

Minutes of the  
**Bayfield County Board of Supervisors' Meeting**  
**Of December 15, 2009 - 5:00 p.m.**  
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

The monthly meeting of the Bayfield County Board of Supervisors was called to order by Chairman Kacvinsky at 5:03 p.m. Roll call was taken by Bayfield County Clerk, Scott Fibert as follows: Maki-absent; Kittleson-present; Blahnik-present; Kacvinsky-present; Beeksma-present; Williams-present; Bichanich-present; Miller-present; Crandall-present; Rondeau-present; Good-present; Gordon-absent; Jardine-present; Total 13: 11 present, 2 absent. A quorum was present to conduct business. The following were also present for the meeting: *County Administrator, Mark Abeles-Allison; Deputy County Clerk, Dawn M. Bellile; Karl Kastrosky, Zoning Director; Travis Tulowitzky, Land Use Specialist; Mike Furtak, Ass't. Zoning Administrator; Paul Susienka, Chief Deputy; Timothy Kane, UW-Ext. Community Resource Agent; Lisa David, Comprehensive Plan Coordinator; Robert Lobermeier, County Conservationist; Mike Darrow of SEH, Inc.; Diane Heapy, DHSS Mental Health Coordinator; and Claire Duquette, Reporter for The Daily Press; and community residents.*

The Pledge of Allegiance was recited by all in attendance.

1. **Motion to Approve Minutes of the November 10, 2009 Bayfield County Board of Supervisors' Meeting.** *A motion was made by Blahnik/Kittleson to adopt the minutes of the November 10, 2009 Bayfield County Board of Supervisors; Meeting. The motion carried.*

2. **Public Comment.** Chairman Kacvinsky spoke to those in attendance stating that the public hearing for this evening will take place at 6:00 p.m. and this part of the meeting is for commenting on anything that would be related to the regular County Board Agenda. There will be a place for public comment at the Public Hearing as well with a time limit of 3 minutes per person.

**Dave Martinsen** - Bayfield, WI, spoke on Items #15 and 16 on the agenda regarding the Town of Russell overlay. He stated that he was surprised that a writing such as this would make it through the process all the way to the meeting for the County Board's decision. The original language states that open space be deeded and undivided, etc. The Town Chair and other still believe that this language exists in the new language, which clearly it is not.

**Kathy Wendling** - Bayfield, WI, also spoke on Items #15 and 16 of the agenda as they relate to the Town of Russell overlay. She stated that the overlay was intended to preserve the open space. She shared quotes and explained the intent of what the amendments were according to Town Chairman, Tribovich. She asked the Board to deny Section 13-1-63(e)(c).

**Tom Frizzell** - Bayfield, WI, asked if corporation counsel had reviewed the Town of Russell overlay. Chair Kacvinsky stated to him that questions can be asked of the Board at this time, but will not be answered.

**Theron O'Connor** - Town of Bayfield, Pike Creek Watershed. He stated he is concerned about the process that this Board has taken regarding land use. He believes items are being rubber stamped by the Zoning Committee as well as by the County Board. He believes it would be a disgrace if the Board were to adopt this type of language into the Ordinance.

**Mark Wendling** - Bayfield, WI, is not opposed to change, communal ownership and management is fundamental to any turn of development. However, we seem to be going in the wrong direction with the proposed language.

**Tom Galazen** - Town of Bayfield. He stated he is afraid that we will compromise the purpose of the common open space and would end up with a lot of problems with entity that owns the open space which could cause conflict with other surrounding areas. Problems could arise if you take out the present owners of surrounding property.

3. **Bayfield County Resolution No. 2009-57, Honoring Diane Heapy upon her Retirement from the Bayfield County Human Services Department.** Chairman read the resolution, which reads as follows:

**WHEREAS**, Dianne Heapy has served Bayfield County with distinction, honor and dedication in the Department of Human Services for over 4 years,

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 15<sup>th</sup> day of December, 2009, honors Dianne Heapy for her 4 years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

**BAYFIELD COUNTY BOARD OF SUPERVISORS**

William D. Kacvinsky, John J. Blahnik, David L. Good, Kenneth Jardine, Harold A. Maki,  
Delores Kittleson, Shawn W. Miller, James Crandall, James Beeksma, Wayne A. Williams,  
Marco T. Bichanich, Brett T. Rondeau

*A motion was made by Blahnik/Crandall to adopt Bayfield County Resolution No. 2009-57, Honoring Diane Heapy upon her retirement from the Bayfield County Human Services Department. The motion carried. Ms. Heapy was present this evening, and in her honor was presented with a plaque for her years of dedication to Bayfield County.*

4. **Bayfield County Resolution No. 2009-58, Honoring Robert Miller upon his Retirement from the Bayfield County Sheriff's Department.** Chairman read the resolution, which reads as follows:

**WHEREAS**, Robert Miller has served Bayfield County with distinction, honor and dedication in the Sheriff's Department for over 22 years,

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 15<sup>th</sup> day of December, 2009, honors Robert Miller for his 22 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

**BAYFIELD COUNTY BOARD OF SUPERVISORS**

William D. Kacvinsky, John J. Blahnik, David L. Good, Kenneth Jardine, Harold A. Maki,  
Delores Kittleson, Shawn W. Miller, James Crandall, James Beeksma, Wayne A. Williams,  
Marco T. Bichanich, Brett T. Rondeau

*A motion was made by Bichanich/Rondeau to adopt Bayfield County Resolution No. 2009-58, Honoring Robert Miller upon his retirement from the Bayfield County Sheriff's Department. The motion carried. Miller was not present to accept his plaque.*

5. **Bayfield County Resolution No. 2009-59, Honoring William D. Bussey.** Chair-man read the resolution, which reads as follows:

**WHEREAS**, William "Bill" Bussey, Attorney at Law, has served Bayfield County with distinction, honor and dedication for 30 years, serving the citizens of Bayfield County first as District Attorney and then as Corporation Counsel;

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors assembled this 15<sup>th</sup> day of December, 2009, honors William D Bussey, for his 30 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

**BAYFIELD COUNTY BOARD OF SUPERVISORS**

William D. Kacvinsky, John J. Blahnik, David L. Good, Kenneth Jardine, Harold A. Maki,  
Delores Kittleson, Shawn W. Miller, James Crandall, James Beeksma, Wayne A. Williams,  
Marco T. Bichanich, Brett T. Rondeau

*A motion was made by Blahnik/Kittleson to adopt Bayfield County Resolution No. 2009-59, Honoring William Bussey. The motion carried.* Kacvinsky informed everyone that there had been a small party in honor of Bussey on December 11<sup>th</sup> at which time, he was presented with his plaque.

