

Bayfield County Clerk

Lynn M. Divine, *County Clerk*

Kim Mattson, *Accountant*
Gail M. Reha, *Bookkeeper*

Jeran Delaine, *Deputy Clerk*
Paige Terry, *Clerk III*



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Minutes of the:
Bayfield County Board of Supervisors' Meeting
March 30th, 2021 6:00 p.m.

Meeting Held in the Bayfield County Board Room, Courthouse, Washburn, WI
& Remotely

The meeting of the Bayfield County Board of Supervisors was called to order at 6:00 p.m. by Bayfield County *Chairman* Dennis M. Pocernich. A roll call was taken by *County Clerk*- Lynn Divine, as follows: Steve Sandstrom- present; Mary Dougherty- present; Larry Fickbohm- present; Charly Ray- present; Jeremy Oswald- present virtually; Jeff Silbert- present; Brett Rondeau- present virtually; Fred Strand- present; Tom Snilsberg- present virtually; Marty Milanowski- present; David Zepczyk- present; Jim Crandall- present; Dennis Pocernich- present. Total: 13 present, 0 absent. A quorum was present to conduct business.

The following were also present for today's meeting: *County Administrator*- Mark Abeles-Allison; *County Clerk*- Lynn Divine; *Health Director*-Sara Wartman virtually; *Forest Administrator*- Jason Bodine virtually; *Human Services Director*- Elizabeth Skulan virtually; *Zoning Director*- Rob Schierman *Clerk III*- Paige Terry virtually;

3. **Pledge of Allegiance;** The pledge of allegiance was recited by all in attendance.
4. **Discussion and Possible Action, Minutes from February 23rd, 2021;**

*Motion by Milanowski, seconded by Rondeau to approve the minutes from February 23, 2021.
Motion Carried, 13-0.*

5. **Public Comment;**

Linda Jorgenson, Town of Bayview- Spoke to the Board on behalf of the League of Women Voters of Ashland and Bayfield Counties to encourage the Board to look at the infrastructure at Bayfield County's rural community and bring attention to various needs within the community. Jorgenson informed the board that the League has pledged their members to reach out to state officials regarding infrastructural needs and potential investments that could make Ashland and Bayfield Counties more prosperous.

6. **COVID-19 Health Update;**

Wartman reported that Bayfield County has gone back up to a high-risk level for the spread of COVID-19. Wartman informed the board that there is an increasing number of positive cases within the younger age brackets. Vaccine distribution is now open to the 16+ population with underlying health conditions. Wartman reported that the City of Bayfield and the Red Cliff Tribe are currently experiencing the highest number of new cases, with Port Wing and Herbster having been the previously highest number of cases. The positivity rate is following an increasing trend with fewer individuals getting tested. Wisconsin's vaccine rate for residents that have received at least one dose of the vaccine is 29.3% and Bayfield County currently stands at

43.4%. For the number of individuals that have received both doses of the vaccine, Wisconsin rates are at 17.2% and Bayfield County reports 30.9%.

Discussion continued regarding the staffing and structuring of the vaccine clinics, the types of vaccine currently available through Bayfield County, concerns regarding the general public letting their guard down due to receiving the vaccine, and vaccine hesitancy among the younger population.

7. **Bayfield County Resolution No. 2021-23;**

2021-23

To Accept Family Planning/Dual Protection Grant

WHEREAS, the Bayfield County Health Department has received grant funding in the amount of \$400.00 from Health Care Education and Training, Inc. to attend virtual learning opportunities, such as the National Reproductive Health Conference. Total award to be expended by December 31, 2021; *and*,

WHEREAS, the 2021 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 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, hereby authorizes the use of Revenue Account Number 100-20-48519 and Expense Account Number 100-20-54140 for the Dual Protection Grant; *and*,

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2021 budget by \$400.00 for grant revenue/expenses.

Increase:

Revenue (Family Planning/Dual Protection) 100-20-48519 by \$400.00

Increase:

Expenses (Registration/Tuition RN) 100-20-54140-50325-002 by \$400.00

Wartman informed the board that the grant would include a \$400 stipend to cover the cost of additional education for staff members. Pocernich questioned if the Health Department had already received the money to which Wartman replied the money would be given on a reimbursement basis.

Motion by Rondeau, seconded by Silbert to adopt Resolution No. 2021-23; To Accept Family Planning/Dual Protection Grant. Roll Call Vote: Sandstrom-yes; Dougherty-yes; Fickbohm-yes; Ray-yes; Oswald-yes; Silbert-yes; Rondeau-yes; Strand-yes; Snilsberg-yes; Milanowski-yes; Zepczyk-yes; Crandall-yes; Pocernich-yes. Motion Carried, 13-0.

8. **Bayfield County Resolution No. 2021-24;**

2021-24

To Accept Employer Wellness Program Support Award

WHEREAS, the Bayfield County Health Department has received a block grant in the amount of \$1,000.00 from the State of Wisconsin, Department of Employee trust Funds to offer virtual fitness classes to employees and their spouses via Zoom and/or Microsoft Teams. There will also be incentives purchased. These activities are part of the Employee Wellness program. Total award to be expended by December 3, 2021; *and*,

WHEREAS, the 2021 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 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, hereby authorizes the use of Revenue Account Number 100-20-48501 and Expense Account Number 100-20-54910 for the Employer Wellness Program Support Award; *and*,

BE IT FURTHER RESOLVED, that the Bayfield County Board of Supervisors hereby amends the 2021 budget by \$1,000.00 for grant revenue/expenses.

Increase:

Revenue (Employee Wellness Donation/Grant)	100-20-48501	by	<u>\$1,000.00</u>
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<i>Total Revenue:</i>			<i>\$1,000.00</i>
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Increase:

Expenses (Other Supplies)	100-20-54910-50390	by	\$ 500.00
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Expenses (Contractual Services)	100-20-54910-50290	by	<u>\$ 500.00</u>
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<i>Total Expenses:</i>			<i>\$1,000.00</i>
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Wartman explained that the grant would be from the Employee Trust Fund and would be utilized to help support wellness initiatives. The grant would be used to buy items to promote wellness activities and fitness classes.

Motion by Rondeau, seconded by Sandstrom to adopt Resolution No. 2021-24; To Accept Employer Wellness Program Support Award. Roll Call Vote: Dougherty-yes; Fickbohm-yes; Sandstrom-yes; Oswald-yes; Ray-yes; Strand-yes; Rondeau-yes; Silbert-yes; Crandall-yes; Milanowski-yes; Snilsberg-yes; Zepczyk-yes; Pocernich-yes. Motion Carried, 13-0.

9. Introduction from Judge John P. Anderson;

Judge Anderson introduced himself to the Board and reviewed some of the highlights of his 19-year career as judge including changes that have been made to adjust to the COVID-19 pandemic.

10. Bayfield County Resolution No. 2021-25;

2021-25

Retirement of Jan Victorson

WHEREAS, Jan Victorson has served Bayfield County with distinction, honor and dedication in the Emergency Management Department for nearly 33 years,

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March, 2021, honors Jan Victorson for her 33 years of public service to Bayfield County and expresses gratitude for her efforts, wishing her well in the years ahead.

