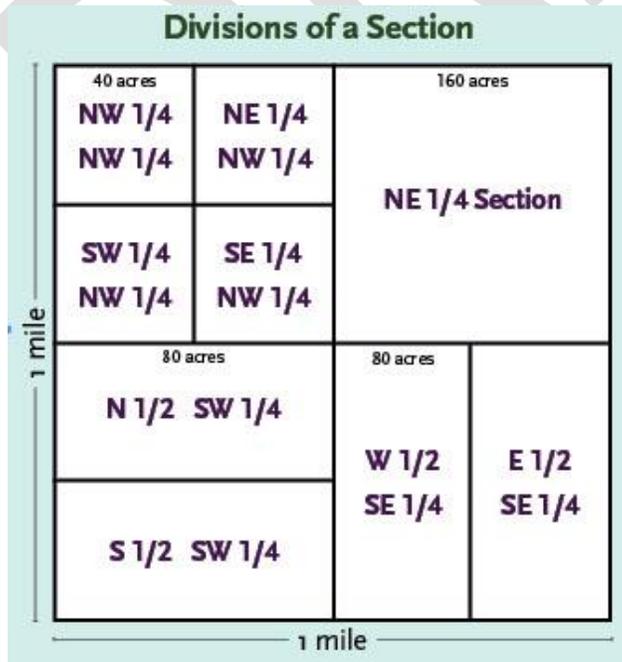


17.09 New Definitions: (DRAFT)

1. **Agricultural Use:** Any of the following activities conducted for the purpose of an income or livelihood: crop or forage production, keeping livestock, beekeeping, wholesale nursery, sod or Christmas Tree production, floriculture, aquaculture, fur farming, forest management, or enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
2. **Agricultural Accessory Use:** A use that is incidental to and customarily associated with an agricultural use of property. To be deemed incidental, a use must not be the primary use of the property but is one that is minor in significance to the primary use and which has a reasonable relationship to the primary use. To be deemed customary, a use must be commonly and by long practice established as being reasonably associated with the primary agricultural use. Additionally, an accessory use, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm that requires no buildings, structures or improvements other than those defined as being Accessory Structures and that employs no more than 4 full-time employees annually and does not impair or limit the current or future agricultural use of the farm or of other protected farmland on which it is situated. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
3. **Agricultural Related Use.** A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose: (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district. (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district. (c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
4. **Agricultural Accessory Building or Structure:** Any building or structure that performs an incidental function in support of the primary agricultural use of property and which is customarily associated with the primary agricultural use of the property.

5. **Agricultural entertainment.** A farm based enterprise or business that combines the elements and characteristics of agriculture and tourism. Agricultural Entertainment includes a wide array of farm and farm-related activities, including **outdoor recreation** (nature based tourism, fishing, hunting, wildlife study, horseback riding); **educational experiences** (day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums); **entertainment** (harvest festivals, barn dances, “petting” farms); and **hospitality services** (weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, “pick-your-own” operations, roadside stands, and farmers markets. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
6. **Farm:** All contiguous land under common ownership that is over 50% devoted to agricultural use per the St. Croix County's tax assessment records.
7. **Farm Residence:** A single family residence that is the only residential structure on the farm.
8. **Prime Farmland:** Land identified within the county’s certified farmland preservation plan as having Land Evaluation Scores (LESA) greater than 66 points.
9. **Protected Farmland:** Lands that are considered to be any of the following: located in a farmland preservation zoning district as certified under ch. 91, Wis. Stats, covered by a farmland preservation agreement under ch. 91, Wis. Stats, covered by an agricultural conservation easement under s. 93.73, Wis. Stats, or otherwise legally protected from nonagricultural development.
10. **Quarter-Quarter (1/4-1/4):** A federal subdivision of a Public Land Survey System Section, commonly known as a “forty.” A **Quarter-Quarter (1/4-1/4)** is nominally 40 acres.