*Supervisor Maki arrived at 5:20 p.m.*

6. Presentation by Matt Rudig, Representative to Congressman David Obey's, Northern Office. Chairman Kacvinsky stated that Rudig will not be present at this evening's meeting but will be at the January meeting instead.

7. Discussion and Possible Action Regarding Appointment of Gail Gonsier and Kathleen Russell to the Bayfield County Housing Rehabilitation Committee. *A motion was made by Rondeau/Crandall to appoint Gail Gonsier and Kathleen Russell to the Bayfield County Housing Rehabilitation Committee. The motion carried.*

8. Appointment of John C. Burke to the Board of Commissioners for the Bayfield County Housing Authority. *A motion was made by Blahnik/Wiliams to appoint John C. Burke to the Board of Commissioners for the Bayfield County Housing Authority. The motion carried.*

9. Bayfield County Resolution No. 2009-60, 2009 Budget Amendments for Bayfield County Bridge Aid and the UW-Extension Program Fund. The Board dispensed with the reading of the resolution, which reads as follows:

**WHEREAS**, it is anticipated that expenditures will exceed the budgeted amount for FY2009 for County Bridge Aid and the UW Extension Program Fund.

**WHEREAS**, there is fund balance available to cover the additional expenses.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors, meeting this 15th day of December, 2009 approve the following budget amendments:

Increase 2009 Bridge Aide expense account #100 00 53319 50790 by \$123,586.

Increase 2009 Bridge Aide fund balance applied #100-00-49301 by \$123,586.

Increase 2009 UW Extension Program Fund 292 expense accounts:

#292 25 55631 50290 by \$20,000  
#292 25 55631 50311 by \$95  
#292 25 55631 50340 by \$11,789  
#292 25 55631 50348 by \$2085

#292 25 55633 50290 by \$2087

#292 25 55634 50311 by \$151  
#292 25 55634 50340 by \$823  
#292 25 55634 50348 by \$412  
#292 25 55634 50390 by \$200

Increase 2009 UW Extension Program Fund 292 Revenue accounts:

292-25-43570 004 by \$500  
292-25-46773 by \$3395  
292-25-46774 by \$1668  
292-25-48900 by \$18,800  
292-25-48973 by \$7849  
292-25-48975 by \$5430

*A motion was made by Bichanich/Good to adopt Bayfield County Resolution No. 2009-60, 2009 Budget Amendments for Bayfield County Bridge Aid and the UW-Extension Program Fund. A roll call vote was taken as follows: Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes; Maki-yes. Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

**10. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone for the Town of Cable.** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning & Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of Town of Cable 26.00-acre parcel (ID# 04-012-2-43-08-13-4-01-000-10000) located in Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ), less the West 25 rods, Section Thirteen (13), Township Forty-Three (43) North, Range Eight (8) West, Town of Cable, Bayfield County, Wisconsin be changed from Residential-Two (R-2) to Forestry-One (F-1).

Date: November 19, 2009

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**  
James Beeksma, Harold A. Maki, Kenneth Jardine, Shawn Miller, Brett Rondeau

*A motion was made by Maki/Blahnik to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Town of Cable Property. The motion carried.*

**11. Bayfield County Amendatory Ordinance No. 2009-13 Regarding the Rezone for the Town of Cable Property.** The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

The Zoning of Town of Cable 26.00-acre parcel (ID# 04-012-2-43-08-13-4-01-000-10000) located in Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ), less the West 25 rods, Section Thirteen (13), Township Forty-Three (43) North, Range Eight (8) West, Town of Cable, Bayfield County, Wisconsin be changed from Residential-Two (R-2) to Forestry-One (F-1).

Dated: December 15, 2009

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Rondeau/Williams to adopt Bayfield County Amendatory Ordinance No. 2009-13 Regarding the Rezone for the Town of Cable Property. The motion carried.*

**12. Report of the Bayfield County Planning and Zoning Committee Regarding Amendments to Bayfield County Zoning Ordinance, Section 13-1-63, Town of Russell Overlay District.** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning & Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

(Deleted text lined through; new text underlined)

**Amendment to Section 13-1-63 Town of Russell Overlay District**

**Amend Section 13-1-63(e)(3) to read as follows:**

(3) Ownership of Minimal Open Space. Ownership of the open space shall be ~~deeded undivided, with each unit owning a proportionate share~~ as follows:

- a. Each unit created under this section shall may own an equal amount of the required minimum open space, or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met. (e.g. If there is 18 acres of open space required, for four units, each unit must have at least 4.5 acres of the open space.) A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any ~~construction~~ structure; any change in the use of the land requiring a permit within the open space or
- b. An individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any ~~construction~~ structure; any change in the use of the land requiring a permit within the open space.
- c. The open space shall be ~~described by metes and bounds, or~~ by Certified Survey Map.
- d. A Class B Special Use permit shall be required prior to any subdivision under this section.

Dated: November 19, 2009

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

James Beeksma, Harold A. Maki, Kenneth Jardine, Shawn Miller, Brett Rondeau

*A motion was made by Jardine/Rondeau to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Amendments to Bayfield County Zoning Ordinance Section 13-1-63, Town of Russell Overlay District. The motion carried.*

**13. Bayfield County Amendatory Ordinance No. 2009-14 Regarding Amendments to Bayfield County Zoning Ordinance, Section 13-1-63, Town of Russell Overlay District.** Zoning Director, Karl Kastrosky, was present to explain the new amendments and to comment on some of the questions that came about earlier in the meeting regarding the proposed changes. This has been reviewed by corporation counsel. The position of the Town of Russell is that they do not care who owned the property as long as it remained open. In discussing this with Supervisor Maki, in the original amendment, the open space was to be recorded by a Certified Survey Map (CSM). The entire development should be done by a CSM. This would be proposed as an amendment to the ordinance this evening. Supervisor Good discussed how the purpose was to be jointly owned. This was not to be developed as a condominium plat necessarily. The concept is to let homeowners do what they would like done with their property and explained how the lots could be divided with this plan.

