

State Senator Sheila Harsdorf

Date: August 10, 2017
To: Senate Committee on Economic Development commerce and Local Government
From: State Senator Sheila Harsdorf
Re: Senate Bill 309

Dear Chair Feyen and Committee Members:

Thank you for holding a public hearing on Senate Bill 309 (SB 309). I appreciate the opportunity to provide my testimony.

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

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

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

SB 309 attempts to strike a balance between maintaining the scenic beauty of the Lower St. Croix riverway while allowing for compatible development. Thank you for your consideration.



ADAM JARCHOW

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

Testimony – SB 309

Senate Committee on Economic Development, Commerce, and Local Government

Thursday, August 10, 2017 – 10:00 a.m.

201 SE

Thank you, Mr. Chairman and committee members.

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

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

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

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

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

WTA Written Testimony Concerning SB 309

Zoning has traditionally been a function of local government in Wisconsin. The Wisconsin Towns Association (WTA) appreciates SB 309 removing DNR veto authority over variances and zoning ordinance modifications in the Lower St. Croix riverway. This change will grant local leaders more flexibility with zoning decisions. The WTA, however, has challenges with Section 1 of the bill because the state is effectively performing a rezone.

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

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

Further, this could set a precedent that contravenes the purpose of zoning. Once the state mandates an effective rezone for one party, people upset by a local zoning decision will ask for more state driven zoning changes, even when the court has sided with the local government as in this case. Special state mandated zoning for individual property owners creates inconsistent uses and uneven development. It potentially disrupts the carefully thought out plans developed by local governments and the integrity of zoning ordinances.

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

Senator Sheila Harsdorf,

7/15/2017

Thank you for supporting SENATE BILL 309

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

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

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

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



Denise Gunderson
333 Rice Lake Rd
Somerset, WI 54025

August 10, 2017

Public Comment: St. Croix County Board of Supervisors – Jill Berke, District 9

2017 SENATE BILL 309

- This legislation in Wisconsin affects four townships in St. Croix County (Troy, Hudson, Somerset, and St. Joseph) and the city of Hudson.
- St. Croix County Board of Supervisors passed a Resolution in Opposition to Senate Bill 309 and Assembly Bill 399 at the Aug. 1, 2017 County Board meeting, as provided.
- In addition, the Towns of Somerset, St. Joseph, and Hudson in St. Croix County passed resolutions in opposition to Senate Bill 309 and Assembly Bill 399. The town of Troy, of which I represent, has its monthly meeting tonight (8/10/17) and plans to act on a resolution in opposition to SB 309 and AB 399.
- In the County's opinion, the property owners for the wedding and event center ("event facility and lodging establishment" – as per SB309) located in the town of Somerset were aware of the St. Croix Riverway District regulations preventing commercial activity when they purchased the property.
 - After three years of trying to work out an amiable solution, St. Croix County was forced to bring this to court. The County prevailed on a Summary Judgment. The Judge indicated that the property owner's use of the property was a clear violation and the regulations were not ambiguous. See documents as provided.
 - We have been told that this legislation does not apply to a single property owner; however based on years of working with properties in the St. Croix Riverway District, we can say this is the only former campground that would be eligible to be turned into a wedding/event center and lodging establishment if this legislation passes. In review of properties in St. Croix County, at most, there are two additional properties that might someday fit this criteria.

1. **LOSS of LOCAL CONTROL** - Without question, I would argue that this proposed legislation, if passed, would take away local control.

So far, the State has taken away local control of nonmetallic mining, animal waste siting, Wireless Communication, and Shoreland zoning regulations. Based on this trend, it is very hard for us to accept the claims that this legislation would increase our local control. In fact, the proposed legislation requires the County to accept what is currently prohibited, as a permitted use without local control.

2. STATE LAW contradiction

This legislation is contrary to State law that does not allow the expansion of nonconforming uses; it is also contrary to State law that does not allow the continuation of nonconforming uses that have been discontinued for a significant timeframe.

Nonconforming use law – Wis. Stat. 59.69

If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

3. NATIONAL/FEDERAL issue and contradiction

- a) The rules for Wisconsin Administrative Code NR 118 and the St. Croix County Riverway District are based on The **National Wild and Scenic Rivers System**, which was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain **rivers** with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

- – President Lyndon Johnson stated the following on signing the Wild & Scenic Rivers Act, October 2, 1968:

“In the past 50 years, we have learned—all too slowly, I think—to prize and protect God's precious gifts. Because we have, our own children and grandchildren will come to know and come to love the great forests and the wild rivers that we have protected and left to them . . . An unspoiled river is a very rare thing in this Nation today. Their flow and vitality have been harnessed by dams and too often they have been turned into open sewers by communities and by industries. It makes us all very fearful that all rivers will go this way unless somebody acts now to try to balance our river development.”

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

vital national conservation purposes.” (Wild & Scenic Rivers Act, October 2, 1968)

- Walter Mondale, then U. S. Senator from Minnesota and U.S. Senator from Wisconsin Gaylord Nelson (who grew up in Clear Lake) share the legacy for the St. Croix Wild and Scenic Riverway legislation.
- Out of the Wild and Scenic Rivers Act, stem regulations to further the purpose and intent of the Act.
 - Under State and County regulations there are: **permitted uses, conditional uses and prohibited uses**
 - **The Lower St. Croix Riverway governed by Wisconsin Administrative Code NR 118 states: “All uses and structures not listed as permitted or conditional shall be prohibited.” (NR 118.05(3))**

Federal Scenic Easements (National Wild and Scenic River System)

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

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

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

Conclusion:

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

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

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

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



Resolution No. 28 (2017)
RESOLUTION IN OPPOSITION TO SENATE BILL 309 AND
ASSEMBLY BILL 399 REGARDING LOWER ST. CROIX
RIVERWAY ZONING REGULATIONS

1 **WHEREAS**, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16
2 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty,
3 recreational, geological, historic, culture, and other positive values; and
4

5 **WHEREAS**, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16
6 U.S.C. § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors
7 Falls to the confluence with the Mississippi River as part of the National Wild and Scenic River
8 System; and
9

10 **WHEREAS**, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress,
11 Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River
12 and directed the Wisconsin Department of Natural Resources to adopt guidelines and specific
13 standards for riverway zoning ordinances; and
14

15 **WHEREAS**, effective January 1, 1976, the Wisconsin Department of Natural Resources
16 promulgated Wisconsin Administrative Code NR 118, standards for the Lower St. Croix
17 National Scenic Riverway; and
18

19 **WHEREAS**, effective January, 1976, St. Croix County amended its zoning Ordinance to
20 include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis.
21 Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect
22 subsequent changes by the Wisconsin Department of Natural Resources in NR 118; and
23

24 **WHEREAS**, the regulations are currently contained in Chapter 17.36 of the St. Croix
25 County Code of Ordinances entitled “Lower St. Croix Riverway Overlay District”; and
26

27 **WHEREAS**, 2017 Senate Bill 309 and 2017 Assembly Bill 399 call for an amendment to
28 Wis. Stat. §30.27(3) and to create Wis. Stat. § 30.27(2)(d) relating to zoning ordinances in the
29 Lower St. Croix Riverway; and
30

31 **WHEREAS**, the proposed bills create Wis. Stat. § 30.27(2)(d), which removes the
32 authority of the Wisconsin Department of Natural Resources and a county from enforcing a
33 guideline, standard, or ordinance against a property owner who wishes to have an event facility
34 and lodging establishment in buildings that were previously used as a recreational campground;
35 and
36

37 **WHEREAS**, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature
38 without the knowledge or advisement by local officials in the towns or counties in whom the
39 Lower St. Croix Riverway lies and in whom may be affected by the amendment of Wis. Stat. §
40 30.27(3) and creation of Wis. Stat. § 30.27(2)(d); and
41

42 **WHEREAS**, the proposed legislation targets the site of the former church camp, Camp
43 Clearwater, in the Town of Somerset, which the landowner has developed into a wedding and
44 event center; and

45
46 **WHEREAS**, the issue related to the use of the property affected by this legislation was
47 addressed by St. Croix County in the case of *St. Croix County vs. Family First Farms, LLC et al*,
48 St. Croix County Case No. 15CX08; and

49
50 **WHEREAS**, this special interest legislation was introduced only after the court
51 confirmed that a wedding and event center is a prohibited use in the St. Croix Riverway Overlay
52 District; and

53
54 **WHEREAS**, creation of Wis. Stat. § 30.27(2)(d) would allow for the commercial activity
55 of an event facility and lodging establishment to take place on a parcel of land that is currently
56 not zoned as commercial without any oversight or regulation of the parking areas, removal of
57 trees, times of activity, number of people on the property, etc.; and

58
59 **WHEREAS**, the State has previously taken away local control of nonmetallic mining,
60 livestock facility siting, wireless communication and shoreland regulation; and

61
62 **WHEREAS**, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 removes
63 local control from the county to regulate certain land use activities; and

64
65 **WHEREAS**, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 erodes the
66 purposes of the Wild and Scenic Rivers Act and the Lower St. Croix River Act; and

67
68 **WHEREAS**, the proposed legislation undermines the St. Croix Riverway Overlay
69 District, especially the wild and scenic protections, which combined with the state rules under
70 NR 118, provides numerous positive effects on water quality, fisheries, vegetation and wildlife;
71 and

72
73 **WHEREAS**, the St. Croix Riverway Overlay District zoning regulations ensure
74 continued high property values and a high quality of life to property owners along the Riverway,
75 as well as positive impacts related to tourism; and

76
77 **WHEREAS**, the towns of Somerset and St. Joseph passed resolutions in opposition to
78 Senate Bill 309 and Assembly Bill 399.

79
80 **THEREFORE, BE IT RESOLVED** that the St. Croix County Board of Supervisors is
81 strongly opposed to adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399; and

82
83 **BE IT FURTHER RESOLVED** the St. Croix County Board of Supervisors is
84 requesting that the state leaders continue their commitment to the Wild and Scenic Rivers
85 Program and the aesthetic and consequent impacts related to property values, quality of life and
86 tourism; and

87

88 **BE IT FURTHER RESOLVED** that the St. Croix Board of Supervisors requests that
89 the Legislature reject this attempt at the State engaging in the rezoning of property; and
90

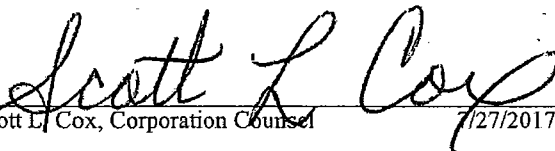
91 **BE IT FURTHER RESOLVED** the St. Croix County Board of Supervisors directs the
92 County Clerk to send a copy of this resolution to the Wisconsin Counties Association, State
93 Legislators, State of Wisconsin U.S. Legislators, and Governor Scott Walker.
94

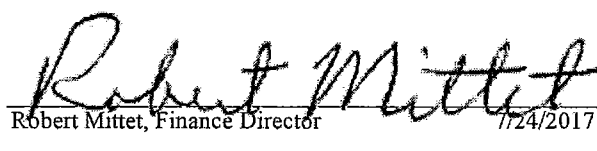
Legal – Fiscal – Administrative Approvals:

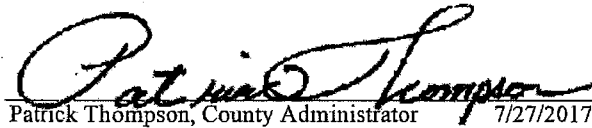
Legal Note:

Fiscal Impact:

Increased commercial activity on the St. Croix River may have a negative impact on property values resulting in a decrease in assessed property values and property taxes.


Scott L. Cox, Corporation Counsel 7/27/2017


Robert Mittet, Finance Director 7/24/2017


Patrick Thompson, County Administrator 7/27/2017

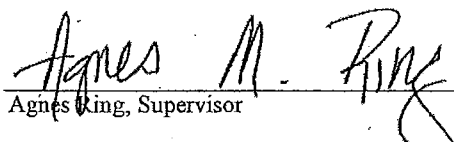
07/26/17

Community Development Committee

APPROVED AS AMENDED

RESULT: APPROVED AS AMENDED [3 TO 1]
MOVER: Jill Ann Berke, Supervisor
SECONDER: Daniel Hansen, Vice Chair
AYES: Agnes Ring, Jill Ann Berke, Daniel Hansen
NAYS: Tom Coulter
EXCUSED: Dick Hesselink

Vote Confirmation.


Agnes M. Ring, Supervisor 7/28/2017

St. Croix County Board of Supervisors Action:

Roll Call - Vote Requirement – Majority of Supervisors Present

RESULT:	ADOPTED [14 TO 2]
MOVER:	Jill Ann Berke, Supervisor
SECONDER:	Daniel Hansen, Supervisor
AYES:	Ring, Sjoberg, Nelson, Berke, Ostness, Larson, Hansen, Peterson, Anderson, Achterhof, Leibfried, Peavey, Ard, Moothedan
NAYS:	Tom Coulter, Bob Long
ABSTAIN:	Ryan S. Sicard
ABSENT:	Christopher Babbitt, Andy Brinkman

This Resolution was Adopted by the St. Croix County Board of Supervisors on August 1, 2017

Cindy Campbell, County Clerk

Town of St. Joseph

Resolution 2017-11

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Spaniol

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

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

Mike Long

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

Laurie DeRosier

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

Joy Packard

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

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



Town of Somerset

Resolution 2017-01

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed Schachtner

, Ed Schachtner, Town Chair, Town of Somerset

_____, Shane Demulling, Town Supervisor, Town of Somerset

_____, Lenny Germain, Town Supervisor, Town of Somerset

Douglas Flourde

, Douglas Flourde, Town Supervisor, Town of Somerset

Larry Rauch

, Larry Rauch, Town Supervisor, Town of Somerset

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

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

ST. CROIX COUNTY,

Plaintiff,

vs.

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

BACKGROUND

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

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

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

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

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

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

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

SUMMARY JUDGMENT METHODOLOGY

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

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

DEFENDANTS' ARGUMENTS

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

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

ST. CROIX COUNTY ARGUMENTS

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

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

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

ST. CROIX COUNTY ZONE OF ORDINANCES

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

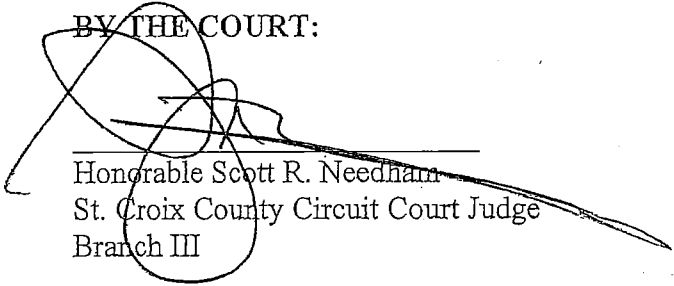
use. There is no ambiguity in the zoning code and the deck and patio required a land use permit and/or variance prior to construction. The definitions of “bluffline” and “slope preservation zone” are not ambiguous. Defendants were well aware of the requirements of the zoning code but chose to disregard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

DECISION

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

BY THE COURT:

Dated this 15th day of August 2016.