Motion by Oswald, seconded by Milanowski to adopt Resolution No. 2021-25; In Recognition and Appreciation of Jan Victorson for 33 years of Commitment and Service in the Bayfield County Emergency Management Office. Motion Carried, 13-0.

11. **Bayfield County Resolution No. 2021-26;**

2021-26

Retirement of Timothy Hanson

WHEREAS, Timothy Hanson has served Bayfield County with distinction, honor and dedication in the Bayfield County Sheriff's Office for nearly 9 years,

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March, 2021, honors Timothy Hanson for his 9 years of public service to Bayfield County and expresses gratitude for his efforts, wishing him well in the years ahead.

Motion by Silbert, seconded by Fickbohm to adopt Resolution No. 2021-26; In Recognition and Appreciation of Timothy Hanson for 9 years of Commitment and Service in the Bayfield County Sheriff's Office. Motion Carried, 13-0.

12. **Report No. 2021-01 of the Bayfield County Planning and Zoning Committee;**



Report

No. 2021-01

REPORT OF THE BAYFIELD COUNTY PLANNING AND ZONING COMMITTEE

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:

AN ORDINANCE AMENDING SECTIONS 13-1-4; 13-1-25; 13-1-29A; 13-1-40; 13-1-42; 13-1-61; 13-1-62; 13-1-62A; 13-1-103; 13-2-11; and 14-1-22 CODE OF ORDINANCES, BAYFIELD COUNTY, WISCONSIN.

Section 1. Section 13-1-4 [Definitions] of Article A [Introduction and Definitions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*created*” or “*amended*” to read as follows, with additional language highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(4d) Bottling Plant: A building or facility where beverages, including water, are put into containers for distribution. (Not including a dairy farm, local farm produced unfermented fruit juices, or other permitted facilities authorized under provisions contained in this Ordinance.)

(11t) Curio, Souvenir, and Specialty Store: A small store which specialize in a specific range of merchandise and related items considered novel, rare, or unusual (including groceries, antiques, arts and crafts) are sold.

(16l) Equestrian Campground: An area that offers special facilities to accommodate campers where horses are brought in to enjoy the adjoining riding trails. In addition to the camper pads, picnic tables, fire rings, bathrooms, and sometimes showers, of a regular campground, horse camping areas may include corrals, tie outs, lean-to style shelters for feed and tack, and additional parking areas for horse trailers. Equestrian campgrounds may offer arenas for roping and other equestrian activities.

(22d) Farm Store: A building or buildings on a farm where food and fiber products of the farm, or other local farms within 50 miles, are sold.

(27) Home-Based Business. A gainful occupation conducted by a member of the family within his/her place of residence, where the space is incidental to residential use, where the floor area does not exceed twenty-five percent (25%) of the total floor space or seventy-five (75%) of the floor space of an accessory structure and shall not employ more than ~~one (1)~~ two (2) nonresident employees or 80 hours of total employment per week for two (2) or more employees.

(35) Lot: A parcel of land ~~occupied or capable of being occupied by structures and/or uses consistent with the provisions of this Chapter and the Bayfield County Subdivision Control Ordinance. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by public or private roads, easements or navigable rivers or streams.~~ A parcel of land under common ownership. Contiguous lands under common ownership shall constitute a single lot for purposes of this chapter (excluding lots and outlots established by certified survey map or plat). Land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title public road, state or federal highway or public lakebed shall not constitute a single lot.

(57m) Shipping Container/Intermodal Container: A shipping container / intermodal container, is a large standardized shipping container, designed and built for intermodal freight transport. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system. These containers are known under several names, such as simply container, cargo or freight container, ISO container, shipping, sea or ocean container, sea van or (Conex) box, container van, sea can, or c can. More than one Shipping Container/Intermodal Container on any lot requires a Conditional Use Permit (CUP) except for Lots Zoned Industrial where more than three (3) containers requires a CUP.

(57o) Shipping Container/Intermodal Container Storage Facility: A lot (or portion of a lot), controlled or operated by an individual or entity, with one or more Shipping Container/Intermodal Container (s) used for the storage of items for a fee or other compensation. (A Land Use Fee is required for each container).

(70m) Water Reservoir System & Regulating Facilities (Potable): A publicly or privately owned facility designed to collect, treat, store, and distribute water, via piping, to a community.

Section 2. Subsection (d) [Conditions of Approval] of Section 13-1-25 [Nonmetallic Mines] of Article B [General Provisions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with deletions highlighted by the double strike-through feature (~~deletions~~):

(d) **Conditions of Approval.**

- (1) The Planning and Zoning Committee shall require as conditions of the permit.
(a) A boundary survey ~~or accurate identification~~ of exterior boundaries.

(g) **Prohibited Areas.** Nonmetallic mining, and/or drilling for oil or gas shall not be allowed in the following areas:

- (1) Under lakes, rivers, creeks, or streams.
(2) Within one (1) mile of Lake Superior or connected wetlands.
(3) Within one (1) mile of any lake, river, creek, or stream.

~~**NOTE:** Nonmetallic mine sites may be permitted within one (1) mile of Lake Superior and connected wetlands and within one (1) mile of any lake, river, creek or stream, but shall be excluded from under lakes, rivers, creeks, or streams.~~

Section 3. Subsection (b)(4)e-h [Requirements] of Section 13-1-29A [Conservation Subdivisions] of Article B [General Provisions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with additions highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

- (4) Conservation Subdivisions shall have a minimum of 30,000 square feet per developable lot, with the following exceptions:
- ~~e. a.~~ In an unincorporated village overlay district the minimum area requirement may be reduced to 5,000 square feet per developable lot if adequate public open space is available elsewhere, off-site, within the district.
- f. b. If the development is to be served by a public sewer system not in an unincorporated village overlay district, the minimum area requirement may be reduced to 15,000 square feet per developable lot, except that such reduction shall not apply within the Town of Bayfield.

- ~~g. c.~~ A Conservation Subdivision in R-3 zoning district shall have a minimum of two acres (87,120 sq. ft.) per developable lot.
- ~~h. d.~~ A Conservation Subdivision in an F-1, A-1, or R-2 zoning district shall have a minimum of 4.5 acres (196,020 sq. ft.) per developable lot.

Section 4. Subsection (d)(2) [Improvement or Expansion of Non-Shoreland Nonconforming Structures] of Section 13-1-40 [Non-Shoreland Nonconforming Structures] of Article C [Nonconforming Uses and Structures and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits.] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“amended”* to read as follows, with addition highlighted by the double underlining feature (addition):

(d) Non-Shoreland Nonconforming Structures

- (2) Improvement or Expansion of Non-Shoreland Nonconforming Structures.** Non-shoreland nonconforming structures may be improved internally, externally, rebuilt, or expanded provided that:

Section 5. Subsection (b)(7) [Uses Requiring an EIA] of Section 13-1-42 [Environmental Impact Analysis] of Article C [Nonconforming Uses and Structures and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits.] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“amended”* to read as follows, with deletions highlighted by the double strike-through feature (~~deletions~~):

- (7) Nonmetallic mining ~~in a shoreland zone after June 1st, 2007.~~

Section 6. Subsection (m)(3) [UVOD Unincorporated Village Overlay District] of Section 13-1-61 [Zoning Districts] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“amended”* to read as follows, with additions highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

- (3)** This District shall also include the property included within the Cable Sanitary District service area in Section 18-43-7, in the Town of Cable, ~~as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning Agency on April 20, 2005~~ and any lands in Bayfield County that are within a Sanitary District Service area.