The Town is not in favor of having to have a CSM. That was in the original petition. They would like to see the metes and bounds description to remain in effect instead. Supervisor Maki explained his position for wanting the CSM on the open space property is due to the fact that when smaller lots are sold off, what is left remaining is too small to build on and he felt that it should be recorded.

Kastrosky stated that this information was discussed in length at the Zoning Committee meeting.

The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

(Deleted text lined through; new text underlined)

**Amendment to Section 13-1-63 Town of Russell Overlay District**

**Amend Section 13-1-63(e)(3) to read as follows:**

- (3) Ownership of Minimal Open Space. Ownership of the open space shall be ~~deeded undivided, with each unit owning a proportionate share~~ as follows:
- a. Each unit created under this section shall may own an equal amount of the required minimum open space, or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met. (e.g. If there is 18 acres of open space required, for four units, each unit must have at least 4.5 acres of the open space.) A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any ~~construction~~ structure; any change in the use of the land requiring a permit within the open space or
  - b. An individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any ~~construction~~ structure; any change in the use of the land requiring a permit within the open space.
  - c. The open space shall be ~~described by metes and bounds, or~~ by Certified Survey Map.
  - d. A Class B Special Use permit shall be required prior to any subdivision under this section.

Dated: December 15, 2009

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS  
Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Miller/Rondeau to adopt Bayfield County Amendatory Ordinance No. 2009-14, Regarding Amendments to Bayfield County Zoning Ordinance, Section 13-1-63, Town of Russell Overlay District including the new amendment under (3), subletter (c), reading, "The creation of any lots and open space shall be by a Certified Survey Map." The motion carried.*

**14. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the McKinney Revocable Trust Property in the Town of Cable, Bayfield County, Wisconsin.** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning & Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of McKinney Revocable Trust 0.320-acre parcel (ID# 04-012-2-43-07-18-2-00-116-10900) described as Lot 5, Block 15, Assessor's Plat #2 in V. 941 P. 842, Section Eighteen (18), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin be changed from Industrial (I) to Commercial (C).

Date: October 15, 2009

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

James Beeksma, Harold A. Maki, Kenneth Jardine, Shawn Miller, Brett Rondeau

*A motion was made by Rondeau/Crandall to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the McKinney Revocable Trust Property Located in the Town of Cable, Bayfield County, Wisconsin. The motion carried.*

**15. Bayfield County Amendatory Ordinance No. 2009-15 Regarding the McKinney Revocable Trust Property Located in the Town of Cable, Bayfield County, Wisconsin.** The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

The Zoning of McKinney Revocable Trust 0.320-acre parcel (ID# 04-012-2-43-07-18-2-00-116-10900) described as Lot 5, Block 15, Assessor's Plat #2 in V. 941 P. 842, Section Eighteen (18), Township Forty-Three (43) North, Range Seven (7) West, Town of Cable, Bayfield County, Wisconsin be changed from Industrial (I) to Commercial (C).

Dated: December 15, 2009

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Rondeau/Beeksma to adopt Bayfield County Amendatory Ordinance No. 2009-15, Regarding the Rezone of the McKinney Revocable Trust Property Located in the Town of Cable, Bayfield County, Wisconsin. The motion carried.*

**16. Report of the Bayfield County Planning and Zoning Committee Regarding Amendments to Sections 13, 14, and 15 of the Bayfield County Zoning, Sanitary and Private Sewage Ordinances.** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning & Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and

having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

**AMENDMENTS TO BAYFIELD COUNTY ZONING AND  
SANITARY AND PRIVATE SEWAGE ORDINANCES**  
(Deleted text lined through; new text underlined)

**1. Section 13-1-4(a)(61) is created to read:**

(4x) **Bunkhouse/Guest Quarters.** A residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking facilities; and no greater than 500 sq. ft. of enclosed dwelling space.

(24c) **Foundation.** The portion of a building's structure that transfers the weight of the building into the ground; an underlying base or support; especially; the whole masonry substructure of a building; the lowest support of a structure (e.g. basement, cellar, crawl space, piers/posts, slab on grade.)

**2. Section 13-1-21(b)(2) is created to read and the remaining paragraphs (2)-(5) are renumbered (accordingly):**

(2) **Ingress and Egress:** Landings with steps shall not require a land use permit provided the landing area does not exceed 40 sq. ft., however; if landing is enclosed or covered a land use permit is required.

~~(2)~~ (3) **Improvements to Nonconforming Structures.** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of additions to, or decks attached to, non-conforming structures shall also require a land use permit.

~~(3)~~ (4) **Setback Compliance; Non-Habitable Structure Compliance.** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A land use permit shall not be required for a non-habitable structure of less than two hundred (200) square feet in area, or for a private communication device, if not in a floodplain. A temporary structure of more than two hundred (200) square feet shall require a temporary permit.

~~(4)~~ (5) **Validity.** A land use permit shall expire twelve (12) months from its date of issuance if the authorized building activity, land alteration of use has not begun within such time.

~~(5)~~ (6) **Concurrent Jurisdiction Exemption.** A permit under this Chapter shall not be required where another regulatory agency has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

**3. Section 13-1-21(e)(s) is amended to read:**

(e) **Fees.**

s.	Privy Permit (not including required soil verification)	\$	150.00
	<u>Portable Privy.....</u>	<u>\$</u>	<u>50.00</u>

**4. Section 13-1-32(a)(2) is amended as follows:**

**Class 1 Lakes**

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Siskwit	21-50-6	13

**Class 3 Lakes**

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Clay <del>Connor</del>	8-45-7	8
Connor	14-44-7 <u>9</u>	8

5. Section 13-1-33 is repealed and recreated to read:

**Sec. 13-1-33 ~~Multiple Principal Buildings.~~ Multiple Structures**

~~A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one principal building may be located on a substandard lot.~~

- (a) **Multiple Principal Buildings.** A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one principal building may be located on a substandard lot.
- (b) **Multiple Bunkhouse/Guest Quarters.** A conditional use permit shall be required for more than one (1) bunkhouse/guest quarter on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No bunkhouse/guest quarters may be located on a substandard lot.