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

STATE OF WISCONSIN

CIRCUIT COURT

ST. CROIX COUNTY

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

ST. CROIX COUNTY,
A Municipal Corporation,

Plaintiff,

Complex Forfeiture: 30109

-vs-

FAMILY FIRST FARMS, LLC (15CX08A)

and

FAMILY FIRST FARMS, LLC (15CX08B)

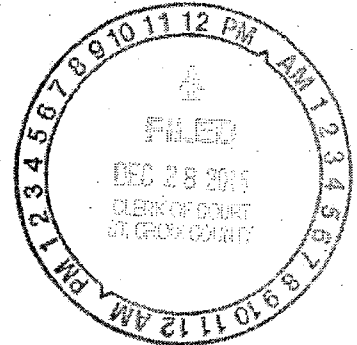
and

JEREMY HANSEN (15CX08C)

and

JOSH HANSEN, (15CX08D)

Defendants.



STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

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

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

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


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

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

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


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

PLAINTIFF

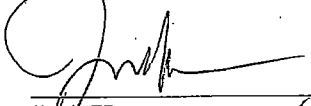

Heather M. Wolske
Attorney for Plaintiff
Bar No. #1057229


12/27/16
Date

DEFENDANTS


Family First Farms, LLC
by its President, Jeremy Hansen. 12-14-16
Date


Jeremy Hansen 12-14-16
Date


Josh Hansen 12/14/2016
Date


Edward Beckmann 12/21/2016
Attorney for the Defendants
Bar No. #1030835
Date

ORDER FOR JUDGMENT

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

Dated this 28th day of December, 2016.

/s/ Scott R Needham

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

To the Senate Committee on Economic Development, Commerce and Local Government:

Thank you for the opportunity to speak today. My name is Deb Ryun. I live near Grantsburg, Wisconsin, and I stand in opposition to SB 309.

One of the bill authors has stated that SB 309 is about finding the right balance between environmental farmomgering and economic development.

- Known environmental farmonger Northern States Power Board Chair Earl Ewald wrote after donating or selling more than 25,000 acres of land to create the St. Croix National Scenic Riverway, *"By all means, the time to take bold action to preserve the St. Croix and its tributary the Namekagon has now arrived. We are privileged to transfer this wilderness to the people of this nation. It will be theirs to guard as jealously and to use as wisely as those that preserved it for them."*
- Wisconsin has approximately 56,884 miles of river, of which 276 miles are designated as wild & scenic—approximately 1/2 of 1% of the state's river miles. The Riverway is a special place. People from around the world have recreated here for well over a hundred years. Families' fish, boat, swim and enjoy the peace and solitude found along the banks of this Riverway. They come here to get away from their busy lives, to slow down, to reconnect with nature and refresh. Artist, birders, and hunters, all enjoy the rich natural resources so abundant here. People live here because they can enjoy a wilderness-like experience daily, and still be close to all the amenities that urban centers offer. Allowing development within what amounts to less than ¼ of a mile of shoreline protecting the Riverway does not create a balance.

This bill author has also said that Part one of SB 309 is about bringing economic development to communities along the Lower St. Croix River by utilizing property and footprints that are already present, with minimal to no environmental impact.

- NR 118 and law 30.27, the Lower St. Croix River preservation laws, guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations. Make no mistake, an event facility will have impact. Light and sound pollution will affect the Kiwanis Boy Scout Camp and Dunrovin Christian Retreat Center directly across the river, and river users.
- What the proposed law does say is that the county can't enforce **any** general zoning standard, or prohibit the operation of **an event facility**. This change in law would open the door to not just weddings as proposed, but other events hosted by the current and subsequent owners. 'Events' is undefined, and opens the door to an uncontrolled commercial operation in a rural residential area, increasing traffic on an unpaved road without the infrastructure to support commercial business.
- This section takes away local control and completely ignores the town, county, state and federal findings that this is not a compatible use of the property according to the laws and rules designed to protect the Riverway.
- The prior owner was a Baptist Camp. In a typical summer on average about 75 kids were bused in for about eight weeks during the summer. According to Becky and Greg, camp caretakers, "Our camp ministry reached mostly children, teens and adults from the Twin Cities area. There were no alcoholic beverages allowed on the property at any time. The campers experienced a fun-filled week of food, organized games, and time spent studying and learning about God's Word in God's creation". Camp Clear-Waters provided a nature based, "rustic" camping experience for children, teens and adults.

It is also argued that we have previously untaxable properties along the Lower St. Croix River that will add to local economies by means of private ownership, this one in particular pays \$27,000 a year in property taxes.

- The land owner pays those taxes now without commercial use authorization, allowing commercial use doesn't change that. This is a rural residential area. All the other land owners that also pay property taxes, were drawn here for the scenery, and quiet rural setting. They are drawn to the high quality of life and understand it is a privilege to live adjacent to this national park. Allowing a commercial business ignores the rights of the neighbors who also pay taxes, and abide by the terms of their easement and zoning laws.
- NR 118 and law 30.27 Lower St. Croix River preservation laws were not created for economic development, but for protecting the wilderness like experience over that over 750,000 park visitors enjoy annual. Creating state law to serve one land owners interest for personal gain puts at risk the over \$30 million that park visitors spend annually in the St. Croix Valley. This law will potentially harm established businesses that have been using the Riverway for decades.

The last rationale I've seen is that part two of SB 309 will allow for local units of government to make these decisions in the future. They argue that the decision of whether to allow for a variance is best decided by local control, not the DNR.

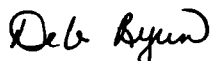
- What this proposed law does is take away the responsibility of the state to uphold the laws and standards designed to protect this Riverway, disregarding Wisconsin's obligations to support Wild and Scenic Rivers Designation. The county loses the support from the state to enforce wild and scenic protections.
- By not fulfilling Wisconsin's obligations, it puts at risk the investment citizens of this country have in this national park, with an estimated \$200 million dollar investment from the federal government alone for easements and land acquisition.

This bill is not about economic development, but giving an exemption to a landowner that has blatantly ignored the town, county, state and federal rules. This is not my opinion, but circuit court Judge Scott Needham's opinion. This is a summary of the procedural history for court record in St. Croix County Circuit Court Case 15 CX 08A:

- The owners of the property built an observation deck and patio without a permit or variance.
- They operated a business in violation of the St. Croix County code. The business use is not permitted in the Rural Residential zoned district or the St. Croix River Overlay district.
- From Dec. 2014 to June 2015 the County sent at least 6 letters to the property owners regarding the violations and actions necessary to take to correct them.
- The owners agreed to remove the deck and patio by July 31, 2015. The owners did not do so.
- The County commenced an action in Circuit Court in Nov. 2015 to compel the owners to comply with the ordinances and pay a forfeiture.
- The Circuit Court Judge awarded judgment in favor of the County on August 15, 2016. The Judge found that the owners were well aware of the zoning requirements but chose to disregard them.
- On Dec. 28, 2016, based upon a stipulation/settlement with the owners, a permanent injunction was entered against the owners and they were ordered to pay a forfeiture of \$7,734.50.

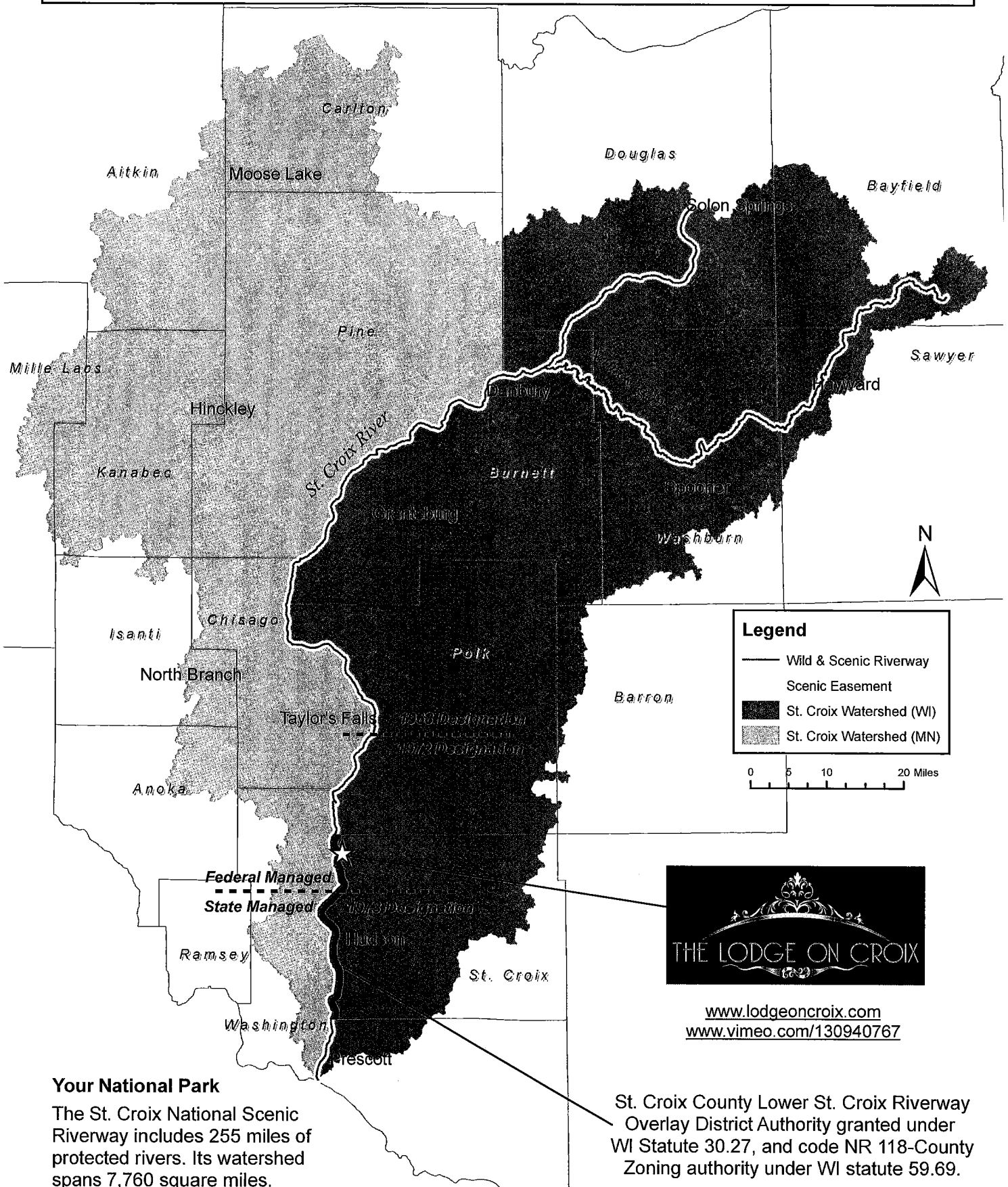
Please uphold our promise to the citizens of this state and country, and the millions of visitors to this Riverway by voting no to SB309.

Respectfully submitted,



Deb Ryun

St. Croix National Scenic Riverway and Watershed



Your National Park

The St. Croix National Scenic Riverway includes 255 miles of protected rivers. Its watershed spans 7,760 square miles.

St. Croix County Lower St. Croix Riverway Overlay District Authority granted under WI Statute 30.27, and code NR 118-County Zoning authority under WI statute 59.69.

www.lodgeoncroix.com
www.vimeo.com/130940767

Dear Senate Committee,

Hello, my name is Kim Ward. My husband David and I live at 301 221st Ave and have since 2002. We live next door to the Hanson's.

The Hanson's moved to 300 221st Ave in 2011. They introduced themselves and mentioned they had "problems" with neighbors where they had moved from.

Soon thereafter, they spoke of having a wedding venue on their property. I didn't take it too seriously since it was on National Scenic Protected Riverway and was not zoned as residential.

I began to see building take place on the property without permission permits, or regard for the laws in place. When we communicated that we were completely against the idea of a wedding venue next door, they became hostile towards us.

They proceeded to have weddings regardless. Allow me tell you what it's like as one of the neighbors to live next door to a wedding/event.

1. It takes several days to set up for an event. There are semi's and various trucks delivering tents, amphitheater sound systems, food, toilets, ice, you name it to set up for an event for hundreds of people.
2. Noise. The noise levels are deafening, not merely annoying. We cannot be outside, but we also cannot be inside our house without hearing the words to every song the band plays, as the set-up is outdoors. There is no regard for any of us living within earshot of their place. Nobody in the area, including those on the Minnesota side can sleep until I or someone else has calls the cops at midnight for noise disturbances. Our neighbors feel the same frustration and we have determined that the sound carries much further than I originally thought. One person stated that she can hear music from her place on the river by the Soo Line Bridge. I googled the distance. It's 7.5 miles away. There is NO concern for residents, both in Wisconsin or Minnesota when they have an event. Period. That alone should be cause for serious concern for all.
3. Then, inebriated patrons of the event drive away through our town and county roads, throwing out their discarded condoms, beer cans and whatever they don't feel like taking home with them. Drunk party goers don't care if they litter. They don't live in our neighborhood.
4. In the days after the event, there are trucks returning for their equipment. Our private and narrow county roads are not set up for the volume that a business would bring in.

I attended a Saint Croix River Association fundraiser last Sunday Aug 6th. I spoke to residents up and down the river, both in Wisconsin as well as Minnesota. They have an opinion on the matter. They don't want this bill to pass, moreover, they want to know how to help stop it. Since the St. Croix River Valley is just learning of this, I have no doubt there will be an outpouring of retaliation if this bill is voted through.

We have the same common fears. They are:

1. We all experience the unacceptable noise levels. Please take this seriously and put yourself in our position. What if this was your home that would be affected? Would you want to live by such disturbance?
2. If this passes into law, it will allow the Hanson's to run virtually any type of business they desire at their discretion. This bill doesn't even give specifics as to what sort of a business they can have, or what the parameters are.
3. Our local government will have no control. Does that mean the Hanson's will now have all the control?
4. It will invite other people to forge ahead with a business on their property, acceptable or not and just get an "Exception" after the fact.
5. We fear our property values will drastically decrease and our quality of life will without doubt, decrease. It's not fair to assume we should move from our homes.

Additionally, there is a concern on the verbiage on SB309. It states that the property was previously used as a recreational campground. It eludes to being a business. I have a letter from the caretakers that lived there for 18 years, giving testimony as to how the land was used and specifically, it was non-profit.

Please keep Economic Growth in commercially zoned areas. The Hanson's recently acquired a bar nearby that resides on 12 acres. It's far more suitable for a business as it's off of Highway 35. It is legally zoned, and won't disturb thousands of people.

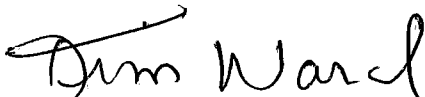
Please, don't take away control from local government. This will create pandemonium.

Please protect legislation going back to 1968 by Senators Mondale and Nelson. By changing the current law, it would be the beginning of the end of a 49year old bill that has done its job well and does not warrant a change.

Say "No" to spot zoning at the expense of thousands of people.

Please, don't reward one family for bad behavior. Reward the rest of us that respectfully live by the law and appreciate it's intent.

Respectfully,



Kim Ward

Somerset Resident and concerned citizen

Attachment: Letter to Sheila Harsdorf from Greg and Becky James

August 8, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison, WI 53707-7882

Dear Senator Sheila Harsdorf,

We've been asked to explain the nature of activity that previously took place at the property formally known as Camp Clear-Waters located at 300 – 221st Avenue in Somerset, Wisconsin. Camp Clear-Waters was a ministry owned and operated by Fourth Baptist Church located in Plymouth, Minnesota. My husband and I, Greg and Becky James were the Directors/Caretakers of the Camp for 18+ years.