17.14 AG-1 AGRICULTURAL DISTRICT

A. Purpose and Applicability

1. Statement of Purpose. The AG-1 District is designed to fulfill the following objectives:
 - a. Provide for a wide range of traditional agricultural and agricultural accessory uses at various scales and to accommodate, as permitted uses, all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials, recognizing that such uses may involve noise, dust, odor, use of heavy equipment and chemicals and long hours of operation.
 - b. Conditionally allowing for incidental processing, packaging, storage, transportation, distribution and other activities intended to add value to agricultural products produced on premises or to ready such products for market, given the potential that such uses may pose for conflicts with agricultural uses due to volumes or speed of vehicular traffic, or in light of existing residential density, proximity to incompatible uses, environmental impacts or degradation of or loss of agriculturally productive lands.
 - c. Allowance for other incidental activities, compatible with agricultural uses as a supplement to family income and supportive of the agricultural community.
 - d. Provision of additional economic opportunities for property owners that are generally compatible with agricultural uses, such as the establishment of new small-scale farming operations, including market gardens, roadside produce stands, pick-your-own operations or community supported agricultural farms.
 - e. Location of new farm residences in a manner that will minimize impacts on roads, soils and existing agricultural land uses.
 - f. Preservation of remnant parcels of productive agricultural land following development of adjoining properties.
 - g. Preservation of land for production of food and fiber.
 - h. Preservation of productive farms by preventing land use conflicts between incompatible users.
 - i. Maintenance of a viable agricultural land base to support agricultural processing and service industries.
 - j. Reduction of costs associated with the provision of governmental services to non-agricultural parcels scattered among agricultural lands.
 - k. Pacing and shaping of urban growth.
 - l. Meeting of the criteria for certification of this district as a Farmland Preservation Zoning District under §91.38, Wis. Stats.
2. Lands to be included in the AG-1 District. This District is generally intended to apply to productive farm operation lands, including lands that have historically exhibited good crop yields or are capable of such yields; lands which have been

demonstrated to be productive for dairying, livestock raising and grazing; or other lands that are integral parts of such farm operations; land used of the production of specialty crops such as sod, fruits and vegetables; lands which are capable of productive use through economically feasible improvements such as irrigation; and lands consisting of undeveloped natural resource and open space areas.

B. Permitted Uses

1. Agricultural Uses, including, but not limited to, production and harvesting of crops, livestock, animal products and plant materials.
2. Agricultural Accessory Uses, except for those listed as conditional uses under C., below, which accessory uses shall be subordinate to a Primary Agricultural Use and cannot be engaged in the absent the existence of a Primary Agricultural Use actively maintained on the same parcel of land. Determination of the existence of a Primary Agricultural Use shall be made upon review of the most recent tax assessment records for the parcel, demonstrating that more than 50% of a contiguous farm is assessed as agricultural under §70.32(2)(a), Wis. Stats.
3. Any residence lawfully existing as of the effective date of this chapter may be continued in residential use and may be exempted from any limitations imposed or authorized under Wisconsin's non-conformities statute 59.69(10) provided they remain residential and meet zoning standards, and all other county ordinance requirements.
4. The rental of principal or secondary residences in existence on a farm as of the effective date of this section and no longer utilized in the operation of the farm.
5. Minor Home Occupations pursuant to § 17.155 which do not impair or limit current or future agricultural use of the farm on which they are performed and which do not engage or employ any persons other than the residents of the principal residence located on the farm.
6. Agricultural Entertainment Activities not to exceed 15 calendar days per each 12 months in succession, which may include the incidental preparation and sale of beverages and food. For all such activities planned for or anticipated to have attendance of more than 100 persons during a 24 hour period, an event plan adequately addressing parking, proposed days and hours of operation, ingress and egress permit as determined by appropriate road jurisdiction, sanitation, signage, solid waste management, and other public safety issues shall be filed and approved with a land use permit from the zoning administrator. The applicant shall file the approved land use permit with the appropriate town clerk, servicing fire department, emergency medical service provider, St. Croix Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