Section 7. Section 13-1-62 [Classification of Uses] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“created”* or *“repealed & recreated”* to read as follows, with additional language highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

PERMISSIBLE USES	R-4 R-3 R-1	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
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PERMISSIBLE USES	R-4 R-3 R-1	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
Bottling Plant					P C						
Cafe, Restaurant, Supper Club			C	P	SB		C				
Curio & Souvenir and Specialty Shop Store			SB	P			C		C		
Farm Store							P				
Shipping Container/Intermodal Container	SA	SA	SA	SA	P	P	P	P	P	P	
Shipping Container/Intermodal Container Storage Facility				C	C		C		C		
Camp [Private]			€						€		
Campground, Camping Resort [Private] [Commercial], (*EIA required)			€						€		
Campground, Equestrian [Private] or [Commercial] (*EIA required)							€				
Campground, Equestrian, Camping Resort (*EIA required) [Private, Public or Commercial]			C			C	C		C		

Section 8. Section 13-1-62A (a)-(f) [Moratorium on Importing Cervids to Bayfield County] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “~~deleted~~” as follows, with deletions highlighted by the double strike-through feature (~~deletions~~):

~~**13-1-62A Moratorium on Importing Cervids to Bayfield County**~~ (©5/29/2018)

- ~~(a) **Authority.** This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.60.~~ (©5/29/2018)
- ~~(b) **Title and Purpose.** The title of this ordinance is the Moratorium on Importing Cervids to Bayfield County. The purpose of this ordinance is to allow Bayfield County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Zoning Ordinance or other ordinances of Bayfield County is required to protect public health or safety in Bayfield County in light of the unique environment and the key concerns identified in the Bayfield County Comprehensive Plan Update 2010. Further, the imposition of a moratorium will allow Bayfield County to determine whether it has adequate resources to enforce any new or existing regulations for captive cervids who may contract or spread communicable diseases.~~ (©5/29/2018 amended by Admin/Clerk Office)
- ~~(c) **Adoption.** This ordinance, adopted by a majority vote of the Bayfield County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.~~ (©5/29/2018)
- ~~(d) **Moratorium Imposed.** The Bayfield County Board of Supervisors hereby imposes a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County that are to be housed in Bayfield County. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.~~ (©5/29/2018 amended by Admin/Clerk Office)
- ~~(e) **Study Committee.** The Bayfield County Board of Supervisors hereby creates a 6 to 8 person special study committee which shall be known as the “Communicable Diseases in Cervids Study Committee” and which shall consist of five (5) elected officials or county employees, and one representative from the Great Lakes Indian Fish and Wildlife Commission, and one to three (1) (3) interested Bayfield County residents or property owner. The five (5) elected officials or employees, on the Communicable Diseases in Cervids Study Committee shall be as follows:~~ (©5/29/2018 amended by Admin/Clerk Office)

- ~~• County Board Vice Chairman Fred Strand, Chairman of the Communicable Diseases in Cervids Study Committee~~ (©5/29/2018)

- ~~Bayfield County Agriculture Agent Jason Fischbach~~ (@5/29/2018)
- ~~Bayfield County Conservationist Benjamin Dufford~~ (@5/29/2018)
- ~~Mike Amman, Forester~~ (@5/29/2018)
- ~~TBD (to be determined)~~ (@5/29/2018)

~~The Chairman shall receive applications from interested Bayfield County residents and property owners interested in being part of the Communicable Diseases in Cervids Study Committee. From those applications, the Chairman shall select at least one and no more than three (3) interested Bayfield County residents or property owners and the selected individual(s) shall become part of the Communicable Diseases in Cervids Study Committee.~~ (@5/29/2018)

~~The Communicable Diseases in Cervids Study Committee shall, during the course of the moratorium imposed by this ordinance, research, analyze and synthesize scientific literature regarding the impact of communicable diseases on cervids, both captive and wild, on other animals, on human beings, and on soil, specifically as those issues apply in Bayfield County. If funds are needed for such research, funds must be approved by a majority of the Bayfield County Board of Supervisors.~~

~~The Communicable Diseases in Cervids Study Committee shall report its recommendations on appropriate county level regulatory approaches relative to the transport or housing of cervids within Bayfield County and the concerns regarding communicable diseases in cervids to the full Bayfield County Board of Supervisors at least 30 days prior to the end of the moratorium adopted pursuant to this ordinance or as soon as the Committee has developed recommendations based upon its research, whichever comes soonest.~~ (@5/29/2018)

- ~~(f) **Duration of Moratorium.** This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, or until the Action and Study contemplated by subsection (e) of this ordinance is complete and the County Board adopts amendments to the Bayfield County Code of Ordinances, creates new ordinances, or rescinds this moratorium. This moratorium may be extended for up to 12 more months by a majority vote of the Bayfield County Board of Supervisors, if necessary in order for the Communicable Diseases in Cervids Study Committee to complete its responsibilities under subsection (e).~~ (@5/29/2018)

Section 9. Subsection (c) [Penalty] of Section 13-1-103(c) [Violations] of Article F [Administration and Enforcement] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“amended”* to read as follows, with additions highlighted by the double underlining feature (additions) and with deletions highlighted by the double strike-through feature (~~deletions~~):

- (c) **Penalty.** Any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter shall forfeit a sum of not less than ~~\$10.00~~ \$25.00 nor more than \$500.00, together with the full costs of such prosecution, plus the costs of any compliance required to rectify the violation. Each day's failure to comply shall constitute a separate violation. Additionally, any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter may be required to restore a property to a previous state.

Section 10. Subparagraph (g) (h) of Subheading (2) [Official Analysis] of Section (b) [Official Maps] of Section (13-2-11) [District Boundaries] of Article B [General Provisions] of Chapter 2 [Floodplain Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“amended”* to read as follows, the additions highlighted by the

double underline feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(2) Official Analysis: Based on other studies;

- f. (Middle Eau Claire Lakes Dam Failure Analysis), approved by the DNR (June 21, 2013), done by AECOM Engineering.
- g. (Upper Eau Claire Lakes Dam Failure Analysis), approved by the DNR (March 11, 2020), done by WESLIE Engineering Group.
- g. h. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix in Article K of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

Section 11. Subsection (b) of Section 14-1-22(b) [Exclusions] of Article B [General Provisions] of Chapter 1 [Land Divisions] of Title 14 [Subdivision] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with additions highlighted by the double underlining feature (additions):

- (b) The sale or exchange of parcels between owners of adjoining property, unless one or more of the lots involved are lots or outlots that were established by certified survey map or plat, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Bayfield County Zoning Code or other applicable laws or ordinances. The sale or exchange of parcels between owners of adjoining property involving lots established by certified survey map or plat must be combined by CSM, exchanges not involving lots established by certified survey map or plat must be combined, and may be done so by deed.