Camp Clear-Waters was a not for profit ministry. Camp Clear-Waters provided a "rustic" camping experience for children, teens and adults. Our program consisted of week or weekend programs designed to reach and teach children, teens and adults about God and His Word.

Fourth Baptist Church had owned, developed and operated the property since 1967. The property located at 300 – 221st Avenue in Somerset was purchased and developed for the sole purpose of reaching and teaching young people from the Bible. Our camp ministry reached mostly children, teens and adults from the Twin Cities area. There were no alcoholic beverages allowed on the property at any time. The campers experienced a fun-filled week of food, organized games, and time spent studying and learning about God's Word in God's creation.

We hope this helps to shed light on the previous purpose of the property located on the St. Croix River. It was an amazing place that was full of activity designed specifically for children and youth. We enjoyed our years there of reaching and teaching young people.

Thanks for listening.

Sincerely,

Greg and Becky James

August 9, 2017

Honorable Legislators -

Please vote NO on Senate Bill 309, which would exempt a private parcel from St. Croix River Protection zoning. Wisconsin needs to uphold its 50-year commitment to protect the beauty, water quality, and habitat of this National Wild and Scenic River, which is also classified as an Outstanding Resource Water (the highest level of protection) under Wisconsin law.

Exempting private parcels from the rules for private gain is irresponsible, no matter where it is done, but especially on a National Scenic River. We trust and follow the rules - so should the people who bought the parcel in question knowing the rules were in place. The rules are intended to protect the river for all people, for all time. Supporting SB309 betrays the people of the St. Croix Valley, the citizens of Wisconsin, the citizens of Minnesota, and the people of the nation, since this affects the nationally-designated Lower St. Croix National Scenic Riverway. It also threatens the integrity of the river ecosystem as a whole, and sets a bad precedent for future real estate transactions.

Our strongest concern is for protection of this superlative water resource, and the watershed that sustains it. The aquatic life, including endangered mussels, needs a healthy and clean watershed. The thousands of people who recreate on the St. Croix deserve to have its unequaled aesthetic beauty preserved. **WHAT WE DO ON THE LAND AFFECTS THE WATER! VOTE NO!**

This opposition to SB 309 comes from 3 concerned Wisconsin voters who live in the St. Croix Watershed, and support and uphold strong state and local zoning to protect water quality.

Sincerely,

Emily Hagen

Christopher Hagen

Kevin Hagen

June 8, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison, WI 53707-7882

Dear Senator Sheila Harsdorf,

We've been asked to explain the nature of activity that previously took place at the property formally known as Camp Clear-Waters located at 300 – 221st Avenue in Somerset, Wisconsin. Camp Clear-Waters was a ministry owned and operated by Fourth Baptist Church located in Plymouth, Minnesota. My husband and I, Greg and Becky James were the Directors/Caretakers of the Camp for 18+ years.

Camp Clear-Waters was a not for profit ministry. Camp Clear-Waters provided a "rustic" camping experience for children, teens and adults. Our program consisted of week or weekend programs designed to reach and teach children, teens and adults about God and His Word.

Fourth Baptist Church had owned, developed and operated the property since 1967. The property located at 300 – 221st Avenue in Somerset was purchased and developed for the sole purpose of reaching and teaching young people from the Bible. Our camp ministry reached mostly children, teens and adults from the Twin Cities area. There were no alcoholic beverages allowed on the property at any time. The campers experienced a fun-filled week of food, organized games, and time spent studying and learning about God's Word in God's creation.

We hope this helps to shed light on the previous purpose of the property located on the St. Croix River. It was an amazing place that was full of activity designed specifically for children and youth. We enjoyed our years there of reaching and teaching young people.

Thanks for listening.

Sincerely,

Greg and Becky James
gbjames2002@hotmail.com

P.S. Our summer ministry consisted of approximately 8 weeks of camps averaging around 75 per week. The summer was the bulk of our ministry. We did operate weekend retreats during the fall, winter and spring. I think a fair estimate would be around the 75 or so, amount for those retreats as well. The 75 number would be an average for the week and would include campers and adult staff to run the week of camp. During the summer, our groups were transported primarily by school bus to and from the church. We were by no means a big organization, but again, that wasn't our purpose!

30.27 Lower St. Croix River preservation.

(1) PURPOSE. The Lower St. Croix River, between the dam near St. Croix Falls and its confluence with the Mississippi River, constitutes a relatively undeveloped scenic and recreational asset. The preservation of this unique scenic and recreational asset is in the public interest and will benefit the health and welfare of the citizens of Wisconsin. The state of Wisconsin is therefore determined that the Lower St. Croix River be included in the national wild and scenic rivers system under the wild and scenic rivers act, as amended, 16 USC 1271 to 1287, and the Lower St. Croix River act of 1972, 16 USC 1274 (a) (9). The purpose of this section is to ensure the continued eligibility of the Lower St. Croix River for inclusion in the national wild and scenic rivers system and to guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations.

(2) ZONING GUIDELINES.

(a) As soon as possible after May 7, 1974, the department shall adopt, by rule, guidelines and specific standards for local zoning ordinances which apply to the banks, bluffs and bluff tops of the Lower St. Croix River. The guidelines shall designate the boundaries of the areas to which they apply. In drafting the guidelines and standards, the department shall consult with appropriate officials of counties, cities, villages and towns lying within the affected area. The standards specified in the guidelines shall include, but not be limited to, the following:

1. Prohibition of new residential, commercial and industrial uses, and the issuance of building permits therefor, where such uses are inconsistent with the purposes of this section.
2. Establishment of acreage, frontage and setback requirements where compliance with such requirements will result in residential, commercial or industrial uses which are consistent with the purposes of this section.

(b) The standards established under par. (a) shall be consistent with but may be more restrictive than any pertinent guidelines and standards promulgated by the secretary of the interior under the wild and scenic rivers act. If it appears to the department that the purposes of this section may be thwarted or the wild, scenic or recreational values of the river adversely affected prior to the implementation of rules under this section, the department may exercise its emergency rule-making authority under s. 227.24, and such rules shall be effective and implemented and enforced under sub. (3) until permanent rules are implemented under sub. (3).

(c) The guidelines and standards established under par. (a) for nonconforming structures that are subject to a city, village or town zoning ordinance adopted under sub. (3) shall be the same as the guidelines and standards for nonconforming structures that are subject to a county zoning ordinance adopted under sub. (3). The guidelines and standards established under par. (a) shall allow a county, city, village or town zoning ordinance adopted under sub. (3) to differentiate between nonconforming structures and nonconforming uses.

(3) IMPLEMENTATION. Counties, cities, villages and towns lying, in whole or in part, within the areas affected by the guidelines adopted under sub. (2) are empowered to and shall adopt zoning ordinances complying with the guidelines and standards adopted under sub. (2) within 30 days after their effective date. If any county, city, village or town does not adopt an ordinance within the time limit prescribed, or if the department determines that an adopted ordinance does not satisfy the requirements of the guidelines and standards, the department shall immediately adopt such an ordinance. An ordinance adopted by the department shall be of the same effect as if adopted by the county, city, village or town, and the local authorities shall administer and enforce the ordinance in the same manner as if the county, city, village or town had adopted it. No zoning ordinance so adopted may be modified nor may any variance therefrom be granted by the county, city, village or town without the written consent of the department, except nothing in this section shall be construed to prohibit a county, city, village or town from adopting an ordinance more restrictive than that adopted by the department.

History: 1973 c. 197; 1983 a. 192; 1985 a. 182 s. 57; 1995 a. 225; 1999 a. 153.

Cross-reference: See also ch. NR 118, Wis. adm. code.

The federal Wild and Scenic Rivers Act did not preempt state and local governmental regulation of the Lower St. Croix River. The state has authority to exercise its police power in the federal zone, and this section remains in full force and effect. State v. St. Croix County, 2003 WI App 173, 266 Wis. 2d 498, 668 N.W.2d 743, 02-1645.

About the WSR Act

Safeguarding the Character of Our Nation's Unique Rivers

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

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

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

River Classification

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

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

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

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

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

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

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

Designated Reach:

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

Classification/Mileage:

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

St. Croix River

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

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

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

Lakin, Tim

From: Jean Hoffman <jhoffman@somtel.net>
Sent: Monday, August 07, 2017 9:28 PM
To: Lakin, Tim
Subject: Senate Beill 309

Dear Mr. Lakin. Please forward this letter to the Members of the Committee on Economic Development, Commerce and Local Government. Thank you very much.

August 6, 2017

Dear Members of the Committee on Economic Development, Commerce and Local Government:

We are writing to respectfully state our opposition to SB 309. We oppose this bill because it is because of existing laws and regulations that the St. Croix remains protected for the enjoyment, beauty, wildlife, solitude, and clean water for all people and future generations. Furthermore, SB 309 lacks regard for river users and riparian landowners, who have since the River's designation as a National Scenic Riverway, respected St. Croix Riverway rules and have cooperatively and willingly adhered to the rules that protect their quality of life and property values. It also lacks regard for Town residents who have respectfully and willingly abided by zoning regulations that are meant to protect their quality of life and property rights.


The cooperation and alignment of local and state laws and agencies is vital to maintain the protected status of the St. Croix River, and we disagree with any changes that diminish this. It is our opinion, that taking away the DNR's authority for the purpose of this Bill is arbitrary and shortsighted and does not warrant any legislative action. Please vote no on SB 309, and do whatever else you can to uphold and even bolster the laws and regulations that protect the St. Croix River. Thank you for your consideration.

Respectfully, Mark and Jean Hoffman, Town of Somerset, WI

Dear Committee on Natural Resources and Sporting Heritage:

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

Thank you


Lenny Germain
7/17/17

Representative Stafsholt,

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

Thank you!

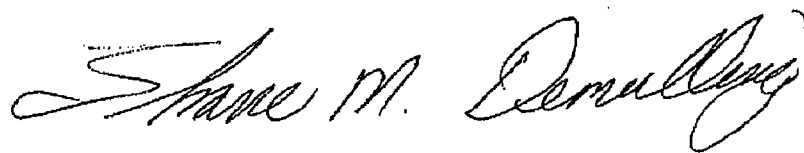
Tom Coulter

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

Dear Committee on Natural Resources and Sporting Heritage:

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

Thank you



7/18/17

Shane M. Demulling

Town of Somerset

P.O. Box 248

Somerset, WI 54025

www.townofsomersetwi.com

August 10, 2017

To: Senator Sheila Harsdorf & Senate Committee on Economic Development, Commerce and Local Government Control:

Senator Feyen, Chair

Senator Petrowski, Vice Chair

Senator Darling

Senator Testin

Senator Ringhand

Senator Bewley

Senator Johnson

Re: SB309 – Opposition

Attached are documents for your review and consideration in regard to our Opposition to SB309:

1. Ed Schachtner, Town of Somerset Chair, testimony to Senate Committee on 8-10-17
2. Resolutions from Town of Somerset, Town of St. Joseph, Town of Hudson, Town of River Falls, St. Croix County Unit of Wisconsin Towns Association & St. Croix County Board of Supervisors in opposition to Senate Bill 309.
3. The two recorded National Park Service Scenic Easements with highlighted emphasis on portion (7) on 1992 easement, map from Google with measurement, photo taken 8-09-17 from river
4. Letter from NPS to Hansen's attorney 08-24-15.
5. St. Croix County Lawsuit & Summary Judgement.
6. Town of Somerset Comprehensive Land Use Plan, Section 9 Land Use & Maps.
7. Written comments from residents and business owners.

All of the above-referenced documents support the Town of Somerset's opposition to SB309.

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

Testimony from Ed Schachtner, Town of Somerset Chair

Senator Feyen, members of the Committee, thank you for providing the opportunity to testify today. I am Ed Schachtner, Chair for the Town of Somerset where the property is located. Our Town Board, along with the Town of River Falls, Town of St. Joseph, Town of Hudson, the entire St. Croix County Unit of the Wisconsin Towns Association, and the St. Croix County Board of Supervisors have all adopted resolutions opposing SB309. We expect the Town of Troy to pass a similar resolution at their Board meeting tonight and the City of New Richmond on August 14. We oppose this legislation for a variety of reasons.

First, it does not take into account the recorded and deeded easement on the property. I'm not sure this is well known, but in 1992 the property owners sold an easement for \$160,000 to the National Park Service. The easement prohibits any new or additional business or commercial activity if it can be seen from any part of the river. According to google maps, the buildings are only 197.2 feet from the river as defined in the easement. I have included a map of the property showing this and also a picture of the buildings from the river. Given the proposed use is new and additional commercial activity and you can see the buildings from the river, the easement, which taxpayers paid a lot of money for, controls in this situation.

We understand that the property owner hopes to make an argument with the National Park Service that a premier wedding facility is not a new or additional commercial activity and that the easement, therefore, does not apply. This argument fails on its face. The Bible Camp did not include late night parties, alcohol, or fireworks. More importantly, the Circuit Court has already found that a wedding facility would be an expansion of use. This is included on page 7 of the judge's written decision and reads that the "proposed expansion of that use [Bible Camp]" is not a preexisting use and that a "premier wedding destination is not a nature-oriented educational, non-profit."

I have also included a letter from the National Park Service to the owner's attorney dated August 24, 2015 that indicates they have some concerns. The National Park Service has not had any further written communication with the owners and their determination that the buildings are in the line of sight and that new or additional business commercial activity is not allowed has not changed since the easement was purchased in 1992.

If the legislature persists in frustrating the St. Croix County municipalities and St. Croix County Board by stealing away zoning authority, it would all be for naught anyway because of the easement. At the very least, the cart is certainly before the horse. Furthermore, United States taxpayers have paid a lot of money, \$160,000 way back in 1992, for a permanent easement to prevent new or additional commercial activity. We don't understand why this legislature would consider ignoring a record on a deed. That would be bad precedent.

Another bad precedent is that this legislature would be passing a law to reward someone for previously doing something that the court has found unlawful. The owners knew they couldn't build without a

variance from St. Croix County. The owners also knew that they were restricted by the easement. The court ruled against the owners. In fact, the Judge Scott Needham stated: "There is no ambiguity in the zoning code and the deck and patio required a land use permit and/or variance prior to construction. The bluff line and slope preservation zone are not ambiguous. The defendants were well aware of the requirements of the zoning code but chose to disregard them." Let me say that last part again - "The defendants were well aware of the requirements of the zoning code but chose to disregard them".

This legislation would reward the property owner for willingly breaking local laws and violating a recorded easement. This is akin to me getting a speeding ticket knowing full well I was speeding but then coming to this legislature to get the speed limit increased after I got the ticket.

Now, during the Assembly Hearing and also here today, you heard the owners talk about pursuing the American Dream and how hard they have worked. We fully support pursuing and achieving the American Dream. But, we cannot support anyone who willingly breaks the law without regard for the rules, the public, or the tens of thousands of dollars taxpayers have used to purchase an easement. You don't have to break the law and then try to get it changed in order to achieve the American Dream. We prefer property owners pursue success by being honest and forthright.

Another bad precedent is that this legislature is effectively conducting a rezone of the property by prohibiting implementation of the St. Croix County zoning code. Currently, commercial development is not allowed by the zoning code. By prohibiting use of the zoning code, it serves to rezone the property to allow for this development. This is an unprecedented attack on local control. Zoning decisions, especially for one property, are the purview of local government, not the State. The Town of Somerset's Comprehensive Land Use Plan directs commercial development to our commercial nodes which are located along major roads and highways, not gravel roads in rural residentially zoned areas. An exemption to all zoning or rezoning this property to commercial use in this area is not consistent with our Comprehensive Land Use Plan. Does anyone on this committee understand that the roads that would be traveled by wedding goers are narrow, winding, unpaved, and have steep shoulders? Has anyone at the State thought about the impact to public road safety? Zoning decisions are best made at the local level and this legislation attacks that concept. If you prohibit the use of local zoning on this property, then what can any property owner anywhere be assured of?

