

WASHBURN COUNTY BOARD OF SUPERVISORS AGENDA – DRAFT

June 20, 2017

6:00 p.m.

County Board Room, Elliott Building, Shell Lake, Wisconsin

1. Call Meeting to Order – Chair Mackie
2. Moment of Silent Meditation and Pledge of Allegiance – Supv. Ricci
3. Notice of Meeting - County Clerk Olson
4. Introduction of Washburn County Board District 7 Representative – Bob Olgard
5. Roll Call – County Clerk Olson
6. Approval of Agenda
7. Approval of May 16, 2017 County Board Proceedings
8. Concerned Citizens
9. Presentation of Roles & Responsibilities by J. Michael Blaska, WCA Parliamentarian & Chief of Staff

10. Consent Agenda

- A. Rezone Petition and Amendatory Ordinance
- B. Resolution Amending Multiple Sections of the Washburn County Code of Ordinances, Chapter 38, Article IV, Zoning Regulations
- C. Updating Washburn County Employee Handbook – 8.1 Corrective Action Policy
- D. Resolution Supporting Improved Broadband Access in Washburn County
- E. Resolution Adopting Washburn County Library Plan for 2017-2022
- F. Resolution Requesting Backfill for Lost Revenues if the Personal Property Tax is Repealed
- G. Resolution Regarding Van Ridership Policy – Veterans
- H. Review of Job Description for Administrative Coordinator/HR Director

11. Other Resolutions and Ordinances

- A. Resolution to Authorize a Repeater and Antenna on the Radio Tower Erected in the Town of Long Lake – Supv. Fiedler
- B. Resolution to Authorize Transfer of \$3000 from Maps & Plats Fund Balance to Purchase Vehicle for County Surveyor – Supv. Fiedler
- C. Resolution to Authorize Transfer of \$3900 from Capital to Purchase Mobile Command Post Trailer – Supv. Fiedler
- D. Resolution Prohibiting All Weapons from Health & Human Services Department Buildings – Chairman Mackie
- E. Resolution to Acquire an Interest of Land from the Town of Stinnett regarding Relocating a Portion of CTH M – Supv. Ricci

12. Committee Reports
13. Chair Appointments – Ad Hoc Committee, Veterans Service Commission
14. Citizen Comments
15. Chair Comments
16. Possible Future Agenda Items
17. Audit Per Diems
18. Adjourn

Respectfully submitted this 15th day of June 2017
Lolita Olson, County Clerk

Copy via Email: County Clerk; Department Heads; News Media. Individuals with qualifying disabilities under the Americans with Disabilities Act, in need of accommodations, should contact the County Clerk's office at 468-4600 at least 24 hours prior to the meeting.

WASHBURN COUNTY BOARD OF SUPERVISORS MINUTES – DRAFT

May 16, 2017

6:00 p.m.

County Board Room, Elliott Building, Shell Lake, Wisconsin

1. Call Meeting to Order at 6:00 pm by Chair Mackie
2. Moment of Silent Meditation and Pledge of Allegiance was lead by Supv. Ricci
3. Notice of Meeting was read by County Clerk Olson
4. Roll Call was done by County Clerk Olson. Present: (18); Vacant: (1); Absent/Excused: (2) Haessig, Dohm. No youth representatives present.
5. Approval of Agenda by Fiedler, 2nd by Masterjohn; MC.
6. Approval of April 25, 2017 County Board Proceedings by Fiedler, 2nd by Quinn. Supv. Esser proposed amendment of Anna Marie Brown’s public comment in that the last sentence be removed under Item 7, Concerned Citizens, 2nd by Thompson. Voice vote on amendment carries with one “No” (Sather). Approval of amended minutes carries by voice vote.
7. Ratification of Chair Appointment and Welcome to Sandy Johnson as District 4 County Board Representative - Oath of Office was given by County Clerk Olson.
8. Concerned Citizens – Micheal Bobin, past County Board member/Personnel Committee chair, spoke regarding: 1) long range planning as was started by the Committee of the Whole last year has not had any activity and needs to progress; 2) his full support of the Admin. Coord./HR Director and that the entire County Board had hired her and set the job description and therefore the entire board would need to vote on any issues; 3) questioned the amount of money spent on out-of-county attorneys in this regard; and 4) referred to the county Mission Statement and Core Values and stated that these need to be read and followed.
9. Presentation by Washburn County Tourism, Michelle Martin – Executive Director, gave a power point presentation on how tourism plays a significant role in Wisconsin’s and Washburn County’s economy. Highlights included a report of total business sales of 44.3 million in 2016, which is an increase of 4.57%. Reviewed visitor spending, sales by industry, jobs supported, sales tax generated, NW Wis ITBEC involvement, marketing campaign. Video clips of county marketing campaign shown. Website is #1 marketing tool. Ms. Martin thanked the board for their continued support. Supv. Sather stated the need to continue funding ITBEC; Ms. Martin was asked her personal opinion on \$15 wage; this would be hard on a lot of businesses and the Visitor’s Center definitely would not be able to be staffed 6 days/week in winter, 7 days/week in the summer as it is now without requesting additional funds from the County.

NOTE: Chair announced that a tornado just hit a trailer park between Cameron and Chetek and that the Sheriff may be called to assist.

10. Consent Agenda

11. Other Resolutions and Ordinances

- A. **Resolution 42-17 to Return a Tax Deeded Land to the Former Owner – Weatherlock Windows** – Motion to approve by Ricci, 2nd by Hoepfner. Payment has been received. MC on voice vote.
- B. **Resolution 43-17 to Return a Tax Deeded Land to the Former Owner – Jean Baker** – Motion to approve by Ricci, 2nd by Hoepfner. Payment has been received. MC on voice vote.
- C. **Resolution 44-17 to Increase the 2017 HHS Budget – Purchase of Vehicles** – Motion to approve by Fiedler, 2nd by Hansen. Roll Vote: Yes (18), No (0); MC.
- D. **Resolution 45-17 Authorizing the Creation of a FT Intake/Access Worker – HHS** – Motion to approve by Fiedler, 2nd by Reiter. Esser presented concerns about elimination of position in Public Health and programs; spoke of her connection with GWAAR and focus on utilizing public health with the aging population. Roll Vote: Yes (15), No (3) Mackie, Esser, Ford; MC.

- E. **Resolution 46-17 Authorizing the Creation of a FT Natural Resources Technician for 2018 Budget – Forestry** – Motion to approve by Esser, 2nd by Fiedler. Roll Vote: Yes (18), No (0); MC.
- F. Resolution to Create Article V, Chapter 46, of the Washburn County Ordinance Prohibiting the Carrying of Concealed Weapons – Chair Mackie mentioned that this previously came before the board and it was defeated in 2011 in part due to potential liability issues. Health & Human Services (HHS) wants to revisit this and have it posted at their buildings. Esser moved to approve, 2nd by Hansen. Both pros and cons were discussed by several board members at length. Supv. Hopke read a letter from Darby Smith who indicates that she would like this posted at the Spooner Annex building as well. Sheriff Dryden mentioned that he has no issues with conceal carry and that it's a balancing test the county board members need to do and they would have to readdress the issue if only certain buildings are posted. Consideration would also need to be given to other properties leased or owned by the county, including campgrounds, trails, etc. Chair Mackie stated that he honors HHS and employees and would like to support this but is worried about putting up a sign. Supv. Hansen sponsored Jim LeDuc who discussed the concerns staff have and they do not want to infringe on person's rights, just a concern for safety at the HHS, Public Health and Community Programs Building. After further pros and cons were given by board members, motion was made to postpone action to a future meeting by Waggoner, 2nd by Fiedler; MC on voice vote.
12. Committee Reports – motion by Hoepfner, 2nd by Quinn, to dispense with reports. Supv. Ricci reported that 19 properties will be on the Wis Surplus site as of May 25th for the tax deed sales.
13. Chair Appointments – Sandy Johnson to HHS, Forestry, Solid Waste and Aging & Disability committees. Chair also added that the library group needed an odd number of members and therefore is appointing Micheal Bobin to the group. Motion to approve chair appointments made by Ricci, 2nd by Esser; MC.
14. Citizen Comments – Mike Peterson asked the board (on conceal carry) to please remember that there are other issues where employees would need to carry (remote areas of the county for instance); he would like to participate in future discussions concerning this issue.
15. Chair Comments – none at this time.
16. Possible Future Agenda Items – Supv. Hopke requested that there be an agenda item to elect a new county board chair at the meeting. Supv. Esser asked to have something on strategic planning. Supv. Reiter asked about setting a committee to deal with the meth problem.
17. Audit Per Diems on motion by Fiedler, 2nd by Masterjohn, MC.
18. Personnel matters and complaints involving Departments of Administration/HR and Finance – approval of closed session minutes from May 9, 2017 meeting:
Closed session pursuant to Wis. Stat. 19.85(1)(c) for consideration of employment or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. Motion to go into closed session by Fiedler, 2nd by Ford. Roll vote taken: Yes (18), No (0). Approval of Closed Session Minutes from the May 9, 2017 meeting was made by Waggoner, 2nd by Fiedler. Discussed. MC.
19. Adjourn at 8:20 p.m. on motion by Esser, 2nd by Masterjohn; MC.

Copy via Email: County Clerk; Department Heads; News Media. Individuals with qualifying disabilities under the Americans with Disabilities Act, in need of accommodations, should contact the County Clerk's office at 468-4600 at least 24 hours prior to the meeting.

REZONING PETITIONS

Washburn County Board of Supervisors

Rezoning petitions were filed with the Washburn County Zoning Office for changes in the Zoning districts. Notices were sent that a public hearing would be held on May 23, 2017.

The Zoning Committee did conduct the public hearings, considered the following and recommend as:

Barronett Township Brad Marker, Shell Lake WI. PROPERTY: regarding 45.50 acres; Map# BA 238/Tax id# 299 - 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ and Map ID# BA 242/Tax id# 305- 5.50 acres PT of NE $\frac{1}{4}$ NW $\frac{1}{4}$ E of RR ROW both in Section 15-37-13. To rezone approximately 10 acres of the property described above from Agricultural to Residential Agricultural to split off parcel and give to his son.

The Zoning Committee recommends APPROVAL of the request to rezone 10 acres of Agricultural to Residential Agriculture.

Interested persons were given the opportunity to be heard.

