment that is worn and used daily."



Four sections

Thursday, March 14, 2024

\$2

Clean energy champions

■ *Students from NOSD's Sugar Maple Nature School overcome setback to win state KidsWind Challenge, advance to world wind turbine competition*

By KRISTYN HALBIG ZIEHM

Ozaukee Press staff

SAUKVILLE - Things looked dire from the start for the first of two KidWind Challenge teams from Sugar Maple Nature School in the Town of Saukville, but perseverance saved the day.

The team, one of two from the charter school that's affiliated with the Northern Ozaukee School District in Fredonia, was competing in the regional contest in Madison on Saturday, March 2.

It was the first team to test the wind turbine they designed and built in a wind tunnel before the event began.

But they placed the turbine too close to the fan and things went "catastrophically wrong" as their machine was flung across the tunnel, Director of Education Cindy Raimer, the nature-based school's director of education, said.

"The kids were like, 'It's totally destroyed,'" she said, adding the blades were mangled.

But, she said, the team members did not give up, noting they had brought a second set of blades for the turbine.

"Two of the team members are so easy going and optimistic. They said, 'It'll be OK guys. We'll fix it,'" Raimer said. "They got out the hot glue and fixed it. They spent hours working on it and came back to win.

"It's truly a story of perseverance."

Not only did the team made up of Isaac Fahrenkrug, Robin Teske, Liam Trainor and Cal Reilly win the wind turbine challenge, running their turbine for 30 seconds and generating more power than the other teams, and move on to the world contest in Minnesota in early May, the school's other wind turbine team placed second.

But that team, made up of Miranda Petersen and Aisley DeKuester — teammates Ella Tippet and Liana Sabel couldn't attend — won one of the contest's so-called instant challenges.

See **Contest** on page 4B



TESTING OUT THEIR wind turbine at Sugar Maple Nature School before the regional competition in Madison were (from left) Isaac Fahrenkrug, Robin Teske and Liam Trainor. They and teammate Cal Reilly (not pictured) won the regional wind turbine challenge and will move on to the world contest in Minnesota in May.

Photo by Sam Arndt

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Contest: *A good match for school's curriculum*

FROM PAGE 1B

In that challenge, which was separate from the main competition, students had to balance a hydropower electrical grid by using a lever to control the flow of water to consistently generate six volts of power even as electrical use varied.

The team that had the most consistent power grid won, and Sugar Maple's team beat every other team, including those made up of high school students, Raimer said.

"They found their silver lining," she said.

The school's solar team won an innovation award at the competition for a hydroponic system it created, Raimer said. Members of that team were Finn Rosengren, Bentley Neumann, Hudson Turner and a student whose parents asked he not be identified.

This is the second year Sugar Maple School has participated in the KidWind Challenge, a student-driven renewable energy design competition.

Last year, the Wisconsin competition only included the turbine challenge, and since schools are limited in the number of teams they can send, only fourth-graders from Sugar Maple participated.

The experience was so rewarding that the school petitioned the organizers to add the solar competition, allowing more students to participate, Raimer said.

This year, the school opened the competition to students in third, fourth and fifth grades. Thirty students took part, creating three teams each in the wind and solar competitions.

Teams could have as many as six members. Sugar Maple's teams each had four to six members.

The KidWind competition dovetails with the nature-based school's curriculum, Raimer said, noting students are currently learning about renewable energy.

Fittingly, she noted, the winning turbine team used a nature-based design for its turbine's blades, patterning them after a whale's fins.

It also keys on the school's philosophy of using inquiry-based learning, which poses questions and problems to students rather than established facts and allowing the students to apply their knowledge to come up with the answers.

And the opportunity for hands-on learning also helps excite students, embed their newfound knowledge and engage them in the lessons at hand.

"It's perfect for teaching," Raimer said.

The competition also teaches students life skills such as critical thinking, collaboration and communication, she noted, especially in the instant challenges during which adults can't be consulted.

"The kids really find it fun to work on the project," Raimer said.

While all three of the wind teams built wind turbines, the solar teams took on three different projects, teacher Allison Servais said.

One team built a solar greenhouse with a stormwater collection system that includ-

ed a soil moisture sensor that, depending on the readings, activated a solar powered water pump to irrigate plants.

Another group worked on a solar-powered semi-truck, something they were inspired to do after seeing how many of these large trucks are on the road.

The third group created an aquaponic garden that used a solar pump to move water from a fish tank to a lettuce garden — something they decided to do because they would then get new classroom pets — fish.