Section 12. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance 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.

Section 13. **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.

Section 14. **EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Motion by Rondeau, seconded by Zepczyk to receive and place on file Report No. 2021-01 of the Bayfield County Planning and Zoning Committee; Amending Sections 13-1-4; 13-1-25; 13-1-29A; 13-1-40; 13-1-42; 13-1-61; 13-1-62; 13-1-62A; 13-1-103; and 14-1-22 in the Bayfield County Code of Ordinances. Motion Carried, 13-0.

13. Bayfield County Ordinance Amendment No. 2021-01;



Ordinance

No. 2021-01

**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:**

AN ORDINANCE AMENDING SECTIONS 13-1-4; 13-1-25; 13-1-29A; 13-1-40; 13-1-42; 13-1-61; 13-1-62; 13-1-62A; 13-1-103; 13-2-11; and 14-1-22 CODE OF ORDINANCES, BAYFIELD COUNTY, WISCONSIN.

WHEREAS, Wisconsin Statutes §59.69 (5) authorizes the County Board to adopt a zoning ordinance; and

WHEREAS, Wisconsin Statutes §59.69(5)(e) authorizes the County Board to amend an ordinance; and

WHEREAS, Section 13-1-104 Code of Ordinances, Bayfield County, Wisconsin authorizes the County Board to make amendments to Title 13, Chapter 1 of the Code of Ordinances, Bayfield County, Wisconsin pursuant to Wisconsin Statutes §59.69; and

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-4 (Definitions) of Article A (Introduction and Definitions) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *create* definitions for the following: bottling plant; curio, souvenir, and specialty store; equestrian campground; farm store; shipping container/intermodal container; shipping container/intermodal container storage facility; water reservoir system and regulating facilities (potable);

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-4 (Definitions) of Article A (Introduction and Definitions) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *amend language* regarding the definition of home-based business and lot;

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-25 (Nonmetallic Mines) of Article B (General Provisions) of Chapter 1 (Zoning) or Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *amend language* to provide that a boundary survey is a condition of approval for all nonmetallic mines permit and to delete language written in the note accompanying subsection 13-1-25(g);

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-29A (Conservation Subdivisions) of Article B (General Provisions) of Chapter 1 (Zoning) of Article 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *amend language* regarding to renumber paragraphs pertaining to conservation subdivisions;

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-40 (Non-shoreland Nonconforming Structures) of Article C (Nonconforming Uses and Structures and Conditional uses; Environmental Impact Analysis; Handicap-Disability Permits) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *recreate language* to provide that non-shoreland nonconforming structures may be rebuilt upon certain conditions

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-42 (Environmental Impact Analysis) of Article C (Nonconforming Uses and Structures and Conditional uses; Environmental Impact Analysis; Handicap-Disability Permits) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to provide that all nonmetallic mining shall require an environmental impact analysis

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-61 (Zoning Districts) of Article D (Zoning District) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to provide that the Unincorporated Village Overlay District shall include all property within the Cable Sanitary District service area as well as any lands within any Sanitary District Service area in Bayfield County.

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-62 (Classification of Uses) of Article D (Zoning District) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to make Bottling Plants conditional in the Industrial district; to make Café, Restaurant, Supper Club conditional in the A-1 district; to add “specialty store” to the description of Curio & Souvenir Shop and make these uses conditional in the A-1 and F-1 districts; to add a description and designation as permitted, conditional, special use or no use in the districts within the county for: farm store, shipping container/intermodal container, and shipping container/intermodal container storage facility; to combine into one use campground, equestrian, camping resort (private) (public) or (commercial);

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-62A (Moratorium on Importing Cervids to Bayfield County) of Article D (Zoning Districts) of Chapter 1 (Zoning) of Title 13 Code of Ordinances, Bayfield County, Wisconsin to *delete* the entire section pertaining to a moratorium on importing cervids to Bayfield County;

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-1-103(c) (Violations) of Article F (Administration and enforcement) of Chapter 1 (Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to provide that the minimum daily fine for any person, firm or corporation and/or contractor found guilty of violating any provision of the chapter shall be \$25.00 per day and to provide that any such person, firm, corporation or contractor found guilty of a violation may be required to restore a property to a previous state.

WHEREAS, it is deemed in the best interest of the County of Bayfield to amend Section 13-2-11 (District Boundaries) of Article B (General Provisions) of Chapter 2 (Floodplain Zoning) of Title 13 (Zoning) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to provide that the boundaries of floodplain districts shall include, among other things, floodplains as found based on other studies including but not limited to the Upper Eau Claire Lakes Dam Failure Analysis, approved by the DNR (March 11, 2020), done by WESLIE Engineering Group;

WHEREAS, it is deemed in the best of the County of Bayfield to amend Section 14-1-22(b) (Exclusions) of Article B (General Provisions) of Chapter 1 (Land Divisions) of Title 14 (Subdivisions) Code of Ordinances, Bayfield County, Wisconsin to *delete; amend; repeal & recreate language* to clarify that, while the sale or exchange of parcels between owners of adjoining property is excluded from the provisions of the chapter, that is not true if one or more of the lots are lots or outlots that were established by certified survey map (CSM) or plat and that, if the sale or exchange is of parcels between owners of adjoining property established by CSM or plat, they must be combined by CSM whereas exchanges of lots not involving lots established by CSM or plat may be combined by deed; and

WHEREAS, it is deemed in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin be further modified and amended in the manner hereinafter set forth;

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

Section 1. Section 13-1-4 [Definitions] of Article A [Introduction and Definitions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*created*” or “*amended*” to read as follows, with additional language highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(4d) Bottling Plant: A building or facility where beverages, including water, are put into containers for distribution. (Not including a dairy farm, local farm produced unfermented fruit juices, or other permitted facilities authorized under provisions contained in this Ordinance.)