7. Seasonal storage for compensation of recreational equipment and motor vehicles owned by persons other than those persons residing on the premises, but only if fully enclosed in an agricultural accessory structure existing as of the effective date of this section. This shall not include the storage of a dealer's inventory nor may structures erected after the effective date of this section be used for this purpose.
8. Farm-related exhibitions, sales or events, including auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities but not to exceed 5 calendar days per calendar year.
9. Undeveloped natural resource and open space land uses.
10. Transportation-related, utility, electrical transmission, pipeline, communication or other transmission facilities that are either (a) required by state or federal law to be located in a specific site that in the AG-1 District; or (b) is authorized to be located in a specific site under state, federal or local laws or regulations that expressly exempt its location from the requirement of obtaining a conditional use permit under this section.
11. One (1) single family farm residence based on a density of one (1) lot per 1/4-1/4, sited in compliance with the County and town subdivision regulations. The Community Development Department shall determine allowable farm divisions so as to ensure that farms existing as of the effective date of this section shall not be divided in such a manner after the effective date so as to create in excess of the allowable number of lots per 1/4 - 1/4. Remaining acreage of a farm not constituting a full 1/4 - 1/4 shall be divided by 40 for parcels zoned AG-1 with the resulting quotient used to determine the number of additional residential units to be allowed, with fractions rounded down to whole numbers.
12. Livestock facilities that do not exceed one (1) animal unit per acre of land suitable for animal waste utilization or less than 500 animal units, without the requirement of a land use permit, subject to compliance with the following minimum requirements:
 - a. Wis. Adm. Code Ch. NR 243, Animal Feeding Operations;
 - b. Wis. Adm. Code Ch. NR 151, Runoff Management;
 - c. Ch. 11, St Croix County Code of Ordinances, Animal Waste Storage Facilities;
 - d. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.
13. Livestock facilities that exceed one (1) animal unit per acre of land suitable for animal waste utilization or livestock facilities of 500 animal units or more but only with a land use permit, if all of the following minimum requirements are met:

- a. Wis. Adm. Code Ch. ATCP 151, Livestock Facility Siting;
- b. Wis. Adm. Code Ch. NR 243, Animal Feeding Operations;
- c. Wis. Adm. Code Ch. NR 151, Runoff Management;
- d. Ch. 11, St Croix County Code of Ordinances, Animal Waste Storage Facilities;
- e. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.

C. Conditional Uses

- 1. Agricultural Accessory Uses which meet the definition of agricultural accessory use under § 17.09(6), further limited to the following described uses:
 - a. A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in § 17.09(6)(a) and that employ no more than four (4) full time employees annually and that does not impair or limit the current or future agricultural use of the farm or other protected farmland.
 - b. Sale of processed or preserved agricultural products and produce.
 - c. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
 - d. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five (5) days in a calendar year. For events of this type anticipated to have attendance of more than 100 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed with and approved annually by issuance of a land use permit by the Zoning Administrator. The applicant shall file the approved land use permit with the appropriate town clerk, fire department, emergency medical provided, the St Croix County Sheriff's Department and any other local law enforcement agency that has responsibility for providing police protection services for such agricultural entertainment activities, at least thirty (30) days prior to the start of any such activities in each calendar year.
 - e. Agricultural Entertainment Activities which exceed fifteen (15) days in the aggregate annually.
 - f. Commercial horse boarding stables, riding stables, hay and sleigh riding, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.

2. Governmental, institutional, religious or nonprofit community uses.
 3. Transportation, communications, utility or drainage uses not fitting under B.10., above as permitted uses, subject to compliance with Ch. 17, Subchapter VIII.
 4. Asphalt plants or ready-mix concrete plants for the production of materials to be used in the construction or maintenance of public roads, to be limited in duration to the project in which their products are used.
 5. Small scale electric generating stations not requiring approval under §196.491, Wis. Stats.
- D. Standards for Conditional Uses in the AG-1 District. In addition to the requirements of Subch. VII (7), the Board of Adjustment must find that the following standards are met before approving any conditional use permit for land in the AG-1 District.
1. The use and its location in the AG-1 District are consistent with the purposes of the District.
 2. The use and its location in the AG-1 District are reasonable and appropriate, considering the existence, if any, of alternative locations or whether or not they are specifically approved under applicable state or federal laws.
 3. The use is reasonably designed to minimize the conversion of land at and surrounding the location of the proposed conditional use, from agricultural or other open space uses to other uses.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural uses.
 5. Construction damage to land on the same farm parcel remaining in agricultural uses is minimized and will be repaired to the extent feasible.
 6. Rural landscape and continuity of existing neighborhood shall be considered when applying design or performance standards to a proposed conditional use.
 7. Within the AG-1 District, all driveways, private roads and parking areas shall have semi-impervious surfaces (such as 6" of 3/4" aggregate rock or limestone screening, pea gravel, Class 5 gravel, or pervious pavers) are used as alternative surfaces to decrease the velocity of run-off and to encourage surface infiltration, reduce dust and be aesthetically pleasing.
 8. Adequate off-street parking shall be provided and parking areas and driveways shall be subject to treatment with dust control measures and all permanent parking areas shall be shielded from neighboring properties.
 9. No vehicles shall be parked on the County's rights of ways of adjoining roads.
 10. Design of driveways and adequate sight distance to accommodate expected volumes or traffic in accord with accepted highway engineering standards shall be required.