I also want to take this opportunity to clarify a misconception that was communicated during the Assembly hearing. The owners were very critical of the Town Board; however, the Town Board does not have zoning. This is not the Town Board's decision. St. Croix County has zoning and the National Park Service recorded the easement. The owners have made this personal with the Town Board and we don't understand why since we don't have any decision-making authority. Furthermore, I'm not sure everyone understands that the owners haven't even applied for a conditional use permit, variance, or zoning change from St. Croix County. Instead of even applying for anything, they first did it illegally and now are running to the legislature to take away local zoning authority.

The property owners have indicated that this would be great for economic development. The Town is

all for economic development, but this claim should be examined more thoroughly. The jobs would likely be low wage and seasonal. We already know of the labor shortage in the area. We do not need low wage seasonal jobs. We need workers to fill the current openings. Furthermore, some of the jobs and likely the food, florists, and wedding vendor purchases would go to Minnesota companies. The question I have is this exemption for the entire 284-acre property or is it limited to a specific parcel? If this Bill goes through, the Hansens could be exempted from all zoning on 284 acres. You realize the Hansens could have the wedding and event center and still have approximately 250 more acres to develop into residential, other commercial lots or sell.

In sum, this bill provides a lot of bad precedents. It doesn't adequately account for the reality of a recorded easement that taxpayers paid a lot for. It rewards unlawful activity. It steals away local zoning authority putting the foundation of local zoning on a slippery slope to centralized government control. For these and many other reasons, we urge you to defeat this proposal.

Town of Somerset

Resolution 2017-01

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed Schachtner

, Ed Schachtner, Town Chair, Town of Somerset

_____, Shane Demulling, Town Supervisor, Town of Somerset

_____, Lenny Germain, Town Supervisor, Town of Somerset

Douglas Plourde

, Douglas Plourde, Town Supervisor, Town of Somerset

Larry Rauch

, Larry Rauch, Town Supervisor, Town of Somerset

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

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

Town of St. Joseph

Resolution 2017-11

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Spaniol

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

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

Mike Long

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

Laurie DeRosier

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

Joy Packard

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

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



Town of Hudson

Resolution 2017-03

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

WHEREAS, Senate Bill 309 & Assembly Bill 399 both prohibit a town from implementing its own zoning code; and

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

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

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

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

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

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

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

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

Jeffrey A. Johnson, Jeffrey Johnson, Town Chair, Town of Hudson

David Ostby, David Ostby, Town Supervisor, Town of Hudson

Tim Foster, Tim Foster, Town Supervisor, Town of Hudson

Kernon J. Bast, Kernon Bast, Town Supervisor, Town of Hudson

Don Jordan, Don Jordan, Town Supervisor, Town of Hudson

I hereby certify that this is a true and correct copy of Resolution 2017-03 passed and adopted by the Town Board of the Town of Hudson this 1st day of August, 2017 by a vote of 4 to 0.

Attest: Vickie Shaw, Vickie Shaw, Clerk, Town of Hudson

TOWN OF RIVER FALLS

Resolution 2017-02

Opposition to Senate Bill 309 & Assembly Bill 399

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

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

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

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

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

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

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

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

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

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


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

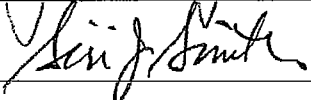
BE IT FURTHER RESOLVED, the Town Board of the Town of River Falls is requesting it is imperative that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to tourism; and

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

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

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

, John Galgowski, Town Supervisor, Town of River Falls

, Siri Smith, Town Supervisor, Town of River Falls

, Joe Mahoney, Town Supervisor, Town of River Falls

, Brad Mogen, Town Supervisor, Town of River Falls

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

ATTEST: 
Ruth Stern, River Falls Town Clerk

Resolution 2017-01

A Resolution in Opposition to Senate Bill 309 & Assembly Bill 399

St. Croix County Unit of WI Towns Association

St. Croix County, WI

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

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

WHEREAS, the Towns of Forest, Hudson and Troy have not adopted county zoning and have adopted their own local zoning, of which they are responsible for the administration, enforcement and associated costs; and

WHEREAS, adoption of County zoning is consistent with the Towns of Baldwin, Cylon, Eau Galle, Erin Prairie, Glenwood, Hammond, Kinnickinnic, Pleasant Valley, Richmond, Rush River, St. Joseph, Somerset, Springfield, Stanton, Star Prairie and Warren who have all adopted a Town Comprehensive Land Use Plan; and

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

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

WHEREAS, a section of Senate Bill 309 & Assembly Bill 399 both prohibit a county and subsequently towns relying on county zoning from implementing its own zoning code with special exemptions given to specific properties; and

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

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

WHEREAS, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature without any knowledge or advice by local or St. Croix County officials affected by the amendment of WSS 30.27 (3) and creation of WSS 30.27(2)(d); and

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

BE IT FURTHER RESOLVED, the St. Croix County Unit of the Wisconsin Towns Association is requesting the Legislature reject the notion that the State begin engaging in rezoning of property or approving uses inconsistent with the current zoning and inconsistent with the Town's Comprehensive Land Use Plan and instead allow the Towns or County to enforce their own zoning ordinances; and

BE IT FURTHER RESOLVED, the St. Croix County Unit of the Wisconsin Towns Association is requesting it is imperative that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to tourism; and

BE IT FURTHER RESOLVED, the St. Croix County Unit of the Wisconsin Towns Association is strongly opposed to a non-fiscal bill being incorporated into the Budget Bill.

BE IT FURTHER RESOLVED, the St. Croix County Unit of the Wisconsin Towns Association directs a copy of this Resolution be sent to the St. Croix County Board, Wisconsin Towns Association, our State Legislators and to Governor Scott Walker.



_____, Paul Hueg, Chair of St. Croix Co. Unit of WI Towns Assoc.

I hereby certify that the foregoing Resolution 2017-01 was duly adopted by the St. Croix County Unit of the WI Towns Association at a legal meeting held on the 27th day of July, 2017 by a vote of 35 to 0.

Attest: Sandi Hayzi



Resolution No. 28 (2017)
RESOLUTION IN OPPOSITION TO SENATE BILL 309 AND
ASSEMBLY BILL 399 REGARDING LOWER ST. CROIX
RIVERWAY ZONING REGULATIONS

1 **WHEREAS**, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16
2 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty,
3 recreational, geological, historic, culture, and other positive values; and
4

5 **WHEREAS**, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16
6 U.S.C. § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors
7 Falls to the confluence with the Mississippi River as part of the National Wild and Scenic River
8 System; and
9

10 **WHEREAS**, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress,
11 Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River
12 and directed the Wisconsin Department of Natural Resources to adopt guidelines and specific
13 standards for riverway zoning ordinances; and
14

15 **WHEREAS**, effective January 1, 1976, the Wisconsin Department of Natural Resources
16 promulgated Wisconsin Administrative Code NR 118, standards for the Lower St. Croix
17 National Scenic Riverway; and
18

19 **WHEREAS**, effective January, 1976, St. Croix County amended its zoning Ordinance to
20 include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis.
21 Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect
22 subsequent changes by the Wisconsin Department of Natural Resources in NR 118; and
23

24 **WHEREAS**, the regulations are currently contained in Chapter 17.36 of the St. Croix
25 County Code of Ordinances entitled "Lower St. Croix Riverway Overlay District"; and
26

27 **WHEREAS**, 2017 Senate Bill 309 and 2017 Assembly Bill 399 call for an amendment to
28 Wis. Stat. §30.27(3) and to create Wis. Stat. § 30.27(2)(d) relating to zoning ordinances in the
29 Lower St. Croix Riverway; and
30

31 **WHEREAS**, the proposed bills create Wis. Stat. § 30.27(2)(d), which removes the
32 authority of the Wisconsin Department of Natural Resources and a county from enforcing a
33 guideline, standard, or ordinance against a property owner who wishes to have an event facility
34 and lodging establishment in buildings that were previously used as a recreational campground;
35 and
36

37 **WHEREAS**, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature
38 without the knowledge or advisement by local officials in the towns or counties in whom the
39 Lower St. Croix Riverway lies and in whom may be affected by the amendment of Wis. Stat. §
40 30.27(3) and creation of Wis. Stat. § 30.27(2)(d); and
41

42 **WHEREAS**, the proposed legislation targets the site of the former church camp, Camp
43 Clearwater, in the Town of Somerset, which the landowner has developed into a wedding and
44 event center; and
45

46 **WHEREAS**, the issue related to the use of the property affected by this legislation was
47 addressed by St. Croix County in the case of *St. Croix County vs. Family First Farms, LLC et al*,
48 St. Croix County Case No. 15CX08; and
49

50 **WHEREAS**, this special interest legislation was introduced only after the court
51 confirmed that a wedding and event center is a prohibited use in the St. Croix Riverway Overlay
52 District; and
53

54 **WHEREAS**, creation of Wis. Stat. § 30.27(2)(d) would allow for the commercial activity
55 of an event facility and lodging establishment to take place on a parcel of land that is currently
56 not zoned as commercial without any oversight or regulation of the parking areas, removal of
57 trees, times of activity, number of people on the property, etc.; and
58

59 **WHEREAS**, the State has previously taken away local control of nonmetallic mining,
60 livestock facility siting, wireless communication and shoreland regulation; and
61

62 **WHEREAS**, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 removes
63 local control from the county to regulate certain land use activities; and
64

65 **WHEREAS**, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 erodes the
66 purposes of the Wild and Scenic Rivers Act and the Lower St. Croix River Act; and
67

68 **WHEREAS**, the proposed legislation undermines the St. Croix Riverway Overlay
69 District, especially the wild and scenic protections, which combined with the state rules under
70 NR 118, provides numerous positive effects on water quality, fisheries, vegetation and wildlife;
71 and
72

73 **WHEREAS**, the St. Croix Riverway Overlay District zoning regulations ensure
74 continued high property values and a high quality of life to property owners along the Riverway,
75 as well as positive impacts related to tourism; and
76

77 **WHEREAS**, the towns of Somerset and St. Joseph passed resolutions in opposition to
78 Senate Bill 309 and Assembly Bill 399.
79

80 **THEREFORE, BE IT RESOLVED** that the St. Croix County Board of Supervisors is
81 strongly opposed to adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399; and
82

83 **BE IT FURTHER RESOLVED** the St. Croix County Board of Supervisors is
84 requesting that the state leaders continue their commitment to the Wild and Scenic Rivers
85 Program and the aesthetic and consequent impacts related to property values, quality of life and
86 tourism; and
87



88 **BE IT FURTHER RESOLVED** that the St. Croix Board of Supervisors requests that
89 the Legislature reject this attempt at the State engaging in the rezoning of property; and
90

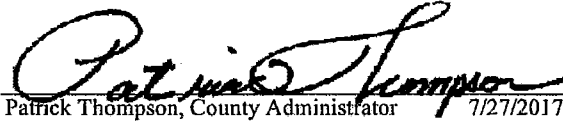
91 **BE IT FURTHER RESOLVED** the St. Croix County Board of Supervisors directs the
92 County Clerk to send a copy of this resolution to the Wisconsin Counties Association, State
93 Legislators, State of Wisconsin U.S. Legislators, and Governor Scott Walker.
94

Legal – Fiscal – Administrative Approvals:

Legal Note:

Fiscal Impact: Increased commercial activity on the St. Croix River may have a negative impact on property values resulting in a decrease in assessed property values and property taxes.

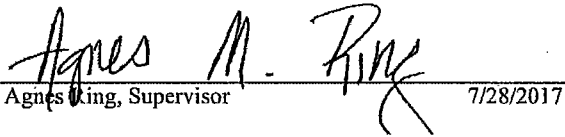
 
Scott L. Cox, Corporation Counsel 7/27/2017 Robert Mittel, Finance Director 7/24/2017


Patrick Thompson, County Administrator 7/27/2017

07/26/17 Community Development Committee APPROVED AS AMENDED

RESULT: APPROVED AS AMENDED [3 TO 1]
MOVER: Jill Ann Berke, Supervisor
SECONDER: Daniel Hansen, Vice Chair
AYES: Agnes Ring, Jill Ann Berke, Daniel Hansen
NAYS: Tom Coulter
EXCUSED: Dick Hesselink

Vote Confirmation.


Agnes Ring, Supervisor 7/28/2017

St. Croix County Board of Supervisors Action:

Roll Call - Vote Requirement – Majority of Supervisors Present

RESULT: ADOPTED [14 TO 2]

MOVER:	Jill Ann Berke, Supervisor
SECONDER:	Daniel Hansen, Supervisor
AYES:	Ring, Sjoberg, Nelson, Berke, Ostness, Larson, Hansen, Peterson, Anderson, Achterhof, Leibfried, Peavey, Ard, Moothedan
NAYS:	Tom Coulter, Bob Long
ABSTAIN:	Ryan S. Sicard
ABSENT:	Christopher Babbitt, Andy Brinkman

This Resolution was Adopted by the St. Croix County Board of Supervisors on August 1, 2017

Cindy Campbell, County Clerk

406211

GRANT OF EASEMENT

THIS INSTRUMENT, made this 15th day of October, 1985 between the Trustees of the Fourth Baptist Church of Minneapolis, A Corporation duly organized and existing under the laws of the State of Minnesota, GRANTOR, and the UNITED STATES OF AMERICA and its assigns, GRANTEE,

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

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

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

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

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

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

RECORDING OFFICE

ST. CROIX CO., WIS.

Recorded this 16th day of Oct A.D. 1985 at 2:30 P.M. James O'Connell, Register of Deeds

Fourth Baptist Church of Minneapolis Corporate Name

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

STATE OF Minnesota

COUNTY OF St. Croix

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

(SEAL)

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

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

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

- "THE LAND" means all the land covered by this easement, as described herein or in attachments hereto.
- "RIVERWAY" means either the Upper or Lower St. Croix National Scenic Riverway projects or both.
- "RIVER" means either the St. Croix or Namakagon Rivers or both, their islands, sloughs, backwaters and tributaries lying within the project boundaries.
- "LINE OF SIGHT" means a determination of areas of the land inadequately screened from view from the river including, but not limited to, consideration of topography and the existence of permanent vegetation and trees during the summer months when they are fully leafed out.
- "TREES" means all trees of every species measuring four (4) inches or more in diameter at a point four and one-half (4 1/2) feet above the ground.

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

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

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

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

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

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

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

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

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

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

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

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

100577

GRANT OF EASEMENT

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

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

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

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

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

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

Fourth Baptist Church of Minneapolis

REGISTRAR'S OFFICE

ST. CROIX CO., WI

Rec'd for Record

SEP 20 1992

8:15 AM

James O. Connell
Register of Deeds

James K. Martin

BY: James Martin, Chairman of the Trustees

Lynn Reemtsma

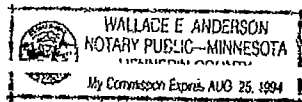
ATTEST: Lynn Reemtsma, Secretary of the Trustees

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)

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

(SEAL)



Wallace E. Anderson

Notary Public

My Commission expires August 25, 1994

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

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

Interest to be acquired: Scenic

Tract 09-166

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

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

South 89° 20' 34" West, 550 feet, thence

North 50° 36' 26" West, 2050 feet, more or less, to a point on the north line of said Government Lot 1. Said point being 800 feet, more or less, West of the northeast corner of said Lot 1, thence

East along said north line 500 feet to the northeast corner of said Lot 1, thence

North along the east line of Government Lot 2, a distance of 440 feet, more or less, thence

South 37° 31' 26" East, 2200 feet, more or less to the point of beginning.