- (11t) Curio, Souvenir, and Specialty Store:** A small store which specialize in a specific range of merchandise and related items considered novel, rare, or unusual (including groceries, antiques, arts and crafts) are sold.
- (16l) Equestrian Campground:** An area that offers special facilities to accommodate campers where horses are brought in to enjoy the adjoining riding trails. In addition to the camper pads, picnic tables, fire rings, bathrooms, and sometimes showers, of a regular campground, horse camping areas may include corrals, tie outs, lean-to style shelters for feed and tack, and additional parking areas for horse trailers. Equestrian campgrounds may offer arenas for roping and other equestrian activities.
- (22d) Farm Store:** A building or buildings on a farm where food and fiber products of the farm, or other local farms within **50 miles the county or adjacent counties** are sold.
- (27) Home-Based Business.** A gainful occupation conducted by a member of the family within his/her place of residence, where the space is incidental to residential use, where the floor area does not exceed twenty-five percent (25%) of the total floor space or seventy-five (75%) of the floor space of an accessory structure and shall not employ more than ~~one (1)~~ two (2) nonresident employees or 80 hours of total employment per week for two (2) or more employees.
- (35) Lot:** ~~A parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this Chapter and the Bayfield County Subdivision Control Ordinance. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by public or private roads, easements or navigable rivers or streams.~~ A parcel of land under common ownership. Contiguous lands under common ownership shall constitute a single lot for purposes of this chapter (excluding lots and outlots established by certified survey map or plat). Land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title public road, state or federal highway or public lakebed shall not constitute a single lot.
- (57m) Shipping Container/Intermodal Container:** A shipping container / intermodal container, is a large standardized shipping container, designed and built for intermodal freight transport. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system. These containers are known under several names, such as simply container, cargo or freight container, ISO container, shipping, sea or ocean container, sea van or (Conex) box, container van, sea can, or c can. More than one Shipping Container/Intermodal Container on any lot requires a Conditional Use Permit (CUP) except for Lots Zoned Industrial where more than three (3) containers requires a CUP.
- (57o) Shipping Container/Intermodal Container Storage Facility:** A lot (or portion of a lot), controlled or operated by an individual or entity, with one or more Shipping Container/Intermodal Container (s) used for the storage of items for a fee or other compensation. (A Land Use Fee is required for each container).
- (70m) Water Reservoir System & Regulating Facilities (Potable):** A publicly or privately owned facility designed to collect, treat, store, and distribute water, via piping, to a community.

Section 2. Subsection (d) [Conditions of Approval] of Section 13-1-25 [Nonmetallic Mines] of Article B [General Provisions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with deletions highlighted by the double strike-through feature (~~deletions~~):

(d) **Conditions of Approval.**

(1) The Planning and Zoning Committee shall require as conditions of the permit.

(a) A boundary survey ~~or accurate identification~~ of exterior boundaries.

(g) **Prohibited Areas.** ~~Nonmetallic mining, and/or Ddrilling~~ for oil or gas shall not be allowed in the following areas:

(1) Under lakes, rivers, creeks, or streams.

(2) Within (1) mile of Lake Superior or connected wetlands.

(3) Within (1) mile of any lake, river, creek, or stream.

~~**NOTE:** Nonmetallic mine sites may be permitted within one (1) mile of Lake Superior and connected wetlands and within one (1) mile of any lake, river, creek or stream, but shall be excluded from under lakes, rivers, creeks, or streams.~~

(h) Prohibited Areas. Nonmetallic mining shall not be allowed in the following areas:

(1) Under lakes, rivers, creeks, or streams.

(2) Within one-quarter (1/4) mile of Lake Superior or connected wetlands.

Section 3. Subsection (b)(4)e-h [Requirements] of Section 13-1-29A [Conservation Subdivisions] of Article B [General Provisions] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with additions highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(4) Conservation Subdivisions shall have a minimum of 30,000 square feet per developable lot, with the following exceptions:

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

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

~~g.~~ c. A Conservation Subdivision in R-3 zoning district shall have a minimum of two acres (87,120 sq. ft.) per developable lot.

~~h.~~ d. A Conservation Subdivision in an F-1, A-1, or R-2 zoning district shall have a minimum of 4.5 acres (196,020 sq. ft.) per developable lot.

Section 4. Subsection (d)(2) [Improvement or Expansion of Non-Shoreland Nonconforming Structures] of Section 13-1-40 [Non-Shoreland Nonconforming Structures] of Article C [Nonconforming Uses and Structures and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits.] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “amended” to read as follows, with addition highlighted by the double underlining feature (addition):

- (d) **Non-Shoreland Nonconforming Structures**
 (2) **Improvement or Expansion of Non-Shoreland Nonconforming Structures.** Non-shoreland nonconforming structures may be improved internally, externally, rebuilt, or expanded provided that:

Section 5. Subsection (b)(7) [Uses Requiring an EIA] of Section 13-1-42 [Environmental Impact Analysis] of Article C [Nonconforming Uses and Structures and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits.] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “amended” to read as follows, with deletions highlighted by the double strike-through feature (~~deletions~~):

- (7) Nonmetallic mining ~~in a shoreland zone after June 1st, 2007.~~

Section 6. Subsection (m)(3) [UVOD Unincorporated Village Overlay District] of Section 13-1-61 [Zoning Districts] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “amended” to read as follows, with additions highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

- (3) This District shall also include the property included within the Cable Sanitary District service area in Section 18-43-7, in the Town of Cable, ~~as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning Agency on April 20, 2005~~ and any lands in Bayfield County that are within a Sanitary District Service area.

Section 7. Section 13-1-62 [Classification of Uses] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “created” or “repealed & recreated” to read as follows, with additional language highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

PERMISSIBLE USES	R-4 R-3 R-1	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
Bottling Plant					P C						
Cafe, Restaurant, Supper Club			C	P	SB		C				
Curio & Souvenir and Specialty Shop Store			SB	P			C		C		
Farm Store							P				
Shipping Container/Intermodal Container	SA	SA	SA	SA	P	P	P	P	P	P	
Shipping Container/Intermodal Container Storage Facility				C	C		C		C		
Camp [Private]			€						€		
Campground, Camping Resort [Private] [Commercial], (*EIA required)			€						€		

PERMISSIBLE USES	R-4 R-3 R-1	R-2	R-RB	C	I	M	A-1	A-2	F-1	F-2	W
Campground, Equestrian [Private] or [Commercial] (*EIA required)							€				
Campground, Equestrian, Camping Resort (*EIA required) [Private, Public or Commercial]			C			C	€		C		

Section 8. Section 13-1-62A (a)-(f) [Moratorium on Importing Cervids to Bayfield County] of Article D [Zoning Districts] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby *“deleted”* as follows, with deletions highlighted by the double strike-through feature (deletions):

~~**13-1-62A Moratorium on Importing Cervids to Bayfield County**~~ (©5/29/2018)

~~(a) **Authority.** This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.~~ (©5/29/2018)

~~(b) **Title and Purpose.** The title of this ordinance is the Moratorium on Importing Cervids to Bayfield County. The purpose of this ordinance is to allow Bayfield County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Zoning Ordinance or other ordinances of Bayfield County is required to protect public health or safety in Bayfield County in light of the unique environment and the key concerns identified in the Bayfield County Comprehensive Plan Update 2010. Further, the imposition of a moratorium will allow Bayfield County to determine whether it has adequate resources to enforce any new or existing regulations for captive cervids who may contract or spread communicable diseases.~~ (©5/29/2018 amended by Admin/Clerk Office)

~~(c) **Adoption.** This ordinance, adopted by a majority vote of the Bayfield County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.~~ (©5/29/2018)

~~(d) **Moratorium Imposed.** The Bayfield County Board of Supervisors hereby imposes a moratorium on any cervids being brought into Bayfield County that are to be housed in Bayfield County that are to be housed in Bayfield County. The moratorium does not apply to cervids that have been brought into Bayfield County prior to the adoption of this ordinance.~~ (©5/29/2018 amended by Admin/Clerk Office)

