

Minutes of the
Bayfield County Board of Supervisors' Meeting
February 27, 2018 - 6:00 p.m.
Bayfield County Board Room, Courthouse, Washburn, Wisconsin

Chairman Pocernich called the meeting to order at 6:00 pm. A roll call was taken by Scott Fibert, *County Clerk*, as follows: Harold Maki-present; Jeremy Oswald-present; Jeffrey Silbert-present; Dennis Pocernich-present; Fred Strand-present; Thomas Snilsberg-present; Rachel Coughtry-absent; Shawn Miller-present; James Crandall-present; Brett Rondeau-present; George P. Newago-present; William Bussey-present; Larry Fickbohm-present - Total 13: 12 present, 1 absent. A quorum was present to conduct business. The following were also present for this evening's meeting: Mark Abeles-Allison, *County Administrator*; Dawn M. Bellile, *Deputy County Clerk*; Sarah Wartman, *Health Director*; Elizabeth Skulan, *DHS Director*; Jeanine Spuhler, *Economic Support Services Manager*; Neil Hulmer, *Honored Retiree*; and Mary Motiff, *Tourism Director*.

The Pledge of Allegiance was recited by all attending this evening's meeting.

Chairman Pocernich welcomed Thomas Snilsberg to the Board. Snilsberg was appointed at the last County Board meeting, replacing Wayne "Rusty" Williams who represented District 9. Snilsberg spoke giving a brief background of himself. Snilsberg will be running for the empty position in the April 3rd election. The Board welcomed him.

Chairman Pocernich acknowledged persons in the audience who are running for supervisory positions in the April 3rd election and asked them each to give a brief background of themselves. The candidates are: Pat Quaintance, running for District 2; David Zepczyk, running for District 11; and Marty Milanowski, running for District 10.

1. **Motion Regarding Minutes of January 30, 2018 Bayfield County Board of Supervisors' Meeting.** The Board dispensed with the reading of the minutes, which can be found on the County's website. *A motion was made by Brett/Maki to adopt the Minutes of the January 30, 2018 Bayfield County Board of Supervisors' Meeting. The motion carried.*

2. **Public Comment.** Chairman Pocernich reminded the audience that public comment is for a period of 15 minutes, allowing an individual to speak for no more than 3 minutes at a time. This may also be extended longer at the Board's discretion.

Kristy Jensch, 502 E 4th St., Washburn, spoke on the Apostle Islands Conservancy, and how this organization helps preserve and educate the community about the historic property and places around the Apostle Islands. This organization is comprised of people who have grown up here and have given a great deal of support for projects and Jensch named some. The organization is aware of the tremendous amount of damage that was done along the shores of the national parks with last November's storms. The letter you have before you has been compiled by groups that have parks around the country, and is written with the best interest of the parks. This is an imperative process to hopefully restore and protect the Apostle Islands. We are asking for Bayfield County's willingness to help by putting the County's name in support of this effort.

Pooja Geisen, a Senior at Washburn High School, informed the Board that she applied for a Local Government Property Scholarship Grant through the Bayfield County Scholarship program. She feels it is important to plan and to learn from knowledge and feels she has experience through her years of involvement while living in Washburn. Geisen is planning on attending future County Board meetings to learn more about the government process.

3. **Bayfield County Resolution No. 2018-20, Honoring Neil Hulmer upon his Retirement from the Bayfield County Human Services Department.** Chairman Pocernich read the Resolution, which read as follows:

WHEREAS, Neil Hulmer, has served Bayfield County with distinction, honor and dedication for twenty-eight and one-half (28½) years, serving the citizens of Bayfield County as an Economic Service Specialist in the Bayfield County Human Services Department.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 20th day of February, 2018, honors Neil Hulmer, for his 28½ years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

By Action of the
Bayfield County Board of Supervisors

Dennis M. Pocernich, *Chairman*

A motion was made by Maki/Crandall to adopt Honoring Neil Hulmer upon his Retirement from the Bayfield County Human Services Department. The motion carried. Elizabeth Skulan, DHS Director and Jeanine Spuhler, Economic Support Manager, were present from the Department of Human Services to say few words in his honor on how he was always good to people of every age group and enjoyed his job. Supervisor Crandall presented Hulmer with a plaque for his years of working for Bayfield County. Hulmer thanked everyone saying it was an enjoyable challenge working with people as he has and this has made everything worthwhile. The Board thanked Hulmer for his years of service.

4. **State of the County Address.** Abeles-Allison informed the Board that as in past years, it is a statutory responsibility is to provide an annual a "State of the County Address" to the Board communicating to the Board the condition of the County and to recommend such matters to the Board for its consideration, which he tries to do in February. Abeles-Allison gave this "Address" via a powerpoint presentation. Abeles-Allison spoke on highway projects, what is taking place in the Human Services Department and other courthouse departments. He spoke on the Washburn communications tower project which was completed in 2017. Security upgrades, infrastructure and capital projects that were completed in 2017 were reviewed. Abeles-Allison stated that he is striving for Bayfield County to be an employer of choice, which will have future challenges, infrastructure needs, etc. He further discussed issues such as mental health, substance abuse, jail, the aging population, communications-broadband; emergency services; staffing needs; economic development staffing. The Board thanked Abeles-Allison for his Address. *A motion was made by Rondeau/Crandall to receive and place on file the State of the County Address. The motion carried.*

5. **Story Map Presentation.** Mary Motiff, *Tourism Director*, was present and passed out a handout that her department has been working on. Interactive mapping is taking place by using the Avenza application. Motiff both explained and demonstration how it works via the

County's web page. Motiff informed the Board that the businesses data bank is looked at once a year and updated. Discussion took place and questions were asked of and answered by Motiff. The Board thanked Motiff for her presentation.

6. **Bayfield County Resolution No. 2018-03, to Accept Healthy CHANGE Coalition/Retail Grant**. Wartman was present to explain the Resolution. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, the Bayfield County Health Department has received a Grant through the Wisconsin Division of Public Health Chronic Disease Prevention Unit in the amount of \$12,000 to support efforts in assessing the local retail environment and to work with small stores to improve their healthy food and beverage access and promotion. Total award to be expended by June 29, 2018; *and*

WHEREAS, the 2018 Budget does not contain any projections to account for any revenue or expenditures for said grant; *and*

WHEREAS, it is the desire of the Bayfield County Board of Health to accept and expend said grant in 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018 hereby authorizes the use of Revenue Account Number 100-20-43556-026 and Expense Account Number 100-20-54137 for the Healthy CHANGE Coalition/Retail Grant; *and*

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2018 budget by \$12,000 for grant revenue/expenses.

By Action of the
Bayfield County Board of Supervisors

Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Silbert to adopt Bayfield County Resolution No. 2018-03, to Accept Healthy CHANGE Coalition/Retail Grant. A roll call vote was taken as follows: Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

7. **Bayfield County Resolution No. 2018-11, WIC Peer Counseling Grant**. Wartman explained this Resolution. The Board dispensed with the Reading of the Resolution, which reads as follows:

WHEREAS, the Bayfield County Health Department has received the WIC Peer Counseling Grant in the amount of \$10,706 to provide direct breastfeeding support services through peer counseling to WIC participants. The funds are to be used to develop or expand activities necessary to sustain a peer counseling program. Total award to be expended by December 31, 2017; *and*

WHEREAS, the 2017 Budget contains a projection of \$10,022 in revenue and expenditures for said grant; *and*

WHEREAS, it is the desire of the Bayfield County Board of Health to accept the increased amount of \$684 and expend said grant in 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018 hereby approve the following budget amendment for the WIC PEER Counseling Grant:

Increase Revenue:
100-20-43550-014 WIC PEER Counseling Grant \$684

Increase Expense:
100-20-54124-50810 Capital Equipment \$684

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2017 budget by \$684 for grant revenue/expenses.

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Crandall to adopt Bayfield County Resolution No. 2018-11, WIC Peer Counseling Grant. A roll call vote was taken as follows: Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

8. Bayfield County Resolution No. 2018-16, Accept Chronic Disease Self-Management Grant. Wartman explained the Resolution, the Board dispensed with its reading, and it reads as follows:

WHEREAS, the Bayfield County Health Department has received a grant in the amount of \$8,450 from the Wisconsin Institute for Healthy Aging to provide staff time funding for the evidence-based health promotion programs Living Well with Chronic Conditions and Healthy Living with Diabetes. The goal of this project is to increase the number of older adults receiving the proven health benefits of the high-level evidence-based programs. Total award to be expended by October 31, 2019; *and*

WHEREAS, the 2018 Budget does not contain any projections to account for any revenue or expenditures for said grant; *and*

WHEREAS, it is the desire of the Bayfield County Board of Health to accept and expend said grant.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018, approve the following budget amendment for the Chronic Disease Self-Management Grant:

Increase Revenues:
100-20-43551 Chronic Disease Self-Management Grant \$8,450

Increase Expenses:
100-20-54134-50123 Temporary Employee \$6543
100-20-54134-50151 FICA/Medicare \$501
100-20-54134-50152 Co. Share Retirement \$439

100-20-54134-50311	Postage	\$75
100-20-54134-50310	Office Supplies	\$150
100-20-54134-50332-002	Mileage-Registered Nurse	\$742

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2018 budget by \$8,450 for grant revenue/expenses.

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Miller/Rondeau to adopt Bayfield County Resolution No. 2018-16, Accept Chronic Disease Self-Management Grant. A roll call vote was taken as follows: Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

9. Bayfield County Resolution No. 2018-17, 2017 Health Department Budget Amendments. Wartman explained the Resolution, the Board dispensed with its reading, and it reads as follows:

The following grant items were awarded to Bayfield County Health Department after the original 2017 budget was accepted. The following resolution clarifies increases in revenues and expenditures for Bayfield County Health Department grants.