Said tract contains 27.39 acres, more or less.

The above-described Tract 09-166 Lower St. Croix National Scenic Riverway, National Park Service, is part of that land acquired by Trustees of the Fourth Baptist Church of Minneapolis from Wilbur L. Peterson and Muriel K. Peterson, his wife, by deed dated January 11, 1963 and recorded March 19, 1963 in Volume 392 Page 618, Document Number 271854 of the St. Croix County, Wisconsin records.

SCENIC EASEMENT TERMS AND CONDITIONS

AS USED HEREIN, THE FOLLOWING DEFINITIONS SHALL APPLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Scenic
Easement
Property



Federal Land



NPS
Boundary



Tracts
Boundary

300-
221st
Ave.

BLANK MAP AREA



NPS provides this information with the understanding that it is not guaranteed to be accurate, correct, current, or complete and conclusions drawn from such information are the responsibility of the user. While every reasonable effort has been made to ensure the accuracy, correctness, and timeliness of the map, NPS assumes no responsibility for errors or omissions.

Map produced by
National Park Service
GIS Staff
July 2015



Google Maps

197.2 Feet from River per Recorded Easement

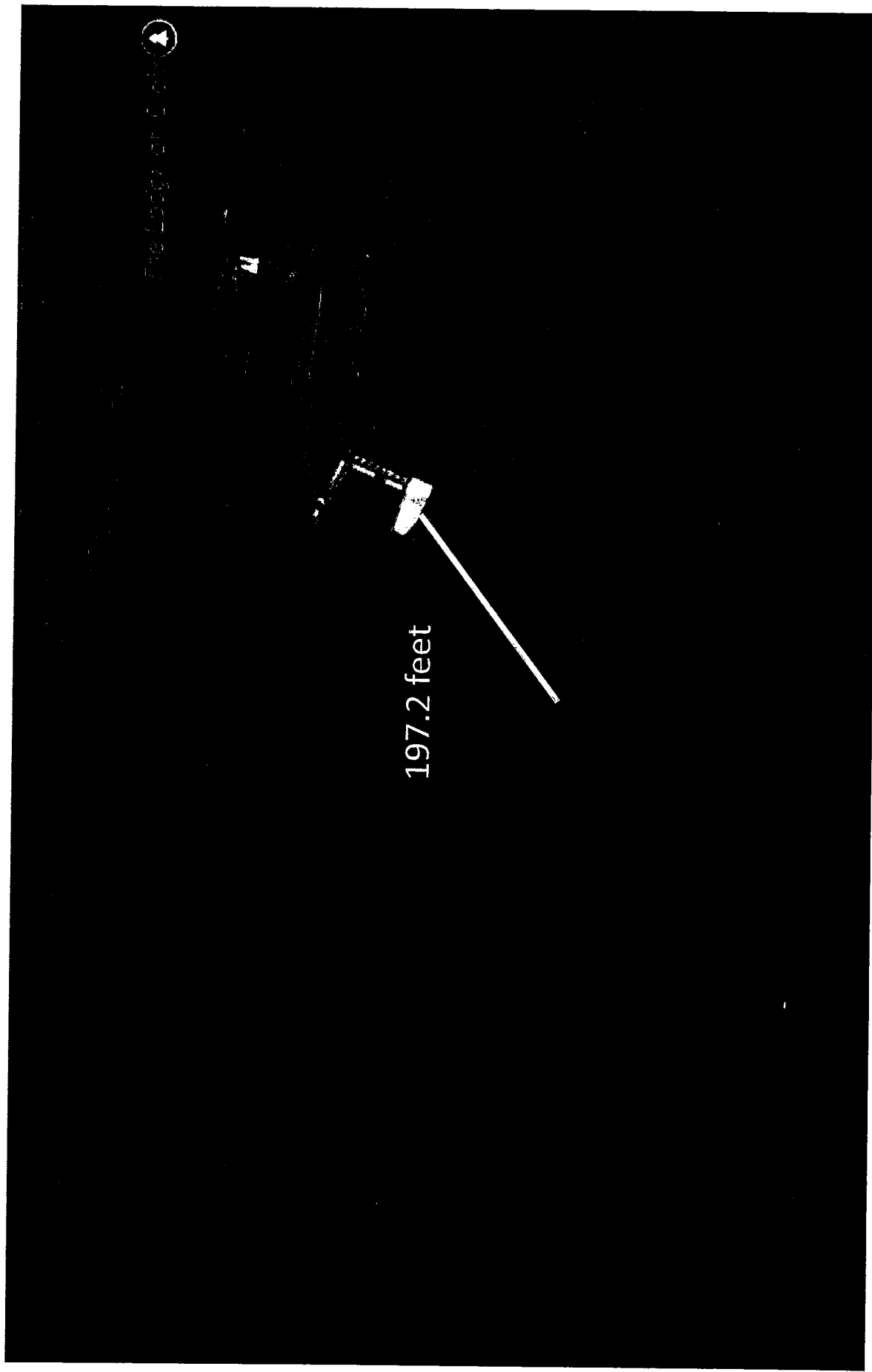


Photo taken on the slough of
the St. Croix River on 08-08-2017.

Structure is visible from slough.





August 24, 2015

L1425(SACN)

Edward E. Beckmann
Hellmuth and Johnson, PLLC
8050 West 78th Street
Edina, Minnesota 55439

Re: Tracts LOSA 09-164 and 09-166

Dear Mr. Beckmann:

We are in receipt of your correspondence dated July 28, 2015. As you may be aware, the Lower St. Croix National Scenic Riverway (Riverway) was designated by Congress through an amendment to the Wild and Scenic Rivers Act of 1968 under Public Law 90-542 in 1972 to protect its outstanding scenic, recreational and geologic values for this and future generations. The Riverway is administered by the National Park Service (NPS). A portion of your client's property falls within the legislated boundary of the Riverway and is subject to NPS Scenic Easement document numbers 406211 and 489047 which were purchased from the landowner of record in October of 1985 and September 1992, respectively.

We have some concerns regarding activities on these two parcels and their interaction with the NPS Scenic Easement. At this time, we are in consultation with the NPS Midwest Regional Office. We will respond further after our review is complete.

Sincerely,

Christopher E. Stein
Superintendent



OFFICE OF CORPORATION COUNSEL

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

November 25, 2015

Ed Schachtner, Chair
Town of Somerset Hall
P.O. Box 248
Somerset, WI 54025

**RE: St. Croix County vs. Family First Farms, LLC et al.
St. Croix County Case No. 15CX08**

Dear Mr. Schachtner:

Enclosed please find a copy of Summons and Complaint in the above-referenced matter. This lawsuit was filed on November 12, 2015 by St. Croix County against Family First Farms, LLC. The lawsuit requests the Court to address ongoing issues pertaining to property located at 300 221st Avenue in the Town of Somerset.

Please contact me with any questions regarding this matter. I will keep you updated regarding upcoming court dates, etc.

Sincerely,

A handwritten signature in black ink that reads "Heather M. Wolske".

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

Enclosures

cc: Sarah Droher, Land Use Technician for St. Croix County
Todd Dolan, Building Inspector for the Town of Somerset (All-Croix Inspections LLC,
1810 Crest View Drive, Suite 1C, Hudson, WI 54016)
Laura Hojem, National Park Service (Laura_Hojem@nps.gov)
Michael Wenholz, Department of Natural Resources (michael.wenholz@wisconsin.gov)

STATE OF WISCONSIN . CIRCUIT COURT ST. CROIX COUNTY

FOR OFFICIAL USE

ST. CROIX COUNTY,
A Municipal Corporation,
1101 Carmichael Road
Hudson, WI 54016,

Plaintiff,

-vs-

FAMILY FIRST FARMS, LLC
5420 209th Lane NE
Wyoming, MN 55092

15cx 8A

and

FAMILY FIRST FARMS, LLC
300 221st Avenue
Somerset, WI 54025,

15cx 8B

and

JEREMY HANSEN
Registered Agent for Family First Farms, LLC
1831 Swede Lake Drive
Osceola, WI 54020

15cx 8C

and

JOSH HANSEN
300 221st Avenue
Somerset, WI 54025,

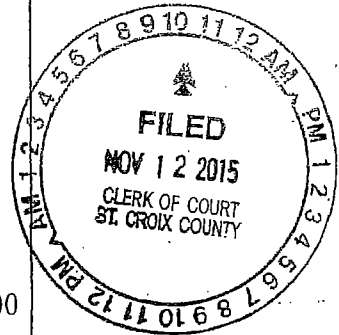
15cx 8D

Defendants.

SUMMONS

Case Classification:
Unclassified - 30109
Amt. Claimed Over \$5,000

Case No. 15CX _____



THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

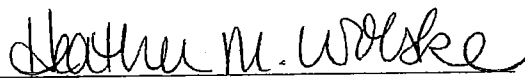
You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is 1101 Carmichael Road, Hudson, WI 54016, and to Heather M. Wolske, Assistant Corporation Counsel, Plaintiff's attorney, whose address is Office of Corporation Counsel, 1101 Carmichael Road, Hudson, WI 54016. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

DATED this 12th day of November, 2015.

ST. CROIX COUNTY BY:



HEATHER M. WOLSKE, #1057229
ASSISTANT CORPORATION COUNSEL
ST. CROIX COUNTY GOVERNMENT CENTER
1101 CARMICHAEL ROAD
HUDSON, WI 54016
(715) 386-4722

ST. CROIX COUNTY,
A Municipal Corporation,
1101 Carmichael Road
Hudson, WI 54016,

Plaintiff,

-vs-

FAMILY FIRST FARMS, LLC
5420 209th Lane NE
Wyoming, MN 55092

15CX8A

and

FAMILY FIRST FARMS, LLC
300 221st Avenue
Somerset, WI 54025,

15CX8B

and

JEREMY HANSEN
Registered Agent for Family First Farms, LLC
1831 Swede Lake Drive
Osceola, WI 54020

15CX8C

and

JOSH HANSEN
300 221st Avenue
Somerset, WI 54025,

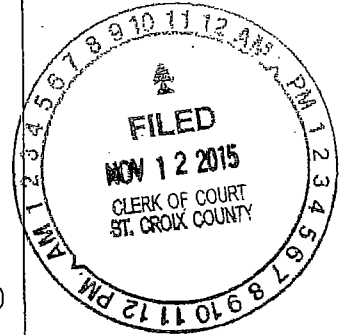
15CX8D

Defendants.

COMPLAINT

Case Classification:
Unclassified - 30109
Amt. Claimed Over \$5,000

Case No. 15CX_____



NOW COMES the Plaintiff, St. Croix County, by its Assistant Corporation Counsel, Attorney Heather M. Wolske, as and for a Complaint against the Defendants, alleges as follows:

1. That the Plaintiff is a municipal corporation duly organized under the laws of Wisconsin, with its principal offices located in the St. Croix County Government Center, 1101 Carmichael Road, Hudson, Wisconsin 54016.

2. That pursuant to the authority granted to it under Wis. Stat. § 59.69, the Plaintiff has enacted a comprehensive zoning code at Chapter 17 of the St. Croix County Code of Ordinances.

3. That the provisions of the above-described zoning code are in full force and effect in the Town of Somerset.

4. That the Defendant, Family First Farms, LLC, is a registered domestic limited liability company in the State of Wisconsin with a principal office located at 5420 209th Lane, Wyoming, Minnesota 55092.

5. That the Defendant, Jeremy Hansen, is the registered agent of Family First Farms, LLC, with an address of 1831 Swede Lake Drive, Osceola, Wisconsin 54020.

6. That the Defendant, Family First Farms, LLC, is the owner of the property located at 300 221st Avenue, Somerset, Wisconsin 54025, legally described as:

The Southeast Quarter of the Southeast Quarter (SE ¼ of SE ¼) of Section 7, Township 31 North, Range 19 West, St. Croix County, Wisconsin, and further described by the Warranty Deed recorded with the St. Croix County Register of Deeds as Document No. 1011431.

7. That Defendant Family First Farms, LLC's property is zoned Rural Residential. In addition, the Defendant Family First Farms LLC's property is partially located in the Lower St. Croix Riverway, Shoreland, and Floodplain Zoning Overlay Districts.

8. That the Defendant, Family First Farms, LLC, built an observation deck and patio on the property in violation of the St. Croix County Code of Ordinances. Specifically, the Defendant, Family First Farms, LLC, has removed vegetation and constructed an accessory structure within the bluffline setback area and in the slope preservation zone without a permit or variance in violation of Sections 17.36 F.2, 17.36 H.3.a, 17.36 H.8.e.1, and 17.36 G.5.c.2 of the St. Croix County Code of Ordinances.

9. That the Defendant, Family First Farms, LLC, has consistently hosted events prohibited by the property's zoning district, specifically a wedding/reception business called "The Lodge on Croix." The Defendant, Family First Farms, LLC, is in violation of Section 17.15 of the St. Croix County Code of Ordinances as a wedding/reception business is not a permitted or conditional use in the Rural Residential District.

10. That the Defendant, Family First Farms, LLC, has consistently hosted events prohibited by the property's zoning district, specifically a wedding/reception business called "The Lodge on Croix." The Defendant is in violation of Section 17.36 F of the St. Croix County Code of Ordinances as a wedding/reception business is not a permitted or conditional use in the St. Croix County Lower St. Croix Riverway Overlay District. The Lower St. Croix Riverway Overlay District explicitly states that any use not listed as a permitted or conditional use shall be prohibited.

11. That Plaintiff is aware of a reception scheduled to be held at The Lodge on Croix on July 9, 2016. The wedding reception is for Katie Gramse and Eric Hannigan. <https://www.theknot.com/us/katie-gramse-and-eric-hannigan-jul-2016#our-wedding>. In addition, information regarding The Lodge on Croix can be found at www.facebook.com/lodgeoncroix.

12. That the above violations were personally observed by employees of the St. Croix County Community Development Department on the following dates: September 27, 2013; June 5, 2014; October 16, 2014; June 12, 2015; August 7, 2015; and November 3, 2015.

13. That on August 29, 2013, Dan Sitz, Zoning Technician for St. Croix County Community Development Department, sent a Notice of Violation letter to the Defendant Jeremy Hansen. The notice of violation letter set forth all the violations occurring on the property located at 300 221st Avenue, Somerset, Wisconsin.

14. That on September 27, 2013, Dan Sitz, Zoning Technician, and Pamela Quinn, Land Use and Conservation Specialist for St. Croix County Community Development Department, conducted a site visit to address the violations on the property.

15. That on January 24, 2014, Dan Sitz, Zoning Technician for St. Croix County Community Development Department, wrote a letter to Defendant Josh Hansen detailing the violations of the St. Croix County Code of Ordinances and actions to remedy the violations.