~~(e) **Study Committee.** The Bayfield County Board of Supervisors hereby creates a 6 to 8 person special study committee which shall be known as the “Communicable Diseases in Cervids Study Committee” and which shall consist of five (5) elected officials or county employees, and one representative from the Great Lakes Indian Fish and Wildlife Commission, and one to three (1) (3) interested Bayfield County residents or property owner. The five (5) elected officials or employees, on the Communicable Diseases in Cervids Study Committee shall be as follows:~~ (©5/29/2018 amended by Admin/Clerk Office)

- ~~● County Board Vice Chairman Fred Strand, Chairman of the Communicable Diseases in Cervids Study Committee~~ (©5/29/2018)
- ~~● Bayfield County Agriculture Agent Jason Fischbach~~ (©5/29/2018)
- ~~● Bayfield County Conservationist Benjamin Dufford~~ (©5/29/2018)
- ~~● Mike Amman, Forester~~ (©5/29/2018)

● ~~TBD (to be determined) (©5/29/2018)~~

~~The Chairman shall receive applications from interested Bayfield County residents and property owners interested in being part of the Communicable Diseases in Cervids Study Committee. From these applications, the Chairman shall select at least one and no more than three (3) interested Bayfield County residents or property owners and the selected individual(s) shall become part of the Communicable Diseases in Cervids Study Committee. (©5/29/2018)~~

~~The Communicable Diseases in Cervids Study Committee shall, during the course of the moratorium imposed by this ordinance, research, analyze and synthesize scientific literature regarding the impact of communicable diseases on cervids, both captive and wild, on other animals, on human beings, and on soil, specifically as those issues apply in Bayfield County. If funds are needed for such research, funds must be approved by a majority of the Bayfield County Board of Supervisors.~~

~~The Communicable Diseases in Cervids Study Committee shall report its recommendations on appropriate county level regulatory approaches relative to the transport or housing of cervids within Bayfield County and the concerns regarding communicable diseases in cervids to the full Bayfield County Board of Supervisors at least 30 days prior to the end of the moratorium adopted pursuant to this ordinance or as soon as the Committee has developed recommendations based upon its research, whichever comes soonest. (©5/29/2018)~~

~~(f) **Duration of Moratorium.** This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, or until the Action and Study contemplated by subsection (e) of this ordinance is complete and the County Board adopts amendments to the Bayfield County Code of Ordinances, creates new ordinances, or rescinds this moratorium. This moratorium may be extended for up to 12 more months by a majority vote of the Bayfield County Board of Supervisors, if necessary in order for the Communicable Diseases in Cervids Study Committee to complete its responsibilities under subsection (e). (©5/29/2018)~~

Section 9. Subsection (c) [Penalty] of Section 13-1-103(c) [Violations] of Article F [Administration and Enforcement] of Chapter 1 [Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with additions highlighted by double underlining feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(c) **Penalty.** Any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter shall forfeit a sum of not less than ~~\$10.00~~ \$25.00 nor more than \$500.00, together with the full costs of such prosecution, plus the costs of any compliance required to rectify the violation. Each day's failure to comply shall constitute a separate violation. Additionally, any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter may be required to restore a property to a previous state.

Section 10. Subparagraph (g) (h) of Subheading (2) [Official Analysis] of Section (b) [Official Maps] of Section (13-2-11) [District Boundaries] of Article B [General Provisions] of Chapter 2 [Floodplain Zoning] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, the additions highlighted by the double underline feature (additions) and deletions highlighted by the double strike-through feature (~~deletions~~):

(2) **Official Analysis:** Based on other studies;

f. (Middle Eau Claire Lakes Dam Failure Analysis), approved by the DNR (June 21, 2013), done by AECOM Engineering.

g. (Upper Eau Claire Lakes Dam Failure Analysis), approved by the DNR (March 11, 2020), done by WESLIE Engineering Group.

g. h. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix in Article K of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

Section 11. Subsection (b) of Section 14-1-22(b) [Exclusions] of Article B [General Provisions] of Chapter 1 [Land Divisions] of Title 14 [Subdivision] of the Code of Ordinances, Bayfield County, Wisconsin is hereby “*amended*” to read as follows, with additions highlighted by the double underlining feature (additions):

(b) The sale or exchange of parcels between owners of adjoining property, unless one or more of the lots involved are lots or outlots that were established by certified survey map or plat, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Bayfield County Zoning Code or other applicable laws or ordinances. The sale or exchange of parcels between owners of adjoining property involving lots established by certified survey map or plat must be combined by CSM, exchanges not involving lots established by certified survey map or plat must be combined, and may be done so by deed.

Section 12. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance 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.

Section 13. **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.

Section 14. **EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Motion by Rondeau, seconded by Strand to adopt Ordinance Amendment No. 2021-01; Amending Sections 13-1-4; 13-1-25; 13-1-29A; 13-1-40; 13-1-42; 13-1-61; 13-1-62; 13-1-62A; 13-1-103; and 14-1-22 in the Bayfield County Code of Ordinances. Motion Carried, 13-0.

14. **Bayfield County Resolution No. 2021-27;**

2021-27

Request to Support the Creation of a Fish Passage Ladder at the Lamprey Barrier on the Iron River

WHEREAS, the Iron River in Bayfield County is the third largest trout stream tributary to Lake Superior; *and*,

WHEREAS, prior to the Orienta Dam installation in 1923, potadromous (lake run) fish species ascended Orienta Falls on the Iron River; *and*,

WHEREAS, the Orienta Dam failed in 1989 and was removed shortly thereafter; *and*,

WHEREAS, a lamprey barrier was installed at that time blocking upstream migration for all species and remained in that condition ever since; *and*,

WHEREAS, a 1993 Department of Natural Resources (DNR) Study Report estimated the potadromous salmonid run on the Iron River would annually increase Wisconsin's Lake Superior potadromous fishery by nearly 29% and contribute an estimated \$300,000 to the local economy; *and*,

WHEREAS, the study found that current resident river fishery would not be significantly altered based on the potadromous use of other south shore streams such as the Brule and Sioux rivers; *and*,

WHEREAS, the study also felt that the additional potadromous fish produced by the Iron River would not significantly impact forage abundances in Lake Superior; *and*,

WHEREAS, four of the five goals outlined in the 2020 Lake Superior Fishery Management Plan directly relate to restoring fish passage for potadromous fish:

- Protect, maintain and improve the diversity and connectivity of tributary coastal and main lake habitats of Lake Superior's fish community.
- Work with stakeholders to identify and implement strategies that protect, support and enhance the diversity, stability and viability of the Lake Superior fishery for state and tribal sport, commercial and subsistence fishing.
- Develop, evaluate, and implement strategies to maximize the resilience of Lake Superior fisheries through controls, management and mitigation of future threats.
- Identify strategies to coordinate with stakeholders to improve Lake Superior fisheries; *and*,