WHEREAS, the HPV Grant originated in 2016 and the grant agreement carried over through June 30, 2017, with grant expenditures/revenues that were not budgeted for 2017; *and*

WHEREAS, the Wisconsin Coastal Management Grant was budgeted in 2016 and the grant agreement carried over through June 30, 2017, with grant expenditures/revenues that were not budgeted for 2017; *and*

WHEREAS, the SNAP Ed. Grant runs across two fiscal years and the 2018 grant agreement began on October 1, 2017, with insufficient expenditures/revenues budgeted for 2017; *and*

WHEREAS, Community Opportunity Grant originated in 2016 and the grant agreement carried over through December 31, 2017, revenues/expenditures were not budgeted for 2017; *and*

WHEREAS, the Environmental Health Program received more revenue than initially budgeted for through the DNR TNC program with corresponding increases in expenditures for 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, meeting this 27th day of February, 2018 approve the following budget amendment to move the Health Department Budget for 2017:

Account	Description	Increase	Decrease
100-20-43550-023	<i>HPV Grant</i>	\$4,951	
100-20-54132-50121	Full Time	175	
100-20-54132-50152	Co. Share Retirement	12	
100-20-54132-50154	Health Ins	70	
100-20-54132-50315	Advertising	4,694	
100-20-43552	<i>WI Coastal Management Grant</i>	\$5,295	
100-20-54117-50121	Full Time	2,420	
100-20-54117-50123	Temporary Employee	408	
100-20-54117-50151	FICA	210	
100-20-54117-50152	Co. Share Retirement	170	
100-20-54117-50154	Health Ins	849	
100-20-54117-50290	Contractual Services	1,238	
100-20-43550-022	<i>SNAP Ed. Grant</i>	\$5,450	
100-20-54121-50290	Contractual Services	1,215	
100-20-54121-50390	Other Supplies	4,067	
100-20-54121-50225	Telephone	168	
100-20-43550-025	<i>Community Opportunity Grant</i>	\$18,925	
100-20-54135-50121	Full Time	11,144	
100-20-54135-50123	Temp Employee	1,391	
100-20-54135-50151	FICA	863	
100-20-54135-50152	Co. Share Retirement	722	
100-20-54135-50154	Health Ins	3,901	
100-20-54135-50332	Mileage	742	
100-20-54135-50336	Lodging	162	
100-20-46510-001	Water Testing Fees	\$16,707	
100-20-54119-50332-008	Mileage -PH Educator	3,000	
100-20-54119-50332-005	Mileage -Sanitarian	3,000	
100-20-54119-50340	Operating Supplies	2,000	
100-20-54119-50290	Contractual Services	3,000	
100-20-54119-50121	Full Time	5,707	

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Strand/Silbert to adopt Bayfield County Resolution No. 2018-17, 2017 Health Department Budget Amendments. A roll call vote was taken as follows: Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

10. Bayfield County Resolution No. 2018-15, 2018 Health Department Budget Amendments. Wartman explained the Resolution, the Board dispensed with its reading, and it reads as follows:

WHEREAS, amendments to the 2018 Health Department budget are necessary due to increases/decreases in federal and state grant funding; *and*

WHEREAS, this will not affect the amount of tax levy requested by the department.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018 amends the 2018 budget by \$8,230 and authorizes the increase/decrease of the following revenue and expense accounts for 2018:

ACCOUNT NUMBER	DESCRIPTION	ADJUSTMENTS
	Revenue Amendments	
100-20-43550-007	Prevention	(20.00)
100-20-53550-006	PHEP	1,919
100-20-43550-022	SNAP-Ed	549
100-20-43550-001	Maternal/Child Health Grant	(1,343)
100-20-43550-002	Child Lead Poison Grant	(197)
100-20-43550-005	IAP LHD Expanded Immunity Grant	(718)
100-20-43550-011	WIC Grant	8,040
	Total Increase to Revenues	8,230
	Expenditure Amendments	
100-20-54104-50390	Prevention - other supplies	(20.00)
100-20-54111-50390	PHEP - Other supplies	900
100-20-54111-50391	PHEP - Medical Supplies	300
100-20-54111-50332-001	PHEP -Mileage - Dept Head	200
100-20-54111-50332-002	PHEP-Mileage - RN	219
100-20-54111-50310	PHEP-Office Supplies	300
100-20-54121-50348	SNAP-Ed - Educational Supplies	250
100-20-54121-50310	SNAP-Ed - Office Supplies	75
100-20-54121-50390	SNAP-Ed- Other Supplies	224
100-20-54103-50121	MCH - Full Time	(1,240)
100-20-54103-50151	MCH - FICA/Medicare	(103)
100-20-54112-50121	Lead - Full Time	(182)
100-20-54112-50151	Lead-FICA/Medicare	(15)

100-20-54113-50121	Immunization - Full Time	(663)
100-20-54113-50151	Immunization-FICA/Medicare	(55)
100-20-54107-50390	WIC - Other supplies	1,000
100-20-54107-50332-006	WIC -Mileage-Nutritionist	1,000
100-20-54107-50335-003	WIC-Meals-Secretary	120
100-20-54107-50335-006	WIC-Meals-Nutritionist	200
100-20-54107-50332-003	WIC-Mileage-Secretary	200
100-20-54107-50325-006	WIC-Registr & Tuition - Nutritionist	200
100-20-54107-50311	WIC - Postage	200
100-20-54107-50310	WIC-Office Supplies	400
100-20-54107-50391	WIC - Medical Supplies	1,000
100-20-54107-50340	WIC - Operating Supplies	1,000
100-20-54107-50336-006	WIC-Lodging-Nutritionist	200
100-20-54107-50332-002	WIC-Mileage -RN	200
100-20-54107-50335-002	WIC-Meals-RN	200
100-20-54107-50121	WIC-Full time	1,958
100-20-54107-50151	WIC-FICA/Medicare	162
	Total Increase to Expenditures	8,230

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Oswald to adopt Bayfield County Resolution No. 2018-15, 2018 Health Department Budget Amendments. A roll call vote was taken as follows: Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

11. Report of the Bayfield County Planning & Zoning Committee Amending Ordinance 13-1-4, 13-1-20, 13-1-21, 13-1-22, 13-1-23, 13-1-26, 13-1-31, 13-1-33, 13-1-40, 13-1-41, 13-1-60, 13-1-61, 13-1-62, 13-1-65, 13-3-22, 13-3-41 and 14-1-21, Language Changes Omissions and Typos, Code of Ordinances, Bayfield County, Wisconsin.

Supervisor Rondeau explained to the Board that the purpose of this Ordinance is for language changes and/or omissions, typos. These do not deal with shoreland issues. 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 and 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:

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Subsections (a)(24a) and (a)(75) of Section 13-1-4 [Definitions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby amended and Subsections (a)(1a)(18a)(24a)(35a)(60a)(70a) and (71a) of Section 13-1-4 [Definitions] of Article B [General Provisions] of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby created to read as follows:

- (24a) **Generally Accepted Forestry Management Practices.** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (75) **Zoning Agency Department.** ~~The Bayfield County Planning and Zoning Agency Department. Whenever the terms Bayfield County Planning and Zoning Department or Planning and Zoning Agency appear in this code, said terms shall mean Bayfield County Planning and Zoning Agency.~~

Section 1. Subsection (c)(1) and (c)(2) of Section 13-1-20 [General Zoning Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

- (c) **Maps.** The maps designated below are hereby adopted and made part of this Chapter. They are on file at the Bayfield County Planning and Zoning Agency Department.
- (1) United States Geological Survey Quadrangle Maps for Bayfield County.
- (2) Wisconsin Wetland Inventory Maps as reflected on the State of Wisconsin DNR Surface Water Data Viewer. ~~Wisconsin Wetland Inventory Maps stamped "FINAL" on March 19, 1985.~~

Section 1. Subsections (b)(3) and (b)(5) of Section 13-1-21 [General Land Use Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows:

- (b) **Land Use Permits.**
 - (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 decks, additions to decks, or new decks attached to nonconforming structures shall also require a land use permit.

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

An incomplete application shall expire four (4) months after written notice from the Zoning Agency ~~Department~~ to the applicant that the application is incomplete if it is not completed within such time period.

An incomplete or unfinished application shall expire twelve (12) months from the date received by the Planning and Zoning ~~Department~~, Agency if not completed within such time period unless otherwise already expired.

Section 1. Subsections (a)(4) and (b) of Section 13-1-22 [Setback and Height Restrictions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are amended and Subsections (b)(1a) of Section 13-1-22 [Setback and Height Restrictions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows:

(a) **Shoreline Setbacks.**

~~(4) Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.~~

~~a) Nonconforming Plats. If a lot platted prior to December 12, 2000 is not deep enough to accommodate required roadway or and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty foot deep building site is established provided the resulting setback is not less than one half the distance of the required setback. This provision shall not apply in the shoreland.~~

~~(5)~~ **(4) Minor Structures Exempted.** Minor, innocuous structures whose presence on the setback area has no significant impact relating to the purpose of shoreland zoning as expressed in s. 59.692 and s. 281.31, Wis. Stats., Ch. 144.26(1), Wis. Stats., and which meet all of the following criteria are exempted from the shoreline setback requirement:

- a. Construction shall involve minimal earth disturbing activities.
- b. Construction shall not involve removal of any shoreland vegetation.
- c. The structure shall not be visible from the adjacent waterway or from any public thoroughfare.

~~(6)~~**(5) Structures Exempt Under 59.692(1v) Wis. Stats.** As required by Section 59.692(1v), Wis. Stats., the shoreland setback requirements of this ordinance do not apply to the following structures proposed to be constructed or placed in a shoreland setback area (as defined by Sec. 59.692(1)(bn) Wis. Stats.):

- a. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area if all of the following requirements are met:

1. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high water mark.
 2. The total cumulative floor area of all structures within the shoreland setback area of the lot upon which the structure is to be located shall not exceed two hundred (200) square feet, excluding boathouses and walkways.
 3. The structure has no sides or has open or screened sides.
 4. The side yard setback shall be a minimum of fifteen (15) feet.
 5. The structure sidewall height shall not exceed ten (10) feet, with a maximum overhang of twenty-four (24) inches.
 6. The Bayfield County Planning and Zoning Department must approve a plan that will be implemented by the owner of the property to preserve or establish a shoreland buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water. The buffer zone shall comply with the following provisions:
 - i. The buffer zone shall include a tree canopy, a shrub layer and ground cover.
 - ii. There shall be no disturbance of land in the buffer zone, except to establish a buffer zone, and except for Routine Maintenance of Vegetation.
 - iii. The buffer zone must have existed for at least three months prior to the issuance of a permit for the structure. Photographs documenting establishment of the buffer zone must be submitted to the Bayfield County Planning and Zoning Department by the owner prior to the issuance of the permit.
 7. Any permit issued for a structure authorized by this section shall be recorded by affidavit of the Bayfield County Register of Deeds and shall include the conditions of this section.
- b. **Boathouses.** If all of the following requirements are met:
1. Only boathouse construction activities which follow Best Management Practices (BMPs) and are done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which are accomplished in conformity with all applicable federal, state and local laws are permissible in the shoreland.
 2. A boathouse shall be designed, constructed and used solely for the storage of boats and/or related equipment and shall not include any habitable living area including but not limited to decks, patios, lean-tos or porches.

3. A boathouse shall not be equipped with a potable water supply, fireplaces, patio doors, food preparation equipment, furniture or any features inconsistent with the use of the structure exclusively as a boathouse.
 4. A boathouse shall have a gable roof with eaves not to exceed 24 inches.
 5. A boathouse shall not be placed water ward beyond the ordinary high water mark unless otherwise approved by the Department of Natural Resources.
 6. Only one boathouse is permitted, as an accessory structure, for each buildable lot. A boathouse may not be the first structure on the parcel.
 7. A boathouse shall be entirely within the access and viewing corridor; due to the impacts of ice movement, must be set back a minimum of ten feet from the ordinary high-water mark, and shall be constructed in conformity with all floodplain zoning standards.
 8. A boathouse shall not exceed one story. Maximum height from the boathouse floor to the top of the side wall shall not exceed 10 feet. The footprint shall not exceed 400 square feet.
 9. The maintenance and repair of existing nonconforming boathouse, which extend beyond the ordinary high-water mark, shall comply with the requirements of s. 30.121 Wis Stats.
 10. Standards for removal of shoreline vegetation in Section 13-1-23 shall be complied with.
 11. A boathouse must use exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site.
 12. A boathouse requires a land use permit and must include an impervious surface calculation form and associated fee(s).
 13. The roof of a boathouse may be used as a deck provided that the boathouse is an existing boathouse with a flat roof, the roof has no side walls or screens and the roof may have a railing that meets the Department of Safety and Professional services standards.
- c. Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Wis Stats.
 - d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS Comm 383, Wis. Adm. Code, and other utility

structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

- f. Devices or systems used to treat runoff from impervious surfaces.
- g. ***Stairways, Walkways or Rail Systems.*** Stairways, elevated walkways and rail systems are exempted from the shoreline setback requirement provided:
 - 1. The structure is necessary to access the shoreline.
 - 2. The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public thoroughfares.
 - 3. The structure shall be no more than sixty inches (60") wide.
 - 4. Structures shall be inconspicuously colored.
 - 5. Railings are permitted only where required by safety concerns.
 - 6. Canopies and roofs on such structures are prohibited.
 - 7. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet.
 - 8. No stairway, landing, elevated walkway, or similar structure shall be constructed without a land use permit having been issued therefore, and any such structure shall be constructed in accordance with best management practices for minimizing adverse impact on the shoreland area and adjoining water. In determining whether a structure will comply with best management practices the Planning and Zoning Department may seek the assistance of the county land conservationist.
 - 9. Only one such structure will be allowed per lot.