11. Outdoor Lighting shall be of the minimum amount needed for safety and security and all lighting elements shall be directed downward and shielded away from adjoining properties to avoid glare.
 12. Hours of operation need to be identified and determined by the Board of Adjustment, based upon typical seasonal working hours.
 13. Sanitary facilities shall be provided in compliance with Ch. 12–Sanitary.
 14. All food or beverages offered for sale or consumption on the premises shall meet all federal, state and local regulations, subject to inspections by the St. Croix County Public Health-Licensing and Inspections staff.
 15. Compliance with state and local approvals.
- E. Each conditional use permit application shall be accompanied by a sketch plan that identifies the locations and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted as well as identification of landscaping designed to buffer adjoining residential structures and such other or further information requested by the Board of Adjustment.
- F. General Limitations Applicable to Both Permitted and Conditionally Permitted Uses in the AG-1 District
1. Building Height Limits.
 - a. For buildings containing offices, sales rooms and service areas as well as for residential buildings, the maximum height shall be two and one-half (2 ½) stories or 35 feet, whichever is the lesser.
 - b. For all other buildings, including, but not limited to, silos, bins, barns and seed storage facilities, there shall be no maximum height limitation.
 2. Density and Minimum Lot Area: One single-family farm residence based on a density of one (1) lot per 1/4-1/4 with a minimum lot size of three (3) acres. After reaching maximum density allowed, the remaining farm acreage may only be used for the permitted and conditional uses set forth in Section B and C above, except that no additional residential uses are allowed.
 3. Setback Requirements. Buildings that are erected, altered or moved to land in the AG-1 District shall be subject to the setbacks prescribed in §§ 17.60(6) and 17.13(4) and (5), subject to the following express requirements imposed in the AG-1 District:
 - a. Side yard setbacks on each side of buildings:
 - 1) The aggregate width of the side yards for principal buildings shall be not less than 25' and no single side yard shall be less than 10' wide.
 - 2) For lots less than eighty (80) feet in width and of record as of the effective date of this ordinance, the aggregate width of the side

- yards shall be equivalent to 3" for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width. The buildable width of any lot shall not be reduced to less than 24'.
- 3) The minimum permitted side yard for an accessory building shall be 5' provided that it is detached from the principal building. When an accessory building is attached to the principal building, it shall be considered to be part of the principal building and the standards under i., shall apply.
 - 4) To be considered to be detached, an accessory building shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
 - 5) The highway setback regulations set forth in Subch. VI shall apply to all corner lots.
- b. Rear yard setbacks. There shall be a rear yard of not less than 25' in depth for all principal buildings. Placement of accessory buildings shall require a minimum rear yard setback of 5'.
- 1) To be considered detached, accessory buildings shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
4. Off-Street Parking. Off-street parking shall be required to the extent provided in §§ 17.55 to 17.57.
 5. Rezoning of Property in the AG-1 District to Another Zoning Classification. No land in the AG-1 District shall be rezoned except in accordance with § 17.70(h)(3) and §91.48, Wis. Stats.

17.145 AG-2 AGRICULTURAL- 2 DISTRICT

- A. Purpose. The AG-2 District is designed to fulfill the following objectives:
1. Provide for a wide range of agricultural, agricultural accessory and agriculture-related uses, at various scales of operation while providing for the minimum lot area necessary to accommodate such uses. The AG-2 District accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity to agricultural resources and which do not require urban services. In appearance and operation, the permitted uses in the AG-2 District are often indistinguishable from an active farm operation. Conditional uses in this District are clearly commercial or industrial in nature and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.