WHEREAS, alteration of the lamprey barrier would open 186 miles of tributaries to Lake Superior, there is concern about the potential spread of aquatic invasive species (particularly VHS which currently is found only below the Orienta Dam) with alteration of the barrier. Therefore, the Great Lakes Fishery Commission, US Fish and Wildlife Service, and other partners and stakeholders would need to be consulted with any potential modification to the barrier; *and*,

WHEREAS, any alteration of the lamprey barrier would need to maintain blockage of lamprey upstream; *and*,

WHEREAS, while potadromous fish migration is beneficial, it is also important to protect the upstream Federal Fish Hatchery on Schacte Creek, a tributary to the Iron River; *and*,

WHEREAS, since there are currently healthy populations of brown trout in the river and brook trout in the headwaters of the river, the possible impacts on these populations would need to be assessed prior to alteration of the barrier. The DNR recently released the Fish Passage at Dams Strategic Analysis report that would be used in any decision-making process.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, requests the DNR work with the Great Lakes Fishery Commission, the US Fish and Wildlife Service, the Great Lakes Fish and Wildlife Commission, local units of government, stakeholders, and interested and concerned citizens to restore fish passage for migratory (lake run) fish to the Iron River in Bayfield County; *and*,

BE IT FURTHER RESOLVED, that this Resolution be sent to Governor Evers, DNR Secretary Cole, Representative Meyers, Senator Bewley, Representative Tiffany, Senators Johnson and Baldwin, and the

Wisconsin Counties Association to request their support for and encouragement of the State and Federal agencies to restore fish passage for migratory (lake run) fish to the Iron River in Bayfield County.

Dufford reviewed the history of the Orienta Dam and creation and purpose of the Lamprey Barrier on the Iron River.

Motion by Strand, seconded by Milanowski to adopt Resolution No. 2021-27; Request to Support the Creation of a Fish Passage Ladder at the Lamprey Barrier on the Iron River.

Pocernich asked for clarification if county was expected to spend money for the creation of the fish ladder. Strand answered no, the resolution was to allow the state and federal agencies conduct the work that will be needed.

Motion Carried, 13-0.

15. **Bayfield County Resolution No. 2021-28;**

2021-28

Increase Funding for County Conservation Staff

WHEREAS, all life is dependent on clean water; *and*,

WHEREAS, all Wisconsin residents and visitors require and deserve access to clean water; *and*,

WHEREAS, Wisconsin's economy is dependent on water; *and*,

WHEREAS, clean water is required to maintain and grow Wisconsin's economy; *and*,

WHEREAS, County Conservation Departments are charged with implementing statewide performance standards, including ATCP 50 and NR 151, runoff reduction efforts like Total Maximum Daily Loads, farmland preservation programs, producer-led watershed and citizen watershed groups, stormwater permits and much more; *and*,

WHEREAS, County Conservation Departments are being asked to implement an ever-increasing set of programs without increased funding and with less staff; *and*,

WHEREAS, County Conservation Departments have 40% fewer state-funded staff than there were 20 years ago; *and*,

WHEREAS, at almost every public hearing held by the 2019 Speakers Task Force on Water Quality found overwhelming support to fully fund County Conservation staff; *and*,

WHEREAS, the Speakers Task Force on Water Quality recommended that the State fully fund its cost-share commitment for County Conservation staff; *and*,

WHEREAS, the County Conservation staff are trusted professionals that provide boots-on-the-ground technical assistances to farmers and landowners, helping them achieve their management objectives while protecting land water resources at the same time; *and*,

WHEREAS, the Governor’s 2021-23 budget proposal provides for increased funding for County Conservation staff to meet Wisconsin Statutes 92.14 to support an average of three staff per county at cost share rates of 100/70/50%.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, supports an increase in state funding for County Conservation staff to meet Wisconsin Statutes 92.14; *and*,

BE IT FURTHER RESOLVED, that this Resolution be sent to Governor Evers, Department of Agriculture Trade and Consumer Protection Secretary Romanski, Senator Bewley, Representative Meyers, and the Wisconsin Counties Association to request their support for increased funding for County Conservation staff to meet Wisconsin Statutes 92.14.

Motion by Strand, seconded by Silbert to adopt Resolution No. 2021-28; Increase Funding for County Conservation Staff. Motion Carried, 13-0.

16. Presentation Regarding 2020 CWD Outreach Program Results;

Dufford reported 154 samples were received in Bayfield County over the past year for a total of 344 samples over the previous two years. Out of all the samples, all were negative for traces of CWD. Douglas County, which reported 303 samples, was also found to have zero positive cases for CWD. Dufford reported zero positive CWD cases in the surrounding counties. Dufford informed the board that an intern joined the Bayfield County staff to educate businesses on CWD as well as utilized social media to get the message out to the public. The previous year utilized 6 dumpsters for disposing of carcass waste, that number was cut down to 4 dumpsters this year to direct more focus on the locations receiving more waste. Dufford reported over 6 tons of waste has been collected through the program. Total expenditures for the program amounted to approximately \$5,500, \$2,450 of which was raised through grants, donations from the towns, and the DNR dumpster program.

17. Bayfield County Resolution No. 2021-29;

2021-29

Adoption of the 2021-2035 Bayfield County Forest Comprehensive Land Use Plan

WHEREAS, the Bayfield County Forest Comprehensive Plan (hereafter, “Plan”) is revised, at minimum, every fifteen (15) years; *and*,

WHEREAS, the current Plan was revised in 2006; *and*,

WHEREAS, a primary goal of the Bayfield County Forest Comprehensive Use Plan is to administer the County Forest program consistent with the mission statement, as well as the purpose and direction of County Forest Law, as stated in s. 28.11, Wis. Stats., while giving consideration to input from citizens and groups; *and*,

WHEREAS, revisions of the Plan began in early 2020, with each draft chapter reviewed and approved by the Forestry and Parks Committee (hereafter “Committee”) during their regular monthly Committee meetings; *and*,

WHEREAS, once approved by the Committee, each draft chapter was made available for public review and comment, with additional opportunities for public comment available during each monthly Committee meeting; *and*,

WHEREAS, the final draft of the Plan was also made available for another round of public comment and then was subsequently reviewed by the Wisconsin DNR; *and*,

WHEREAS, the Committee approved the final draft of the Plan during the March 8, 2021 Forestry and Parks Committee meeting and recommended it to the Bayfield County Board of Supervisors for similar approval; *and*,

WHEREAS, the Plan shall incorporate or reference all official County Forest policies, pertinent county regulations, and associated planning documents and reports for the periods of 2021 through 2035; *and*,

WHEREAS, this Plan is the authority for management on County Forest lands enrolled under Wisconsin County Forest Law s.28.11 Wis. Stats.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, does hereby approve and adopt the 2021-2035 Bayfield County Forest Comprehensive Land Use Plan.

Bodine reviewed the process to revise and update the Comprehensive Land Use Plan and gave a summary of the purpose of the Plan along with what can be found in it. Some changes that have been made to the Plan included adding language regarding climate change along with the carbon project being taken up in the Forestry and Parks Department.