Dated

David Haessig, Chairman
Washburn County Zoning Committee

Rezonepetitions052317

AMENDATORY ORDINANCE

WHEREAS, the Washburn County Board of Supervisors has heretofore been petitioned to amend the Washburn County Zoning Ordinance and Maps; and

WHEREAS, the rezoning petitions have been referred to the zoning district boundaries, pursuant to Wisconsin Statute Chapter 59.69, and;

THEREFORE BE IT RESOLVED that the Washburn County Zoning Ordinance and maps, adopted in 1977 be and the same are hereby amended and designated as;

BARRONETT TOWNSHIP: Brad Marker, Shell Lake WI. PROPERTY: regarding 45.50 acres; Map# BA 238/Tax id# 299 - 40 acres NW ¼ NE ¼ and Map ID# BA 242/Tax id# 305- 5.50 acres PT of NE ¼ NW ¼ E of RR ROW both in Section 15-37-13. To rezone approximately 10 acres of the property described above from Agricultural to Residential Agricultural to split off parcel and give to his son.

Interested persons were given the opportunity to be heard.

Supervisor _____ move to _____ rezonings,

second by
Supervisor _____, motion carried

Dated

Thomas Mackie , Chairman
Washburn County Board of Supervisors

Rezonepetitions052317

A resolution amending multiple sections of the Washburn County Code of Ordinances, Chapter 38, Article IV, Zoning Regulations

Whereas, Washburn County currently administers a comprehensive zoning ordinance pursuant to Chapter 59.69 Wisconsin Stats. and,

Whereas, Washburn County was required to, and did adopt a new shoreland ordinance in September of 2016, pursuant to Chapter 59.692 Wisconsin Stats. and,

Whereas, the new shoreland ordinance has caused certain sections of the comprehensive ordinance to become redundant, invalid or inappropriate and,

Whereas, said language needs to be amended to properly mesh with the shoreland ordinance and that various other sections of the comprehensive ordinance need to be further clarified and,

Whereas, the required majority of townships did approve of the amendments and the Zoning Committee did hold a public hearing on the proposed amendments and properly publish and notice the same, and is recommending said amendments to the Board of Supervisors for approval.

Therefore, be it resolved that the attached zoning ordinance amendments be adopted this day.

Be it further resolved that said amendments be incorporated in the Washburn County Code of Ordinances, Chapter 38, Article IV, in accordance with Chapter 66.0103.

Fiscal Impact: None

Recommended for adoption by the Zoning Committee at a public hearing held on May 23, 2017.

David Haessig, Chair

Jocelyn Ford

Steve Sather

Sue Hansen

Please see Zoning Ordinance Text Amendments and a summary thereof at the end of this packet.

RESOLUTION # _____

**RESOLUTION TO APPROVE UPDATE TO EMPLOYEE HANDBOOK – POLICY 8.1
CORRECTIVE ACTION**

WHEREAS, from time to time County policies need to be revised and update to ensure currency with law, best practices and language updates, and

WHEREAS, the updated policy addresses the goal of corrective action, and

WHEREAS, clarification of the policy is needed in order to administer the policy in a clear, uniform and consistent manner,

THEREFORE, BE IT RESOLVED, that the revised 8.1 Corrective Action Policy as attached will be effective upon approval by the Washburn County Board of Supervisors.

FISCAL IMPACT: None

RECOMMENDED FOR ADOPTION BY THE PERSONNEL COMMITTEE THIS 12TH DAY OF JUNE, 2017.

Beth Esser, Chair

Steve Waggoner, Vice Chair

Romaine Quinn, Member

Hank Graber, Member

Jocelyn Ford, Member

8 DISCIPLINE AND GRIEVANCE PROCEDURE

8.1 ~~DISCIPLINARY-CORRECTIVE~~ ACTION

It shall be the policy of the County to administer discipline fairly, reasonably, ~~and impartially, and in a clear, uniform, and consistent manner~~. When appropriate, discipline will be corrective in nature. The best disciplinary measure is the one that does not have to be implemented and comes from good leadership and supervision, and good work performance and self-discipline.

The goal of any corrective action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Action against employees may be taken by Washburn County for violations of any personnel or departmental policies, procedures set forth herein, for unsatisfactory work performance or violation of County ordinance.

~~Whether disciplinary actions against employees are taken or not taken by County management, it shall in no way abrogate the right of Washburn County to discharge an employee from employment at any time, for any reason or no reason, with or without prior notice. It is impossible to categorically state when or if disciplinary measures or termination of the employment relationship will be appropriate action. The degree of discipline administered will depend on the nature and severity of the infraction, employee's prior record and shall be in accordance with County policies and procedures as well as local, state or federal laws and regulations.~~

~~At the sole discretion of the County, various types of employee discipline may be imposed which include but are not limited to the following: verbal warning, written warning, and/or suspension. None of these disciplinary measures are required to be used before discharge from employment occurs nor are the listed disciplinary actions required to be used in any specific order. Employees who violate policies and procedures, whether expressed or implied, or who have unsatisfactory work performance are subject to disciplinary action, up to and including discharge from employment. It is the responsibility of each Supervisor and/or Department Head with the assistance of the Human Resource Director to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline. The Employer may repeat disciplinary action. [U1]~~

The following is a list of examples of behavior which would normally justify disciplinary action and/or termination of employment; ~~this list is not intended to be all inclusive:~~

1. Fraud in securing employment
2. Unauthorized absences, repeated absences, tardiness or improper use or abuse of leave;
3. Willful falsification of a time card;
4. Leaving job without permission;
5. Sleeping while on duty;
6. Negligence, incompetence or inefficiency in the performance of duties;
7. Dishonesty in performance of duties or failure to provide complete, accurate and truthful information when requested or required;
8. Insubordination or failure to perform duties as instructed or willful misconduct;

9. Failure to maintain effective working relationships with other employees or the public, or discourteous treatment of the public or fellow employees — insulting, abusive or inflammatory conduct toward the public, employer or fellow employees;
10. Engaging in illegal discrimination of the public, employer or fellow employee;
11. Failure to obtain and maintain a current license or certification as required by law/employer;
12. Conviction of a felony or misdemeanor, the circumstances of which are substantially related to the duties performed;
13. Assuming duties while under the influence of controlled substances or intoxicants; or possession of, distribution/dispensing of use of intoxicants or controlled substances during working hours;
14. Sexual or other unlawful harassment;
15. Workplace violence;
16. Violation of any lawful order, directive, policy, or work rule;
17. Violations of County or Departmental policies or work rules;
18. Misuse, carelessness, negligence or theft in the handling or control of, the willful damage to County property or the unauthorized appropriation of property for their own use;
19. Misuse or abuse of the authority of their position within Washburn County;
20. Soliciting, accepting or offering bribes;
21. Unauthorized release of information required to be kept confidential by Federal Law, State Law, administrative rules or regulations or by County policy.

This list is not intended to be all inclusive, as it is impractical to list all the forms of behavior that are unacceptable in the workplace.

Procedure for Progressive Corrective Action and Discipline Levels

Outlined below are the steps of Washburn County's progressive discipline policy and procedure. The County reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization.

Level I:

Level I is an informal meeting between the employee and his/her supervisor. The supervisor clearly specifies the nature of the concern for the employee's performance/conduct and why the supervisor feels expectations have not been met and/or why corrective action by the employee is necessary. The supervisor also clearly states the specific expectation(s)/corrective action(s) required and the time frames in which the expectation(s)/corrective action(s) must occur. The supervisor documents the meeting in writing, identifying the specific employee conduct/performance issues and the specific required expectation and/or corrective action plan.

Level II:

Level II is an oral warning. In consult with the Administrative Coordinator/Human Resources Director, the supervisor clearly informs the employee that he/she is being orally warned. Verbally, the supervisor informs the employee of specifically what has been done wrong and the corrective action or expectation(s) required. The employee is also verbally informed that if corrective action is not taken or expectations not met, further corrective and/or disciplinary steps up to and including suspension and/or termination may occur. The oral warning is documented by the supervisor in writing which the employee must sign, acknowledging receipt of the written oral warning. A copy of the written oral warning must be provided to the employee and the Personnel Committee with a copy placed in the employee's personal file.

Level III:

Level III is a written warning. In conjunction with the Administrative Coordinator/Human Resources Director, a written warning can be provided to an employee for whom there is a performance deficiency or conduct issue that needs to be corrected. The written warning must state specifically the conduct or performance deficiency that must be corrected. If applicable, a specific corrective action plan shall be outlined and a time frame at the end of which the corrective action plan must be completed. The employee is informed that if the corrective action plan is not completed or adhered to, expectations are not met, or additional violations occur, further corrective and/or disciplinary steps may be taken up to and including suspension and/or termination. The employee must sign the written warning, acknowledging receipt.

Level IV:

Level IV is a suspension with or without pay. A suspension is a serious step, since the next step may be dismissal if corrective action does not occur, expectations are not met or additional violations occur. The supervisor, in conjunction with the Administrative Coordinator/Human Resources Director will issue the notice of suspension. The suspension notice will specifically identify the date the suspension begins and ends and the conduct or performance deficiency for which the suspension is being given. If applicable, the notice will also specifically describe the corrective action that is required of the employee to perform and the time frames for doing so. The employee must also be informed that if corrective action does not occur, or expectations are not met, further corrective and/or disciplinary action may be taken up to and including suspension and/or termination. The employee will sign the notice of suspension acknowledging receipt of the notice.

Level V:

Recommendations for dismissal or termination will be referred to the Personnel Committee through the Administrative Coordinator/Human Resources Director for disposition.

Whether disciplinary actions against employees are taken or not taken by County management, it shall in no way abrogate the right of Washburn County to discharge an employee from employment at any time, for any reason or no reason, with or without prior notice. It is impossible to categorically state when or if disciplinary measures or termination of the employment relationship will be appropriate action. The degree of discipline administered will depend on the nature and severity of the infraction, employee's prior record and shall be in accordance with County policies and procedures as well as local, state or federal laws and regulations.

At the sole discretion of the County, various types of employee discipline may be imposed which include but are not limited to the following: verbal warning, written warning, and/or suspension. None of these disciplinary measures are required to be used before discharge from employment occurs nor are the listed disciplinary actions required to be used in any specific order. Employees who violate policies and procedures, whether expressed or implied, or who have unsatisfactory work performance are subject to disciplinary action, up to and including discharge from employment. It is the responsibility of each Supervisor and/or Department Head with the assistance of the Human Resource Director to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline. The Employer may repeat disciplinary action.