6. Section 13-1-40(c)(2) is amended to read:

(c) **Nonconforming Buildings and Structures.**

- (2) ***Nonconforming Accessory Buildings and Structures and Nonconforming Principal Buildings and Structures of Less than 600 Square Feet.*** Except as provided in paragraph (6) below regarding reconstruction of damaged or destroyed structures in the shoreland, nonconforming accessory buildings and structures and nonconforming principal buildings and structures of less than six hundred (600) square feet of ~~enclosed dwelling space~~ footprint are limited to ordinary maintenance and repair and shall not be improved or expanded. ~~However, such accessory buildings and structures may be externally improved by a land use permit.~~

7. Section 13-1-40(c)(4)c. 5. is amended to read and 7. is created to read:

- c. With respect to such structures located forty (40) or more feet but less than seventy-five (75) feet from the ordinary high water mark.
  - 5. No new or raised ~~basement~~ foundation for the existing structure or any attached accessory structure shall be permitted, though a ~~basement~~ foundation may be

constructed under a permitted lateral addition; and

7. Repair of 25% or more of the lineal perimeter of the foundation shall be considered a replacement or new foundation and not a repair.

8. **Section 13-1-43(f)(1) is amended to read:**

- (1) ***Submittal Information.*** For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the following information to accompany every conditional use application. ~~Said information shall include, but may not be limited to:~~

9. **Section 13-1-43(f)(1) g. is amended to read.**

g. In the case of a leased site, a lease agreement, option or binding lease memorandum which shows on its face that it does not preclude the lessee from entering into leases on the site with other provider(s) and the legal description and amount of property leased. The lease shall not be structured so as to create a bar to colocation of other providers. Colocation lease terms, including rent, shall be subject to arbitration, as set forth elsewhere herein, in the event the parties are unable to reach agreement on the issue of rent or other terms. ~~The leased site shall meet the minimum lot size requirements for the zoning district in which it is located;~~

10. **Section 13-1-43(f)(1) l. o. r. and t. are relettered to h. i. j. and k.**

- ≠ h. A description of the proposed facility including a diagram of the site showing the proposed location of the facility and other significant features, including the height and other dimensions of the facility, a visual representation of the facility, and a description of any proposed lighting;
- ≠ i. A tabular and map inventory of all of the applicant's existing telecommunications facilities that are located within Bayfield County and including all of the existing facilities which do or could provide services within Bayfield County. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication facilities, and the ability of the tower or antenna structure to accommodate additional colocation antennas;
- ≠ j. Certified statement from an RF engineer showing the coverage of the proposed facility;
- ≠ k. Such other information as the Committee may reasonably require to complete processing the application.

11. **Section 13-1-43(f)(4) is created to read**

- (4) Land Use Information. For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the following information to be submitted prior to the issuance of the land use application.

12. Section 13-1-43(f)(1) is amended by relocating subparagraphs h, i, j, k, m, n, p, q, s, and t. thereof to a newly created Section 13-1-43(f)(4) and relettered a, b, c, d, e, f, g, h, i, and j; subparagraph i. shall be amended as follows:

- ~~h.~~ a. A description of the telecommunications service that the applicant offers or provides, to persons, firms, businesses or institutions;
- ~~i.~~ b. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable;
- ~~j.~~ c. Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable;
- ~~k.~~ d. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings;
- ~~m.~~ e. An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in subsection (3), subject to the review and approval of the Zoning Committee, which identifies at least three sites, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternative analysis is to present alternative strategies, which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for colocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Zoning Committee that the site applied for is more advantageous than any available, feasible alternative site. The County may require independent verification of this analysis at the applicant's expense;
- ~~n.~~ f. Plans indicating security measures (i.e. access, fencing, lighting, etc.);
- ~~p.~~ g. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas;
- ~~q.~~ h. Proof of liability coverage;
- ~~s.~~ i. Applicant and/or agent shall have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site, have been notified via certified mail, ~~and~~.

- ≠ j. Such other information as the Committee may reasonably require to complete processing the application.

13. Section 13-1-43(i)(1) is amended to read:

- (1) Nonconforming and conforming telecommunication towers, antennas and facilities may add, move or replace antennas, the tower and support facilities upon issuance of a land use permit. An existing telecommunication tower may be relocated or reconstructed within fifty (50) feet of its existing location to accommodate colocation subject to meeting all other sections of this Ordinance except subsection (k) (7). Routine maintenance and repair on telecommunications facilities is permitted. ~~See subsection (14)(2).~~

14. Section 13-1-43(l)(2)g. is amended to read.

(l) Separation and Setback Requirements.

- (2) **Setbacks.** All setbacks shall be measured from the base of the tower or structure. Notwithstanding any other provisions of this Ordinance, the following minimum setbacks shall apply unless a greater distance is established by the Zoning Committee in a conditional use permit:

g. Setbacks from zoning districts in which towers are prohibited. Every new tower shall be set back a minimum of 300% of its height ~~feet~~ from the boundary of any zoning district in which the tower would be a prohibited use. If the tower is designed-engineered with a reduced collapse zone the setback shall be 125% of the designed collapse zone.

15. Section 13-1-82(b) is amended to read:

- (b) Off-premise signage. Each ~~parcel~~ business may include up to two (2) signs off the premise with area of each sign not to exceed 50 square feet.

16. Section 14-1-40(b) is amended to read:

- (b) A certified survey map shall be prepared and recorded for all land divisions resulting in the creation of 1, 2, 3, or 4 lots of less than five (5) acres, or ~~of any size if a shoreland lot (as defined in Section 13-1-4 (60))~~ of less than nineteen (19) acres if any part thereof is located within shorelands (as defined in Section 13-1-4(a)(60)).

17. Section 14-1-40(d) 52 is amended to read:

- 52.\_\_\_\_\_ Where it is questionable that a 3,000 sq. ft. buildable core or dry land access exists, this note must be added to the CSM: "CAUTION: There may not be a 3,000 sq. ft. buildable core on this lot nor dry land access to it." (see Section 13-1-32(b)(1) & (d)).

18. Section 15-1-10(a) is amended to read:

- (a) Buildings intended for human habitation proposing an addition of 250 sq. ft. or more require verification as outlined in Section 15-1-13(b)(c). The lifetime total of all accumulative additions/alterations may not exceed the 250 sq. ft without requiring verification.