(6) ~~(7)~~ **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(b) **Highway and Bluff or Bank Setbacks.**

(1a) **Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.**

a. **Nonconforming Plats.** If a lot of record is not deep enough to accommodate required roadway and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided

the resulting setback is not less than one-half the distance of the required setback. This provision shall not apply in the shoreland.

Section 1. Subsections (a)(1)a. and (a)(1)d. of Section 13-1-23 [Shoreland-Upland Screening, Fencing and Vegetative Management] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

Sec. 13-1-23 Shoreland-Upland Screening, Fencing and Vegetative Management.

Regulation of screening, fencing, and vegetative management is necessary to minimize off-site nuisances, to control erosion, to protect the scenic beauty of an area, and, in the shoreland area, to reduce effluent and nutrient flow from the land to its receiving waters, as follows:

(a) Shoreline Vegetation Protection and Vegetative Management Areas.

- (1) There shall be a shoreland vegetation protection area on each lot adjoining or including navigable water extending from the ordinary high water mark (OHWM) to a line that is 35 feet from the ordinary high water mark. Within such area, the removal of trees, shrubs, and ground cover, and land disturbing activities are prohibited with the following exceptions:
 - a. One 35 foot wide viewing corridor for every one hundred feet (100') of frontage on a body of water and may be established by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading, and other land disturbing activities are prohibited. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing corridor(s) shall be more or less perpendicular to the shore, and shall be set back at least ten (10) feet from each side lot line. For lots with less than 100 feet of frontage, the width of the viewing corridor shall be no more than 35% of the frontage. A viewing/access corridor may not be established where the absence of vegetation provides a similar naturally occurring opening. A viewing corridor may run contiguously for the entire maximum width allowed under this ordinance.
 - d. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1-25 (2) (b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

Section 1. Subsection (e) of Section 13-1-26 [Substandard Lots of Record] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby deleted as follows:

- ~~(e) Common Ownership. If a substandard lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel under the terms of this ordinance, except for~~

~~the purposes of paragraph (c), above, and such substandard lots shall not be transferable unless re-divided to conform to the provisions of this ordinance and the Bayfield County Subdivision Control Ordinance, provided that this provision shall not apply to lots described in subsection (b) above in common ownership of record with abutting lands prior to December 12, 2000.~~

Section 1. Section 13-1-31 [Back Lot Access to Waters] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

Except for waterfront lots on Lake Superior in RRB or Commercial zoning districts ~~and except as provided in Sec. 13-1-32(cm)(5) (pertaining to Conservation Subdivisions)~~, the use of waterfront lots to provide shoreline access to navigable waters from back lots is specifically prohibited, and no land division shall be recorded and no land use permit(s) shall be issued for a waterfront parcel unless the minimum lot area, buildable core and water frontage are provided for each dwelling unit which is located or proposed to be located on the waterfront parcel.

Section 1. Subsection (a) of Section 13-1-33 [Multiple Structures] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

- (a) **Multiple Residences ~~Principal Buildings~~.** A conditional use permit shall be required for more than one (1) residence ~~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 residence ~~principal building~~ may be located on a standard lot.

Section 1. Subsections (f) (g) and (h) of Section 13-1-40 [Nonconforming Uses and Structures] of Article C [Nonconforming Uses and Structures: Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended and section (j) is hereby renumbered to read as follows:

(f) **Shoreland Nonconforming Structures.**

- (3) **Nonconforming Structures Located Thirty-five (35) Feet or More but less than Seventy-five (75) Feet from the Ordinary High Water Mark.** A nonconforming structure located thirty-five (35) or more feet but less than seventy-five (75) feet from the ordinary high water mark may be rebuilt within its existing building envelope, expanded vertically, or expanded laterally provided that:

- a. The resulting structure shall not exceed thirty-five (35) feet in height, as defined in Ch. NR 115.05(1)(f), Wisconsin Administrative Code.
- b. The property owner obtains a land use permit ~~and fulfills the mitigation requirements of paragraph (11) below.~~
- c. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met.

- d. If a nonconforming use of the structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter.
- e. The lateral expansion is to a principal structure, is limited to a maximum of 200 square feet over the life of the structure, and no portion of the expansion is closer to the ordinary high-water mark than the closes point of the existing principal structure. However, the property owner must fulfil the mitigation requirements of paragraph (g) below.
- f. A lateral expansion is allowed to that portion of any structure that is beyond 75 feet of the ordinary high-water mark, provided the owner obtains a land use permit.

(7) **Relocation of Nonconforming Principal Structure.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under paragraph (f) (1) may be relocated on the property provided all of the following requirements are met:

- a. The use of the structure has not been discontinued for a period of twelve (12) months or more if a nonconforming use.
- b. The existing ~~principle~~ principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- c. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- d. The county determines that no other location is available on the property to build a structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement in paragraph (f)(1).
- e. The mitigation requirements of paragraph (g) below are complied with if the relocated structure is the ~~principle~~ principal structure.
- f. The county shall issue a permit that requires all other structures on the lot or parcel that do not comply with the shoreland setback requirements in subs. (4) paragraph (1) and are not exempt under NR 115.05(1)(b)1m, Wisconsin Administrative Code to be removed by the date specified in the permit.
- g.f. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met.

(g) **Mitigation Measures.** As specified in the following provisions, the objective of these mitigation requirements is to compensate for adverse environmental effects when development is permitted to occur within designated shoreline setback areas. The mitigation measures shall be proportional to the amount and impacts of the activity being permitted. In some circumstances, a storm water management plan may be the only and most critical proportional mitigation measure. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the Planning and Zoning Agency ~~Department~~ and/or Land and Water

Conservation Department prior to issuance of the related land use permit(s). When the amount and impact of the activities being permitted merit mitigation measures beyond a storm water management plan, the mandatory mitigation measures shall include:

(4) ~~(6)~~ Accumulating at least four (4) points from among the following proposed or current practices:

- a. Restoration or maintenance of a shoreline vegetation protection area within twenty-five (25) feet of the ordinary high-water mark (OHWM) (1 point).
- b. Restoration or maintenance of a shoreline vegetation protection area within forty (40) feet of the OHWM (2 points).
- c. Restoration or maintenance of a shoreline vegetation protection area within seventy-five (75) feet of the OHWM (3 points).
- d. Restoration of native vegetation along both side yards (1 point).
- e. Removal of nonconforming accessory buildings from the shore setback area (1 point per building).
- f. Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point).
- g. Other practices agreed upon by the Zoning Department (seawall removal, removal of excessive dockage and mooring, removal of artificial sand beaches, etc.) (Points as determined by the Zoning Department).

(h) **Wetland Setbacks.** A nonconforming principal building or structure whose only nonconformity is its setback from a wetland not adjoining or constituting a part of a navigable water or from an intermittent stream may be improved and expanded upon the issuance of a land use permit to the same extent as if it were a conforming structure provided that:

- (1) The use of the structure has not been discontinued for a period of twelve (12) months or more
- (2) The addition or expansion does not increase the nonconformity.

~~Impervious Surface Standards.~~

~~(1) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) through (3) and (2) above, the property owner may do any of the following:~~

- ~~a. Maintenance and repair of all impervious surfaces;~~
- ~~b. Replacement or modification of existing impervious surfaces with similar surfaces within the existing building envelope;~~
- ~~c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning~~

~~Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1) (b), Wisconsin Administrative Code.~~

~~(2) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations:~~

~~a. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio swales or other engineered systems.~~

~~b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.~~

~~(i)(j) **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.** A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.~~

Section 1. Subsections (b)(1a) of Section 13-1-41 [Conditional Uses] of Article C [Nonconforming Uses and Structures: Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby created to read as follows:

(b) Procedures

(1a) ~~In the shoreland,~~ **The Planning and Zoning Agency shall send written notice to the appropriate office of the Department of Natural Resources at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review and shall also send the same office copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.**

Section 1. Subsection (a) of Section 13-1-60 [Zoning District Dimensional Requirements] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

- (a) Subject to subsections (b) through (i), Zoning District Dimensional Requirements for lots shall be as follows ~~(provided that for lots with lake frontage or adjoining or including river or streams, any more restrictive applicable requirements in Sec 13-1-32 shall apply instead):~~

Zoning Districts	Minimum Area	Minimum Average Width For	Minimum Side & Rear Yards	
		Non-Shoreland Lots Only	Principal Building	Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	10'	10'
F-1, R-2, A-1	4½ acres	300'	75'	30'
R-3	2 acres	200'	20'	20'
F-2, A-2	35 acres	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	5'	5'
M	20,000 sq. ft.	100'	10'	10'
R-4				
(a) Sewer/Water	10,000 sq. ft.	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	10'	10'

- (g) Lots to be developed with duplexes shall meet the following requirements:
- ~~(1) A lot providing access to navigable waters to be developed with a duplex shall meet the requirements of Sec. 13-1-32(dg).~~
- ~~(2)~~(1) A lot ~~not providing access to navigable waters~~ to be developed with a duplex shall have maximum lot area equal to twice the minimum lot area required in the zoning district in which it is located.
- (i) Compliance with the minimum average width requirements shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which access is provided. If, due to the lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonable determined by the Planning and Zoning Administrator.

Non-shoreland Lot Minimum Average Width Example:

This calculation example will work in most cases to calculate average width on irregular shaped lots: (example case requires a 200 ft average width).

Section 1. Section 13-1-61 [Zoning Districts] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

(n) S-W Shoreland-Wetland. The Shoreland-Wetland Overlay District is created to accomplish the objectives contained in Ch. NR 115, Wis. Adm. Code, and Title 13, Chapter 3 of this Code of Ordinances. This district is based on the most recent version of the Wisconsin Wetland Inventory prepared by the Wisconsin Department of Natural Resources and reflected on the Surface Water Data Viewer.