~~The offenses listed above are not intended to be all-inclusive, and discipline or discharge may occur for any other reason depending upon the seriousness of the offense and the particular circumstances involved.~~

Non-disciplinary action, including letters of expectations and job deficiencies as well as performance improvement plans may also be utilized at the discretion of the County based on the potential infraction.

Documentation: All steps taken under this procedure, including informal meetings, discipline shall be documented with a copy provided to the employee and a copy placed in the employee's personnel file. The employee must sign written warnings and notices of suspension acknowledging receipt of the notice.

RESOLUTION # _____

SUPPORTING IMPROVED BROADBAND ACCESS IN WASHBURN COUNTY

WHEREAS, improved broadband access is necessary to Washburn County businesses and citizens in the areas of economic development, medical care, education, communication, entertainment, and other future uses; and

WHEREAS, significant portions of Washburn County are below average in speed, adoption, and capacity compared to the rest of Wisconsin, the Nation, and our worldwide competitors; and

WHEREAS, although Washburn County may not be a broadband provider it may work to facilitate broadband build out and improvement; and

WHEREAS, public and private involvement in the development of a broadband improvement plan is necessary to ensure success;

NOW, THEREFORE, BE IT RESOLVED, the Washburn County Board of Supervisors hereby endorses and establishes as a goal that broadband opportunities are provided for Washburn County businesses as well as its citizenry; and

BE IT FURTHER RESOLVED, that the Washburn County Board encourages the State Legislature and Governor Walker to support funding in the 2017-2019 Biennial State Budget to expand high-speed broadband access for rural Wisconsin residents; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to the Wisconsin Public Service Commission, the Wisconsin Counties Association, the Wisconsin Economic Development Corporation, Governor Walker, Senator Shilling and Representatives Doyle and Billings.

FISCAL IMPACT: None

Recommended for approval this 20th day of June, 2017 by the Washburn County Executive Committee.

Thomas Mackie, Chair

Thomas Ricci, 1st Vice Chair

Beth Esser, 2nd Vice Chair

Chris Thompson, Member

L.H. Skip Fiedler, Member

Attachment 4 Resolution #

TO ADOPT WASHBURN COUNTY LIBRARY PLAN FOR 2017 – 2022

WHEREAS, the Washburn County Library Planning Committee and the Northern Waters Library Service submits the County Library Plan for years 2017-2022, and,

WHEREAS, the libraries of Washburn County shall provide quality library services to all residents and visitors of Washburn County, and,

WHEREAS, the Washburn County Library Planning Committee will assist Washburn County in meeting its statutory responsibilities to provide a forum for assisting and supporting the county libraries and meeting their mission while providing quality library services to Washburn County.

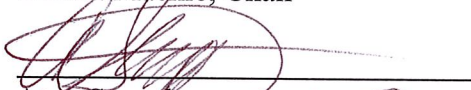
NOW, THEREFORE BE IT RESOLVED, that Washburn County Board of Supervisors supports the Library Plan for 2017-2022 as submitted.


RECOMMENDED THIS 20th day of June, 2017.

Fiscal impact: NONE

Signed by the Washburn County Library Planning Committee

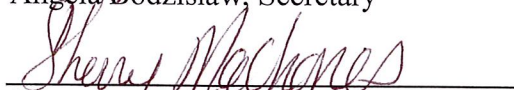

Sandra Mackie, Chair


Amy Stormberg


Jocelyn Ford

Mike Bobin


Angela Bodzislaw, Secretary


Sherry Machones

Tammy Hopke

Sue Hanson

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WASHBURN COUNTY LIBRARY PLAN 2017-2022

RECOMMENDED BY THE WASHBURN COUNTY EXECUTIVE COMMITTEE AND ADOPTED BY THE
WASHBURN COUNTY BOARD OF SUPERVISORS ON THIS 20TH DAY OF JUNE 2017.

Thomas Mackie, Chair

Tom Ricci, 1st Vice Chair

Beth Esser, 2nd Vice Chair

Chris Thompson, Member

L.H. Skip Fiedler, Member

Washburn County Library Plan 2017
Washburn County Library Planning Committee
 Updated on the 4th of May 2017

I. Mission Statement

The mission of Washburn County's Public Libraries and Northern Waters Library Service is to provide quality library services to all residents and visitors of Washburn County, regardless of their residence in a municipality with or without a public library, or their proximity to one of the county's existing public libraries.

The mission of the Washburn County Library Planning Committee is to assist Washburn County in meeting its statutory responsibilities and to provide a forum for assisting and supporting the county's public libraries in meeting their mission of providing quality library services to all Washburn County residents.

II. Background

Historically, Washburn County has been supportive of its libraries. In order to help the libraries fulfill their mission of providing quality library service to all county residents and visitors, long-range planning for library services was begun in the fall of 1992. The result of this planning process was a sequence of long-range plans for library services in Washburn County. The first of these was adopted in 1993.

Since 1985, Washburn County has provided funding support to the Spooner Memorial Library, the Shell Lake Public Library and Northern Waters Library Service (NWLS).

County support is a significant and critical part of the mix of library funding and has contributed to renewed community involvement in libraries. Municipal library expenditures have grown and circulation figures have increased in recent years.

The aggregate numbers for Washburn County libraries in the following table dramatically demonstrate the significance of the growth and revitalization of the libraries in the years 2006 to 2016. The chart below is based on the circulation of physical materials only. This does not include e-material circulation, computer and internet usage, community outreach education, or library visits.

Aggregate Statistics for Washburn County Libraries: 2006, 2011, 2016			
	2006	2011	2016
Total Materials Collection (items)	46,925	49,014	52,421
Total Materials Expenditures	46,610	50,599	53,812
Total Municipal Funding (excl. county)	187,513	199,609	205,715
Total Circulation	117,693	143,890	132,274

*Material expenditures exclude federal funds.

In 1997, Wisconsin Act 150 established the county's statutory responsibility to provide funding for library services for its residents living in municipalities without libraries. Per Wisconsin Act 157, beginning March 2014, counties are required to annually reimburse public libraries at 70 percent of their cost of serving county residents who live outside the library's municipality and have no municipal library of their own (hereafter referred to as "non-municipal county patrons").

In recent years Washburn County has met the standard established by Act 150. The following table shows Washburn County funding provided to libraries for the years 2014 to 2016.

Washburn County Funding to Libraries & NWLS in 2014, 2015 and 2016			
	2014	2015	2016
Shell Lake Public Library	40,879	34,606	34,857
Spooner Memorial Library	104,250	106,178	100,307
Northern Waters Library Service	22,870	22,870	23,099
Total	167,999	163,654	158,263

III. Current Library Services to Washburn County Residents

One of the many services provided by libraries in Washburn County is the circulation of a variety of items including books, DVDs, magazines, audio CDs, books on CD, and an assortment of kits. Interlibrary loan service is available at no cost to provide items not available in the collection of a patron's library. The libraries provide outreach services to community groups with special needs such as the elderly and children.

The libraries also provide a variety of other services including reference assistance, continuing education for adults and children, preschool literacy programs, home school resources, school visits and education, summer reading programs, e-resources, technology education, and public meeting space. Washburn County can boast that all of its libraries provide no-cost, high-speed Internet access, a service that is appreciated and used by both residents and visitors. NWLS provides library services to individuals throughout Washburn County by way of their Mail-A-Book program.

Washburn County's libraries provide full library services to all patrons, regardless of their residence. Any person who walks through the doors of a library in Washburn County can check out materials, receive reference assistance, read newspapers and magazines, or access email or the Web on public computer terminals. There is no distinction between municipal resident and non-municipal use except within the confines of calculating budget requests.

Governance structure of Spooner Memorial Library and Shell Lake Public Library are set up according to Wisconsin State Statute 43.11. The mayors of these municipalities make

appointments to the library boards. Because the funding received from the county via Act 150 has exceeded one-third of the libraries' operating budget, the county is also allowed to place appointees on the board per Wisconsin State Statute 43.60(3). The county board has appointed two members to both the Shell Lake Library Board and the Spooner Library Board of Trustees.

The Spooner Memorial Library and the Shell Lake Public Library are members of the Northern Waters Library Service. Currently, two Washburn County residents hold positions on the NWLS Board of Trustees. The county board chairman appoints members to the NWLS Board of Trustees as terms expire.

IV. Goals and Objectives

- 1. To provide all Washburn County residents and visitors with full and cost-effective access to all library services provided by Northern Waters Library Service (NWLS) member libraries in Washburn County, in accordance with Wisconsin Statutes s.43.11(3)(c).**

Objective A: Write joint grant applications to provide cooperative projects.

Objective B: Work collaboratively toward joint endeavors in order to offer exceptional services to the citizens of Washburn County.

Objective C: Cooperatively work with school and public librarians to improve the quality of library services to Washburn County.

Objective D: Participate in cooperative projects of the NWLS, such as delivery and the Merlin Consortium.

Objective E: Send staff and trustees to workshops and meetings to help plan cooperative services and to gather and share new ideas for improving library services.

- 2. Washburn County libraries will provide equal access to library services to all county residents.**

Objective A: Work with community groups to develop community outreach education in order to reach under-served populations.

Objective B: Use web-based resources to make library services available at home, work, or school 24 hours per day, 7 days per week.

Objective C: Support the NWLS Mail-A-Book program for those who do not live near a library or who are physically unable to go to a library.

Objective D: Participate in the Merlin Consortium in order to provide county residents with convenient access to a virtual collection of more than 725,000 items.

Objective E: Promote use of interlibrary borrowing as a way for Washburn County residents to gain access to library collections throughout Wisconsin and the country.

3. Washburn County libraries will expand public awareness of their services.

Objective A: Use a variety of media to publicize library community outreach education and services.

Objective B: Update and distribute promotional materials illuminating library services available to county residents.

Objective C: Measure and evaluate the value of library services annually and report the information to community groups, elected officials, and other interested stakeholders.

Objective D: Join forces with community partners in order to expand library offerings.

Objective E: Actively pursue marketing outlets to better reach the residents of Washburn County.