19. Section 15-1-14(e) is created to read:

(e) Portable Privies

- (1) Portable privies may not be used for habitable buildings; unless they have a 200 gallon capacity tank.
- (2) Portable privies may be used at construction sites, but must be removed upon completion of construction. A County Sanitary Permit is not required for construction sites.
- (3) Portable privies located on property intended to be used by the public in locations that the public has access to (i.e. boat landings, parks, campgrounds, beaches, resorts, golf courses, road waysides, scenic overlooks, etc.) may be placed for an unlimited period with no affidavit required.
- (4) Portable Privies should meet all required setbacks where feasible. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.
- (5) A County Sanitary Permit and Fee will be required to place these units.
- (6) Portable Privies must be pumped or inspected on a yearly basis and are required to be reported to the County within 30 calendar days.

20. Section 15-1-19(c)(61) is created to read:

- (a) The owner of a holding tank may be placed on a three (3)-year maximum inspection cycle. The inspection report shall be submitted to the County within 30 calendar days from the date of inspection.

The inspection required shall be performed by one of the following:

- a. A licensed master plumber.
- b. A licensed master plumber-restricted service.
- c. A certified POWTS inspector.
- d. A certified septage servicing operator under ch. NR 114.
- e. A registered POWTS maintainer.

Date: November 19, 2009

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

James Beeksma, Harold A. Maki, Kenneth Jardine, Shawn Miller, Brett Rondeau

*A motion was made by Jardine/Kittleston to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding Amendments to Sections 13, 14 and 15 of the Bayfield County Zoning, Sanitary and Private Sewage Ordinances. The motion carried.*

17. Bayfield County Amendatory Ordinance No. 2009-16, Amendments to Sections 13, 14, and 15 of the Bayfield County Zoning, Sanitary and Private Sewage Ordinances. Kastrosky reported that a document with a few new changes has been passed for the Board's review. The changes are typographical in nature. The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

**AMENDMENTS TO BAYFIELD COUNTY ZONING AND  
SANITARY AND PRIVATE SEWAGE ORDINANCES**  
(Deleted text lined through; new text underlined)

**1. Section 13-1-4(a)(61) is created to read:**

- (4x) **Bunkhouse/Guest Quarters.** A residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking facilities; and no greater than 500 sq. ft. of enclosed dwelling space.
- (24c) **Foundation.** The portion of a building's structure that transfers the weight of the building into the ground; an underlying base or support; especially; the whole masonry substructure of a building; the lowest support of a structure (e.g. basement, cellar, crawl space, piers/posts, slab on grade.)

**2. Section 13-1-21(b)(2) is created to read and the remaining paragraphs (2)-(5) are renumbered (accordingly):**

- (3) **Ingress and Egress:** Landings with steps shall not require a land use permit provided the landing area does not exceed 40 sq. ft., however; if landing is enclosed or covered a land use permit is required.
- ~~(3)~~ (3) **Improvements to Nonconforming Structures.** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of additions to, or decks attached to, non-conforming structures shall also require a land use permit.
- ~~(4)~~ (4) **Setback Compliance; Non-Habitable Structure Compliance.** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A land use permit shall not be required for a non-habitable structure of less than two hundred (200) square feet in area, or for a private communication device, if not in a floodplain. A temporary structure of more than two hundred (200) square feet shall require a temporary permit.
- ~~(4)~~ (5) **Validity.** A land use permit shall expire twelve (12) months from its date of issuance if the authorized building activity, land alteration of use has not begun within such time.
- ~~(5)~~ (6) **Concurrent Jurisdiction Exemption.** A permit under this Chapter shall not be required where another regulatory agency has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

**3. Section 13-1-21(e)(s) is amended to read:**

**(e) Fees.**

s.	Privy Permit (not including required soil verification)	\$	150.00
	<u>Portable Privy.....</u>	<u>\$</u>	<u>50.00</u>

4. Section 13-1-32(a)(2) is amended as follows:

**Class 1 Lakes**

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Siskwit	21-50-6	13

**Class 3 Lakes**

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Clay <del>Connor</del>	8-45-7	8
Connor	14-44- <del>7</del> <u>9</u>	8 <del>8</del>

5. Section 13-1-33 is repealed and recreated to read:

**Sec. 13-1-33 ~~Multiple Principal Buildings.~~ Multiple Structures**

~~A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one principal building may be located on a substandard lot.~~

- (a) **Multiple Principal Buildings.** A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one principal building may be located on a substandard lot.
- (b) **Multiple Bunkhouse/Guest Quarters.** A conditional use permit shall be required for more than one (1) bunkhouse/guest quarter on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No bunkhouse/guest quarters may be located on a substandard lot.

6. Section 13-1-40(c)(2) is amended to read:

(c) **Nonconforming Buildings and Structures.**

- (2) ***Nonconforming Accessory Buildings and Structures and Nonconforming Principal Buildings and Structures of Less than 600 Square Feet.*** Except as provided in paragraph (6) below regarding reconstruction of damaged or destroyed structures in the shoreland, nonconforming accessory buildings and structures and nonconforming principal buildings and structures of less than six hundred (600) square feet of ~~enclosed dwelling space~~ footprint are limited to ordinary maintenance and repair and shall not be ~~improved or expanded. However, such accessory buildings and structures may be externally improved by a land use permit.~~

7. Section 13-1-40(c)(4)c. 5. is amended to read and 7. is created to read:

- c. With respect to such structures located forty (40) or more feet but less than seventy-five (75) feet from the ordinary high water mark.

5. No new or raised ~~basement~~ foundation for the existing structure or any attached accessory structure shall be permitted, though a ~~basement~~ foundation may be constructed under a permitted lateral addition; and
7. Repair of 25% or more of the lineal perimeter of the foundation shall be considered a replacement or new foundation and not a repair.

