

**BOARD OF ADJUSTMENT STAFF REPORT
SP-03-11**

Town of Spring Green/ Jewel Assoc.

Public Hearing Scheduled for: 02/24/11

1. Request

A request for a special exception permit to authorize filling and grading of more than 4000 square feet in the Shoreland Protection District. The plans call for the construction of a flood control drainage swale by the Town of Spring Green.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is located in the Resource Conservancy District-35 zoning district, on real estate described as: part of the SE ¼, SE ¼, section 10, T8N, R3E, Town of Spring Green.	<u>Permits:</u> None on record	None on record.	None issued

3. Finding of Fact:

Section 8.03(1)(b) provides that: The jurisdiction of this ordinance shall include shorelands of navigable waters within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain.

This property is owned by the Town of Spring Green and is located in the shoreland protection district. The purpose of the special exception permit is for filling and grading of more than 4000 square feet, the majority of this project is located beyond the shoreland protection district.

When reviewing a special exception proposal for filling and grading in the Shoreland Protection District, the Board of Adjustment looks at several criteria, including the conditions in section 8.08(3) and the provisions specified in sections 8.14(3)(b) and 8.14(3)(c).

Section 8.08(3)(a) of the Sauk County Shoreland Protection Ordinance provides that a special exception permit is required for any filling and grading which is within 300 feet landward

of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is any of the topographic conditions listed below:

1. Any filling or grading on slopes of more than twenty percent.
2. Filling or grading of more than 2000 square feet on slopes of twelve to twenty percent.
3. Filling or grading of more than 4000 square feet on slopes of less than twelve percent.

Surrounding Properties		Floodplain/Wetland	Other:
North	Residential and agricultural properties.	Floodplain map, panel 5511C0636 E, effective date 12-15-09 (included). There are mapped wetlands indicated in this area.	The Wisconsin River is a navigable water and is subject to the Shoreland Protection Ordinance.
South	Wetlands, floodplain and the Wisconsin River		
East	Developed and vacant residential lots.		
West	Developed and vacant residential lots.		

4. Plan Commission/Town Recommendation

The Town of Spring Green is proposing this project in an effort to control flooding in this area as occurred in 2008.

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the special exception permit.

- A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits within one year of the hearing date. County permits required for this approval include a land use permit for filling & grading.

- B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.
- C. Erosion control shall be installed, as necessary and maintained until the site is stabilized/re vegetated per the plans submitted.
- D. This project shall not increase stormwater runoff onto neighboring properties.
- E. Per Sauk Co. Code 8.08(5)(a), the smallest amount of bare ground shall be exposed for as short a time as feasible.
- F. Per Sauk Co. Code 8.08(5)(b), temporary ground cover (such as mulch or jute netting) shall be used and a permanent vegetative cover shall be established.
- G. Per Sauk Co. Code 8.08(5)(c), diversion berms or bales, silting basins, terraces, filter fabric fencing, the application of polymers and other methods shall be used to prevent erosion.
- H. Per Sauk County Code 8.08(5)(e), fill shall be stabilized according to accepted engineering standards.
- I. The swale shall be maintained by mowing the grass cover and the removal of sediment from the catch basins as necessary.
- J. Sauk County Planning and Zoning shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of Sauk County Ordinances. The power to ensure compliance with these conditions is given to Sauk County Planning and Zoning. If the department finds that any of these conditions have been violated, they are hereby authorized to take corrective action, either through suspension of the permit, citations or by any means of enforcement that is within their power.
- K. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit reinstated after suspension, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Planning & Zoning Director or appear in front of the Board of Adjustment. In order to have the special exception permit reinstated after revocation the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.