16. That on June 5, 2014, Pamela Quinn, Land Use and Conservation Specialist for St. Croix County Community Development Department, Michael Wenholz, Wisconsin Department of Natural Resources, and Laura Hojem, St. Croix National Scenic Riverway, National Park Service, conducted a site visit on the property to make a determination regarding compliance with federal, state, and county regulations that apply within the Lower St. Croix Riverway Overlay District.

17. That on June 30, 2014, Kevin Grabau, Community Development Department Code Administrator, sent a letter to Defendant, Josh Hansen on behalf of Family First Farms, LLC, detailing the violations of the St. Croix County Code of Ordinances and how the Defendants' could correct all violations.

18. That on July 16, 2014, the Defendants' attorney, Brent Johnson, sent a letter to Kevin Grabau, Community Development Department Code Administrator, requesting additional information to further advise his client regarding the structure.

19. That on October 9, 2014, Kevin Grabau, Community Development Department Land Use Administrator, sent a letter to the Defendants' attorney, Brent Johnson, explaining how the Defendants could correct all violations.

20. That on October 16, 2014, Sarah Droher, Community Development Department Land Use Technician, and Laura Hojem and Rebecca Haass, St. Croix National Scenic Riverway, National Park Service, verified the structure was visible from the Lower St. Croix River. Section 17.36 G.5.c.2.a. of the St. Croix County Code of Ordinances requires all structures to be visually inconspicuous.

21. That on October 30, 2014, the Defendants' attorney, Brent Johnson, requested a reasonable amount of time for the Defendants' to complete the project.

22. That on December 2, 2014, Kevin Grabau, Community Development Department Land Use Administrator, sent a letter to the Defendants' attorney, Brent Johnson, requiring the relocation or removal of the structure along with required plans by June 1, 2015.

23. That on January 21, 2015, the Defendants' attorney, Brent Johnson, informed Kevin Grabau that his clients agreed to remove the observation deck and patio from the property and requested an extension to July 31, 2015.

24. That on March 17, 2015, Kevin Grabau, Community Development Department Land Use Administrator, responded to the Defendants' attorney, Brent Johnson, accepting the July 31, 2015 deadline as requested by the Defendants' along with the required plans by April 30, 2015.

25. That on June 8, 2015, Sarah Droher, Community Development Department Land Use Technician, sent a letter to Defendant, Josh Hansen, informing him that the Defendants' were required to submit appropriate plans and remove the observation deck and patio no later than July 31, 2015.

26. That on June 12, 2015, Sarah Droher and Craig Dantoin, Community Development Department Land Use Technicians, and Todd Dolan, Building Inspector for Town of Somerset, conducted a site visit to the property where preparations for a wedding were witnessed.

27. That on August 7, 2015, Sarah Droher and Craig Dantoin, Community Development Department Land Use Technicians verified that the Defendants' failed to remove the observation deck and patio and provide the required plans as set forth in the June 8, 2015 letter.

28. That on September 19, 2015, Deputy Nick Raiolo of the St. Croix County Sheriff's Office responded to a complaint on the property. Deputy Raiolo noticed a large gathering of people on the property and signs were posted at various intersections directing traffic for a wedding reception for "Vaughn & Kelly" on the above-referenced property.

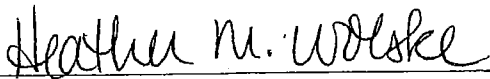
29. That on November 3, 2015, Sarah Droher, Community Development Department Land Use Technician verified that the Defendants failed to remove the observation deck and patio.

30. That several demands have been made by the Plaintiff for the Defendants to bring the property in compliance with Chapter 17 of the St. Croix County Code of Ordinances and that the Defendants have failed, refused or neglected to respond to said demand.

WHEREFORE, the Plaintiff demands forfeitures provided in Section 17.71(5) of the St. Croix County Code of Ordinances in the amount of not more than \$100.00 nor more than \$500.00 for each day since August 29, 2013 plus costs and disbursements of this action; for an Order requiring the Defendants to remove the patio and observation deck in compliance with the St. Croix County Code of Ordinances; for an Order requiring the Defendants to cease operating a wedding/reception business on the property; and for an Order for a permanent injunction prohibiting the Defendants from operating a wedding/reception business on the property in violation of the St. Croix County Code of Ordinances; and for what other relief the Court may deem just and equitable.

DATED this 12th day of November, 2015.

ST. CROIX COUNTY BY:


HEATHER M. WOLSKE
ASSISTANT CORPORATION COUNSEL
WISCONSIN BAR NO. 1057229
ST. CROIX COUNTY GOVERNMENT CENTER
1101 CARMICHAEL ROAD
HUDSON, WI 54016
(715) 386-4722

STATE OF WISCONSIN

CIRCUIT COURT

ST. CROIX COUNTY

ST. CROIX COUNTY,

Plaintiff,

vs.

**MEMORANDUM DECISION
AND ORDER**

FAMILY FIRST FARMS, LLC,
FAMILY FIRST FARMS, LLC
JEREMY HANSEN,
JOSH HANSEN,

Case No. 15 CX 08A
15 CX 08B
15 CX 08C
15 CX 08D

Defendants.

BACKGROUND

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

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

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

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

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

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

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

SUMMARY JUDGMENT METHODOLOGY

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

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

DEFENDANTS' ARGUMENTS

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

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

ST. CROIX COUNTY ARGUMENTS

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

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

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

ST. CROIX COUNTY ZONE OF ORDINANCES

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

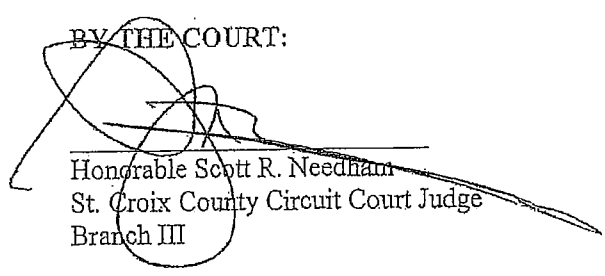
use. There is no ambiguity in the zoning code and the deck and patio required a land use permit and/or variance prior to construction. The definitions of "bluffline" and "slope preservation zone" are not ambiguous. Defendants were well aware of the requirements of the zoning code but chose to disregard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

DECISION

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

Dated this 15th day of
August 2016.

BY THE COURT:



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



OFFICE OF CORPORATION COUNSEL

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

DEC 27 2016
ST. CROIX COUNTY
COMMUNITY DEVELOPMENT

December 27, 2016

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

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

Dear Judge Needham:

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

Thank you.

Sincerely,

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

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

Enclosure

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

STATE OF WISCONSIN

CIRCUIT COURT

ST. CROIX COUNTY

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

ST. CROIX COUNTY,
A Municipal Corporation,

Plaintiff,

Complex Forfeiture: 30109

-vs-

FAMILY FIRST FARMS, LLC (15CX08A)

and

FAMILY FIRST FARMS, LLC (15CX08B)

and

JEREMY HANSEN (15CX08C)

and

JOSH HANSEN, (15CX08D)

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

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

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

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

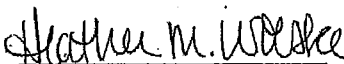
WHEREAS, the parties wish to resolve the issues set forth in the Complaint without the need for mediation and/or a trial.

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

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

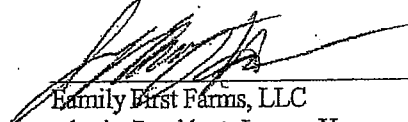
6. Contempt. If the Defendants fail to comply with the conditions of this Stipulation, St. Croix County may file a contempt of court action against the Defendants and seek sanctions as provided for in Wisconsin Statute Chapter 785.
7. Access to Property. The St. Croix County Community Development Department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

PLAINTIFF


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

12/27/16
Date

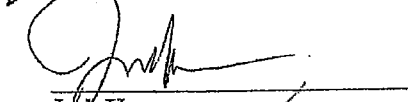
DEFENDANTS


Family First Farms, LLC
by its President, Jeremy Hansen

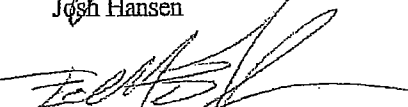
12-14-16
Date


Jeremy Hansen

12-14-16
Date


Josh Hansen

12/14/2016
Date


Edward Beckmann
Attorney for the Defendants
Bar No. #1030835

12/21/2016
Date

ORDER FOR JUDGMENT

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

Dated this _____ day of December, 2016.

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

**TOWN OF SOMERSET 2015-2035
COMPREHENSIVE PLAN**

ST. CROIX COUNTY, WISCONSIN

adopted March 30, 2015





9. Land Use

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

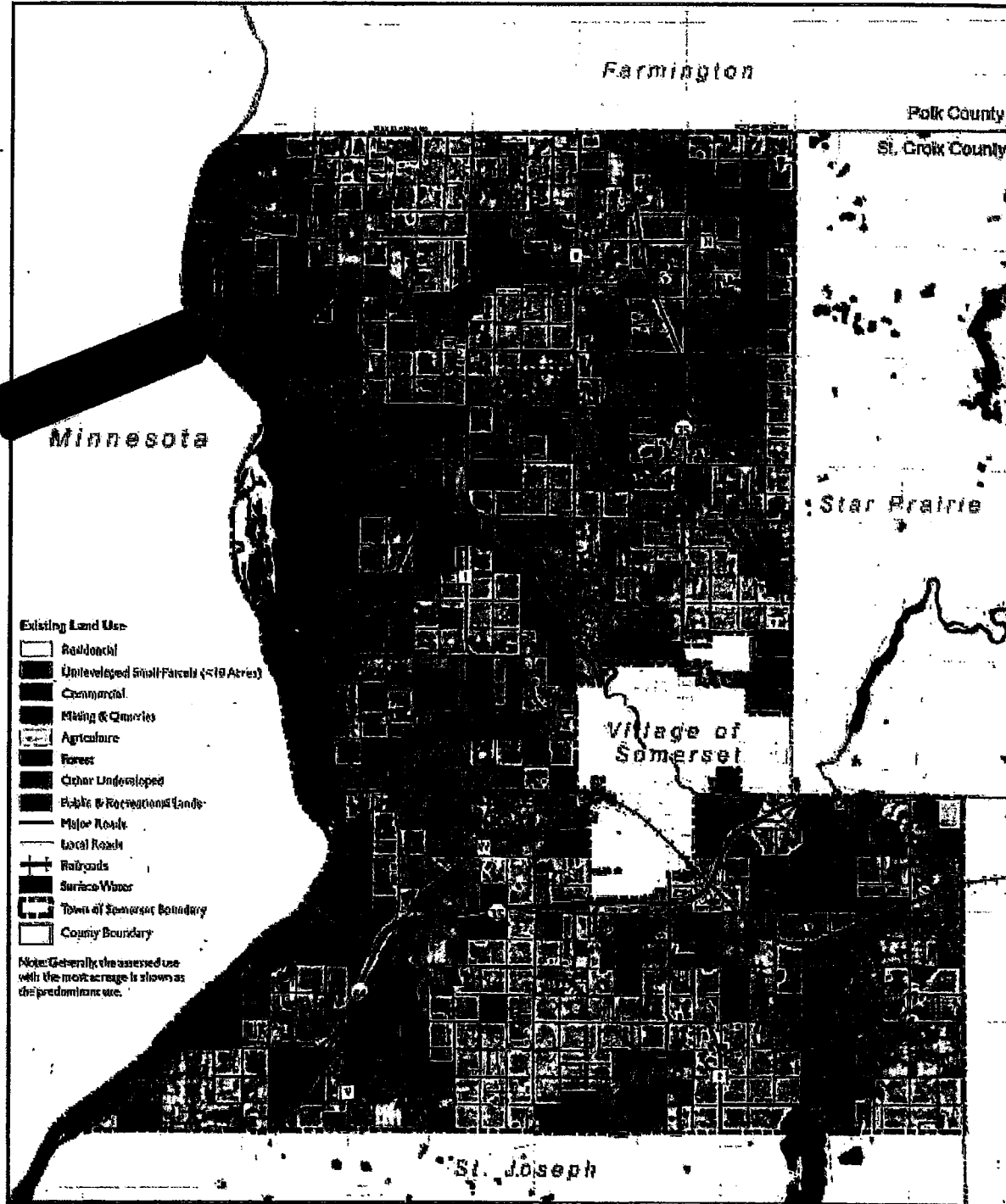
The Town of Somerset comprehensive planning public opinion survey conducted in the spring of 2014 provided the following land use-related insights:

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

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

Land Use

Map 9-1 Town of Somerset Existing Land Use



WCA/RPC
West Central Wisconsin
Regional Planning Commission

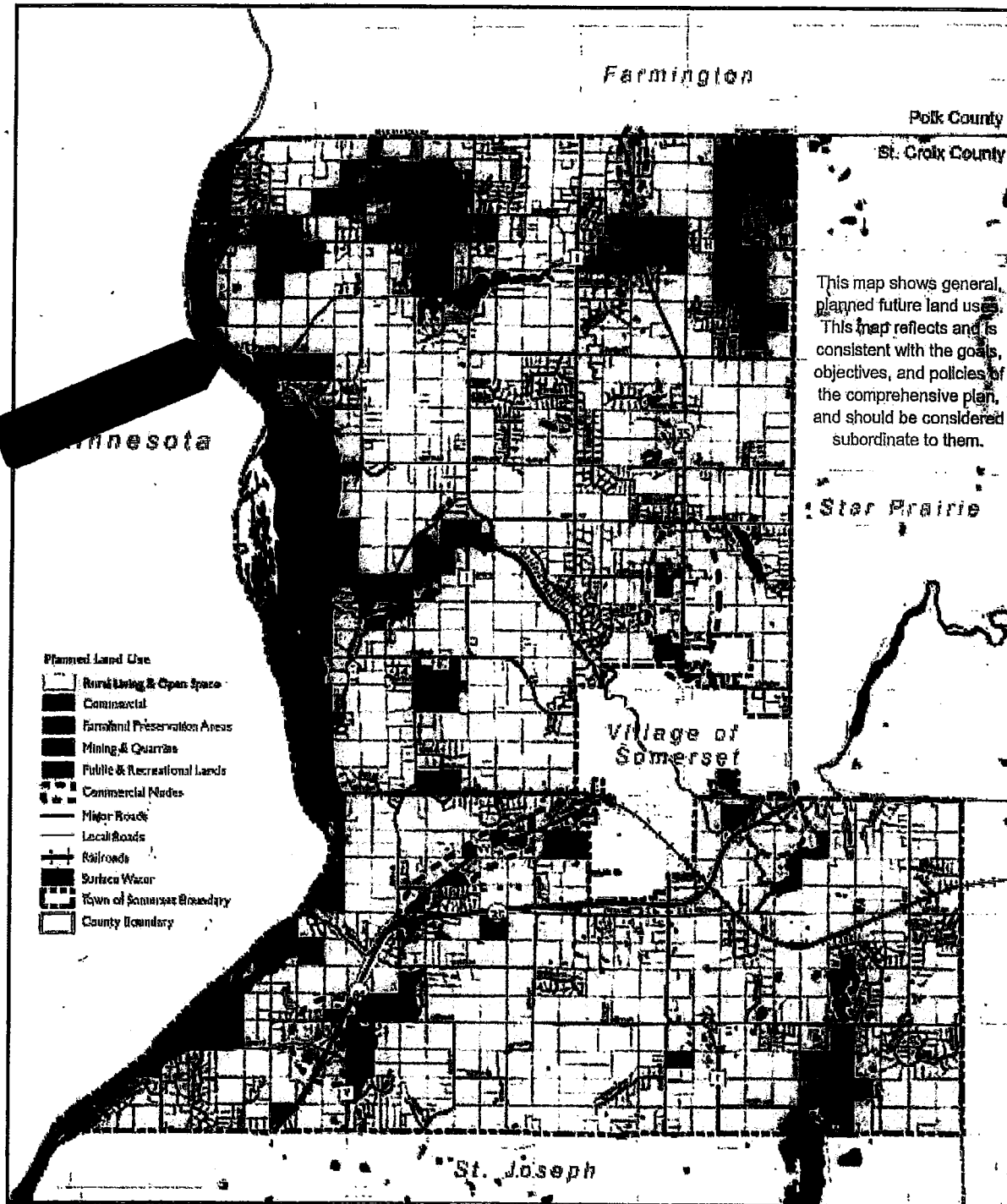
PREDOMINANT EXISTING LAND USE
(as of January 1, 2014)
TOWN OF SOMERSET
ST. CROIX COUNTY, WI