V. Public Library System Redesign Project (PLSR)

A statewide Public Library System Redesign (PLSR) Project is currently underway and is studying ways library systems in Wisconsin can increase effectiveness and efficiencies. While the outcome of that study is unknown, it is safe to say that resource sharing and collaboration will certainly continue to be key elements of regional library systems now and in the future. If statewide change in library system structure creates larger regionalized service areas, there is a potential that this scenario would result in a reduced ability of the library system to provide services to and for Washburn County libraries. A change of this nature and magnitude could drive the need to create and fund a county library service to provide services that are currently being provided by the existing regional library system. To avoid the need for an additional investment in county library services, it will be important to be engaged in the PLSR process.

Goal 1: Encourage the PLSR project to focus its efforts on making recommendations that result in improvements in library system effectiveness so that Washburn County libraries benefit from increased services and a higher level of support by utilizing the following objectives:

Objective A: The regional library system staff will monitor the statewide PLSR project and provide feedback to PLSR expressing the need to provide a high level of county library services to avoid creating a need for an additional organization to handle county library responsibilities in the future.

Objective B: The regional library system staff will engage in the PLSR process to ensure that ideas for improvements are offered throughout the project.

Objective C: The regional library system staff will engage in the PLSR process to ensure that ideas that surface that are anticipated to be detrimental to Washburn County libraries are communicated to stakeholders in a timeframe that offers the possibility for the county, the municipalities, and the libraries to take action to influence the outcome for the benefit of Washburn County citizens.

Objective D: The regional library system will communicate, or request that member libraries communicate, the viability of Merlin during the PLSR process.

Objective E: Should the PLSR process change the regional library system's ability to provide effective services for the county and libraries, as determined by the library system board or the member libraries, a county library planning committee will be convened to study and plan for county-level services to benefit the county and the libraries.

VI. Statistical Reporting Requirements for Libraries

Any library eligible for reimbursement from Washburn County under Wisconsin Act 150 shall provide to the county clerk, by July 1, the following statistics for the previous year: (1) the total number of items circulated to all patrons ("total circulation"); (2) the number of items circulated to Washburn County residents who do not reside in the library's municipality and are not served by their own municipal library ("non-municipal circulation"); and (3) the net annual operating expenditures of the library (total operating expenditures less capital expenditures and any federal funds expended)

VII. Appropriation Formula

The funding to reimburse libraries 70 percent of the actual costs of providing services to non-municipal county patrons is calculated using the formula provided in Wisconsin Statutes s.43.12(1). This formula is dependent on each library's circulation numbers and net operating expenditures (total operating expenditures less any capital expenditures and federal funds). Using the statistics provided by each library, its cost-per-circulation is calculated by dividing its net operating expenditures by its total circulation. The cost-per-circulation is then multiplied by the number of items circulated to non-municipal county patrons to obtain the cost of serving those patrons. The formula can be summarized as follows:

$$\begin{aligned} \text{Net Operating Expenses} \div \text{Total Circulation} &= \text{Cost-per-Circulation} \\ \text{Cost-per-Circulation} \times \text{Non-resident Circulation} &= \text{Service Cost} \\ \text{Service cost} \times 70\% &= \text{County Appropriation} \end{aligned}$$

It is the position of the Washburn County Library Planning Committee that it is reasonable for the county to consider funding libraries for non-municipal and other services at levels above the recommended minimum appropriation. Such additional funding might be given in consideration of such things as enlarging collections, assisting with automation, technology upgrades, underwriting start-up costs of new libraries, or other ways of improving and expanding services.

VIII. Implementation & Assessment

Goals will be reviewed and progress updated by the Washburn County Library Board Planning Committee on a yearly basis. Future plans will include actions needed to achieve statutorily required components of the plan. Plan revisions will be brought to the attention of the Washburn County Board.

This plan will become effective following recommendation by this committee and approval by the Washburn County Board.

The entire plan will be reviewed and updated every five years.

Copies of the plan will be filed with the Washburn County Board, Shell Lake Public Library, Spooner Memorial Library, NWLS, and DLT.

The current plan was approved following a public hearing (see Attachment 2).

IX. Attachments 1-4

Northern Waters Library Service
2017 Washburn County Library Service Agreement

This Agreement is made by and between the Northern Waters Library Service, hereinafter called NWLS, headquartered in Ashland, Wisconsin, and the Washburn County Board of Supervisors, hereinafter called the County Board, located in Shell Lake, Wisconsin.

WHEREAS, NWLS has complied with the requirements of Chapter 43 of the WISCONSIN STATUTES to establish and maintain a federated public library system and to provide and coordinate library services for the libraries and residents of Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, Vilas, and Washburn counties in Wisconsin;

NOW THEREFORE, the County Board agrees to comply with the requirements of Chapter 43 of the WISCONSIN STATUTES for participation in a federated public library system, which include;
23. To adopt and maintain a county plan for library service, [Wisconsin Statutes s.43.15(4)(b)(1)]
24. To provide for funding of the county plan for library service, [Wisconsin Statute 43.15(4)(b)(2)]
25. To enter into a written agreement with the public library system board to participate in the system and its activities and to furnish library services to residents of those municipalities in the county not maintaining a public library. [Wisconsin Statute 43.15(4)(b)(3)]

NOW FURTHERMORE, NWLS agrees to provide library system services in Washburn County as follows.

- 36. To provide mail-a-book service on behalf of the County Board from NWLS Headquarters to all residents of Washburn County living 15 miles or more from a public library and to those who are homebound. This service includes access to NWLS staff via a toll-free phone line as well as book return boxes in remote locations.
37. To provide a program of delivery to complement resource sharing among all NWLS counties.
38. To provide access to the NWLS area-wide database via the web to all residents of Washburn County
39. To provide collection development grants for libraries as reimbursement for circulation to residents living within the NWLS area but outside of the library's county according to Wisconsin Act 150, and for meeting appropriate state library standards.
40. To plan for the future of library services within the county with the public libraries, county board, special groups and library patrons. To promote library services area-wide and to seek alternative funding for improved library services.

NOW FURTHERMORE, the County Board agrees to participate in the Northern Waters Library Service and pay NWLS a county library service fee of \$23,099 on or before February 28, 2017.

The term of this agreement is one year, beginning January 1, 2017. Not later than 90 days before the expiration of this agreement both parties shall enter into good faith negotiations for its renewal.

Cherene L. Campbell Treasurer for Deo Kittleson 12/29/16
President, NWLS Board of Trustees Date
[Signature] 12-16-16
Chairman, Washburn County Board of Supervisors Date

Shell Lake Public Library

501 1st Street / PO Box 318

Shell Lake, WI 54871

715-468-2074

Amy Stormberg, Director

amyslplibrary@gmail.com

Spooner Memorial Library

421 High Street

Spooner, WI 54801

715-635-2792

Angie Bodzislaw, Director

spoonerlibrarydirector@gmail.com

NOTICE OF PUBLIC HEARING

A public hearing will be held at the Spooner Memorial Library on Monday, June 5, 2017, from 5:00 p.m. to 6:00 p.m. to take comments concerning the proposed Washburn County Library Plan. For questions, or to obtain a copy of the plan, please contact the Washburn County Clerk at 715-468-4600 or co.clerk@co.washburn.wi.us.

Individuals with qualifying disabilities under the Americans with Disabilities Act, in need of accommodations, should contact the County Clerk's Office at 468-4600 at least 24 hours prior to the meeting.

RESOLUTION # _____

**RESOLUTION TO APPROVE CHANGE IN THE WASHBURN COUNTY VETERANS
TRANSPORTATION POLICIES & PROCEDURES**

WHEREAS, the Washburn County Veterans Service Commission currently provides transportation for Washburn and Burnett County veterans and their family members, and

WHEREAS, changes to the Veterans Administration reimbursement of beneficiary travel reimbursements for medical travel, as outlined in the attached letter, have necessitated a change to this policy to be effective June 15, 2017, and

WHEREAS, this has created a hardship for the van riders, drivers and office staff, and

WHEREAS, these changes will simplify the payment process for both veterans and staff, and

WHEREAS, the Washburn County Veterans Service Commission has approved the policy change;

THEREFORE BE IT RESOLVED, that all veterans and their riders will be charged a flat fee of \$25.00 for every rider as per the attached policy.

**RECOMMENDED FOR ADOPTION THIS 20TH DAY OF JUNE, 2017 BY THE WASHBURN COUNTY
VETERANS AND MILITARY AFFAIRS COMMITTEE**

Thomas Mackie, Chair

Tom Ricci, 1st Vice Chair

Beth Esser, 2nd Vice Chair

Chris Thompson, Member

L.H. Skip Fiedler, Member



**Washburn County
VETERANS SERVICE OFFICE**

1600 Highway "H"
Spooner WI 54801
PHONE: 715-635-4470
FAX: 715-635-4471
www.co.washburn.wi.us

To: Beneficiary Travel Office
Minneapolis VAMC

To: Washburn County Veterans
Burnett County Veterans

Subject: Revised Cost of Travel – Washburn County, WI

Based on the recent changes concerning the payment of beneficiary travel reimbursements at the MPLS VAMC and the resulting hardship it has created for our County's van riders, drivers and our office staff, we have revised our policy concerning the cost charged to our riders.

Effective June 15th, 2017, **ALL** van riders, regardless of entitlement to beneficiary travel pay, will pay \$25.00 (cash or check) directly to the driver the day of their trip. If a veteran is entitled to beneficiary travel pay, it will be that veteran's responsibility to seek reimbursement through the beneficiary travel program.

As has always been the case, the County Veterans Service Officer can waive the cost of riding the vans when a genuine hardship exists.

Be advised that any additional monies received by the VA beneficiary travel pay above the \$25.00 charged by the Washburn County Veterans Service Office may be reclaimed by the VA at any time as an overpayment. VA policy states: **"VA Travel Pay is intended for the person or agency that transports the veteran to his/her appointment and is not the veteran's unless the veteran drives him/herself to the appointment."**

These changes are necessary to both simplify the process for our veterans and ensure that we avoid the adversarial relationship that would inevitably result from the cumbersome collection process which we would otherwise face.

This policy supersedes any previous policies submitted from Washburn County, WI.

a Lisa Powers

Lisa Powers,
Washburn County
Veterans Service Officer



WASHBURN COUNTY
VETERAN'S SERVICE COMMISSION
WWW.CO.WASHBURN.WI.US

MEMBERS

Kerri Adams, Chairperson
Ellory Medor
Bruce Davenport

PHONE: (715)635-4470
FAX: (715)635-4471

1600 Highway "H"
Spooner WI 54801

SUBJECT: Washburn County Veterans Transportation Policies and Procedures.