(c) **Requirements:**

~~(2) Multiple Unit Developments providing shoreline access to navigable waters shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water.~~

~~(3) Multiple Unit Developments shall have a minimum of 30,000 square feet of open space per unit, with the following exceptions:~~

- ~~a. In an unincorporated village overlay district the minimum open space requirement may be reduced to 5,000 square feet per unit if adequate public open space is available elsewhere, off site, within the district.~~
- ~~b. If the development is to be served by a public sewer system but is not located in an unincorporated village overlay district, the minimum open space requirement may be reduced to 15,000 square feet per unit, except that such reduction shall not apply within the Town of Bayfield.~~
- ~~c. A Multiple Unit Development in an R 3 zoning district shall have a minimum open space requirement of two acres (37,120 sq. ft.) per unit.~~
- ~~d. A Multiple Unit Development in an F 1, A 1, or R 2 zoning district shall have a minimum open space requirement of 4.5 acres (196,020 sq. ft.) per unit.~~

~~(4) The number of units allowed in an Multiple Unit Development may be restricted, through the conditional use permit process, to fewer units than would be allowed under the minimum open space requirements in paragraph (3), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any unit(s) in the development other than dwelling units, such as a restaurant, office, conference center, or bar.~~

Section 1. The table located in subsection (a) of Section 13-1-62 [Classification of Uses] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read, in part, as follows:

PERMISSIBLE USES	R-4	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
	R-3 R-1										
Automobile and Truck (Sales, Repair, Parts, Supplies, Storage)			C	P	P		SB		<u>SB</u>		
Taxidermist			SB	P	SB		C		C		

Section 1. Section 13-1-65 [Town of Barnes Overlay District] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

- ~~(a) Applicability. The Town of Barnes Overlay District shall apply to and include all lands within the Town of Barnes.~~
- ~~(b) Intent of the Town of Barnes Overlay District. The intent of this overlay district is to promote the public health, safety, convenience and general welfare, to encourage planned and orderly land use development; to protect property values and the property tax base; to encourage uses of land, water and other natural resources which are consistent with The Town of Barnes Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man made developments; and to provide healthy surroundings for recreation, tourism and family life.~~
- ~~(c) Nonconforming Parcels. Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county approved certified survey map or plat prior to the adoption of this section on the 29th day of September 2009, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and other parcels shall be governed by this section.~~
- ~~(d) Definitions. All terms contained herein shall be as defined in Sec. 13-1-4.~~
- ~~(e) Shoreline Frontage Requirements for Multiple Unit Developments and Conservation Subdivision in the Town of Barnes. Part of the purpose and intent of the Town of Barnes Overlay shall be achieved by applying minimum shoreline frontage requirements for both Multiple Unit Developments and for Conservation Subdivisions that are equal to the minimum shoreline frontage requirements for single unit dwellings as provided in Sec. 13-1-32(b)(1). All Multiple Unit Developments and Conservation Subdivisions providing access to navigable waters in the Town of Barnes shall be subject to the following minimum shoreline frontage requirements:~~

	Class 1 Lakes	Class 2 Lakes	Class 3 Lakes Rivers, Streams
Shoreline Frontage	150 feet per unit; 600 feet minimum	200 feet per unit; 800 feet minimum	300 feet per unit; 1,200 feet minimum

~~All other minimum requirements for Multiple Unit Developments and Conservation Subdivisions which provide access to navigable waters in the Town of Barnes shall be as stated in, respectively, Sec. 13-1-32(e)(1) and Sec. 13-1-32(em)(1).~~

Reserved for Future Use.

Section 1. Subsection (c) of Section 13-3-22 [Permitted Uses] of Article C [Shoreland-Wetland Zoning District] of Chapter 3 [Shoreland and Wetland Zoning] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

Sec. 13-3-22 Permitted Uses

- (c) Permit Required. Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
- a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-~~37~~ 30(b) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - d. Road construction activities are carried out in the immediate area of the roadbed only; ~~and~~

Section 1. Subsection (b) of Section 13-3-41 [Definitions] of Article E [Penalties; Definitions] of Chapter 3 [Shoreland and Wetland Zoning] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

Sec. 13-3-41 Definitions.

- (b) The following terms used in this chapter mean:
- (7) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State: under s. 281.31(2)(m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
 - b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (15) **Zoning Agency.** The Bayfield County Planning and Zoning Agency Department. Whenever the terms Zoning Department or Bayfield County Planning and Zoning Department appear in this ordinance, said terms shall mean the Bayfield County Planning and Zoning Agency.

Section 1. Subsection (a) of Section 14-1-21 [Compliance] of Article B [General Provisions] of Chapter 1 [County Subdivision Control Code] of Title 14 [Land Divisions], Bayfield County, Wisconsin is hereby amended and subsections (b), (c), and (d) are renumbered to read as follows:

Sec. 14-1-21 Compliance.

- (a) No person, firm, or corporation shall divide land for the purpose of sale, transfer, or development that creates one or more lots of less than five (5) acres, or of less than nineteen (19) acres if any part thereof is located within shorelands (as defined in Section 13-1-4(a)(60) of the Ordinances) without obtaining approval of the Planning and Zoning Department and without complying with the provisions of this Chapter.
- (b) Where applicable, the subdivider shall also comply with the provisions of Ch. 236, Wis. Stats.; the rules of the Wisconsin Department of Commerce as they relate to private sewage systems; the rules of the Wisconsin Department of Transportation as they relate to safety of access and preservation of public interest concerns; and all other laws, regulations or requirements having appropriate authority.
- ~~(b)~~ (c) In the shoreland, the county shall review all land divisions which create 3 or more parcels or building sites of 5 acres each or less within a five-year period. In such a review in the shoreland, all the following factors shall be considered:
 - 1. Hazards to the health, safety or welfare of future residents
 - 2. Proper relationship to adjoining areas.
 - 3. Public access to navigable waters, as required by law.
 - 4. Adequate stormwater drainage facilities.
 - 5. Conformity to state law and administrative code provisions.
- ~~(c)~~ (d) Should any provision of this Chapter conflict with any other law, then the provisions of the more stringent requirement, regulation, restriction or limitation shall prevail.
- ~~(d)~~ (e) No land use permit shall be issued, nor shall any construction activity commence on any lot requiring approval under this Chapter, until final lot division approval has been granted.

The Bayfield County Planning & Zoning Committee's Recommendation is to be approved.

Dated: February 15, 2018

Bayfield County Planning & Zoning Committee

William Bussey, Dennis M. Pocernich, Brett T. Rondeau, Jeffrey Silbert, Fred Strand

A motion was made by Rondeau/Fickbohm to receive and place on file. The motion carried.

12. Bayfield County Amendatory Ordinance No. 2018-01, Amending Ordinance 13-1-4, 13-1-20, 13-1-21, 13-1-22, 13-1-23, 13-1-26, 13-1-31, 13-1-33, 13-1-40, 13-1-41, 13-1-60, 13-1-61, 13-1-62, 13-1-65, 13-3-22, 13-3-41 and 14-1-21, Language Changes, Omissions and Typos, Code of Ordinances, 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:

Except as specifically modified and amended by this Ordinance, the Bayfield Code of Ordinances shall remain in force and effect exactly as originally adopted and previously amended. All Ordinances or parts of Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Subsections (a)(24a) and (a)(75) of Section 13-1-4 [Definitions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby amended and Subsections (a)(1a)(18a)(24a)(35a)(60a)(70a) and (71a) of Section 13-1-4 [Definitions] of Article B [General Provisions of Chapter 1 [Zoning Code] or Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby created to read as follows:

(24a) **Generally Accepted Forestry Management Practices.** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(75) ~~Zoning Agency Department.~~ The Bayfield County Planning and Zoning Agency Department. Whenever the terms Bayfield County Planning and Zoning Department or Planning and Zoning Agency appear in this code, said terms shall mean Bayfield County Planning and Zoning Agency.

Section 1. Subsection (c)(1) and (c)(2) of Section 13-1-20 [General Zoning Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning of the Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

(c) **Maps.** The maps designated below are hereby adopted and made part of this Chapter. They are on file at the Bayfield County Planning and Zoning Agency Department.

(1) United States Geological Survey Quadrangle Maps for Bayfield County.

(2) Wisconsin Wetland Inventory Maps as reflected on the State of Wisconsin DNR Surface Water Data Viewer. ~~Wisconsin Wetland Inventory Maps stamped "FINAL" on March 19, 1985.~~

Section 1. Subsections (b)(3) and (b)(5) of Section 13-1-21 [General Land Use Requirements] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows:

(b) **Land Use Permits.**

(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 decks, additions to decks, or new decks attached to, nonconforming structures shall also require a land use permit.

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

An incomplete application shall expire four (4) months after written notice from the Zoning Agency ~~Department~~ to the applicant that the application is incomplete if it is not completed within such time period.

An incomplete or unfinished application shall expire twelve (12) months from the date received by the Planning and Zoning ~~Department~~, Agency if not completed within such time period unless otherwise already expired.

Section 1. Subsections (a)(4) and (b) of Section 13-1-22 [Setback and Height Restrictions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are amended and Subsections (b)(1a) of Section 13-1-22 [Setback and Height Restrictions] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby created to read as follows:

(a) **Shoreline Setbacks.**

~~(4) Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.~~

~~a. Nonconforming Plats. If a lot platted prior to December 12, 2000 is not deep enough to accommodate required roadway or and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty foot deep building site is established provided the resulting setback is not less than one half the distance of the required setback. This provision shall not apply in the shoreland.~~

- ~~(5)~~ (4) **Minor Structures Exempted.** Minor, innocuous structures whose presence on the setback area has no significant impact relating to the purpose of shoreland zoning as expressed in s. 59.692 and s. 281.31, Wis. Stats., Ch. 144.26(1), Wis. Stats., and which meet all of the following criteria are exempted from the shoreline setback requirement:

- a. Construction shall involve minimal earth disturbing activities.
- b. Construction shall not involve removal of any shoreland vegetation.
- c. The structure shall not be visible from the adjacent waterway or from any public thoroughfare.

- ~~(6)~~(5) **Structures Exempt Under 59.692(1v) Wis. Stats.** As required by Section 59.692(1v), Wis. Stats., the shoreland setback requirements of this ordinance do not apply to the following structures proposed to be constructed or placed in a shoreland setback area (as defined by Sec. 59.692(1)(bn) Wis. Stats.):

- a. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area if all of the following requirements are met:
1. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high water mark.
 2. The total cumulative floor area of all structures within the shoreland setback area of the lot upon which the structure is to be located shall not exceed two hundred (200) square feet, excluding boathouses and walkways.
 3. The structure has no sides or has open or screened sides.
 4. The side yard setback shall be a minimum of fifteen (15) feet.
 5. The structure sidewall height shall not exceed ten (10) feet, with a maximum overhang of twenty-four (24) inches.
 6. The Bayfield County Planning and Zoning Department must approve a plan that will be implemented by the owner of the property to preserve or establish a shoreland buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water. The buffer zone shall comply with the following provisions:
 - i. The buffer zone shall include a tree canopy, a shrub layer and ground cover.
 - ii. There shall be no disturbance of land in the buffer zone, except to establish a buffer zone, and except for Routine Maintenance of Vegetation.
 - iii. The buffer zone must have existed for at least three months prior to the issuance of a permit for the structure. Photographs documenting establishment of the buffer zone must be submitted to the Bayfield County Planning and Zoning Department by the owner prior to the issuance of the permit.
 7. Any permit issued for a structure authorized by this section shall be recorded by affidavit of the Bayfield County Register of Deeds and shall include the conditions of this section.
- b. **Boathouses.** If all of the following requirements are met:
1. Only boathouse construction activities which follow Best Management Practices (BMPs) and are done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which are accomplished in conformity with all applicable federal, state and local laws are permissible in the shoreland.