November 14, 2014

0 1000 3000 7200 Feet

Map Source:
St. Croix County Land Information
Wisconsin Department of Natural Resources
http://www.dnr.wisconsin.gov/geog/imap.html

Map 9-2 Town of Somerset Planned Land Use



WCWRPC
 West Central Wisconsin
 Regional Planning Commission

PLANNED LAND USE
 TOWN OF SOMERSET
 ST. CROIX COUNTY, WI

December 23, 2014

0 1,000 2,000 3,000 Feet

Scale Source:
 ©2014 Esri, Land Information
 Wisconsin Department of Natural Resources
 http://dnr.wisconsin.gov/maps/geoportal/

9.8 Land Use Goals and Objectives

Land Use Goal:

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


Objectives

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

9.9 Land Use Policies

Policies — General Land Use (Decision-making Guidance)

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

- [REDACTED]
4. The Town of Somerset will continue to enforce its land division ordinance.
 - a. Each lot, parcel, or tract created for the purpose of erecting a residential building or structure shall be required to have a minimum of one-half acre of contiguous buildable area, except for conservation designed subdivisions which can be demonstrated not to adversely impact the land and water when using a smaller buildable area.
 - b. Continue to require a Certified Survey Map for all land divisions that create a lot, parcel or tract of land 35 acres in area or less, except where the newly created parcel is entirely within a recorded subdivision or where such parcel is entirely within a previously recorded Certified Survey Map. All such land divisions will be reviewable by the Town of Somerset.
 - c. Continue to encourage the use conservation subdivision design for proposed subdivisions.
 - d. Continue to enforce standards for construction site erosion control and stormwater management for all subdivisions.
 5. The Town of Somerset will require appropriate fees for all development to cover the costs related to its density or intensity and its environmental impact, and the additional administration, services, and infrastructure that it will impose upon the Town and its residents.
 6. Utilize the existing road network to accommodate most future development and require multi-modal connectivity of new roadways and between land uses whenever possible and appropriate. Development plans and site plans shall be evaluated with regard to accommodating the safe and efficient travel of pedestrians and bicycle users and providing linkages to existing and planned trail systems as discussed in the Transportation element and the *Town of Somerset Parks and Recreation Comprehensive Plan*.
 7. During land use permitting and zoning decisions, ensure that the quality of the public outdoor recreational lands in the Town are used in a manner that is compatible with and does not unduly detract from the character of these natural areas and the overall experience of users. If needed, engage St. Croix County, Wisconsin DNR, the National Park Service, and nearby communities in a discussion of design, regulatory, and management options to protect sensitive features, prohibit over-commercialization, and prevent over-use.
 8. Work with developers to ensure that residents of proposed subdivisions will have convenient, safe access to outdoor recreational opportunities. If no public amenities are available, the Town may require the development to provide and maintain such amenities at their cost.
 9. The Town will encourage a mix of setbacks and screening to help minimize visual and noise impacts in a manner that reinforces the community's rural character, such as:
 - a. Protect the visual quality of rural roadways through site planning, driveway location, landscaping, signage control, and other standards, such as placing driveways along property lines, fence rows, or existing vegetation, wherever possible and safe.
 - b. Encourage tree preservation and tree planting to screen new structures from neighboring properties and public roadways in residential areas and require such screening for

Land Use

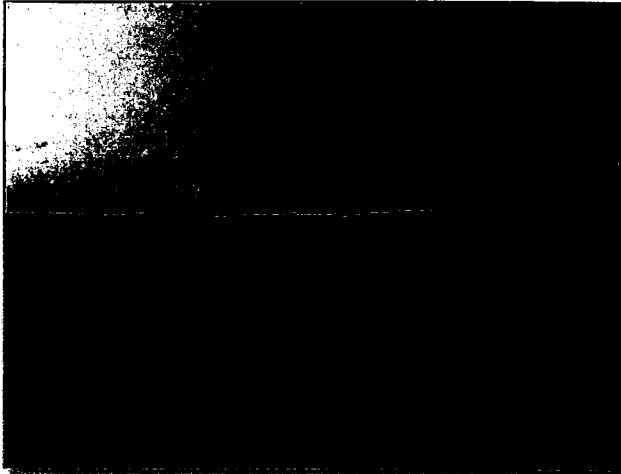
commercial and industrial development.

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

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

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

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



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

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



Recommendations (Action-Oriented Strategies)

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

Planned Land Use Map Policies

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

Land Use

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

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

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

Thank you, Representatives Jarchow, Stafsholt, Zimmerman and Senator Harsdorf, for looking at streamlining Wisconsin's property rights laws. This does beg the question though, why you are carving out a piece of your enabling legislation for one owner in a state of 6 million people.

The issue in question is a large piece of property purchased in 2013. It's a parcel that for decades was a Baptist Church camp. It is located in the National Scenic Riverway in the Town of Somerset. Prior to purchase, the owners had to discover that the National Park Service paid the Baptist Church Camp over \$186,000 in public funds for restrictive easements. The owners also had to discover that the Town of Somerset and St. Croix County have zoning authority over the property.

But rather than follow laws and ordinances like the rest of us, these owners went ahead and disturbed vegetation on the restricted bluff areas, built a deck and patio that encroached into the scenic easements and expanded the use to include wedding venues, lodging and adult beverages – without approval from the Town or County. Facing sanctions that could cost \$100 to \$500 per day for non-compliance, they ended up in court. Finally, in December of 2016 they agreed to take down the deck and patio, restore the vegetation and pay over \$7,000 in court costs.

But here's the disturbing part. Even though they had been rebuffed by the Town, County, and Circuit court, the owners contacted two representatives and invited them out for a tour. These legislators somehow saw what town and county representatives couldn't and sponsored legislation at the State level that specifically grants one landowner on one piece of property a special dispensation. Undoubtedly representatives will continue to advocate for this legislation saying it is about local control and preventing the DNR from having a pocket veto, but it's ALSO about granting a benefit to only one landowner.

As a lifelong Republican who has served over 26 years in town and county service, I can now appreciate how much easier it will be to just let our state representatives make decisions for everyone else at the local level. From now on, let's just let the State create spot zoning wherever they deem appropriate. Or better yet, get involved and contact your legislators and tell them to remove this special purpose/one owner exemption from their bill!

Don Jordan

Town of Hudson

Editors: My contact information is:

Don Jordan

546 County Road UU, Hudson WI 54016

July 17, 2017

Dearest Legislators,

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

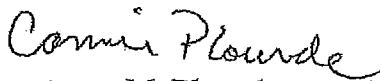
The Hansen's obviously, have no regard for Town, County, DNR or National Park Service laws, which is why I find it so hard to understand why our Legislators would support a bill which is clearly for the benefit of the Lodge on the Croix. We hope you can see that passing these bills would not be good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

Sincerely,



Douglas R. Plourde

Town of Somerset, WI, Supervisor



Constance M. Plourde

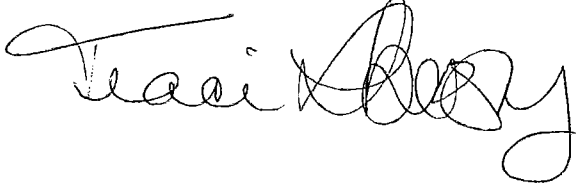
Re: 2017 senate bill 309

To whom it may concern :

I own a business in Somerset Township, It is on commercial property which we made sure of before the purchase. Worked with the township in making sure that everything was in correct order, before closing making a smooth transition and had a very good experience with them. That being said I believe that this bill is unfair for other local businesses and property owners who have followed procedure, Buying a property whether it was a church campground which is zoned residential and not making sure that prior to purchase that this property can be turned into commercial property is a prime example of what I am talking about. I personally have had a cell tower proposal for my property that raised opposition by the DNR and National Scenic Riverway that caused a dead end. That being said I have no issue what so ever with new businesses as long as the procedure is done correctly and fairly, I do not believe that changing laws and enforcement issues to benefit one facility is fair or correct.

Traci Libersky

T-Buckets Hometown Bar

A handwritten signature in black ink, appearing to read "Traci Libersky". The signature is written in a cursive, flowing style with some loops and flourishes.

8/5/2017

Re: Senate Bill 309

Dear Committee Members,

Please vote against the above bill for the following reasons:

The land is not zoned commercial for the proposed purposes. The current owners never applied for any permits, which everyone else must do, and continued to do whatever they wished.

The land owners have been sued by St. Croix County, lost, and were issued a cease and desist order . I believe local authorities are more aware of situations in their own area versus statewide legislators. This bill is written exclusively for only one landowner. Should legislature even be involved in local government?

The National Park Service paid the previous owners for an easement from the St. Croix River onto a portion of this property so that no buildings or improvements could be done on the easement area. This is included in their deed. The present owners have ignored these restrictions.

The bill also requests a grandfather clause. The property was never zoned commercial. It was a recreational camp owned by a non-profit church and only used by children and families who were bused in and only for a few times a year. There were no large functions on a weekly basis (as proposed by the present owners) which would strongly impose on the road infrastructure and sewer system, The present owners say the current sewer system is adequate, but have not shown documentation proving it.

As a lifetime Somerset resident and business owner, we have had to comply with local, county, state and federal regulations. It wasn't always easy, but we did it.

Thank you,


Patricia Wachter

2328 53rd Street

Somerset, WI. 54025

Town of Somerset

From: Dave Plourde <dplourde@precoinc.com>
Sent: Wednesday, August 9, 2017 12:20 PM
To: Sen.Harsdorf@legis.wi.gov
Cc: Plourde, Douglas; Town of Somerset
Subject: Opposition to AB 399 309

Dear Sheila, Please accept my apology that I cannot attend the hearing tomorrow, but I wanted to articulate my strong opposition to Bills 309 and 399. As you know my family has had long and engaged history of supporting Western Wisconsin through three generations of Town of Somerset officials, numerous boards and civic activities, all in support of developing and maintaining civic order and growth planning consistent with the wishes of our community and being good stewards. My review of this bill and the details behind it find no reason that the Wisconsin Legislature should overrule the wishes and intent of local government and our community. One of the key premises of this bill is that it allow an owner to use existing structures, when in fact I understand all remodeling was done without local permits, and that trees were cut and a deck built without regard to law and protocol , and now they just beg forgiveness and move on and we reward this blatant flaunting of the law. I am in full support of the Town of Somerset officials, of which this directly impacts and of which this bill takes a direct and opposite position to the wishes of the community. Should this pass, I would see no reason that any landowner along the St. Croix be able to do whatever they want, cut trees, develop, build without regard to law or the will of the community members who were elected to protect and serve this township. I would hope that you not pass this legislation to the benefit of one individual and in opposition to all those who open the intent and letter of the law. Thank you for your service, I hope that this issue is defeated. Sincerely, Dave

David G. Plourde

Executive VP, Sales & Special Accounts

Preco, Inc.

500 Laser Dr. | Somerset, WI 54025

715.247.3285 ext. 1121

Cell: 651.208.2480



www.precoinc.com

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Subject: wisconsin Senate Bill 309

Date: Aug 06, 2017

From: sahnaw@somtel.net

To: <Sen.Harsdorf@legis.wi.gov>

Reply-To: <saahnaw@somtel.net>

Dear Sheila,

As a resident of western Wisconsin I have been very proud of the representation you have provided to us as you seem to have your finger on the pulse of the region. Your presence at local events - from dairy breakfasts to local town meetings - reminded us that you were available; cared about our communities and that we had a voice in Madison.

Unfortunately, the regard for our area no longer appears to be a main concern for you. Senate Bill 309 is clearly carve-out legislation that financially benefits a small sector of the population but could have a significant negative impact on its surrounding community. Long term residents of St. Croix County are proud stewards of our beautiful and clean river. Bill 309 threatens to take that away. The zoning of the recreational property was known prior to its purchase by the current owner. The neighbors of this property should not be negatively impacted because the new owners choose to disregard the statutes in place. Additionally, the passing of this bill could also have a snowball effect on the community (e.g. infrastructure costs) for which the funds may not be readily available.

The majority of people up and down the river corridor are not in favor of this bill - including your own community of River Falls. This bill is not supported by the area to which you serve.

Please, Sheila, withdraw your support of Bill 309 and support the majority of your constituents.

Regards,

Karen Sahnaw
Somerset WI

July 17, 2017

To: Senator Sheila Harsdorf and Representative Adam Jarchow

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

Re: Senate Bill 309 and Assembly Bill 399

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

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

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

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

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

Tim Witzmann

Jay and Colleen Chambers
331 Rice Lake Road
Somerset, WI 54025

August 7, 2017

Dear Senator Harsdorf and Members of the Committee:

We are writing to express our strong opposition to Senate Bill 309. This bill is of extreme concern to us because our residence and neighbors will be negatively impacted by the passing of this bill.

If passed, Senate Bill 309 will allow for the operation of a commercial business, Lodge on Croix, to operate on residentially-zoned property. This business has two small rural roads leading to it, one which passes directly in front of our home. These roads barely accommodate the passing of two vehicles and are unsafe for the use they would receive. We question whether any of you have personally visited this property and surrounding area to view the impact increased traffic, including large delivery vehicles, would have on the existing roads? The increased traffic would need to be better policed, especially with the likelihood of intoxicated vehicle operators driving through a residential area. Another concern is the distance emergency vehicles would have to travel in order to provide medical or emergency services as needed.

We are very concerned with the operation of this business since the owners have blatantly disregarded local regulations when adding to the property as well as when hosting several events over the past several years without authority. We have heard from our home (with windows closed) bands, fireworks, and speeding cars well after 1:00 A.M. This bill appears to have been created for one business, Lodge on Croix, and does not best serve the majority of people in this area. We fail to see the logic for why we've been voting for the existing legislators in St. Croix County, when they seem more concerned about the ambitions of a businessman from Minnesota (who has already proven that he has no concern for the people or laws of St. Croix County) than their own constituents in Wisconsin.

Thank you for your consideration of our viewpoint on Senate Bill 309. We believe our community would be best served if this legislation failed.

Sincerely,



Jay and Colleen Chambers

August 5, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison WI 53707 7882

Dear Senator Harsdorf

Please do NOT vote for SB 309.

This bill will cause significant harm to people you are supposed to represent.

~It will take away local control from the Town of Somerset and St Croix County and put it in the hands of state government in Madison. We who live and work in this area know much better what our needs are and if you, Senator Harsdorf, vote for this bill you are ignoring the majority of the people you are representing so you can satisfy basically the desire of one family's request to allow them to operate a business illegally.