1. PURPOSE.

- a. Changes to the VA reimbursement of medical travel have necessitated a change to the Transportation Policy. The new policy and procedures will be effective June 15th, 2017.
- b. The intent of the policy is to ensure that veterans will continue to receive transportation to the VAMC Minneapolis, VA Clinics or other VA scheduled appointments at little or no out of pocket cost while securing the long term viability of the Washburn County Veterans Transportation.

2. POLICY.

- a. Washburn County Veterans Service currently provides transportation for Washburn County veterans and their family members to the VAMC Minneapolis, VA clinics, or other VA appointments for medical appointments and treatment when such transportation is available such as space in the van or volunteer driver availability. All efforts will be made to secure transportation for veterans, however; there is no requirement to provide transportation. Transportation services are courtesy and not intended to be used for personal reasons (shopping trips, airport drop-offs, etc.).
- b. Veteran transportation services are not intended for emergency use. If it is an emergency, dial 911 for the appropriate assistance.
- c. The Washburn County van operates on Monday thru Thursday. There will be no van service on Fridays or Holidays.

- d. The vans can accommodate 9 passengers; however, capacity is limited to (8 passengers and a driver) due to the particular needs of veterans.
- e. Washburn County owns the vans used to transport veterans for (Washburn, Burnett County). Burnett County veterans and their attendants/family members will be transported on a space available basis. Priority for space available travel in order of precedence;
 - i. Washburn County veterans and essential attendants.
 - ii. Burnett County veterans and essential attendants.

All van riders must be ambulatory. Departure time is generally 5:00 am from the Washburn County Highway Department.

- f. ALL Veterans' van passengers will be charged a fee for transportation based on where the veteran is picked up. There will be a **flat fee of \$25.00 for every rider**, regardless of VA Travel Pay eligibility. Washburn and Burnett County van pick-up locations to the VA Medical Center, Minneapolis;
 - i. Papa John's, Hertel
 - ii. BC Government Center (BCGC), Siren
 - iii. Lutheran Church, Falun
 - iv. BP Station Store, Grantsburg
 - v. WC Highway Department
 - vi. Spooner Kwik Trip
- g. Rates will be halved for one way trips.
- h. Overnight trip fees will be collected after the return trip.
- i. All veterans and their riders will be charged a transportation fee of **\$25.00**. If a veteran cannot pay at the time of the ride, arrangements to make this payment can be made with the Veterans Service Office.
- j. The County Veterans Service Officer can waive the cost of riding the vans when a genuine hardship exists. No veteran will be turned down for a ride because of the inability to pay.

- k. An attendant will only be transported when the presence of the attendant is necessary for the veteran's care and wellbeing, provided space is available.

3. PROCEDURES.

- a. The County Veterans Service Office that the veteran resides in will schedule all transportation appointments on the office transportation calendar. Appointment information will include;
 - i. Veterans Name and last 4 of SSN
 - ii. Date and time of the first and last appointment
 - iii. Pick up location
 - iv. Contact Phone Number
 - v. Travel Pay eligibility (if known) (VA Pension recipients, all 30% SC or greater, 10 – 20 % SC if appointment is for SC disability)

Riders should call and schedule transportation as soon as an appointment is known or at least two (2) business days before appointment, with the County Veterans Service Office where they reside.

- b. Veterans Office will coordinate with the Van Drivers for pick up/return. Veterans should call their Veterans Service Office the last business day prior to travel to confirm transportation.
- c. ALL Veterans entitled to VA beneficiary travel pay will be responsible to seek reimbursement through the VA travel pay program on their own. The VA has gone to direct deposit reimbursement ONLY. No cash will be given for transportation. The Veteran MUST sign up for direct deposit with the VA to get reimbursed travel pay. This can be done at the VA Travel Pay office in Minneapolis VAMC. The Veterans Service Offices also have copies of the form needed to sign up for direct deposit.
- d. Veterans that receive VA Travel Pay over the \$25.00 fee set by the Washburn County Veterans Service Office (minus their personal travel time to the designated pick up points), may be subject to an audit by the VA and that monies will be reclaimed by the VA as an overpayment. VA Travel Pay Policy states "VA Travel Pay is intended for the person or agency that transports the veteran to his/her appointment and is not the veteran's unless the veteran drives him/herself to the appointment."

- e. WCVSO will deposit collected travel pay which will be used to fund the WCVSO Veterans Van Transportation costs.
 - f. Drivers will report any irregularities to the CVSO.
4. Point of Contact is the undersigned at 715-635-4470 or lpowers@co.washburn.wi.us .

/////ORIGINAL SIGNED/////

A. Lisa Powers
Veterans Service Officer
Washburn County

Enclosure:
Travel Pay Eligibility

Washburn County Position Description

Name:		Department:	Administration/Personnel
Title:	Administrative Coordinator/HR Director	Pay Grade:	29-1950
Date:	Revised May 2006; August 2016	Reports to:	County Board Chairman, Executive Committee, Personnel Committee
Job Code:	5149.035.01		
FLSA Status:	Exempt		

Purpose of Position

The purpose of this position is to administer, implement and coordinate all county management functions including personnel management, policies, labor relations and County Board resolutions and ordinances. The work is performed according to applicable Wisconsin statutes and under the direction of the County Board of Supervisors.

Essential Duties and Responsibilities: Administrative Coordinator

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Evaluates department head work performance with applicable committees. Establishes related goals. Analyzes management of county departments and functions and works through departments and committees to implement improvements.

Coordinate and direct administrative and management functions of the county government in accordance with County Board ordinance, directives and policy including the adopted budget, not otherwise vested by law in elected officers.

Manages large countywide projects as delegated by Executive Committee or County Board Chair.

Prepares and administers Administration and Personnel Department Budgets.

Determines organization and staffing needs with input from department heads and committees.

Administers all county liability insurance programs.

Drafts resolutions and ordinances with Corporation Counsel. Prepares meeting information for meetings of the County Board, and Executive Committees. Prepares, disseminates and evaluates requests for proposals as directed by Board or committees.

Attends and participates in various meetings as needed.

Coordinates county administration with local, state and federal issues. Represents the county regarding state legislation and in negotiating issues with various agencies.

Acts as the County's public information spokesperson where not in conflict with other statutory authority.

Supervise and evaluate administration/personnel staff.

Serves as the backup Emergency Management Coordinator.

Supports Washburn County Core Values throughout all levels of decision making. Develops customer service as an integral part of operations.

Purpose of Position: Human Resources/Benefits

The purpose of this position is to administer, implement and coordinate all personnel and benefits functions including personnel management, policies, and labor relations. This position will also perform and/or direct all administrative and clerical tasks to maintain personnel records, prepare payroll and reconciliations, payroll changes, orient new employees and implement employee benefits. The work is performed under the general direction of the Personnel Committee.

Essential Duties and Responsibilities: Human Resources/Benefits

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Administers personnel programs including salary/compensation plan, performance evaluations, recruitment, training, professional development, job descriptions and other functions. Reviews evaluations, screens employment candidates, administers pay plans. ~~and in conjunction with department heads and committee discipline employees.~~

~~Follows approved disciplinary process in implementing corrective action procedures in collaboration with Department Heads; implements corrective action procedures in collaboration with Committee of Jurisdiction concerning non-elected Department Heads.~~

Negotiates labor agreements between county and labor unions. Administers labor contracts. Receives, reviews and settles all labor grievance complaints and establishes suspense file for the same.

Audits HR/payroll data changes in New World.

Evaluates and examines organization and staffing needs for the County using appropriate Committee and Department Head input.

Analyzes job requirement data/tasks, develop, revise and update written job descriptions for new and existing jobs in cooperation with individual departments.

Supervises and participates in recruitment, interviewing, screening and selection of applicants for new and replacement positions in coordination with the Department Head and Governing Committee. Responsible for developing interview guides.

Develop guidelines and oversees the processing of reference checks, background checks, driving-record checks and criminal searches for pre-employment screening purposes. Provide employment information to perspective departments regarding reference checks.

Performs exit interviews.

~~Administers employee benefit programs/plans.~~ Works with consultants and vendors annually to ensure plan continuity, analyze recommended changes, quantify updates, and research the best solutions to sustain the plans.

~~Administer the compensation and benefits program for Elected and Non-represented employees. Manages established salary/compensation program.~~

Administers and ~~assists department managers related to~~ unemployment and worker compensation ~~claims and procedures~~ and represents County at unemployment and workers compensation hearings.

~~Prepares procedures for implementation of personnel policies as adopted by the County Board.~~

~~Advises department heads, committee members and employees on personnel policies and procedures.~~

~~Is responsible for implementation, publication and training related to all Washburn County Handbook revisions.~~

Coordinates Department Head/Senior Staff meetings.

Responsible for ~~the~~ implementation ~~and periodic review of accurate of the~~ Washburn County Safety Program ~~Policies~~, manages Safety Committee meetings and ~~is responsible for the Washburn County Safety Manual.~~ ensures that required/recommended safety training is provided and documented.

Monitors annual changes to the Continuity of Operations program; Disaster Plan.

Manages and oversees Washburn County Wellness Program.

Receives complaints of harassment, investigates complaints according to established procedure, and makes recommendations for action.

~~Provides input to Personnel Committee chairperson for committee agenda;~~ schedules Personnel Committee meetings. Prepares and distributes meeting materials. May take and transcribe meeting minutes.

Prepares department correspondence, resolutions, assists with personnel requisitions, reports and other written materials when necessary.

Serves as Affirmative Action Officer, ADA Compliance Officer, and HIPAA Security Officer.

Responsible for position management system, job titles and ranges. Analyze present position and new positions and new hires, and make the salary recommendation for each.

~~Responsible for the Washburn County Employee Handbook revisions.~~

Liaison between our County attorney, Labor attorney and Washburn County in all employment-related matters.

Membership in and attendance at various professional organizations.

Approves all request for educational assistance, according to policy.

~~Approves all leave of absence requests according to policy.~~ Implements absence management policies.

Works with temporary services to temporarily staff open slots, where the replacement process is not adequate to cover our immediate needs.

Manages the Employee Assistance Program for Washburn County.

Monitors and responds appropriately to Public Records Requests for areas of responsibility.