2. Examples of uses in the AG-2 District include, but are not limited to, agricultural support services, value-added or related businesses such as implement dealers, veterinary clinics, farm machinery repair shops, agricultural sales facilities, marketing, storage and distribution centers, plant and tree nurseries and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage or animal proteins. Such activities are characterized by: (1) Wholesale or retail sales and outdoor storage/display of agriculture-related equipment, inputs and products; (2) The use of parking areas, outdoor lighting and signage appropriate to the scale of the use; (3) Small, medium or large utilitarian structures, facilities or workshops, appropriate to the scale of the use; (4) Low to moderate traffic volumes; and (5) Noises, odor, dust or other potential nuisances associated with agriculture-related production or processing.
 3. All uses in the AG-2 District shall meet the requirements for certification as a Farmland Preservation Zoning District under §91.38, Wis. Stats.
- B. Permitted Uses.
1. All permitted uses allowed in AG-1.
 2. Agricultural accessory uses, except for those listed as conditional uses, below.
 3. Agriculture related uses, except for those listed as conditional uses, below.
 4. Undeveloped natural resources and open space uses.
 5. One (1) single family farm residence based on a density of two (2) lots per 1/4-1/4 sited in compliance with the County and town subdivision regulations. The Community Development Department shall determine allowable farm divisions so as to ensure that farms existing as of the effective date of this section shall not be divided in such a manner after the effective date so as to create in excess of the allowable number of lots per 1/4 - 1/4. Remaining acreage of a farm not constituting a full 1/4 - 1/4 shall be divided by 20 for parcels zoned AG-2 with the resulting quotient used to determine the number of additional residential units to be allowed, with fractions rounded down to whole numbers.
 6. Transportation-related, utility, electrical transmission, pipeline, communication or other transmission facilities that are either: (a) required by state or federal law to be located in a specific site that is subject to this section; or (b) is authorized to be located in a specific site under state, federal or local laws or regulations that expressly exempt its location from the requirement of obtaining a conditional use permit under this section.
- C. Conditional Uses
1. All conditional uses allowed in the AG-1 District under § 17.14.
 2. Agricultural accessory uses. Subject to other requirements of this ordinance, the following uses which meet the definition of an agricultural accessory use under § 17.09(7):
 - a. Bed and breakfast operations in existing farm residences located on a farm.
 - b. A business activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in § 17.09(6)(a) and that employs no more than 4 full-time

- employees annually, and that does not impair or limit the current or future agricultural use of the farm or other protected farmland.
3. Agriculture-related uses that comply with this section. However, the following agriculture-related uses must meet the definition of an agriculture-related use under § 17.09(7):
 - a. Plant or livestock genetic laboratories, agriculture-related experimental laboratories.
 - b. Landscape supply or contracting businesses associated with a plant or tree nursery.
 - c. Dead stock hauling services, no portion of which shall be located less than 700 feet from any lot line shared with a property on which a residence is located.
 - d. Sales or storage of agricultural byproducts.
 - e. Stock yards and livestock auction facilities.
 - f. Bio-diesel and ethanol manufacturing facilities.
 - g. Manure processing facilities.
 - h. Biopower facilities for distribution, retail or wholesale sales.
 4. Governmental, institutional, religious or non-profit community uses.
 5. Dams, power plants, flowage areas, telephone, cable television and power transmission towers, transmission poles and towers, including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio relay towers, provided that such facilities are found to be necessary and located so as to avoid unreasonable interference with other uses permitted, conditionally permitted or found in the District.
 6. Asphalt plants or ready-mix concrete plants for the production of materials to be used in the construction or maintenance of public roads, to be limited, however, to temporary plants operated only within the duration of the time period of construction or maintenance associated with a particular road project.
 7. Non-metallic mineral extraction operations that comply with Chapter 14 but only if all of the following apply:
 - a. The operation complies with Subch. I of Ch. 295, Wis. Stats., and rules promulgated under that subchapter as well as with local ordinances adopted under §§295.13 or 295.14, Wis. Stats., applicable provisions of this section and any requirements of the State Department of Transportation concerning restoration of nonmetallic mineral mine sites.
 - b. The operation and its location in the AG-2 District are consistent with the purposes of the district.
 - c. The operation and its location in the AG-2 District are reasonable and appropriate, considering alternative locations outside of the AG-2 District or that they are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the mine site from agricultural or open space uses to other land uses.
 - e. The requirement that the owner or operator restore the mine site to agricultural uses, consistent with a reclamation plan calling for such type

of restoration once the nonmetallic mineral mining operation has been completed.