2. A boathouse shall be designed, constructed and used solely for the storage of boats and/or related equipment and shall not include any habitable living area including but not limited to decks, patios, lean-tos or porches.
 3. A boathouse shall not be equipped with a potable water supply, fireplaces, patio doors, food preparation equipment, furniture or any features inconsistent with the use of the structure exclusively as a boathouse.
 4. A boathouse shall have a gable roof with eaves not to exceed 24 inches.
 5. A boathouse shall not be placed water ward beyond the ordinary high water mark unless otherwise approved by the Department of Natural Resources.
 6. Only one boathouse is permitted, as an accessory structure, for each buildable lot. A boathouse may not be the first structure on the parcel.
 7. A boathouse shall be entirely within the access and viewing corridor; due to the impacts of ice movement, must be set back a minimum of ten feet from the ordinary high-water mark, and shall be constructed in conformity with all floodplain zoning standards.
 8. A boathouse shall not exceed one story. Maximum height from the boathouse floor to the top of the side wall shall not exceed 10 feet. The footprint shall not exceed 400 square feet.
 9. The maintenance and repair of existing nonconforming boathouse, which extend beyond the ordinary high-water mark, shall comply with the requirements of s. 30.121 Wis Stats.
 10. Standards for removal of shoreline vegetation in Section 13-1-23 shall be complied with.
 11. A boathouse must use exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site.
 12. A boathouse requires a land use permit and must include an impervious surface calculation form and associated fee(s).
 13. The roof of a boathouse may be used as a deck provided that the boathouse is an existing boathouse with a flat roof, the roof has no side walls or screens and the roof may have a railing that meets the Department of Safety and Professional services standards.
- c. Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Wis Stats.
 - d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

- e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS Comm 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- f. Devices or systems used to treat runoff from impervious surfaces.
- g. ***Stairways, Walkways or Rail Systems.*** Stairways, elevated walkways and rail systems are exempted from the shoreline setback requirement provided:
 1. The structure is necessary to access the shoreline.
 2. The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public thoroughfares.
 3. The structure shall be no more than sixty inches (60") wide.
 4. Structures shall be inconspicuously colored.
 5. Railings are permitted only where required by safety concerns.
 6. Canopies and roofs on such structures are prohibited.
 7. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet.
 8. No stairway, landing, elevated walkway, or similar structure shall be constructed without a land use permit having been issued therefore, and any such structure shall be constructed in accordance with best management practices for minimizing adverse impact on the shoreland area and adjoining water. In determining whether a structure will comply with best management practices the Planning and Zoning Department may seek the assistance of the county land conservationist.
 9. Only one such structure will be allowed per lot.

(6) ~~(7)~~ **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(b) Highway and Bluff or Bank Setbacks.

(1a) ~~Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.~~

- a. **Nonconforming Plats.** If a lot of record is not deep enough to accommodate required roadway and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. This provision shall not apply in the shoreland.

Section 1. Subsections (a)(1)a. and (a)(1)d. of Section 13-1-23 [Shoreland-Upland Screening, Fencing and Vegetative Management] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

Sec. 13-1-23 Shoreland-Upland Screening, Fencing and Vegetative Management.

Regulation of screening, fencing, and vegetative management is necessary to minimize off-site nuisances, to control erosion, to protect the scenic beauty of an area, and, in the shoreland area, to reduce effluent and nutrient flow from the land to its receiving waters, as follows:

(a) **Shoreline Vegetation Protection and Vegetative Management Areas.**

- (1) There shall be a shoreland vegetation protection area on each lot adjoining or including navigable water extending from the ordinary high water mark (OHWM) to a line that is 35 feet from the ordinary high water mark. Within such area, the removal of trees, shrubs, and ground cover, and land disturbing activities are prohibited with the following exceptions:
 - a. One 35 foot wide viewing corridor for every one hundred feet (100') of frontage on a body of water and may be established by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading, and other land disturbing activities are prohibited. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing corridor(s) shall be more or less perpendicular to the shore, and shall be set back at least ten (10) feet from each side lot line. For lots with less than 100 feet of frontage, the width of the viewing corridor shall be no more than 35% of the frontage. A viewing/access corridor may not be established where the absence of vegetation provides a similar naturally occurring opening. A viewing corridor may run contiguously for the entire maximum width allowed under this ordinance.
 - d. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1:25 (2) (b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

Section 1. Subsection (e) of Section 13-1-26 [Substandard Lots of Record] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby deleted as follows:

~~(e) Common Ownership. If a substandard lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel under the terms of this ordinance, except for the purposes of paragraph (e), above, and such substandard lots shall not be transferable unless re-divided to conform to the provisions of this ordinance and the Bayfield County Subdivision Control Ordinance, provided that this provision shall not apply to lots described in subsection (b) above in common ownership of record with abutting lands prior to December 12, 2000.~~

Section 1. Section 13-1-31 [Back Lot Access to Waters] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

Except for waterfront lots on Lake Superior in RRB or Commercial zoning districts ~~and except as provided in Sec. 13-1-32(cm)(5) (pertaining to Conservation Subdivisions)~~, the use of waterfront lots to provide shoreline access to navigable waters from back lots is specifically prohibited, and no land division shall be recorded and no land use permit(s) shall be issued for a waterfront parcel unless the minimum lot area, buildable core and water frontage are provided for each dwelling unit which is located or proposed to be located on the waterfront parcel.

Section 1. Subsection (a) of Section 13-1-33 [Multiple Structures] of Article B [General Provisions] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

(a) **Multiple Residences ~~Principal Buildings~~.** A conditional use permit shall be required for more than one (1) residence ~~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 residence ~~principal building~~ may be located on a standard lot.

Section 1. Subsections (f) (g) and (h) of Section 13-1-40 [Nonconforming Uses and Structures] of Article C [Nonconforming Uses and Structures: Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended and section (j) is hereby renumbered to read as follows:

(f) **Shoreland Nonconforming Structures.**

(3) **Nonconforming Structures Located Thirty-five (35) Feet or More but less than Seventy-five (75) Feet from the Ordinary High Water Mark.** A nonconforming structure located thirty-five (35) or more feet but less than seventy-five (75) feet from the ordinary high water mark may be rebuilt within its existing building envelope, expanded vertically, or expanded laterally provided that:

- a. The resulting structure shall not exceed thirty-five (35) feet in height, as defined in Ch. NR 115.05(1)(f), Wisconsin Administrative Code.
- b. The property owner obtains a land use permit ~~and fulfills the mitigation requirements of paragraph (11) below.~~

- c. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met.
- d. If a nonconforming use of the structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter.
- e. The lateral expansion is to a principal structure, is limited to a maximum of 200 square feet over the life of the structure, and no portion of the expansion is closer to the ordinary high-water mark than the closes point of the existing principal structure. However, the property owner must fulfil the mitigation requirements of paragraph (g) below.
- f. A lateral expansion is allowed to that portion of any structure that is beyond 75 feet of the ordinary high water mark, provided the owner obtains a land use permit.

(7) **Relocation of Nonconforming Principal Structure.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under paragraph (f) (1) may be relocated on the property provided all of the following requirements are met:

- a. The use of the structure has not been discontinued for a period of twelve (12) months or more if a nonconforming use.
- b. The existing ~~principle~~ principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- c. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- d. The county determines that no other location is available on the property to build a structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement in paragraph (f)(1).
- e. The mitigation requirements of paragraph (g) below are complied with if the relocated structure is the ~~principle~~ principal structure.
- f. The county shall issue a permit that requires all other structures on the lot or parcel that do not comply with the shoreland setback requirements in subs. (4) paragraph (1) and are not exempt under NR 115.05(1)(b)1m, Wisconsin Administrative Code to be removed by the date specified in the permit.
- g.f. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met.

(g) **Mitigation Measures.** As specified in the following provisions, the objective of these mitigation requirements is to compensate for adverse environmental effects when development is permitted to occur within designated shoreline setback areas. The mitigation measures shall be proportional to the amount and impacts of the activity being permitted. In

some circumstances, a storm water management plan may be the only and most critical proportional mitigation measure. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the Planning and Zoning ~~Agency Department~~ and/or Land and Water Conservation Department prior to issuance of the related land use permit(s). When the amount and impact of the activities being permitted merit mitigation measures beyond a storm water management plan, the mandatory mitigation measures shall include:

~~(4)~~ (6) Accumulating at least four (4) points from among the following proposed or current practices:

- a. Restoration or maintenance of a shoreline vegetation protection area within twenty-five (25) feet of the ordinary high water mark (OHWM) (1 point).
- b. Restoration or maintenance of a shoreline vegetation protection area within forty (40) feet of the OHWM (2 points).
- c. Restoration or maintenance of a shoreline vegetation protection area within seventy-five (75) feet of the OHWM (3 points).
- d. Restoration of native vegetation along both side yards (1 point).
- e. Removal of nonconforming accessory buildings from the shore setback area (1 point per building).
- f. Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point).
- g. Other practices agreed upon by the Zoning Department (seawall removal, removal of excessive dockage and mooring, removal of artificial sand beaches, etc.) (Points as determined by the Zoning Department).

(h) **Wetland Setbacks.** A nonconforming principal building or structure whose only nonconformity is its setback from a wetland not adjoining or constituting a part of a navigable water or from an intermittent stream may be improved and expanded upon the issuance of a land use permit to the same extent as if it were a conforming structure provided that:

- (1) The use of the structure has not been discontinued for a period of twelve (12) months or more
- (2) The addition or expansion does not increase the nonconformity.

~~**Impervious Surface Standards.**~~

~~(1) **Existing Impervious Surfaces.** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) through (3) and (2) above, the property owner may do any of the following:~~

- ~~a. Maintenance and repair of all impervious surfaces;~~
- ~~b. Replacement or modification of existing impervious surfaces with similar surfaces within the existing building envelope;~~

~~e. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1) (b), Wisconsin Administrative Code.~~

~~(2) *Treated Impervious Surfaces*: Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations:~~

~~a. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio swales or other engineered systems.~~

~~b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.~~

~~(i)(j) **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.** A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.~~

Section 1. Subsections (b)(1a) of Section 13-1-41 [Conditional Uses] of Article C [Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby created to read as follows:

(d) Procedures

(1a) ~~In the shoreland,~~ The Planning and Zoning Agency shall send written notice to the appropriate office of the Department of Natural Resources at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review and shall also send the same office copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

Section 1. Subsection (a) of Section 13-1-60 [Zoning District Dimensional Requirements] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

- (a) Subject to subsections (b) through (i), Zoning District Dimensional Requirements for lots shall be as follows ~~(provided that for lots with lake frontage or adjoining or including river or streams, any more restrictive applicable requirements in Sec 13-1-32 shall apply instead):~~

Zoning Districts	Minimum Area	Minimum Average Width For	Minimum Side & Rear Yards	
		Non-Shoreland Lots Only	Principal Building	Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	10'	10'
F-1, R-2, A-1	4½ acres	300'	75'	30'
R-3	2 acres	200'	20'	20'
F-2, A-2	35 acres	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	5'	5'
M	20,000 sq. ft.	100'	10'	10'
R-4				
(a) Sewer/Water	10,000 sq. ft.	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	10'	10'

- (g) Lots to be developed with duplexes shall meet the following requirements:
- (1) ~~A lot providing access to navigable waters to be developed with a duplex shall meet the requirements of Sec. 13-1-32(dg).~~
- ~~(2)~~(1) A lot ~~not providing access to navigable waters~~ to be developed with a duplex shall have maximum lot area equal to twice the minimum lot area required in the zoning district in which it is located.
- (i) Compliance with the minimum average width requirements shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which access is provided. If, due to the lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonable determined by the Planning and Zoning Administrator.

Non-shoreland Lot Minimum Average Width Example:

This calculation example will work in most cases to calculate average width on irregular shaped lots: (example case requires a 200 ft average width).

Section 1. Section 13-1-61 [Zoning Districts] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

(n) **S-W Shoreland-Wetland.** The Shoreland-Wetland Overlay District is created to accomplish the objectives contained in Ch. NR 115, Wis. Adm. Code, and Title 13, Chapter 3 of this Code of Ordinances. This district is based on the most recent version of the Wisconsin Wetland Inventory prepared by the Wisconsin Department of Natural Resources and reflected on the Surface Water Data Viewer.