~~Assures confidentiality of all HR records as prescribed by law, maintains privacy of conversations related to HR personnel matters.~~

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Performs backup assistance to the office reception tasks as necessary. Screens and routes telephone calls. Provides information to callers or refers to appropriate person or agency.

Serves on state and regional boards, commissions and committees affecting county government.

Minimum Training and Experience Required to Perform Essential Job Functions

Master's degree in Public Administration with five years prior governmental management experience that includes budgeting and personnel experience, or any combination of education and experience that provides equivalent knowledge, skills and abilities.

- Knowledge of laws, regulations, and administrative rules governing Human Resources and public management.
- Demonstrated ability to prepare and analyze complex reports, financial/personnel and relevant data pertinent to required reporting to other governmental agencies. Knowledge of governmental accounting, cost analysis and a concise understanding of administrative and personnel management.
- Ability to maintain confidentiality of information concerning the County's position in labor relations.
- Considerable ability to establish and maintain effective working relationships with the public and governmental officials, department heads and employees.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to perform mid to upper-level data analysis including the ability to coordinate, strategize, theorize and correlate, using discretion in determining time, place and/or sequence of operations within an organizational framework. Requires the ability to implement decisions based on such data, and oversee the execution of these decisions.

Requires the ability to provide first line supervision. Ability to persuade, convince, and train others. Ability to advise and provide interpretation regarding the application of policies, procedures and standards to specific situations.

Ability to manage and direct a large group of employees, which may include first-line supervisors. Oversees and controls employee discipline, selection and allocation, and planning of human resources. Requires the ability to apply principles of negotiation within the context of legal guidelines.

Ability to utilize reference, descriptive, consulting, design and advisory data and information such as budgets, billing invoices, budget reports, contracts, audit reports, employment agreements, personnel policies, job applications, project plans, environmental analysis, resolutions, ordinances, statutes, regulations, non-routine correspondence, legal briefs, economic analysis, and organizational analysis.

Ability to communicate orally and in writing with County Board Supervisors, state legislators, municipal officials, state agency personnel, vendor representatives, attorneys, auditors/accountants, news media representatives, county employees and the general public.

Mathematical Ability

Ability to calculate percentages, fractions, and decimals.

Judgment and Situational Reasoning Ability

Ability to apply principles of influence systems such as supervision, managing, leading, teaching, directing, planning, coordinating and controlling. Ability to exercise independent judgment to apply facts and principles for developing approaches and techniques to problem resolution.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or multiple programs. Ability to use functional reasoning and apply rational judgment in performing diversified work activities.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against measurable criteria.

Ability to apply principles of logical or synthesis functions involving planning and directing of interrelated activities or multiple departments and/or unexpected situations involving moderate risk to the organization. Ability to deal with several concrete and abstract variables in working out approaches to major problems.

Physical Requirements

Requires the ability to operate, maneuver and/or provide simple but continuous adjustment on equipment, machinery and tools such as a computer and other office machines, and/or materials used in performing essential functions.

Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as typing.

Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling objects weighing five to ten pounds.

Ability to recognize and identify individual characteristics of shapes and sounds associated with job-related objects, materials and tasks.

Environmental Adaptability

Work is normally performed in an office environment under generally safe and comfortable conditions where exposure to irate individuals poses a very limited risk of injury.

Washburn County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Employee's Signature

Supervisor's Signature

Date

Date

Revision history: 09/09, 8.2016

RESOLUTION # _____

Repeater and Antenna on Radio Tower Erected in the Town of Long Lake

WHEREAS, the Washburn County Highway Department would like to proceed with placing a repeater and antenna on the Long Lake radio tower;

WHEREAS, the Long Lake radio tower is currently being constructed, and

WHEREAS, the Highway Committee recently met and approved the purchase of the repeater and antenna that has not been budgeted, and

WHEREAS, the Highway committee approved that the request for funding and the funding source be sent onto the finance committee, and

WHEREAS, the placement of the repeater and antenna during construction will result in a savings of approximately \$3,000, and

WHEREAS, the Highway department has dead areas that affect effective communication between units and the highway office in this area, and

WHEREAS, the Capital General Fund has "Undesignated" funds from Highway projects that were given back in June 2016 (Wetland Mitigation Site, Heated Storage, and Highway Access & Highway Fence);

THEREFORE LET IT BE RESOLVED, that the highway department may enter in a contract with DSC to place an repeater and antenna on the Long Lake radio tower during initial construction at a cost of \$16,208.30 and be expensed from Capital Funds.

FISCAL IMPACT: \$16,208.30

Recommended for adoption by the Washburn County Finance Committee this 18th day of May 2017.



L.H. Skip Fiedler, Chair

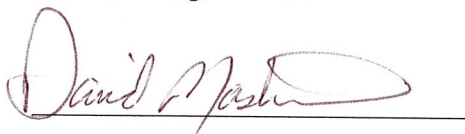


Steve Waggoner, Vice Chair



Chris Thompson, Member

David Haessig, Member



David Masterjohn, Member

RESOLUTION # _____

Resolution to Authorize Transfer \$3000 from Maps & Plats Fund Balance to
Purchase Vehicle for County Surveyor

WHEREAS, the Washburn County Surveyor and Land Information Departments perform many services that require driving into various areas of the county; and,

WHEREAS, there is a growing need for an additional vehicle; and,

WHEREAS, it is the policy of Washburn County that staff utilize County vehicles rather than claim reimbursement for using personal vehicles; and,

WHEREAS, there are vehicles in the Health & Human Services Department fleet that will be replaced, one of which will meet the surveyor's needs for the short term; and

WHEREAS, the Health & Human Services Committee has approved selling the Jeep Patriot to the Surveyor's Department for \$3000 rather than putting it up for sale; and,

WHEREAS, the AG/LCC Committee has approved the purchase of this vehicle; and,

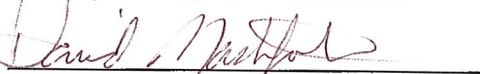
WHEREAS, there have been monies set aside in the Maps & Plats Fund Balance which can be utilized for this purchase;

THEREFORE, BE IT RESOLVED, that a transfer is to be made from the Maps & Plats Fund Balance account #100.51981 to the Surveyor's account # 51720 for the purpose of purchasing the Jeep from the Health & Human Services Department.


FISCAL IMPACT: \$3,000 transfer

RECOMMENDED FOR ADOPTION THIS 18th DAY OF MAY, 2017 BY THE WASHBURN COUNTY FINANCE COMMITTEE.


L.H. Skip Fiedler, Committee Chair


David Masterjohn, Member


Steve Waggoner, Vice Chair


Chris Thompson, Member

David Haessig, Member

RESOLUTION # _____

RESOLUTION TO INCREASE THE
2017 EMERGENCY GOVERNMENT DEPARTMENT BUDGET INCREASE
FOR THE PURCHASE OF INCIDENT COMMAND POST CAMPER - FISCAL
YEAR 2017

WHEREAS, the Emergency Management Department has the opportunity to purchase a 2003 Sportsman 25' pull behind camper to be converted into an Incident Command Post/Communications Trailer, (ICP) in the amount of \$3,900.00 for use in emergency response and preparedness functions;

WHEREAS, Emergency Management did not budget for the purchase in the amount of \$3,900.00 for Fiscal Year 2017;

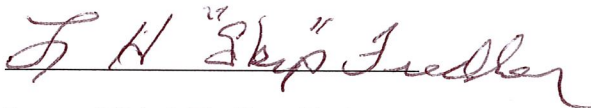
WHEREAS, the funds for purchase of said ICP is to be moved from ~~100-34190~~ *Capital Funds* ~~(Assigned Fund Balance for County Cars)~~ to Emergency Management Budget 2017; *JHJ*

WHEREAS, the Law Enforcement/Emergency Management Committee met on 6/8/17 and the request to purchase said proposed ICP project was supported and unanimously voted on and forwarded to Finance;

THEREFORE BE IT RESOLVED; that the 2017 Emergency Government (#52910) budget be increased \$3,900.00 for purchase.

FISCAL IMPACT: ~~Grant~~ \$3,900.00

Recommended for adoption by the Finance Committee this 15th day of June 2017.

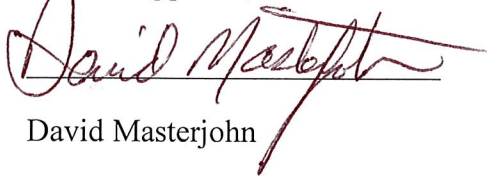


Lester "Skip" Fiedler, Chair

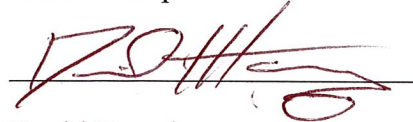


Chris Thompson

Steve Waggoner, Vice Chair



David Masterjohn



David Haessig

Resolution Prohibiting All Weapons from Health & Human Services Department Buildings

WHEREAS, Health and Human Services Department staff work with all varieties of residents, some at their best and some struggling with issues; and,

WHEREAS, Health and Human Services Department buildings are venues for discussions that are contentious and/or actions to be taken are not in agreement with all parties; and,

WHEREAS, weapons on any person during a potentially volatile interaction benefits no one involved; and,

WHEREAS, the safety of Health and Human Service Department staff should be equal to Courthouse and Law Enforcement staff, in which those buildings already prohibit weapons; and,

THEREFORE, BE IT RESOLVED, no weapons are allowed in the three Health and Human Services Department buildings (Ed Elliot, Community Programs and Public Health) and the buildings shall be posted with the prohibition of weapons.