~It will allow for commercial development in areas that are residential. The Comprehensive Plan for the Town of Somerset specifically addressed spot zoning – we Don't do it! And for good reason: The residents here have made it very clear in survey after survey that they want our town to remain rural – they DO NOT WANT commercial development spotted throughout the town. This bill would force us to accept commercialization in areas not designed for it. Our roads are very narrow, winding, hilly with no shoulders. We cannot safely accommodate the increased traffic and large delivery trucks that will come as a result of commercialized areas.

Economic development and the jobs that might follow can of course be a good thing but it should be placed in an area that is designed to meet the needs of business. It should not be scattered around in areas of homes and farms. If you pass SB309 you are definitely NOT representing the majority of those of us who live in the Town of Somerset. Do the right thing – do not support SB 309.

Thank you



Sherrill Schottler
458 Rice Lake Road
Somerset WI 54025

August 4, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison WI 53707 7882

Dear Senator Harsdorf

I think you might be interested in my reaction to two meetings I attended.

Some time ago I was at a Somerset Town meeting and you were there to present an award to Ed Schachtner, Town Chairman, for his 35 years of service to the community. I was impressed by your comments and the fact that you took time to do this for a person who has no political ambitions. It seemed as though you felt we here in the Town of Somerset were important.

Last week I attended the St Croix County Board meeting. The major topic of discussion was a Resolution opposing SB 309. Many, many citizens and chairpersons of surrounding towns spoke in favor of the resolution to oppose SB 309 as did members of the St. Croix County Board. All the people spoke to the needs of the majority. Ed Schachtner, whom you had previously honored, clearly detailed the dangers inherent in SB 309, especially that of taking away local control over local issues and needs. The resolution overwhelmingly passed.

The message was clear and direct. SB 309 is legislation that would reward a person who has violated and ignored the law regarding land use to satisfy selfish concerns. It would allow and encourage commercial development in a rural area. When surveyed, residents of Somerset township have overwhelmingly said they do not want commercial development in an area of homes and farms.

If you still represent the people of St Croix County and Somerset Township, and I believe you do, you must reconsider your support of this bill and vote no on SB 309.

Sincerely



Paul Schottler
458 Rice lake Road
Somerset WI 54025

August 5, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison Wisconsin 53707 7882

Dear Senator Harsdorf

There is a property less than a mile from me that has been hosting commercial events. They did not get the right permits from the Town or the County and have been told by the Court that they must take down what they illegally built and replace what they illegally tore down. They have done neither.

Now you are sponsoring a bill, SB 309, that would not only allow them to continue doing this but would allow them to expand and for other people to enter into commercial ventures in other existing rural residential areas.

My area is zoned residential, not commercial, and it needs to stay that way. People living in a residential area have the right to expect it will remain the same and not be changed by more traffic, including big trucks, more people and more noise. My children and grandchildren will be in more danger on our narrow, winding roads if this bill or anything like it becomes law.

No one here wants businesses to develop in a rural setting and if you vote for this bill you will not be representing the wishes and ideas of the people who put you in office. You are supposed to represent us, not dictate to us.

Thank you for voting NO on SB 309.



Idella Staab
370 Rice Lake Road
Somerset Wisconsin 54025

August 3 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison Wisconsin 53707 7882

Dear Senator Harsdorf


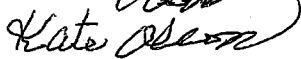
We don't want to have SB 309 passed into law. We built our home here so that we could be in a country setting with all the things it means: less noise, less traffic, good place to raise a family.

SB 309 will allow large events to become the norm in an area just ½ mile from my residential area. If we wanted to live in an area where commercial businesses were allowed, we would have built our home somewhere else.

We looked at the plan Somerset has in place and saw that businesses would be required to locate in an area zoned commercial and felt safe that we could count on a future without a business next to rural homes. This bill would take that away. That is not right.

Our local Town Board is against this bill, surrounding towns Boards are against this bill, the St Croix County Board is against this bill and the St Croix Scenic Waterway Coalition is against this bill. I see no way you can support it if the majority of your voters don't want it. If you vote for it, you will not be representing us and that is not what a senator is supposed to do. You are supposed to represent us, not ignore us so that you can support basically only one person's interests.

Thank you for not voting for this bill.

Tim and Kate Olson
372 Rice Lake Road
Somerset Wisconsin 54025

August 7, 2017

Somerset Town Board
St. Croix County
State of Wisconsin


Dear Sirs,

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

I know that we join the voices of many residents who are speaking out in opposition to SB 309. I understand that on its face the bill's intention is to encourage growth in rural areas. To be sure, this is an important consideration, but in reality, this bill serves the interests of a few at the expense of the majority. Because the bill strips the county government's ability to regulate growth and development, individuals will pursue their personal interests without regard to the the impact on the local community. As a result, one business that supports a few people will have a significant impact on all the people and our rural community. Our narrow and hilly roads work well for rural living, but they cannot accommodate the heavy traffic that will result from the types of businesses looking to take advantage of this law. Our rural setting is treasured for its peace and quiet, and the majority of the residents are not interested in the significant noise and disruption that will occur with the types of businesses that will result. Large events will attract large numbers of people who do not live here or share our values; the inevitable impact will destroy our quality of life.

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

Sincerely,


Susan and Mike Bull
2307 40th Street
Somerset, WI 54025

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

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

Dear Supervisors:

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

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

We oppose AB 399 for the following reasons:

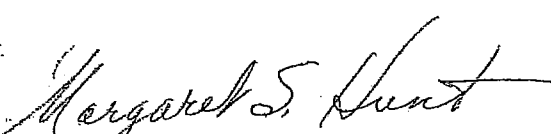
1. It would be an unwarranted raw exercise of state power. True, the State of Wisconsin has the power to grant retroactively the building permit and variance that the owners failed to obtain. Making exceptions to local laws and ordinances makes sense for major projects like the Stillwater Bridge, but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

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

Sincerely,



William C. Hunt



Margaret S. Hunt

August 8, 2017

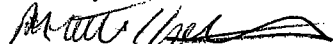
To: Senate Committee on Economic Development, Commerce & Local Governmnet
Re: SB309- Opposition

I am a resident of the town of Somerset for the past 50+ years and I'm opposed to Senate Bill 309. I hope you listen to the local government officials and the residents who are opposed to this ridiculous bill. I can assure you that the majority of the Town's residents would not be in favor to a wedding and event center being "slipped into" the community without any local or county public hearings, rezoning or conditional use permits and within a recorded scenic easement. I am extremely disappointed that our legislators are not adhering to our Town Comprehensive Land Use Plan. A lot of thought and expense was put into the Comprehensive Plan. There was total disregard by the legislators who introduced these bills without any discussion with Town, County, or National Park Service staff who have been battling with these property owners who lied "they didn't know". They knew full well when they purchased the property that it had restrictions. They also run Family First Construction and The Adjustment Firm (insurance claims). They knew they needed building permits prior to building and not after the fact permits. They have held non-family weddings without a liquor license on property that is not zoned commercial. They lost a lawsuit with St. Croix County. They agreed to terms in the settlement. Have those terms been met? Is this lawlessness what our state/local government intended and rewards? How is this fair to the town of Somerset as a whole? Where is the transparency and due process? Where is law and order? The property owners have never applied for anything from the Town or St. Croix County. They were given opportunities to officially apply to the Plan Commission but they chose not to do so. It has turned into "it is easier to ask for forgiveness than permission", especially when you are aware that permission will not be granted.

The Fourth Baptist Church was a tax-exempt, non-profit church camp owned by the Trustees prior to the implementation to zoning. What now has been built/remodeled is a for-profit, commercial event center to their financial benefit. The clause "grandfathered in" should not apply. The Trustees of the Fourth Baptist Church sold their rights for business and commercial on the parcel the buildings sit LOSA Tract 09-166. The use of the church camp ceased for over a year when the property was listed for sale. There is nothing to "grandfather in" because it is not going to be a Christian summer youth camp anymore. How is the use the same? The property owners just purchased Potting's Bar on June 19, 2017 (approx) which is about 5 miles from 300-221st Avenue Lodge on Croix. Potting's Bar is now called County Line Bar, Trade name: Hank's Bar. Josh Hansen is the agent on the liquor license. Hank's Bar sits on 11 acres of commercially zoned land off State Hwy. 35 and Polk/St. Croix County Line Road and has a large parking lot. If they want an event center, they obviously can legally use this facility.

My father Roy Koester owned a 160-acre farm in Somerset, with about 40 acres along the St. Croix River bluff line. When he retired, he wanted to build a small retirement home along the bluff of the property he owned and farmed for decades. When he applied for the proper permits he was told he couldn't because of the river bluff restrictions. While he was disappointed, he did what any other law-abiding citizen would do. He complied with the law and built his retirement home elsewhere. He additionally was forced to sell some of his river bluff land to the NPS. While he would have preferred not to sell it he felt it was the right thing to do since everyone else with land on the St. Croix river bluff in that area had to comply with the request. In short, everybody needs to follow the laws, even the rich and well connected to government. Society only functions well when everybody follows the laws. The laws should not change after decades for one family. It is not fair to the numerous, maybe hundreds, of people who previously followed the St. Croix River bluff laws/regulations as they should.

Thank you,



Matt Koester

1865-37th St.

Somersset, WI 54025

August 8, 2017

Sen. Harsdorf/Senate Committee Members on Economic Dev., Commerce and Local Government:

Re: SB309- 10 Reasons to Oppose:

1. Democracy: a government by the people. You've heard from the local and county elected representatives, verbal testimony, written statements and many adopted Resolutions in Opposition to SB309. Forcing a zoning change or exemption from all zoning at state level without due process into a peaceful, rural community in the St. Croix Riverway in a residentially zoned area at the Madison level is not a democracy.
2. You know there is a NPS easement on the property. Two Federal Easements paid for with taxpayer dollars of \$186,000. I reiterate, a lot of taxpayer dollars for two scenic easements.
3. Family First Farms/The Hansen family has circumvented the process, broken the law, lost a court case to St. Croix County and 3rd District Court of Appeals refused the appeal request.
4. Disgruntled lawbreakers/Hansen family appeal to local legislators to amend the law for them and the scary thing is that the legislators listened to them and introduced bills on their behalf without any regard or consultation with local, county, or NPS officials. You are considering a bill to amend state law for one property owner's benefit without consideration to all the residents, Town officials, St. Croix County Board, NPS, St. Croix River Association or other business owners.
5. Jobs? A few low-paying service jobs or mostly their family running the facility. State Revenue? Most wedding vendors will be coming from Minnesota and most Bridal Fairs and advertising will be done in the Twin Cities Metro area. Maybe a few will be from Wisconsin but not enough to make a difference that would warrant this exemption in a residential area with a scenic easement.
6. Gravel road. Does this Legislature intend to fund the upgrade of the gravel road or are the taxpayers of the Town of Somerset required to pay for road improvements to benefit the Hansen's facility? Our Fire /Ambulance are far away from this location, it is not easily accessed.
7. The St. Croix River Assoc. has programs for Post-Traumatic Stress Disorder for Veterans on the St. Croix River. Are you thinking of our Veterans when you allow a wedding and event center to have loud music/fireworks, without any restrictions echoing down the entire St. Croix River? 4th of July is understandable; every weekend is not.
8. Residents move to the towns for peace and quiet. Why would anyone want to live next to a commercial venue in a rural, residential zoning district or in a valley where sound travels? This exemption/use is not consistent with the Town of Somerset's Comprehensive Land Use Plan, which I urge you to respect.
9. Do the right thing. Do not support Bill 309 or amend it and remove section 1. Do not give a complete exemption of all zoning authority to a single property owner who gets preferential treatment for reasons unknown. This is a public hearing. Please listen to the public.
10. You have a moral and ethical conscience to do what is right. Listen to that inner conscience and do not support SB309.


Jeri Koester

1865-37th St, Somerset, WI 54025

August 7, 2017

Senator Sheila Harsdorf
Room 122 South
State Capitol
Madison WI 53707 7882

Dear Senator Harsdorf,

Today, like many days, I went for a walk on the streets that surround my house. However, today was different. Instead of taking my normal loop, I decided to walk down to an area that has recently fallen under some controversy.

As I walked the narrow, windy roads I began to think about how fortunate I am to live in an area as special as this one. By walking out my front door, I am able to appreciate the warm sun, light breeze, the bees pollinating, the birds chirping, many types of flowers and trees, and the sound of my feet as they crunch the gravel underneath. I am not distracted by bright lights, the smell of the city, or cars and trucks rushing past. In fact, today I did not even see a car. I thought to myself, this is heaven.

Down this windy road is where my sister and I used to race our bicycles when we were younger. Gaining speed, we would pedal faster and faster to see who could make it to the bottom first. In the prairies at the bottom of the hill is where my childhood playmate and I would adventure, build forts, and imagine what it would be like to live as pioneers.

I am thankful that generations before me have taken the time and effort to preserve the scenic river ways, the windy roads, and the wildlife that comes as a result. Through these efforts, I am able to continue enjoying this county lifestyle. It is still my hope that my generation can continue to preserve these areas so that my younger cousins, and perhaps children of my own can continue living this lifestyle as well.

The river ways, trees, prairies, dirt roads, and peacefulness is what we all think of when we think of the country. We will not have these things to the same effect if we start to urbanize this area.

Let us continue preserving, appreciating, and learning about how important it is to keep special areas like these away from others who wish to develop it. Please do not let one person's wishes rule over others who have worked diligently to preserve it. Please vote no to SB 309.

Sincerely,


Molly Belisle

2269 44th Street
Somerset, WI 54025

Comments about Assembly Bill 399
July 17, 2017

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

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

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

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

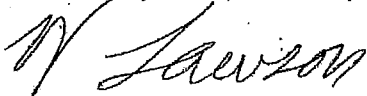
I would like to ask if approval of this bill would allow the facility to be operated as a full scale event center. It appears it would, as this is an approved use for a parcel zoned as commercial. In that case, they could expand it to be a major concert site, having concerts with over 20,000 people and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

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

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

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

William Lawson
1917 County Road I, Somerset, Wisconsin.



July 17, 2017

To: Whom it May Concern

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

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

To whom it may concern,

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

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

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

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

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

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

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

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

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

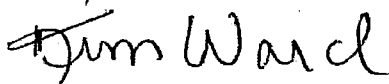
There would be the need for police coverage in the area, much like events at float rite park. There undoubtedly would be a large increase in crime associated with non residents being on our residential roads.


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

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

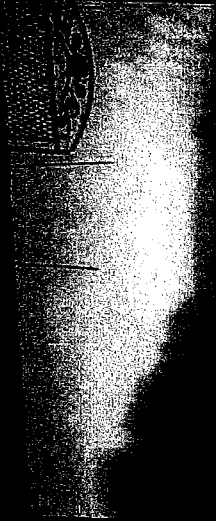
With Sincere Regards,

Kim Ward
Resident on the St. Croix Riverway



A high-contrast, black and white photograph of a landscape. The scene is mostly dark, with a bright, overexposed area in the center. A small, white rectangular note is attached to the right side of the image. The note contains the text "Hanson" followed by a horizontal line and an arrow pointing to the right, and the word "Property" below it.

Hanson
——>
Property



Hanson
—
Property



July 18, 2017

To: Wisconsin Senate

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

Re: Vote No to AB 399

To Whom It May Concern,

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

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

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

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

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

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

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

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

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

Please do not allow AB 399 to become law.

With sincere regards,

David Ward
Resident