8. Airstrips, private or personal, subject to the following procedures and standards:
 - a. Each proposed airstrip owner shall file with the County Zoning Administrator a written application for a special exception to the agricultural zoning district in which the airstrip is to be located.
 - b. Each written application shall be in the names of all of the owners of the real estate on which the proposed airstrip is to be located.
 - c. Each such written application shall be accompanied by the payment of the appropriate fee.
 - c. The application shall contain the following information:
 - 1) The names of the owners of the real estate on which the proposed airstrip is to be constructed or located.
 - 2) The length of the proposed airstrip.
 - 3) The types or models of all aircraft presently owned by the applicant and the type or model of any aircraft proposed to be purchased by the applicant in the foreseeable future.
 - 4) The legal description and approximate acreage of the real estate owned by the applicant.
 - 5) Statement indicating whether or not the proposed airstrip has been approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, including a copy of such approval.
 - 6) Statement by the applicant indicating whether the applicant is proposing a personal or private airstrip.
 - 7) Statement by the applicant indicating his actual or foreseeable intentions concerning the usage of the airstrip in question.
 - 8) Statement by the applicant indicating that the applicant shall be strictly liable for any and all damage caused to any person or property by the operation of any aircraft to or from the airstrip in question.
 - 9) Names and addresses of all owners of real estate which adjoins that owned by the applicant or is located closer than 1/2 mile from each boundary of the applicant's real estate.
 - d. The application shall also include as an attachment a drawing on plain white paper at least 15"x20" in size, drawn at a scale of one inch equals 250', with

the proposed airstrip to be located at the center of the drawing containing the following:

- 1) The boundaries of the real estate owned by the applicant.
 - 2) All section lines and quarter section lines in the vicinity of the airstrip in question.
 - 3) The location and length of the proposed airstrip.
 - 4) The distances from the proposed airstrip to any fixed object or structure within 500'.
 - 5) Indicate the heading and elevation of the proposed airstrip.
 - 6) Indicate the location of all public roads, overhead utility lines, waterways or other natural obstacles.
 - 7) Indicate the names of owners of all real estate shown on the drawing.
 - 8) Indicate the approximate location of any turkey or mink commercial operations, or any other livestock operation, on the drawing.
 - 9) Indicate present use of all lands shown on the drawing.
- e. Attach to the application a copy of any aerial ASCS photograph of the real estate in which the proposed airstrip is to be located.
- f. If approved by the Board of Adjustment, the applicant shall notify all police agencies in the vicinity of the airstrip, together with the County Sheriff's Department and the Central Communication Center of the existence of the airstrip, its location and its length.
- g. The applicant shall include with the application, as an attachment, proof that he has sufficient liability insurance for any and all airplanes presently owned by him. Should the proposed airstrip be approved by the Board of Adjustment, all future airplanes owned by the applicant shall also be so insured, and proof and such insurance shall be filed with the County Zoning Office within 30 days.
- h. The airstrip in question shall be located as close as possible to the center of the real estate owned by the applicant, unless the topography of the real estate in question is such that it would be unreasonable to locate the airstrip in such location.
- i. The airstrip shall be of sufficient length to enable safe takeoffs and landings by any and all airplanes owned by the applicant or by airplanes that have been approved to land at such airstrip by the applicant. The airstrip must

also be of sufficient length to be approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, and to safely and reasonably comply with Title 14 of the Code of Federal Regulations, Ch. 1 of the Federal Aviation Administration, §91.79, Minimum Altitude; General. (See par. 19. of this subsection.)