FISCAL IMPACT: Minimal cost of signage

RECOMMENDED FOR ADOPTION THIS 14TH DAY OF JUNE, 2017 BY THE WASHBURN COUNTY EXECUTIVE COMMITTEE

Thomas Mackie, County Board Chair

L.H. "Skip" Fiedler, Member

Thomas Ricci, 1st Vice Chair

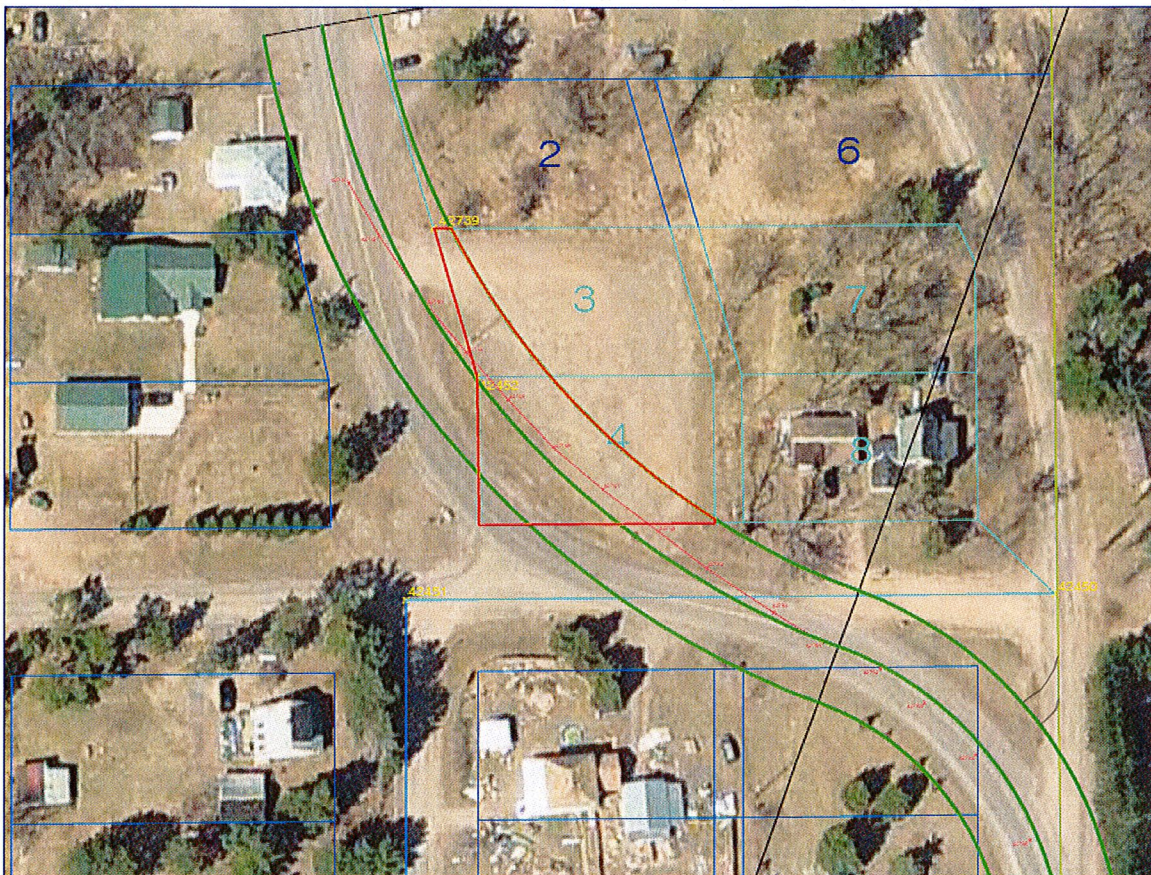
Chris Thompson, Member

Beth Esser, 2nd Vice Chair

Resolution No. _____

RESOLUTION BEFORE THE WASHBURN COUNTY HIGHWAY AND DAM COMMITTEE TO ACQUIRE AN INTEREST OF LAND FROM THE TOWN OF STINNETT FOR PURPOSES OF RELOCATING A PORTION OF COUNTY TRUNK HIGHWAY M PURSUANT TO § 83.08, STATS., ORDER FOR RELOCATION AND GRANT OF EASEMENT FROM THE TOWN OF STINNETT.

WHEREAS, the Town of Stinnett, Washburn County, Wisconsin, has requested partial relocation of County Trunk Highway M as it passes through the plat of the First Addition to the Plat of Stanberry:



AND, WHEREAS, the Town of Stinnett is willing to grant a right-of-way easement on the East side of County Trunk Highway for such relocation whose purpose it is to straighten the roadway as much as possible for the passage of trucking and to eliminate a low spot amenable to flooding as follows:

A parcel of land being a part of Lots 3 and 4 of Block 2 of the Village of Stanberry, located in a part of the Southeast ¼ of the Northwest ¼ of Section 28, Township 41 North, Range 10 West, Town of Stinnett, Washburn County, Wisconsin, and more particularly described as follows:

That part of Lot 3 and 4 of said Block 2 lying south and west of the following described reference line; Commencing at the Northwest corner of the Northwest ¼ of said Section 28, Township 41 North, Range 10 West; Thence S00-58-56E along the west line of said Northwest ¼, a distance of 2631.38 feet to the Southwest corner thereof; Thence N76-21-12E, a distance of 2345.88 feet to a Bridge spike monument at the northwest corner of the aforementioned Lot 3 of Block 2, and the point of beginning of this description. Thence S89-32-34E along the north line of said Lot 3, a distance of 9.40 feet; Thence southeasterly along the arc of a curve concave to the northeast, with said curve having a radius= 417.00 feet, a central angle= 30-24-16, a chord bearing= S42-23-04E, a chord length= 218.70 feet, and an arc length= 221.28 feet, to a point on the east line of the aforementioned Lot 4 of Block 2, there terminating. Portions of PINs 65-038-2-41-10-28-5 15-764-503500 & -504000.

AND WHEREAS, in consideration for this grant of easement, the Washburn County Highway Committee and Board of Supervisors will grant outright to the Town of Stinnett the excess abandoned right-of-way to the West of the relocated portion of County Trunk Highway M.

NOW, THEREFORE, BY ORDER OF THE WASHBURN COUNTY HIGHWAY AND DAM COMMITTEE AND BY ITS AUTHORITY UNDER § 83.08(1), STATS., COUNTY TRUNK HIGHWAY M IS RELOCATED IN THE ABOVE MANNER AND HEREBY AUTHORIZES THE ACQUISITION OF THE FOREGOING EASEMENT.

Fiscal Impact: none

Moved for adoption by the Highway and Dam Committee on May 22, 2017:

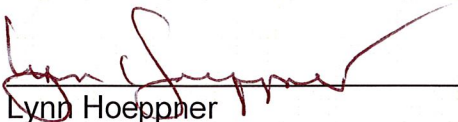


Thomas Ricci, chair



Beth Esser, vice chair

LH "Skip" Fiedler



Lynn Hoepfner

Christopher Thompson

Correct Attest:




LESA DAHLSTROM
Recording Secretary


**GRANT OF RIGHT-OF-WAY EASEMENT FROM THE TOWN OF STINNETT TO THE
COUNTY OF WASHBURN**

Before the Town Board of Stinnett, Washburn County, Wisconsin

The Stinnett Town Board, having reached an agreement with the Washburn County Highway Department for the partial relocation of County Trunk Highway M as it passes through the First Addition to the Village of Stanberry, Washburn County, Wisconsin, in open session on May 9, 2017, HEREBY GRANTS THE ABOVE DESCRIBED EASEMENT FOR RIGHT-OF-WAY PURPOSES this 13th day of June, 2017:



WILLIAM GROAT, town chair



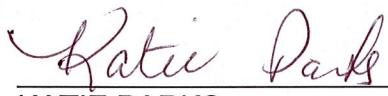
BRIAN TAKALA, town supervisor
GARY ELLIOTT



DONALD PLANTE, town supervisor

CORRECT ATTEST:

TOWN SEAL



KATIE PARKS,
Stinnett Town Clerk

Zoning Ordinance text amendments 2017

Page	Code Reference	Reason for Change	Comments
1	38-312	div 37 eliminated and replaced in new shoreland ord.	
1	38-314	included in new shoreland ord.	
2	see above	see above	
2	38-320	RC and RS districts eliminated, other error corrections	could not be more restrictive than NR 115
3	38-321	RC district no longer applies to measurement of districts	district no longer available
3	38-322	table adjustment and error corrections	
5	38-341	shoreland no longer has class standards	
6	38-551	see above	
7	38-361	see above	
8	38-371	see above	
10	38-381	see above	
11	38-391	see above	
12	38-392	making language more clear	not a new provision
13	38-401	shoreland no longer has class standards	
14	Div 11	district eliminated	more restrictive than NR 115
20	Div 14A	district eliminated	this was added with old shoreland ordinance in 1998. No one ever rezoned to this because the existing ordinance has a similar provision in the PUD district
23	Div 15	district eliminated	more restrictive than NR 115
27	38-482	provision eliminated	language was not necessary, as a reduced setback still provides ample room for entry and exit and for vehicle parking.
28	38-500 (3)(k)	added to address the issue of illegal signs in County road right of ways.	added at the request of the Highway Commissioner
29	38-502	removed references to eliminated districts	
30	38-503	sign language not in new NR 115 standards	
31	38-510	clarifications based on Act 55 changing definitions of "structure"	structures that were never permitted in the past now have to be
32	38-512	Same code, different agency. Language added to clarify privy requirements	
33	38-522	remove ambiguous language	we were always asked what this phrase meant; no one had a good answer
34-39	Div 21-22	clean up language regarding nonconforming structures and parcels based on changes from Act 170 and 55.	no change in regulatory scope
39,40	Div. 23	language added to clarify mobile home requirements	
40-45	Div 24	changes to campground/resort ordinance as a result of new shoreland ordinance	

45	38-564	specific amendment to camper provision outside of licensed resort or campground	
48	38-610	language about dormers added	to prohibit the entire side of attic space from becoming second story
50	38-622	process clarification	
50	38-623	see above	
52	38-661	see above	
53	Div 34	some definitions further clarified	
61	Div 37	district eliminated and included in new shoreland ordinance	

6103838ARTICLE IV. - ZONING REGULATIONS³

Footnotes:

--- (3) ---

Editor's note—Statute numbers used in this article are 1999—2000 Wisconsin Statutes.

DIVISION 1. - INTRODUCTION AND STATUTORY AUTHORIZATION

Sec. 38-310. - Statutory authorization.

For the purposes listed in the Wis. Stats. §§ 59.70(1), 59.69, 59.692, 59.694, 87.30 and 281.31 the Board of Supervisors of Washburn County in regular session, this 14th day of February, 1977, do hereby, ordain and enact this comprehensive revision as follows.

(Ord. of 3-19-2002, Art. I, § 10)

Sec. 38-311. - Purpose and intent.

The purpose of this article is to promote and to protect the public health, morals, safety, and general welfare of the county. It is intended to encourage the use of lands and natural resources in Washburn County in accordance with their character and adaptability; to promote orderly development; to secure safety to health, life and property; to prevent highways from economic suffocation by encroaching uses; to preserve land values and insure a quality environment for future generations. This article is intended to accomplish this purpose by providing for the proper locations, construction and use of buildings, structures, and the use of land, shorelands, air, and water within the unincorporated areas of Washburn County.