(c) **Requirements.**

~~(2) Multiple Unit Developments providing shoreline access to navigable waters shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water.~~

~~(3) Multiple Unit Developments shall have a minimum of 30,000 square feet of open space per unit, with the following exceptions:~~

~~a. In an unincorporated village overlay district the minimum open space requirement may be reduced to 5,000 square feet per unit if adequate public open space is available elsewhere, off site, within the district.~~

~~b. If the development is to be served by a public sewer system but is not located in an unincorporated village overlay district, the minimum open space requirement may be reduced to 15,000 square feet per unit, except that such reduction shall not apply within the Town of Bayfield.~~

~~c. A Multiple Unit Development in an R-3 zoning district shall have a minimum open space requirement of two acres (37,120 sq. ft.) per unit.~~

~~d. A Multiple Unit Development in an F-1, A-1, or R-2 zoning district shall have a minimum open space requirement of 4.5 acres (196,020 sq. ft.) per unit.~~

~~(4) The number of units allowed in an Multiple Unit Development may be restricted, through the conditional use permit process, to fewer units than would be allowed under the minimum open space requirements in paragraph (3), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any unit(s) in the development other than dwelling units, such as a restaurant, office, conference center, or bar.~~

Section 1. The table located in subsection (a) of Section 13-1-62 [Classification of Uses] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read, in part, as follows:

PERMISSIBLE USES	R-4	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
	R-3 R-1										
Automobile and Truck (Sales, Repair, Parts, Supplies, Storage)			C	P	P		SB		<u>SB</u>		
Taxidermist			SB	P	SB		C		C		

Section 1. Section 13-1-65 [Town of Barnes Overlay District] of Article D [Zoning Districts] of Chapter 1 [Zoning Code] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

- ~~(a) **Applicability.** The Town of Barnes Overlay District shall apply to and include all lands within the Town of Barnes.~~
- ~~(b) **Intent of the Town of Barnes Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare, to encourage planned and orderly land use development; to protect property values and the property tax base; to encourage uses of land, water and other natural resources which are consistent with The Town of Barnes Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man made developments; and to provide healthy surroundings for recreation, tourism and family life.~~
- ~~(c) **Nonconforming Parcels.** Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county approved certified survey map or plat prior to the adoption of this section on the 29th day of September 2009, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and other parcels shall be governed by this section.~~
- ~~(d) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4.~~
- ~~(e) **Shoreline Frontage Requirements for Multiple Unit Developments and Conservation Subdivision in the Town of Barnes.** Part of the purpose and intent of the Town of Barnes Overlay shall be achieved by applying minimum shoreline frontage requirements for both Multiple Unit Developments and for Conservation Subdivisions that are equal to the minimum shoreline frontage requirements for single unit dwellings as provided in Sec. 13-1-32(b)(1). All Multiple Unit Developments and Conservation Subdivisions providing access to navigable waters in the Town of Barnes shall be subject to the following minimum shoreline frontage requirements:~~

	Class 1 Lakes	Class 2 Lakes	Class 3 Lakes Rivers, Streams
Shoreline Frontage	150 feet per unit; 600 feet minimum	200 feet per unit; 800 feet minimum	300 feet per unit; 1,200 feet minimum

~~All other minimum requirements for Multiple Unit Developments and Conservation Subdivisions which provide access to navigable waters in the Town of Barnes shall be as stated in, respectively, Sec. 13-1-32(e)(1) and Sec. 13-1-32(em)(1).~~

Reserved for Future Use.

Section 1. Subsection (c) of Section 13-3-22 [Permitted Uses] of Article C [Shoreland-Wetland Zoning District] of Chapter 3 [Shoreland and Wetland Zoning] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin are hereby amended to read as follows:

Sec. 13-3-22 Permitted Uses

- (c) **Permit Required.** Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
- a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-~~37~~ 30(b) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - d. Road construction activities are carried out in the immediate area of the roadbed only; ~~and~~

Section 1. Subsection (b) of Section 13-3-41 [Definitions] of Article E [Penalties; Definitions] of Chapter 3 [Shoreland and Wetland Zoning] of Title 13 [Zoning Code of Ordinances], Bayfield County, Wisconsin is hereby amended to read as follows:

Sec. 13-3-41 Definitions.

- (b) The following terms used in this chapter mean:
- (7) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State: under s. 281.31(2)(m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
 - b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (15) **Zoning Agency.** The Bayfield County Planning and Zoning Agency Department. Whenever the terms Zoning Department or Bayfield County Planning and Zoning

Department appear in this ordinance, said terms shall mean the Bayfield County Planning and Zoning Agency.

Section 1. Subsection (a) of Section 14-1-21 [Compliance] of Article B [General Provisions] of Chapter 1 [County Subdivision Control Code] of Title 14 [Land Divisions], Bayfield County, Wisconsin is hereby amended and subsections (b), (c), and (d) are renumbered to read as follows:

Sec. 14-1-21 Compliance.

- (a) No person, firm, or corporation shall divide land for the purpose of sale, transfer, or development that creates one or more lots of less than five (5) acres, or of less than nineteen (19) acres if any part thereof is located within shorelands (as defined in Section 13-1-4(a)(60) of the Ordinances) without obtaining approval of the Planning and Zoning Department and without complying with the provisions of this Chapter.
- (b) Where applicable, the subdivider shall also comply with the provisions of Ch. 236, Wis. Stats.; the rules of the Wisconsin Department of Commerce as they relate to private sewage systems; the rules of the Wisconsin Department of Transportation as they relate to safety of access and preservation of public interest concerns; and all other laws, regulations or requirements having appropriate authority.
- ~~(b)~~ (c) In the shoreland, the county shall review all land divisions which create 3 or more parcels or building sites of 5 acres each or less within a five-year period. In such a review in the shoreland, all the following factors shall be considered:
1. Hazards to the health, safety or welfare of future residents
 2. Proper relationship to adjoining areas.
 3. Public access to navigable waters, as required by law.
 4. Adequate stormwater drainage facilities.
 5. Conformity to state law and administrative code provisions.
- ~~(e)~~ (d) Should any provision of this Chapter conflict with any other law, then the provisions of the more stringent requirement, regulation, restriction or limitation shall prevail.
- ~~(d)~~ (e) No land use permit shall be issued, nor shall any construction activity commence on any lot requiring approval under this Chapter, until final lot division approval has been granted.

SEVERABILITY. If a Court of competent jurisdiction adjudges any section, clause, provision, or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

EFFECTIVE DATE: This Ordinance shall take effect and be in full force from and after its passage.

The Bayfield County Board of Supervisors' decision is to be approved.

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Rondeau/Bussey to adopt Bayfield County Amendatory Ordinance No. 2018-01 Amending Ordinance 13-1-4, 13-1-20, 13-1-21, 13-1-22, 13-1-23, 13-1-26, 13-1-31, 13-1-33, 13-1-40, 13-1-41, 13-1-60, 13-1-61, 13-1-62, 13-1-65, 13-3-22, 13-3-41 and 14-1-21, Language Changes, Omissions and Typos, Code of Ordinances, Bayfield County, Wisconsin.

13, Bayfield County Resolution No. 2018-12, 2018 Budget Amendment Closing the Industrial Development Enterprise Fund and Creating a Business Park Cost Center Within the General Fund. Abeles-Allison explained to the Board that the County's auditors have recommended that we do away with the Industrial Development Enterprise Fund and create a Business park Cost Center within the General Fund as this is the proper place it should be located.

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

WHEREAS, Bayfield County maintained a dedicated Agricultural Research Station (Industrial Development) Fund, which was used to manage that site; *and*

WHEREAS, the fund was considered an "Enterprise Fund" for governmental accounting purposes; *and*

WHEREAS, the need for a dedicated fund has changed as the purpose of the site has changed; *and.*

WHEREAS, the county's auditor has recommended that there is no longer need for an Enterprise Fund and that the site should be managed within the county's General Fund; *and*

WHEREAS, the County plans to establish this as Department 77 within the General Fund; *and*

WHEREAS, at the end of 2017 there was a cash balance of \$122,872.67, this balance will be put forward in the non-lapsing line item; *and*

WHEREAS, in future years, any property sales, grants and lease revenues will be moved forward to a non-lapsing account balance within the 77 department for future investment/expenses in the business park.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this this 27th day of February, 2018 approves the following budget amendment to move the existing Enterprise Fund budget amounts to the county's General Fund:

Account	Description	Increase	Decrease
770-77-48900	All Other Revenue		250,000
770-77-49201	Transfer from Other Funds		150,000
770-77-49301	Fund Balance Applied		100,000
770-77-49401	Sale of Fixed Assets		20,000
770-77-56130-50290	Contractual Services		500,000
770-77-56130-50340	Operating Supplies		19,650
770-77-56130-50510	Insurance		350

100-77-48900	All Other Revenue	250,000	
100-00-49301	Fund Balance Applied	100,000	
100-77-48302	Sale of Land	20,000	
100-00-59770-50998	Transfer to 770 Fund		150,000
100-77-51605-50290	Contractual Services	500,000	
100-77-51605-50340	Operating Supplies	19,650	
100-77-51605-50510	Insurance	350	

BE IT FURTHER RESOLVED, that the 770 Ag Station Fund will be eliminated and it will be replaced with the 100-77 Business Park Department within the General Fund.

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Maki/Fickbohm to adopt Bayfield County Resolution No. 2018-12, 2018 Budget Amendment Closing the Industrial Development Enterprise Fund and Creating a Business Park Cost Center within the General Fund. Discussion took place. The motion carried.

14. Bayfield County Resolution No. 2018-13, Establishing Total Compensation for County Elected Officials (Sheriff, Clerk of Circuit Court & Coroner) Pursuant to Wisconsin Statute §59.22. Abeles-Allison explained that wages must be set prior to the Spring Election on April 3rd and election papers are taken out. The Executive committee met and is making full recommendation to Board for passage of this Resolution. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, pursuant to Wis. Stat. § 59.22(1), the County Board must establish the total annual compensation for services to be paid to county elected officials prior to the earliest time for filing nomination papers for the county elective office; *and*

WHEREAS, the Board desires to establish the total annual compensation for county elected officials, which is separate and distinct from the fringe benefits offered by the County to elected officials, and which fringe benefits are subject to increase or decrease during the officer's term at the discretion of the Board and in accordance with state and federal law; *and*

WHEREAS, as part of the County's fringe benefit program, county elected officials may participate in the Wisconsin Retirement System in accordance with state law; *and*

WHEREAS, as part of the County's fringe benefit program, county elected officials may elect to receive health insurance coverage under the same terms and conditions as the health insurance coverage offered to non-represented managerial county employees; *and*

WHEREAS, the position of Register in Probate is a judicial appointment and this position may be held by the Clerk of Court; *and*

WHEREAS, in 2014, the Sheriff's wage was adjusted based on the Sheriff contributing the employee share of Wisconsin Retirement System Contributions.