8. **Section 13-1-43(f)(1) is amended to read:**

- (1) ***Submittal Information.*** For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the following information to accompany every conditional use application. ~~Said information shall include, but may not be limited to:~~

9. **Section 13-1-43(f)(1) g. is amended to read.**

g. In the case of a leased site, a lease agreement, option or binding lease memorandum which shows on its face that it does not preclude the lessee from entering into leases on the site with other provider(s) and the legal description and amount of property leased. The lease shall not be structured so as to create a bar to colocation of other providers. Colocation lease terms, including rent, shall be subject to arbitration, as set forth elsewhere herein, in the event the parties are unable to reach agreement on the issue of rent or other terms. ~~The leased site shall meet the minimum lot size requirements for the zoning district in which it is located.~~

10. **Section 13-1-43(f)(1) l. o. r. and t. are relettered to h. i. j. and k.**

- ~~h.~~ h. A description of the proposed facility including a diagram of the site showing the proposed location of the facility and other significant features, including the height and other dimensions of the facility, a visual representation of the facility, and a description of any proposed lighting;
- ~~i.~~ i. A tabular and map inventory of all of the applicant's existing telecommunications facilities that are located within Bayfield County and including all of the existing facilities which do or could provide services within Bayfield County. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication facilities, and the ability of the tower or antenna structure to accommodate additional colocation antennas;
- ~~j.~~ j. Certified statement from an RF engineer showing the coverage of the proposed facility;
- ~~k.~~ k. Such other information as the Committee may reasonably require to complete processing the application.

11. **Section 13-1-43(f)(4) is created to read**

(5) Land Use Information. For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the following information to be submitted prior to the issuance of the land use application.

12. Section 13-1-43(f)(1) is amended by relocating subparagraphs h, i, j, k, m, n, p, q, s, and t. thereof to a newly created Section 13-1-43(f)(4) and relettered a, b, c, d, e, f, g, h, i, and j; subparagraph i. shall be amended as follows:

- ~~l.~~ a. A description of the telecommunications service that the applicant offers or provides, to persons, firms, businesses or institutions;
- ~~m.~~ b. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable;
- ~~n.~~ c. Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable;
- ~~o.~~ d. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings;
- ~~p.~~ e. An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in subsection (3), subject to the review and approval of the Zoning Committee, which identifies at least three sites, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternative analysis is to present alternative strategies, which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for colocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Zoning Committee that the site applied for is more advantageous than any available, feasible alternative site. The County may require independent verification of this analysis at the applicant's expense;
- ~~q.~~ f. Plans indicating security measures (i.e. access, fencing, lighting, etc.);
- ~~r.~~ g. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas;
- ~~s.~~ h. Proof of liability coverage;
- ~~t.~~ i. Applicant and/or agent shall have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site, have been notified via certified mail, ~~and~~.

- ~~¶~~ j. Such other information as the Committee may reasonably require to complete processing the application.

13. Section 13-1-43(i)(1) is amended to read:

- (1) Nonconforming and conforming telecommunication towers, antennas and facilities may add, move or replace antennas, the tower and support facilities upon issuance of a land use permit. An existing telecommunication tower may be relocated or reconstructed within fifty (50) feet of its existing location to accommodate colocation subject to meeting all other sections of this Ordinance except subsection (k) (7). Routine maintenance and repair on telecommunications facilities is permitted. ~~See subsection (14)(2).~~

14. Section 13-1-43(l)(2)g. is amended to read.

(l) Separation and Setback Requirements.

- (2) **Setbacks.** All setbacks shall be measured from the base of the tower or structure. Notwithstanding any other provisions of this Ordinance, the following minimum setbacks shall apply unless a greater distance is established by the Zoning Committee in a conditional use permit:

g. Setbacks from zoning districts in which towers are prohibited. Every new tower shall be set back a minimum of 300% of its height ~~feet~~ from the boundary of any zoning district in which the tower would be a prohibited use. If the tower is designed-engineered with a reduced collapse zone the setback shall be 125% of the designed collapse zone.

15. Section 13-1-82(b) is amended to read:

- (b) Off-premise signage. Each ~~parcel~~ business may include up to two (2) signs off the premise with area of each sign not to exceed 50 square feet.

16. Section 14-1-40(b) is amended to read:

- (b) A certified survey map shall be prepared and recorded for all land divisions resulting in the creation of 1, 2, 3, or 4 lots of less than five (5) acres, or ~~of any size if a shoreland lot (as defined in Section 13-1-4 (60))~~ of less than nineteen (19) acres if any part thereof is located within shorelands (as defined in Section 13-1-4(a)(60)).

17. Section 14-1-40(d) 52 is amended to read:

- 52.\_\_\_\_\_ Where it is questionable that a 3,000 sq. ft. buildable core or dry land access exists, this note must be added to the CSM: "CAUTION: There may not be a 3,000 sq. ft. buildable core on this lot nor dry land access to it." (see Section 13-1-32(b)(1) & (d)).

18. Section 15-1-10(a) is amended to read:

- (b) Buildings intended for human habitation proposing an addition of 250 sq. ft. or more require verification as outlined in Section 15-1-13(b)(c). The lifetime total of all accumulative additions/alterations may not exceed the 250 sq. ft without requiring verification.

19. Section 15-1-14(e) is created to read:

(e) Portable Privies

- (7) Portable privies may not be used for habitable buildings; unless they have a 200 gallon capacity tank.
- (8) Portable privies may be used at construction sites, but must be removed upon completion of construction. A County Sanitary Permit is not required for construction sites.
- (9) Portable privies located on property intended to be used by the public in locations that the public has access to (i.e. boat landings, parks, campgrounds, beaches, resorts, golf courses, road waysides, scenic overlooks, etc.) may be placed for an unlimited period with no affidavit required.
- (10) Portable Privies should meet all required setbacks where feasible. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.
- (11) A County Sanitary Permit and Fee will be required to place these units.
- (12) Portable Privies must be pumped or inspected on a yearly basis and are required to be reported to the County within 30 calendar days.

20. Section 15-1-19(c)(61) is created to read:

- (b) The owner of a holding tank may be placed on a three (3)-year maximum inspection cycle. The inspection report shall be submitted to the County within 30 calendar days from the date of inspection.

The inspection required shall be performed by one of the following:

- a. A licensed master plumber.
- b. A licensed master plumber-restricted service.
- c. A certified POWTS inspector.
- d. A certified septage servicing operator under ch. NR 114.
- e. A registered POWTS maintainer.