- j. Upon being notified by the Wisconsin Department of Transportation, Bureau of Aeronautics, that a particular airstrip that has previously been approved by the Board of Adjustment has been abandoned by the applicant, the County Zoning Administrator shall notify the applicant, his successor or assigns, that the special exception for such airstrip has been terminated and that the real estate shall thereafter be used solely according to agricultural-residential zoning districts and permitted uses thereunder.
 - 1) Upon the sale, transfer, lease or other conveyance of the real estate on which an approved airstrip is located, the new purchaser, transferee or leasee of such real estate shall immediately file a notice of the purchase, transfer or lease with the County Zoning Administrator. Such notice shall contain the statement that the new purchaser, transferee or leasee agrees to conform to and abide by these standards. Upon receipt of such notice, the Zoning Administrator shall inform the purchaser, transferee or leasee of these standards.
 - 2) All airstrips approved by the Board of Adjustment as a special exception shall remain as grass or sod strips only and be properly maintained for such use.
- k. Upon approval of the proposed airstrip by the Board of Adjustment, the applicant shall execute a hold harmless agreement in favor of the County, which shall indicate that the applicant shall have sole responsibility for any and all damage caused to any person or property by the operation of the County approved airstrip.
 - 1. Any complaint against a person owning an airstrip approved by the Board of Adjustment shall be forwarded, in writing, to the District Attorney within 30 days of the occurrence of the situation giving rise to the complaint. Upon receipt of any complaint apparently having merit, the District Attorney shall forward the complaint to the airstrip owner within 10 days. The owner shall have 30 days from receipt of the complaint to reply in writing. If the District Attorney is unable to resolve the complaint in a manner satisfactory to the parties, he shall within 10 days advise the Board of Adjustment as to the

existence of the complaint. The Board shall conduct a quasi-judicial, due process hearing within 30 days after being notified of such complaint. If, after conclusion of the hearing, the Board decides that the complaint is justified, it may terminate the special exception previously granted to the airstrip in question, attach conditions to the existence of the airstrip or take any other appropriate action against the owner of the airstrip that is justifiable under the circumstances of the complaint. Justification is defined as a violation of a present FAA rule or regulation, a Wisconsin Department of Transportation, Bureau of Aeronautics, rule or regulation or a Wisconsin Statute dealing with aeronautics, any of which must be directly related to the actual operation of the County approved airstrip or any of the standards under which the airstrip owner originally applied for the airstrip. If the Board of Adjustment decides that the complaint is unjustified, it shall dismiss the complaint with prejudice. There shall be no fee for any such hearing.

- m. These standards shall not be construed to limit the authority of the County Board of Adjustment with respect to its review of any special exception request from a particular applicant. The provisions of the County Zoning code concerning the Board of Adjustment remains in effect and shall supplement these standards where applicable.
- n. Each application shall be signed by all owners of the real estate on which the proposed airstrip is to be located, and shall furthermore be dated as of the date on which the applicant shall file the application with the County Zoning Administrator.
- o. The Zoning Administrator shall notify the clerks of all municipalities located on the drawing made by the applicant prior to the public hearing. Oral or written comments may be made at the hearing by any municipal official.
- p. Section 91.79, Code of Federal Regulations, Minimum safe altitudes; general, reads as follows:

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- 1) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- 2) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

- 3) Over other than congested areas. An altitude of 500 feet above the surface except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- 4) Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

D. Standards for Conditional Uses in the AG-2 District. In addition to the requirements of Subch. VII(7), the Board of Adjustment must find that the following standards are met before approving any conditional use permit for land in the AG-2 District.

1. The use and its location in the AG-2 District are consistent with the purposes of the District.
2. The use and its location in the AG-2 District are reasonable and appropriate, considering the existence, if any, of alternative locations or whether or not they are specifically approved under applicable state or federal laws.
3. The use is reasonably designed to minimize the conversion of land at and surrounding the location of the proposed conditional use, from agricultural or other open space use to other uses.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural uses.
5. Construction damage to the land on the same farm parcel remaining in agricultural uses is minimized and will be repaired to the extent feasible.
6. Rural landscape and continuity of existing neighborhood shall be considered when applying design or performance standards to a proposed conditional use.
7. Within the AG-2 District, all driveways, private roads and parking areas shall have semi-impervious surfaces (such as 6" of 3/4" aggregate rock or limestone screening, pea gravel, Class 5 gravel or pervious pavers) are used as alternative surfaces to decrease the velocity of run-off and to encourage surface infiltration, reduce dust and be aesthetically pleasing.
8. Adequate off street parking shall be provided and parking areas and driveways shall be subject to treatment with dust control measures and all permanent parking areas shall be shielded from neighboring properties.
9. No vehicles shall be parked on adjacent County road rights of ways.
10. Design of driveways with adequate sight distance to accommodate expected volumes of traffic in accord with accepted highway engineering standards shall be required.
11. Outdoor lighting shall be of the minimum amount needed for safety and security and all lighting elements shall be directed downward and shielded away from adjoining properties to avoid glare.