Motion by Strand, seconded by Sandstrom to adopt Resolution No. 2021-29; Adoption of the 2021-2035 Bayfield County Forest Comprehensive Land Use Plan. Motion Carried, 13-0.

18. Bayfield County Resolution No. 2021-30;

2021-30

**2021 County Board Economic Development
Budget Amendment**

WHEREAS, Bayfield County approved Resolution 2020-26, supporting a Wisconsin Economic Development Corporation Community Development Investment Grant; *and*,

WHEREAS, the Grant, in the amount of \$250,000 was awarded to the Wild Rice Retreat (WRR) in the Town of Bayfield; *and*,

WHEREAS, the WRR has broken ground and has made major investments in infrastructure and capital projects; *and*,

WHEREAS, the WRR plans to open in June of 2021; *and*,

WHEREAS, the WRR has submitted a request for reimbursement to the County and WEDC.

NOW, THEREFORE, BE IT RESOLVED, that the Bayfield County Board of Supervisors assembled this 30th day of March 2021, upon transfer of funds from WEDC to Bayfield County, Bayfield County will pay the WRR.

BE IT FURTHER RESOLVED, that the Bayfield County Budget is amended in the amount of the Grant of \$250,000:

Increase Economic Development Revenues 100-00-43510-100 by:	\$250,000
Increase Grants & Donations Expenses 100-00-56703-50720 by:	\$250,000

Motion by Crandall, seconded by Milanowski to adopt Resolution No. 2021-30; 2021 County Board Economic Development Budget Amendment. Roll Call Vote: Crandall-yes; Strand-yes; Ray-yes; Silbert-yes; Sandstrom-yes; Fickbohm-yes; Dougherty-yes; Oswald-yes; Rondeau-yes; Milanowski-yes; Snilsberg-yes; Zepczyk-yes; Pocernich-yes. Motion Carried, 13-0.

19. Board of Adjustment Appointment, Kim Sturm;

Abeles-Allison informed the board that Sturm has a variety of experiences in the health field as well as dealing with land.

Motion by Zepczyk, seconded by Ray to confirm the appointment of Kim Sturm to the Board of Adjustment. Motion Carried, 13-0.

20. “Community Projects” Task Force Establishment and Assignments or Existing Committee Designation;

Abeles-Allison informed the board that a recommendation had been received to establish a task force that would be responsible for discussing potential projects that could be brought before legislators before the April 30, 2021 deadline. It was recommended that the county choose 5-7 priority projects. Abeles-Allison reviewed a list of potential projects that could be brought before state legislators. Abeles-Allison asked the board for volunteers that would be willing to meet 2 or 3 times over the next three weeks to discuss projects to be presented to legislators.

Silbert asked Abeles-Allison if he was looking for a separate committee or if the Executive Committee would be suitable for this goal. Pocernich stated that a member of the board, that is not a part of the Executive Committee may be looking to participate in the task force. Zepczyk questioned what type of projects Abeles-Allison was looking for, Abeles-Allison replied that was a topic that the group would have to talk about. Ray suggested the Executive Committee take over the topic to discuss before referring it back to the full board.

The decision was made that Abeles-Allison would need to get in touch with Wisconsin Representative Tom Tiffany to find out more information before a decision could be made.

21. Bayfield County Reports:

Meagan Quaderer, the newly appointed Emergency Management Director, introduced herself to the board.

a) Future County Board Meeting Dates:

a. April 20, 2021; THIRD Tuesday of Month

b. May 25, 2021: Budget Meeting at 4:30 & Monthly Meeting at 6:00 p.m.

c. June 29, 2021

b) County Budget Survey

c) Emergency Medical Service Ad Hoc Committee; Abeles-Allison informed the board that Bayfield County has struggled in the past with finding EMS volunteers and that neighboring counties are beginning to pull EMS services from areas. The purpose of the committee is to ensure continued EMS operations over the next 10 years. Silbert suggested altering the members

of the committee to reflect 3 Town Representatives rather than 2 and 2 County Board representatives instead of 3.

- d) **Superior Days;** Strand reviewed the following proposed topics for Superior Days:
- a. Encourage State Support for Tribal Land Repatriation
 - b. State Support for Emergency Medical Services in Rural Areas
 - c. State Support for Increasing Payments to Towns with County Forest
 - d. Increase Funding for County Conservation Staff
 - e. Advocate for Fish Passage Ladder at the Lamprey Barrier on the Iron River
 - f. Advocate for Deer Carcass Disposal, LRB 1305/1, Creation of New Sites
- e) **Stimulus Funding;** Abeles-Allison informed the board that Bayfield County is scheduled to receive \$2.94 million in funding and Bayfield County municipalities are scheduled to receive \$1.5 million with funds to be distributed in two sections, the first half will be distributed this year and the second half will be distributed next year. Bayfield County will have approximately 3.5 years to expend the funds. The details will be discussed further at the next Executive Committee meeting; however, it is recommended that communities discuss county-wide priorities so funds may be allocated towards fulfilling these priorities. In addition to stimulus funding being received directly by the County, there is a lot more money going through different agencies that could aid the County's priorities.
- f) **CDBG-CV Report;** Abeles-Allison reported the Community Development Block Grant-CV was approved for \$776,500 with the following allocated amounts:
- a. Rental, Mortgage, Utility Assistance: \$200,000
 - b. Business Assistance: \$250,000
 - c. Northern Lights HVAC: \$326,500

Bayfield County is working with the Northwest Regional Planning Commission on the grant project, and the NWRPC will be acting as the project administrator. Abeles-Allison informed the board that the terms for the Rental, Mortgage, Utility and Business Assistance grants are being discussed, but the Business Assistance grant will be focusing on businesses that employ five or fewer people.

22. **Supervisors' Reports;**

Silbert reported that the County-Tribal Relations Committee has been meeting more frequently and is looking to hold a joint Tribal Council and County Board meeting at the end of November 2021. Should a joint meeting occur, the Red Cliff Tribe would be willing to host the meeting. Silbert reported on acreage of land that has been sold back to the Red Cliff Tribe:

- 2017- 80 Acres for \$80,000
- 2019-80 Acres for \$80,000
- 2020-217 Acres for \$315,000
- Current-Pending grant application for 348 Acres for \$522,000

Silbert informed the board that Abeles-Allison was able to meet with the WCA to receive legislative support in changing the restrictions regarding land repatriation.

Silbert informed the board that he would have more of an update from the Northern Lights Nursing Home after their board meeting.

Oswald reported the Sheriff took time at the previous Sheriff's Committee meeting to go over their rules and regulations and the committee has plans to tour the Bayfield County Jail at the next meeting.

23. **The Board may entertain a motion to move in and out of Closed Session pursuant to §19.85(1) (c) to consider the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (e) to deliberate or negotiate 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 (g), to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved;**

Chairman Pocernich dispensed with the closed session as the only item listed was the minutes of the previous closed session.

24. Adjournment:

There being no further business to come before the Bayfield County Board of Supervisors, *Chairman Pocernich* adjourned the meeting at 8:01 p.m.

Sincerely,

LYNN M. DIVINE
Bayfield County Clerk
LMD/pat