Date: December 15, 2009

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS

Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Beeksma/Kittleson to adopt Bayfield County Amendatory Ordinance No. 2009-16 Regarding Amendments to Sections 13, 14, and 15 of the Bayfield County Zoning, Sanitary and Private Sewage Ordinance, along with new submitted changes. The motion carried.*

**18. Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Bayfield Electric Cooperative Property in the Town of Iron River, Bayfield County, Wisconsin.** The Board dispensed with the reading of the Report, which reads as follows:

TO: The County Board of Supervisors of Bayfield County on the hearing of petitions to amend the Bayfield County Zoning Ordinance.

The Planning & Zoning Committee of the Bayfield County Board of Supervisors, having held a public hearing pursuant to Section 59.69(5)(e), Wisconsin Statutes; notice thereof having been given as provided by law; and having been duly informed of the facts pertinent to the following changes; hereby recommends the following action on said petition:

The Zoning of Bayfield Electric Cooperative 0.000-acre parcel (part of ID# 04-024-2-47-08-08-3-00-192-46000) described as Block Thirty-One (31), Hessey's Addition, Section Eight (8), Township Forty-Seven (47) North, Range Eight (8) West, Town of Iron River, Bayfield County, Wisconsin be changed from Industrial (I) to Residential-One (R-1).

Date: *October 15, 2009*

**BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE**

James Beeksma, Harold A. Maki, Kenneth Jardine, Shawn Miller, Brett Rondeau

*A motion was made by Maki/Rondeau to receive and place on file the Report of the Bayfield County Planning and Zoning Committee Regarding the Rezone of the Bayfield Electric Cooperative Property in the Town of Iron River. The motion carried.*

**19. Bayfield County Amendatory Ordinance No. 2009-17 Regarding the Rezone of the Bayfield Electric Cooperative Property in the Town of Iron River, Bayfield County, Wisconsin.** The Board dispensed with the reading of the Ordinance, which reads as follows:

The Bayfield County Board of Supervisors ordains as follows:

That the Bayfield County Zoning Ordinance, adopted June 1, 1976, be and the same, is hereby amended as follows:

The Zoning of Bayfield Electric Cooperative 0.000-acre parcel (part of ID# 04-024-2-47-08-08-3-00-192-46000) described as Block Thirty-One (31), Hessey's Addition, Section Eight (8), Township Forty-Seven (47) North, Range Eight (8) West, Town of Iron River, Bayfield County, Wisconsin be changed from Industrial (I) to Residential-One (R-1).

Date: December 15, 2009

By Action of the  
BAYFIELD COUNTY BOARD OF SUPERVISORS  
Attested to by:  
Scott S. Fibert,  
Bayfield County Clerk

*A motion was made by Good/Williams to adopt Bayfield County Amendatory Ordinance No. 2009-17, Regarding the Rezone of the Bayfield Electric Cooperative Property in the Town of Iron River, Bayfield County, Wisconsin. The motion carried.*

**Public Hearing** - The time being 6:00 p.m.

*A motion was made by Good/Crandall to adjourn as a County Board and reconvene as a Committee of the Whole to hold a public hearing on the proposed Bayfield County Comprehensive Plan. A roll call vote was taken as follows: Blahnik-yes; Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes; Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

Chairman Kacvinsky explained to the public that a tablet was placed at the podium for the purpose of having individuals who would like to speak to the County Board to write down their name and address. There will be a time limit of 5-minutes per person. They were also encouraged to state their name and address for the record.

Kastrosky stated to the public that much planning perseverance has gone into the preparation of this Comprehensive Plan. There have been numerous meetings, open houses, community events, and now tonight's public hearing.

**Public Comment:**

Bill Sloan, Cornucopia - Stated he is the Chair for the Town of Bell. This is a marvelous piece of work, and a great working tool to use for our work in county government.

Fred Strand, Iron River - Planning Chair for the Town of Oulu. Thanked the Board for all their help and leadership that they gave us through this planning process. He has viewed the Comprehensive Plan and recommends that it be adopted as recommended to the board.

Kenneth Bro, Washburn - Congratulated the Comprehensive Planning Team for accomplishing a massive project in 12 months. The Town of Washburn encourages the county to move forward in implementing the Comp Plan and the County taking the lead in bringing the County's zoning district map in line with other zoning maps. The Town of Washburn will be a full partner, but, the County should take the lead.

Marc Putman, Hudson, WI - Stated he is an architect in both Wisconsin and Minnesota and was speaking on behalf of Telemark Partners. He spoke directly on steep slopes and said to turn to Page 53 and focused on a comment block to the right which stated, "steep slopes at 18%....." He stated that this wording should be prohibited and urged caution in using such a blanket statement.

Jim Brakken, President of Bayfield County Lakes Forum. The Lakes Forum has been working on a list of shoreland recommendations and he is presenting this list this evening for implementation into the Comp Plan. In February of this year, Brakken reported, Kastrosky approached him in regard to putting together such a document, and it has taken a while for the Forum to put the list together. (A copy is on file in the County Clerk's Office). The Forum would like to see this list of shoreland recommendations implemented into the Comp Plan, including it as an appendix.

George A. Koval, Town of Keystone - He stated he would like to see a common sense clause. If you can't do this then none of this will work and people will fight. Agriculture was the mainstay of Bayfield County, yet you say it is tourism. 20,000 people come to the Bayfield Apple Fest, yet where do apples grow? On farms, farms are

agriculture. Mining? I need a permit to take sand out of my own pit? This is entirely different from what the Comp Plan is stating. This is not a mine. Put a common sense clause into play.

Chairman Kacvinsky asked three more times if there were anymore comments. There were no more comments. *A motion was made by Good/Rondeau to adjourn as a Committee of the Whole and to reconvene as a County Board. A roll call vote was taken as follows: Kacvinsky-yes; Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes; Blahnik-yes. Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

The Board took a 10-minute recess at 6:30 p.m. Supervisor Kittleson leaving the meeting at this time.

**20. Bayfield County Ordinance No. 2009-12, Ordinance to Adopt Bayfield County Comprehensive Plan.** Mike Darrow of SEH, was present to address issues and concerns the people had on the process of the Comprehensive Plan. He stated that he would not recommend approving the Lakes Forum addendum at this time, as they have just received this information and have not had the chance to look through it thoroughly. This information, however, could be added at a later time if it is felt pertinent.