12. Hours of operation need to be identified and determined by the Board of Adjustment, based upon typical seasonal working hours.
 13. Sanitary facilities shall be provided in compliance with Ch. 12-Sanitary.
 14. All food or beverages offered for sale or consumption on the premises shall meet all federal, state and local regulations, subject to inspections by the St. Croix County Public Health-Licensing and Inspections staff.
 15. Compliance with state and local approvals.
- E. Each conditional use permit application shall be accompanied by a sketch plan that identifies the locations and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted as well as identification of landscaping designed to buffer adjoining residential structures and such other or further information requested by the Board of Adjustment.
- F. General Limitations Applicable to Both Permitted and Conditionally Permitted Uses in the AG-2 District.
1. Building Height Limits.
 - a. For buildings containing offices, sales rooms and service areas as well as for residential buildings, the maximum height shall be two and one-half (2 1/2) stories or 35 feet, whichever is the lesser.
 - b. For all other buildings, including, but not limited to, silos, bins, barns and seed storage facilities, there shall be no maximum height limitation.
 2. Density and Minimum Lot Area. One single-family farm residence based on a density of two (2) lots per 1/4-1/4 with a minimum lot size of three (3) acres. After reaching maximum density allowed, the remaining farm acreage may only be used for the permitted and conditional uses set forth in Section B and C above, except that no additional residential uses are allowed..
 3. Setback Requirements. Buildings that are erected, altered or moved to land in the AG-2 District shall be subject to the setbacks prescribed in §§ 17.60(6) and 17.13(4) and (5), subject to the following express requirements imposed in the AG-2 District:
 - a. Side yard setbacks on each side of buildings:
 - 1) The aggregate width of the side yards for the principal building shall not be less than 25' and no single side yard shall be less than 10' wide. The highway setback regulations in Subch. VI shall apply to all corner lots.
 - 2) For lots less than eighty (80) feet wide and of record as of the effective date of this ordinance, the aggregate width of the side yards shall be equivalent to 3" for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width. The buildable width of any lot shall not be reduced to less than 24'.
 - 3) The minimum permitted side yard for an accessory building shall be 5' provided that it is detached from the principal building. When an accessory building is attached to the principal building, it shall be considered to be part of the principal building and the standards under i., shall apply.

- 4) To be considered detached, an accessory building shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
- 5) The highway setback regulations set forth in Subch. VI shall apply to corner lots.
- b. Rear yard setbacks. There shall be a rear yard of not less than 25' in depth for all principal buildings. Placement of accessory buildings shall require a minimum rear yard setback of 5'.
 - 1) To be considered detached, accessory buildings shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
4. Off-Street Parking. Off-street parking shall be required to the extent provided in §§ 17.55 to 17.57.
5. Rezoning of land in the AG-2 District to another Zoning Classification. No land in the AG-2 District shall be rezoned except in accordance with § 17.70(h)(3) and §91.48, Wis. Stats.

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3. Decisions on rezones of land from the Agricultural District by the Zoning Committee, the County Board and the affected town board shall be governed by the standards of §91.48, Wis. Stats. These standards shall be read into the record of the meeting of the Committee, the County Board and the Town Board before votes may be taken to approve of a rezone and either the report accompanying the County Board ordinance and the Town Board Resolution of approval or the ordinance and resolutions themselves shall contain findings that the rezone will meet the standards listed below:
 - (a) The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
 - (b) The rezoning is consistent with St. Croix County's Comprehensive Plan and its respective town comprehensive plan.
 - (c) The rezoning is substantially consistent with the St. Croix County Farmland Preservation Plan.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted agricultural use.
 - (e) There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning.
 - (f) The burdens on the local governments for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable.
 - (g) The development will not cause unreasonable air or water pollution, soil erosion, or adversely affect natural areas of aesthetic or ecological value to the community.

- (h) The soil productivity rating has been considered in the location of the area proposed for rezoning.

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