NOW, THEREFORE, BE IT RESOLVED that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018, state the total annual compensation for county elected officials under Wis. Stat. §59.22(1) shall be as follows, effective on the first day of a term of office that begins after the date of this Resolution:

Elected Official Compensation:

	2019	2020	2021	2022
Sheriff	\$73,453.26	\$74,922.33	\$76,421	\$77,949
Clerk of Court	\$60,897.55	\$62,115.50	\$63,358	\$64,625
Coroner	\$6,123.06	\$6,245.52	\$6,370	\$6,498

BE IT FURTHER RESOLVED that if the Clerk of Court is appointed to the position of Register in Probate, and shall receive an annual stipend above and beyond the Clerk of Court compensation listed in the compensation schedule above; *and*

BE IT FURTHER RESOLVED that the aforementioned county elected officials are entitled to participate in the Wisconsin Retirement System in accordance with law and the County shall pay its share of contributions required by law. The wages here are calculated with the idea that all elected officials are paying the employee share of WRS; *and*

BE IT FURTHER RESOLVED that the county will compensate elected officials for unused sick leave, upon reaching the age of 55, if they worked and accrued compensable sick leave with Bayfield County prior to taking elected office. Compensation will be based on county policy and formula as reflected in the letter in the employees personnel file. Such compensation shall be in addition to the compensation identified in the compensation schedule above; *and*

BE IT FURTHER RESOLVED that the aforementioned county elected officials are entitled to participate in the County's health insurance program subject to the terms and conditions of the program, which may be modified from time to time, under the same terms and conditions as the health insurance coverage offered to non-represented managerial county employees.

By Action of the
Bayfield County Board of Supervisors
 Dennis M. Pocernich, *Chairman*

A motion was made by Fickbohm/Crandall to adopt Bayfield County Resolution No. 2018-13, Establishing Total Annual Compensation for County Elected Officials (Sheriff, Clerk of Circuit Court, Coroner) Pursuant to Wis. Stats. §59.22. Discussion took place on the wage study that was passed and how we can't keep paying more money because people are unhappy. That was the purpose of the wage study, to determine where employees should be per a pay schedule. Discussion also took place on the current salaries and they are appropriate. In all likelihood, there will be an increase due to inflation over the next 4 years as well. It seemed that more Supervisors were in favor of 2% for the entire 4 years. Further discussion took place.

A motion was made by Bussey/Silbert to change years 3 and 4 to receive 2% rather than 2½%. The rationale was that this has been to the Executive Committee prior and passed 3 to 1. There was considerable discussion at the Executive Committee level. Concerns were addressed and it was agreed to pass on to the full County Board knowing that there would be further discussion at this level. A very lengthy discussion took place on the wage and fringe benefits.

There being no further discussion, *the Board voted on the amendment to the motion to change years 3 and 4 to receive an increase 2% rather than 2½%. The motion carried.*

A roll call vote was taken on the original motion as follows: Coughtry-absent; Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

15. Bayfield County Resolution No. 2018-14, 2018 Budget Amendment for Criminal Justice Treatment Alternatives and Diversion Grant. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, Bayfield County was awarded a Treatment Alternatives and Diversions (TAD) grant through the WI Department of Justice in late 2017 for 2018; *and*

WHEREAS, the Bayfield County Criminal Justice Program and the Bayfield County Sheriff's Office work cooperatively on this grant, each receiving a share of the grant funding for related expenses; *and*

WHEREAS, supplemental funding was requested through the Criminal Justice Program for additional treatment and case management services related to TAD activities; *and*

WHEREAS, \$65,283 was budgeted in the Criminal Justice Department Budget for TAD related expenses and revenues in 2018; *and*

WHEREAS, the 2018 budgeted expenses in the Criminal Justice TAD budget did not accurately reflect the appropriate allocation of expense or revenue items; *and*

WHEREAS, an additional \$11,607 in funding will be used by the Criminal Justice Program for TAD related expenses, with offsetting revenues to be received through the TAD Grant.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors, assembled this 27th day of February 2018 approve the following budget amendment to the Treatment Alternatives and Diversions Grant in the Criminal Justice budget:

<u>Increase</u> TAD Grant Revenue line 100-04-43522-005 by	\$11,607
<u>Decrease</u> TAD Grant Expenses:	
Part-Time Wages 100-04-52717-50122 by	(\$4,193)
County Share WRS 100-04-52717-50152 by	(\$ 259)
<u>Increase</u> TAD Grant Expenses:	
Temporary Employee Wages 100-04-52717-50123 by	\$3,100
FICA/Medicare 100-04-52717-50151 by	\$ 756
Mileage 100-04-52717-50332 by	\$1,875
Meals 100-04-52717-50335 by	\$ 250
Lodging 100-04-52717-50336 by	\$ 375
Contractual Services 100-04-52717-50290 by	\$4,380
Office Supplies 100-04-52717-50310 by	\$ 550
Operating Supplies 100-04-52717-50340 by	\$4,773

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Miller/Rondeau to adopt Bayfield County Resolution No. 2018-14, 2018 Budget Amendment for Criminal Justice Treatment Alternatives and Diversion Grant. A roll call vote took place as follows: Miller-yes; Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-absent. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

16. Bayfield County Resolution No. 2018-18, Request to Amend the 2018 Bayfield County Land & Water Conservation Department Budget. The Board dispensed with the reading of the Resolution, which reads as follows:

WHEREAS, the Bayfield County Land and Water Conservation Department requests that their 2018 budget be amended as follows to reflect grant funding modifications; *and*

WHEREAS, the Land & Water Conservation was awarded a new Weed Management Area-Private Forest-Garlic Mustard grant in 2017 and after the 2018 budget was submitted. The grant period runs through June 30, 2019, in the amount of \$13,710; *and*

WHEREAS, no expenses were incurred in 2017 for the Garlic Mustard Grant; *and*

WHEREAS, the Land & Water Conservation 2018 budget was established anticipating a 2017 carry over balance of \$3,164.00 in the GLRI Boat Washer (Mod 002) grant, however, the actual year-end carry-over balance was \$2,868.39; *and*

WHEREAS, an additional \$14,864.22 was awarded for the GLRI Boat Washer (Mod 006) grant which was not included in the 2018 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 27th day of February, 2018 approves the following budget amendments to reflect modifications to the grant, cost-share and cooperative agreements.

Increase revenue account 100-28-43580-007 (Garlic Mustard) by \$13,710.00
Increase expense account 100-28-56144-50290 Contractual (Garlic Mustard) by \$10680.00
Increase expense account 100-28-56144-50530 Rent (Garlic Mustard) by \$2700.00
Increase expense account 100-28-56144-50320 Subscriptions (Garlic Mustard) by \$180.00
Increase expense account 100-28-56144-50335 Meals (Garlic Mustard) by \$150.00

Increase revenue account 100-28-43273-003 GLRI Boat Washer by \$14,568.61
Increase expense account 100-28-56102-50290 Contractual (GLRI Boat Washer) by \$3,229.61
Increase expense account 100-28-56102-50123 Temp Emp (GLRI Boat Washer) by \$7,000.00
Increase expense account 100-28-56102-50151 FICA/Med (GLRI Boat Washer) by \$539.00
Increase expense account 100-28-56102-50332 Mileage (GLRI Boat Washer) by \$2,800.00
Increase expense account 100-28-56102-50390 Other Supplies (GLRI Boat Washer) by \$1,000.00

By Action of the
Bayfield County Board of Supervisors
Dennis M. Pocernich, *Chairman*

A motion was made by Strand/Fickbohm to adopt Bayfield County Resolution No. 2018-18, Request to Amend the 2018 Bayfield County Land & Water Conservation Department Budget. A roll call vote took place as follows: Crandall-yes; Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-yes; Oswald-yes; Silbert-yes; Pocernich-yes; Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes. Total 13: 12 yes, 0 no, 1 absent. The motion carried.

17. **Discussion and Possible Action Regarding North Country Scenic Trail.** Supervisor Crandall reported to the Board on the North Country Trail Route Adjustment. The proposed reroute makes use of the existing Superior Hiking Trail, Border Route Trail, and Kekekabic Trail as components of a much more feasible and scenic route along Lake Superior and through the Boundary Waters Canoe Area. Crandall explained that over the years the Superior Hiking Trail has been included, however, not officially part of the North Country Trail. The Park Service is a partner in this reroute and has also identified this reroute as a preferred alternative. Crandall stated that Bayfield County has been trying to promote more hiking and backpacking through tourism. This letter before you to the House Natural Resources Committee and the House Natural Resources Federal Lands Sub-committee supports the development of this trail. Crandall was looking for support and authorization to send out the letter. After a brief discussion, *a motion was made by Bussey/Oswald to send a letter of support to the House Natural Resources Committee and the House Natural Resources Federal Lands Sub-committee, as well as copy representatives Richard Nolan and Sean Duffy. The motion carried.*

18. **Discussion and Possible Action Regarding Support for Apostle Islands National Lakeshore Storm Repair and Restoration.** Abeles-Allison informed the Board that in their packet is a draft letter that will be sent to the National Park Service and the U.S. Senator and Representatives regarding the damage to the buildings and lakeshore amongst the Apostle Islands.

The Board discussed sending the letter as it is important that the Board know that the Board is in support of restoring safe access to the Apostle Islands. A letter from the Town of Russell sent a letter to the Board stating they did not support this request. It was discussed at their Feb. 13th meeting and the Town Board felt it was premature to send a letter to our representatives prior to the NPS making a determination of the cost to repair the damage. The letter did not ask for any specific amount of funding or identifying repairs to be made. The Town Board encouraged the county Board to not support this letter until a more specific request for funding to achieve needed repairs can be determined by the NPS.

A lengthy discussion took place and *a motion was made by Silbert/Fickbohm to be a signatory for this letter in support.* Further discussion took place on the letter received by the Town of Russell which Abeles-Allison read to the Board. Supervisor Silbert believes the Town of Russell is off target and that now is the time to express the need for help as this is budget time. The exact costs can come later, but we need to express the need and concern. The Board stated

they would like the NPS' input on this subject. Bob Krumenaker, National Park Service Superintendent, could not attend this evening's meeting but would attend a meeting in the future. Further discussion took place, *and a motion was made by Oswald/Fickbohm was made to suspend the rules to allow Kristy Jensch to speak to the board. The motion carried with one opposition.* Jensch stated that Krumenaker has been notified and was appreciative of the letter. The letter is simply letting legislation know that we are concerned. We are not talking about dollars and cents, just about the damage that has taken place. The Apostle Islands Conservancy will be meeting in Madison will be meeting with Johnson and Baldwin as well.

A vote on the original motion took place to send a letter in support, *the motion failed.* The Board wanted this item place on the next agenda for discussion with the National Park Service.

19. Discussion and Possible Action Regarding Ice Angel Memorandum of Understanding. The Executive Committee met and this topic has been discussed over a few meetings. It was suggested that a Memorandum of Understanding be drafted providing \$5,000 per year to the City of Ashland for the Ice Angel operations in the Chequamegon Bay. Discussion took place as to why Bayfield County is getting involved as there are other entities that are capable of doing this and we should take advantage of those services. Bayfield County agreed to this because it was recommended by the Sheriff. A lengthy discussion took place on the coverage and if it in fact went all the way to the South Shore area and then what about inland lakes, will the Ice Angel cover those as well? Further discussion on the \$5,000. This is just a retainer, plus the individuals that are being rescued would also be billed. The Memorandum reads as follows:

MEMORANDUM OF UNDERSTANDING 2018 Ice/Water Rescue Agreement

Based on the following recitals and other good and valuable consideration, this agreement is made and entered into by and between the City of Ashland, a Wisconsin municipality ("the City") and the County of Ashland, and the County of Bayfield ("Counties"), two bodies corporate and politic of the State of Wisconsin.

