

CR 86-41

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WZ-10-86 was duly approved and adopted by this Department on April 24, 1986. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 11th day of July, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

8301K

RECEIVED

JUL 15 1986

B. J. P.
Revisor of Statutes
Bureau

9-1-86

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

.....
IN THE MATTER of amending ss. NR 118.05(2) .
(title), (a)(intro.) and 5., (b)(intro.) .
and (c)(intro.) and 118.07(2)(a) and (d) .
(intro.) of the Wisconsin Administrative .
Code pertaining to standards and criteria .
for the Lower St. Croix National Scenic .
Riverway .
.....

WZ-10-86

Analysis Prepared by Department of Natural Resources

Chapter NR 118, Wis. Adm. Code, provides standards and procedures to carry out responsibilities mandated by s. 30.27, Stats. It requires that counties, cities and villages regulate land use to protect the unique and environmentally sensitive bluffline areas of the Lower St. Croix National Scenic Riverway as shown in the Master Plan dated February, 1976, and prepared jointly by the National Park Service and the states of Wisconsin and Minnesota.

The proposed revisions to ch. NR 118 apply to the phrase "conditionally permitted uses and activities" and its derivatives by more specifically describing those activities which were meant to be included in that phrase. "Conditionally permitted uses and activities", which require legal notice and public hearings to be held and which cannot be approved over the objection of the Department, include conditional use or special exception permit requests, zoning map or text amendments, and variance appeals. The proposed revisions would clarify the requirement that the Department receive adequate advance notification of such actions to allow it to properly review and react to them.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 30.27 and 227.16(2)(e), Stats., the State of Wisconsin Natural Resources Board hereby amends rules interpreting ss. 23.09, 23.11, and 30.27, Stats., as follows:

SECTION 1. NR 118.05(2)(title) is amended to read:

NR 118.05(2)(title) CONDITIONAL USES, SPECIAL EXCEPTIONS, AMENDMENTS AND VARIANCES.

SECTION 2. NR 118.05(2)(a)(intro.), (a)5., (b)(intro.) and (c)(intro.) are amended to read:

NR 118.05(2)(a)(intro.) The following conditional uses or special exceptions are subject to approval after class 2 notice and public hearing:

(a)5. In incorporated areas, those uses which were ~~conditionally~~ permitted as a conditional use or special exception by existing zoning regulations on January 1, 1976. Municipalities may amend their ~~conditionally~~ permitted conditional use provisions or special exception standards to make them more restrictive than those in effect on January 1, 1976. When a municipality has developed more restrictive ~~conditionally-permitted-uses~~ conditional use or special exception standards, that municipality may not subsequently amend ~~its-permitted-use~~ those standards to make them less restrictive.

(b)(intro.) The applicant shall submit sufficient copies of the following information to the appropriate governing body 30 days prior to the hearing on the application for a ~~conditionally-permitted-activity~~ conditional use or special exception permit, zoning map or text amendment or variance appeal. The applicant seeking a permit for land divisions, transmission services, or filling and grading shall submit information required by subds. 1. to 7. The applicant seeking a permit for a stairway or lift shall submit information required by subds. 1. to 4. and 7. Information required by subds. 1. to 6. shall be certified by a professional engineer or land surveyor registered in Wisconsin.

(c)(intro.) ~~Review-of-conditionally-permitted-uses-and-activities,---No less-than-20-days-prior-to-the-hearing,~~ For the review of conditional use or special exception permits, zoning map or text amendments and variance appeals, the local government shall send mail a copy of the above information specified in par. (b) to the following agencies not less than 20 days prior to the hearing for review and comment:

SECTION 3. NR 118.07(2)(a) and (d)(intro.) are amended to read:

NR 118.07(2)(a) All appeals for ~~conditionally-permitted-activities,~~ conditional use or special exception permits, zoning map or text amendments and variances shall be reviewed by the department and comments submitted to the appropriate governmental unit for inclusion into the hearing record.

(d)(intro.) A permit for a ~~conditionally-permitted-activity~~ conditional use or special exception in an unincorporated area may not be issued over the written objection of a town board.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 24, 1986.

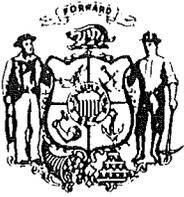
The rules contained herein shall take effect as provided in s. 227.22(2) (intro.), Stats.

Dated at Madison, Wisconsin July 11, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
6077J



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

July 14, 1986

IN REPLY REFER TO: 1020

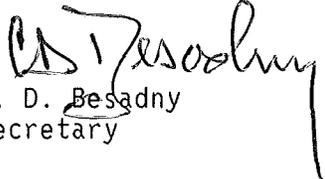
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WZ-10-86. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.
8301K

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