Discussion took place amongst the Board members. Supervisor Rondeau stated he thought it was a good plan, not perfect by any means, but there is always room for change. Supervisor Jardine also stated that he thought it was a very good plan from which to work from, and asked the Board for their support. Supervisor Good questioned how this Comp Plan impacts us in the future. This is the guiding document at we make zoning decisions from and adopt new policies and procedures. It needs to be consistent. If the Comp Plan is more restrictive, we need to amend the Plan before we take any action on other items. The people of Bayfield County are holding us accountable according this Plan. Supervisor Blahnik stated a Plan can be changed. If we are doing something that is not in conforment, we need to make the necessary changes.

The Board dispensed with the reading of the Ordinance, which reads as follows:

**WHEREAS**, pursuant to Section 59.69(3) of the Wisconsin Statutes, the Bayfield County Board of Supervisors is authorized to prepare and adopt a comprehensive plan as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; *and*

**WHEREAS**, the Bayfield County Planning & Zoning Committee has adopted a resolution identifying the procedures designed to foster public participation in the development of the Comprehensive Plan, as required by Section 66.1001(4)(a) of the Wisconsin Statutes; *and*

**WHEREAS**, a proposed comprehensive plan for Bayfield County has been developed pursuant to said procedures, entitled "Bayfield County Comprehensive Plan", which contains all of the elements specified in Section 66.1001(2) of the Wisconsin Statutes; *and*

**WHEREAS**, the Bayfield County Planning & Zoning Committee, by a majority vote of the entire Committee, has adopted a resolution recommending to the Bayfield County Board of Supervisors, the adoption of the proposed plan; *and*

**WHEREAS**, the Bayfield County Board of Supervisors held a public hearing on this Ordinance on December 15, 2009, meeting the requirements of Section 66.1001(4)(d), of the Wisconsin Statutes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bayfield County Board of Supervisors, assembled this 15<sup>th</sup> day of December, 2009, does ordain as follows:

**SECTION 1.** The Bayfield County Board of Supervisors, does, by enactment of this Ordinance, formally adopt the document entitled "Bayfield County Comprehensive Plan" as the Comprehensive Plan of Bayfield County pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes; *and*

**SECTION 2.** This Ordinance shall take effect upon passage by a majority vote of the members-elect of the Bayfield County Board of Supervisors and publication as required by law.

### BAYFIELD COUNTY BOARD OF SUPERVISORS

William D. Kacvinsky, John J. Blahnik, David L. Good, Kenneth Jardine, Harold A. Maki, Delores Kittleson, Shawn W. Miller, James Crandall, James Beeksma, Wayne A. Williams, Marco T. Bichanich, Brett T. Rondeau

After further discussion, *a motion was made by Rondeau/Jardine to adopt Bayfield County Ordinance No. 2009-12, Ordinance to Adopt Bayfield County Comprehensive Plan as presented this evening.* Discussion took place on the information that the Lakes Forum presented. This information will not be implemented into the Comp Plan at this time as it needs public input. This will be addressed at a later date. In another month, the Land Use Plan will be presented and more changes could be made at that time. Any changes in the future, should go to the Planning & Zoning Committee, who in turn, would have this placed on the full County Board agenda after the proper hearing have taken place. At the request of Supervisor Good, a roll call vote will be taken on this motion. *A roll call vote was taken as follows: Beeksma-yes; Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes. Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

Chairman Kacvinsky thanked everyone who worked on this project for a job well done.

*A motion was made by Crandall/Good to move into Executive Session pursuant to §19.85(1), (c), (e), (g): (c) Considering employment, promotion, compensation or performance evaluation data or any public employee over which the governmental body has jurisdiction or exercises responsibility; e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public businesses, whenever competitive or bargaining reasons require a closed session; (g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. A roll call vote was taken as follows: Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes. Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

*A motion was made by Maki/Crandall to move out of Executive Session. A roll call vote was taken as follows: Williams-yes; Bichanich-yes; Miller-yes; Crandall-yes; Rondeau-yes; Good-yes; Gordon-absent; Jardine-yes. Maki-yes; Kittleson-yes; Blahnik-yes; Kacvinsky-yes; Beeksma-yes. Total: 13, 12 yes, 0 no, 1 absent. The motion carried.*

21. Discussion and Possible Action Regarding Reappointment of Bayfield County Highway Commissioner. *A motion was made by Crandall/Bichanich to reappoint Thomas Toepfer as Bayfield County Highway Commissioner. The motion carried.*

22. Discussion and Possible Action Regarding AFSCME Union Contract. *A motion was made by Rondeau/Blahnik to approve the AFSCME Union Contract. The motion carried.*

23. **Discussion and Possible Action Regarding Teamster Union Contract.** *A motion was made by Rondeau/Blahnik to approve the Teamster Union Contract. The motion carried.*

24. **Discussion and Possible Action Regarding Non-Union Wages & Benefits.** *A motion was made by Rondeau/Blahnik to approve the agreement regarding the Non-Union Employees with the addition of 6 new changes. The motion carried.* (A copy of the changes can be found in the County Clerk's office).

25. **Administrator's Report:**

a) **Update on Election Packets.** Fibert urged Board members to get their signatures and turn them in as soon as possible. The final date for turning in papers is January 5<sup>th</sup> at 5:00 p.m. Fibert reported that Blahnik and Beeksma have turned in their papers for non-candidacy.

b) **Per Diems, Mileage, Direct Deposit.** Board members were encouraged to turn in their final per diems and mileage before the end of the year. Board members as well as County employees are being encouraged to use direct deposit as this is the County's preference. It would be a gesture in good faith to have Board members use direct deposit since we have pushed for this from the employees.

c) **Report on Section 154.** Abeles-Allison reported that this went very well and Bayfield County has received infrastructure funding for work on a dam, culverts and water system.

26. **Supervisors' Reports:**

a) Supervisor Maki said he has spoke with Abeles-Allison earlier and stated he would bring this up at the meeting this evening. Why was the elderly food program turned over to the school? Why did we take dollars from a private enterprise and give to a public entity? Is this even legal? Discussion took place and it was stated that this would be looked into further.

There being no further business to come before the Bayfield County Board of Supervisors, *a motion was made by Jardine/Bichanich to adjourn. The motion carried* and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Scott S. Fibert,  
Bayfield County Clerk