RECITALS

WHEREAS, §59.27(11) Wisconsin Statutes provides that the Sheriff of a County shall conduct operations within the County and when the County Board so provides, conduct operations in waters of which the County has jurisdiction under s.2.04 (Lake Superior) for the rescue of human beings and for the recovery of human bodies, and

WHEREAS, in 2003, Ashland County obtained a motorized rescue vessel (and trailer) manufactured by Windmark called Ice Angel IV ("the Ice Angel") which is designed to be used for ice rescue purposes; *and*

WHEREAS, the City, situated on the shore of Lake Superior has a full-time fire department with medically trained personnel that can respond to rescue calls on the water; *and*

WHEREAS, under the terms of the 2003 Ice/Water Agreement, the County of Ashland donated and transferred its Ice Angel vessel to the City, the City has provided ice/water rescue/human body recovery services and Ashland County has made payment to the City; *and*

WHEREAS, the County of Ashland, on May 22, 2017 gave the City written Notice of Termination of the 2003 Ice/Water Agreement with the intent of entering into a new agreement with the City, Ashland County and Bayfield County; *and*

WHEREAS, the Community rallied in 2017 to raise funds for a major equipment and trailer overhaul.

NOW, THEREFORE, The City and the Counties agree as follows:

1. **Provision of services.** The City will, under the Counties authority, use the Ice Angel and provide ice/water rescue/human body recovery services within the Counties and the waters of which the Counties have jurisdiction under s.2.04 (Lake Superior) as the Sheriff would do so pursuant to §59.27(11) Wisconsin Statutes.
2. **Good repair.** The City will keep and maintain the Ice Angel in good repair so it is in a constant state of readiness.
3. **Housing.** The City will house the Ice Angel and bear the expenses associated with such housing at no charge
4. **Best Efforts.** The City will use its best efforts in performing this agreement but provides no guarantee as to the effectiveness of its equipment or personnel in providing the services contracted for herein.
5. **Payments to the City.**
 - (a) The Counties annually will contribute individually an amount of \$5,000 to help cover costs of the Ice Angel operations and repair beginning in 2019. If operation and maintenance costs are less than the contribution made by the Counties, the City will keep the excess contribution in a separate non-lapsing account for future repairs. Operation and repair costs shall include overtime and equipment repair. There will be a \$20,000 cap on the balance of this non-lapsing account.
 - (b) No payment shall be made to cover the costs resulting from any training exercise, nor deployments resulting in a non-rescue attempt or stand-down or normal and expected personnel or maintenance expenses. These costs will be borne by the City as an in-kind match for this agreement.
 - (c) Ashland County is authorized to bill Bayfield County residents for rescue services rendered.
 - (d) The City will continue to solicit funds from the public and organizations to help support the operation of the Ice Angel.

6. City Fire Chief. The City Fire Chief or his/her designee, under the direction of the Ashland or Bayfield County Sheriff, is responsible for all operation aspects of the ice/water rescue/recovery program provided for herein. The City Fire Chief or his/her designee shall have the authority and be the final decision maker as to the deployment of the Ice Angel vessel once a risk/benefit analysis to rescuer safety has been completed.
7. Dispute Resolution. The parties agree to the following procedures for the resolution of any dispute which may arise out of this Agreement or breach of this Agreement:
 - (a) Negotiation. If any dispute arises with respect to this Agreement or the breach thereof, the parties shall seek to resolve the dispute through settlement negotiations. Written notice of any dispute specifying in detail the factual bases for any alleged non-compliance must be given to the other parties by the party providing notice. All parties shall participate in good faith negotiations to resolve the dispute and within ten (10) days following delivery of the written notice of dispute, representatives of all governing bodies shall meet to resolve the dispute.
 - (b) If resolution is not reached after three negotiation sessions a meeting of the chief elected officials (Two County Board Chairs and Mayor) of each jurisdiction shall assemble to resolve the matter, consensus is required for a decision.
8. This agreement may be terminated with 90 days-notice to the other parties. In the event of the termination of this Agreement, Ashland and Bayfield County will each receive one-half (1/2) of any funds held in the non-lapsing account created by this agreement.
9. This Agreement is effective when it has been approved by the City Council of the City of Ashland and the County Board of Supervisors of the Counties of Ashland and Bayfield. This Agreement shall remain in full force and effect until either party gives the other parties ninety (90) days written notice of its termination.

City of Ashland: _____ Date _____
 Mayor

ATTEST _____
 City Clerk

County of Ashland: _____ Date _____
 Ashland County Board Chairperson

ATTEST _____
 County Clerk

County of Bayfield: _____ Date _____
 Bayfield County Board Chairperson

ATTEST _____
 County Clerk

A motion was made by Bussey/Silbert to approve the Memorandum of Understanding with 90 days, with it starting in 2019. Discussion took place that \$1,000 was budgeted this year, \$2,500 the way the agreement is drafted. We will be starting the 2019 budgeting process soon. A roll call vote was taken as follows: Rondeau-yes; Newago-yes; Bussey-yes; Fickbohm-yes; Maki-no; Oswald-yes; Silbert-yes; Pocernich-no; Strand-yes; Snilsberg-yes; Coughtry-absent; Miller-yes; Crandall-yes. Total 13: 10 yes, 2 no, 1 absent. The motion carried.

20. Discussion and Possible Action Regarding Approval to Accept Responsibility for Maintenance of 2.12 Miles on Co Hwy Y on the Bayfield/Douglas County Line. Abeles-Allison reported on behalf of Tom Toepfer, *Highway Commissioner*. Toepfer sent a summary of what has taken place over time as follows: CTH Y is a border road between Douglas And Bayfield County. The highway is rated as a PASER 3 and is in immediate need of resurfacing. Douglas County scheduled reconstruction for 2018 and in the course of design, it became apparent that as a border road, Bayfield County owns a portion of the highway. There are 6 segments of the highway, totaling 2.12 miles, that are considered to be in Bayfield County. Douglas County has historically done all of the routine and winter maintenance on the highway, while Bayfield County has historically received General Transportation Aids on our 2.12 miles. Douglas County Highway Commissioner, Jason Jackman, and Toepfer have been unable to find any evidence of any past agreement explaining how the current maintenance has come to be conducted in this manner. Jackman and Toepfer concur that, without any history, we will need to draft an agreement from here forward. Toepfer has discussed this with Jackman, and they agree that keeping the same level of service throughout this entire 4+ mile section of CTH Y would be beneficial to all involved. By having Douglas County continue to provide maintenance, we would maintain continuity with regards to plowing, salt vs sand, mowing, pavement marking, etc., without any breaks in the timing of services or the level of service.

Bayfield County would hire Douglas County to maintain our 2.12 miles on an actual cost basis, consistent with many other county cooperative agreements. By a county cooperative agreement, this could actually be charged on the State WISLR System and be reflected on our gas tax maps.

Toepfer recommended that Bayfield County accept financial responsibility for the resurfacing of our 2.12 miles to coincide with Douglas County's 2018 schedule, again to maintain continuity. Bayfield County would reserve the option of contracting our paving or simply allow Douglas County to pave it all at once.

Discussion took place and it was stated that the Highway Committee approved of this 50/50 split and the document before the Board affirmed that decision. *A motion was made by Maki/Rondeau to approve and accept responsibility for maintenance of 2.12 miles on CTH Y on the Bayfield/Douglas County Line.* Discussion took place, *the motion carried.*

20. Discussion and Possible Action to Modify the Highway Reconstruction Plan, Including 2.12 miles of Co Hwy Y in 2018 and Possibly Delaying a Portion of Co Hwy N on the Bayfield/Douglas County Line. In support of the foregoing agreement *a motion was made by Crandall/Maki to modify the Highway Reconstruction Plan, including 2.12 miles of Co Hwy Y in 2018 and possibly delaying a portion of Co Hwy N on the Bayfield/Douglas County Line. The motion carried.*

21. **Discussion and Possible Action Adopting Emergency Fire Warden List.** In accordance with section 26.12(3) and section 26.14(3) of the Wisconsin Statutes, the State of Wisconsin, Department of Natural Resources recommends the following persons to act as authorized emergency fire wardens for the prevention of forest fires in this county for the year 2018, and we ask for your approval of the following organizational list:

Emergency Fire Wardens

Rondeau's Shopping Center	Town of Cable
Namakagon Transfer	Town of Cable
Cabin Store	Town of Barnes
Bear Country Sports	Town of Drummond
Johnson's Store	Town of Port Wing
Iron River Hardware	Town of Iron River
USDA Forest Service, Washburn	City of Washburn
Bayfield City Hall	City of Bayfield
Namakagon Fire Chief	Town of Namakagon

A motion was made by Rondeau/Crandall to adopt the Organization List of the Emergency Fire Wardens as presented. The motion carried.

22. **Discussion and Possible Action on Bayfield County Plan of Library Service, March 2018-2021.** Abeles-Allison reported that the County is required to pass a Library Plan. The Library Committee has approved this plan and it is being forwarded on for the Board's approval. Due to its size, the plan is not printed here, but a copy may be obtained in the County Clerk's office.

A motion was made by Crandall/Rondeau to adopt the Bayfield County Plan of Library Service, March 2018-2021. The motion carried with one opposition.

23. *A motion was made by Miller/Rondeau to move in and out of Executive/Closed Session pursuant to §19.85(1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The motion carried.*

There being no further business to conduct in Executive/Closed Session, *a motion was made by Rondeau/Maki to move out of Executive/Closed session. The motion carried.*

23. **Bayfield County Resolution No. 2018-19, Community Development Block Grant (CDBG) Application, Authorization to Apply.** A brief discussion on this and it was decided that at this time do not apply for as there isn't a developer. The County is willing to have the dialogue at a later time.

24. **Administrator's Report:**

- a) **Future County Board Meeting Dates:**
- ✓ Proposed, March 20th at 6:00 p.m.
 - ✓ April 17th 9:00 a.m., swearing in for County Board
 - ✓ May 29th;

- b) **Election Update.** On the ballot is Justice of the Supreme Court, County Supervisor races, State Referendum, School Board, along with other local town & city races.
- c) **Committee Reports, Meeting Dates, Members;**
Sheriff changed their meeting time from the 2nd Monday to the 3rd Monday. Fair and Fencing Committee discussed combining Fair and Tourism Committees together rather than having separate meetings. What needs to be done to change this?
Abeles-Allison updated the Board as to new placements on Committees for Newago and Snilsberg, feeling vacated seats. Newago has been put on the Tribal Study Committee and Snilsberg will be filling in on the Fair, Tourism, Land Development, and UW-Ext Committees.
After the April 3rd election and the swearing in of the new Board on April 17th, a new committee sign-up sheet will be given to the Board Supervisors to fill out as to what Committee they would like to be on.
- d) **Superior Days Report.** Supervisor Silbert gave a brief report also stating that Abeles-Allison, Tim Kane, Fred Strand and himself attended this year's Superior Days. He informed everyone that Strand, Abeles-Allison and Kane were highly regarded by everyone he spoke to. He thanked everyone for letting him tag along this year.
- e) **Business Park Road Update.** Abeles-Allison stated that bids will be coming back on March 1st and we will know more then.

25. **Supervisors' Reports:** Pocernich reminded everyone to turn in their evaluations soon. They were emailed out, however it was noted that not all Supervisors received theirs. Abeles-Allison stated that he would print out copies for those that did not receive at the end of this evening's meeting. Future Agenda Items;

There being no further business to come before the Bayfield County Board of Supervisors, Chairman Pocernich adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Scott S. Fibert,
Bayfield County Clerk
SSF/dmb