Sugar Maple School, which is located at Riveredge Nature Center in the Town of Saukville, will move to Ozaukee County's Hawthorne Hills Park in the Town of Fredonia next year.

A SOLAR HYDROPONICS challenge was met by team members (from left) Bentley Neumann, Hudson Turner and Finn Rosengren. Their system won an innovation award at the regional competition.

Photo by Sam Arendt





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Thursday, March 14, 2024

\$2

Easter egg hunt set for March 30 in Fredonia

An Easter egg hunt will be held at 10 a.m. Saturday, March 30, at Waubedonia Park in Fredonia.

The hunt, sponsored by the Waubeka Veterans of Foreign Wars 7037 Auxiliary and Waubeka 4-H, will be held near the east entrance to the park.

The hunt is intended for children ages 8 and younger.

A special area will be set aside for the youngest children to collect eggs.

While most of the eggs will be filled with candy, there will be a select few that entitle the child to a special prize.

The hunt has been going on in the community for more than 50 years.

Sugar Maple Nature School expands to Hawthorne Hills County Park

 By Judy Steffes MARCH 16, 2024

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Ozaukee County, WI – Sugar Maple Nature School (SMNS), 4880 Highway I, Saukville, WI, formerly known as the Riveredge Outdoor Learning Elementary School (ROLES), has relocated to Hawthorne Hills County Park in Ozaukee County. The move

comes as a result of the school's need for more space and a desire to expand its programs to include middle school grades.



Established in 2019, SMNS is a tuition-free, public elementary, nature-based charter school authorized by the Northern Ozaukee School District. The school currently serves elementary students from kindergarten to 5th grade, with plans to expand through 8th grade.

“Our school has been operating for five years as a tuition free charter school aimed to provide an exceptional academic experience with nature-based STEM learning,” said Cindy Raimer, Director of Education at SMNS.

“As a result of our relocation to Hawthorne Hills County Park, this creates a new beginning for the school and new opportunities to more deeply engage with the broader community as we will be located at a no fee required park space.”

The vision of SMNS is “Growing Minds Through Nature,” which is achieved by creating a hands-on learning environment where curriculum is brought to life and curiosity is fostered each day through time in the natural world.

“The quest for a new home for Sugar Maple Nature School (SMNS) was not one we had anticipated just five years after our inception,” said Korinne Haeffel-Petersen, SMNS Governance Council President.

“Yet, faced with the reality of our co-habitation with Riveredge Nature Center (RNC) reaching its end in June 2024, we found ourselves on an expedited timeline of only 18 months to secure a new location for the 2024-2025 school year. While this might seem like an insurmountable task to some, our resilient leaders and supportive community rallied together to embark on this critical endeavor.”

The school’s mission is to create a laboratory for outdoor learning that amplifies the outcomes of public education, serves learners of all abilities and needs, fosters a deep connection to the environment, and prepares students for success in school and life.



The relocation to Hawthorne Hills County Park marks a new chapter for SMNS. The 57.1-acre park provides an unparalleled natural setting for outdoor learning, with direct access to the Milwaukee River, expansive hiking trails, and abundant wildlife. This move aligns with the school's mission to foster a deep connection with nature in its students.

"In contrast to our previous facilities use agreement, our new partnership with Ozaukee County Parks is structured around land use rather than facility use. This distinction grants us greater autonomy and unrestricted access to outdoor spaces and amenities within the allotted 5.5 acres," said Raimer. "This arrangement aligns more closely with our educational objectives, allowing for enhanced utilization of natural resources and outdoor learning opportunities."

"In addition, our cooperation with Ozaukee Country Parks will continue our practice of providing our students with the opportunity to learn about invasive species and high value plants, along with the experience of removing invasive species and cultivating high value vegetation, improving the park space for the broader community and creating stewards of natural Wisconsin landscape," said Raimer.

In preparation for the move, Sugar Maple Nature School has worked diligently to secure the new location and design innovative learning spaces. The school is exploring the acquisition of modular structures that offer customization and modern amenities to elevate the learning experience for students. These structures can be swiftly erected and relocated with minimal impact on the park's natural surroundings.



The relocation to Hawthorne Hills County Park represents a testament to the resilience and collaborative spirit of the SMNS community. Despite the challenges posed by the need to relocate, the school remains committed to providing an exceptional learning environment for its students.

As part of its strategic plan, SMNS is striving to raise \$2.5 million during its capital campaign to support the acquisition of a modular classroom building. Thanks to the

generosity of an anonymous donor, every dollar raised up to \$1 million will be matched 1:1.

For more information about Sugar Maple Nature School and to support its capital campaign, visit [their website](#).