(Ord. of 3-19-2002, Art. I, § 11)

Sec. 38-312. - Applicability.

Pursuant to Wis. Stats. §§ 59.692 and 87.30, all of the unincorporated areas of Washburn County are subject to county shoreland and floodplain zoning within the shoreland and floodplain areas described in divisions 2, 27 and 34 ~~and 37~~ of this article.

(Ord. of 3-19-2002, Art. I, § 11.5)

Sec. 38-313. - Interpretation.

The provisions of this article shall be held to be minimum requirements, adopted for the promotion and protection of the public health, morals, safety, and general welfare of the county. Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards shall govern.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeat of any other powers granted by Wisconsin Statutes. Where a provision of this article is required by a standard in Wis. Admin. Code ch. NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wis. Admin. Code ch. NR 115 standards in effect on the date of adoption of this article, or in effect on the date of the most recent text amendment to this article.

~~Sec. 38-314. - Land division review and sanitary regulations.~~

~~(1) Land division review. The county shall review, pursuant to Wis. Stats. § 236.45, all land divisions in shoreland areas which create three or more parcels or building sites of five acres each, or less within a five-year period. In such review the following factors shall be considered:~~

- ~~(a) Hazards to the health, safety or welfare of future residents.~~
- ~~(b) Proper relationship to adjoining areas.~~
- ~~(c) Public access to navigable waters, as required by law.~~
- ~~(d) Adequate storm drainage facilities.~~
- ~~(e) Conformity to state law and administrative code provisions.~~

~~(Ord. of 3-19-2002, Art. I, § 13)~~

Secs. 38-314—38-319. - Reserved.

DIVISION 2. - ZONING DISTRICTS

Sec. 38-320. - District establishment.

For the purposes of this article, the unincorporated areas of Washburn County are hereby divided into the following use districts and shall be placed into such districts in accordance with their best use, efficiency and in general continuity with existing land use:

- (1) Residential (R) District—Dark Blue
- (2) Residential Mobile (RM) District—Orange
- (3) Residential-Recreational 1 (RR-1) District—Light Blue
- (4) Residential-Recreational 2 (RR-2) District—Brown
- (5) Residential-Agricultural (RA) District—Pink
- (6) Agricultural (A) District—Yellow
- (7) Forestry (F) District—Green
- ~~(8) Resource Conservation (RC) District—Red Dots~~
- (8) Commercial (C) District—Purple Lined
- (9) Commercial Highway (CH) District- Black Lined
- (10) Industrial (I) District—Black
- (11) Planned Unit Development (PUD) District*
- (12) Shoreland-Wetland District—Designated by county state wetland map
- (13) ~~Residential-Shorelands (RS)~~ Planned Residential Development (PRD) District*

* No color assignment; district added to ordinance after creation of original maps.

(Ord. of 3-19-2002, Art. II, § 20)

Sec. 38-321. - Zoning district map and district boundaries.

The locations and boundaries of the aforesaid districts, except shoreland-wetland districts, are shown on separate maps of each township and these maps collectively with the county wetlands map, shall make up the official Zoning Map of Washburn County, Wisconsin, and shall be made part of this article. United

States Geological Survey quadrangle maps, and flood hazard boundary maps, and general floodplain maps for Washburn County are also adopted as aids in determination of navigability, shoreland boundaries, and for topographical information necessary to properly administer the provisions of this article.

District boundaries, except shorelands-wetlands, are generally located in conjunction with the center lines of roadways, railways, section lines, quarter section lines and lot lines. Questions regarding the exact location of district boundaries shall be determined by the zoning administrator in accordance with the following interpretive rules:

- (1) Unless otherwise indicated on the map, district boundaries are the center lines of highways, streets and other roadways or railroads; section lines, quarter section lines, lot lines, or such lines extended. Where different dimensions of depth or length of a boundary are indicated, either by figures shown on the zoning map or by an attached legend or by attached maps such as enlargements U.S.G.S. Maps (R.C. District) or other maps for clarification, such dimensions and material shall be controlling.
- (2) Districts located at the intersections of roadways or roadways and railroads, shall be measured from the center point of such intersections.
- (3) Where a district boundary is indicated as paralleling a roadway or railroad and a definite depth is not given, the district boundary line shall be measured at right angles to the roadway or railroad and shall be 300 feet in depth, or the depth necessary to meet the district area requirement when multiplied by the minimum width, whichever is greater. The length of each such district shall be taken as what is shown on the map.
- (4) Where a district boundary is indicated as paralleling the edge of a watercourse and a definite depth is not given, the district boundary line shall be measured at right angles to the watercourse and shall be 300 feet in depth, or the depth necessary to satisfy the minimum area required when multiplied by the minimum district width requirement, whichever is greater. The length of each district shall be taken as what is shown on the map. ~~In the case of the resource conservation district, if the junction of the wetlands and continuous high ground extends to a depth greater than 300 feet, the junction of the wetlands with continuous high ground shall be the boundary. If the junction of wetlands and continuous high ground extends to less than 300 feet from the watercourse the resource conservation boundary may be reduced only by a rezoning action recommended by the zoning committee and adopted by the county board of supervisors.~~
- (5) Where a district boundary line divides a lot or parcel of less than the required area, which is in single ownership at the time of enactment of this article, the requirements of the district in which the greatest proportion of the lot or parcel lies, shall apply to the entire lot or parcel.
- (6) The boundary of a shoreland-wetland district is presumed to be the edge of a wetlands as defined in the ordinance, or the landward edge to which shoreland regulations apply. The zoning administrator shall determine shoreland-wetland district boundaries by visual inspection and may request any necessary assistance from the department of natural resources.
- (7) All other cases of interpretation of district boundaries and appeals from the determination of the zoning administrator shall be determined by the board of adjustments.

(Ord. of 3-19-2002, Art. II, § 21)

Sec. 38-322. - Dimensional standards.

Districts and Requirements	R	RM	RR1	RS	RR2	RA	A	F	RC	C	CH	I
----------------------------	---	----	-----	---------------	-----	----	---	---	---------------	---	----	---

Minimum lot area(a), (c)	20,000 sf(b)	20,000 sf(b)	20,000 sf(b)	30,000 sf	3 acres	5 acres	20 acres(e)	20 acres(e)	n/a	20,000 sf	1 acre	20,000 sf
Minimum lot width(c)	100 ft	100 ft	100 ft	150 ft	200 ft	250 ft	400 ft	400 ft	n/a	100 ft	n/a	100 ft
Side yard/principal building(c)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft	20 ft	n/a	10 ft	n/a	30 ft
Side yard/accessory building(c)	5 ft	5 ft	5 ft	10 ft	5 ft	5 ft	10 ft	10 ft	n/a	10 ft	20 ft	20 ft
Rear yard	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	50 ft	50 ft	n/a	20 ft	n/a	50 ft
Principal building height	35 ft	35 ft	35 ft	35 ft	35 ft	40 ft	60 ft(d)	35 ft	n/a	35 ft	3 stor.	60 ft
Accessory building height	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	60 ft	25 ft	n/a	25 ft	n/a	25 ft
Tower height	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

Notes:

- (a) Plus any area required by H-85, Wis. Admin. Code.
- (b) Airport approach protection-required by Wis. Stats. § 114.136.2(b).
- (c) Shoreland Ordinance ~~Lakes-Class~~ dimensional requirements may be more restrictive.
- (c) Silos: 100-foot limitation.
- (d) Forestry and Agricultural Districts: The minimum lot or parcel area shall be 20 acres, except where the initial parcel is a government lot, or quarter, quarter section which is less than 40 acres. In such cases, the divided parcels shall be a minimum of 17 acres, or one-half of the initial parcel size, whichever is greater.

~~(f) Subject to Washburn County Telecommunications Ordinance (section 38-701 et seq.).~~

Other information:

- ~~1.—Unless specified elsewhere in this chapter or in a conditional use permit, these dimensional requirements shall apply.~~
- ~~2.—The dimensional requirements of the Planned Unit Development and the Planned Residential Districts shall be approved by the Washburn County Board of Supervisors.~~
- ~~3.—No lot or parcel shall be created with a length to width ratio greater than 4:1.~~

~~(Res. No. 2006-111, § 2, 1-23-2007)~~

Secs. 38-323—38-329. - Reserved.

DIVISION 3. - EFFECT OF REGULATIONS

Sec. 38-330. - Effect of regulations.

No land, shorelands, water, or premises shall be used unless in accordance with the provisions of this article and such use shall conform to the regulations prescribed herein for the use district in which such land, shorelands, water or premises is located.

No building, structure or part thereof, shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in accordance with the provisions of this article and such building, structure or part thereof, shall conform to the regulations prescribed herein for the use district in which such building, structure or part thereof, is located.

(Ord. of 3-19-2002, Art. III)

Secs. 38-331—38-339. - Reserved.

DIVISION 4. - RESIDENTIAL (R) DISTRICT

Sec. 38-340. - Purpose.

The purpose of this district is to protect areas having suitable characteristics for prime year-round residential development from uses which would prove detrimental to residential values. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those which can be economically and readily served with the required facilities and services.

(Ord. of 3-19-2002, Art. IV, § 40)

Sec. 38-341. - Permitted uses.

- (1) One- or two-family dwelling (not to exceed two dwelling units). ~~Subject to Washburn County Shorelands Multi Unit Class Development Standards.~~
- (2) Accessory buildings and uses incidental to customary residential use.
- (3) Customary home occupation. Home occupations which involve automobile or other motor vehicle or engine repair are not permitted.
- (4) Gardening for home use.
- (5) Essential services and utilities intended to serve the residential and accessory uses.
- (6) Signs, subject to the provisions of division 18.

- (7) Single guest cabin, subject to the provisions of division 28.
- (8) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. IV, § 41; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-342. - Conditional uses.

- (1) Expanded home occupation. Expanded home occupations which involve automobile or other motor vehicle or engine repair are not permitted.
- (2) Multiple-family dwellings. Subject to Washburn County Shorelands Class Development Standards.
- (3) Boarding and lodging house.
- (4) Public and semipublic uses including, but not limited to, the following: museums, churches, public and private schools, clinics, hospitals, rest homes, funeral homes; recreation areas such as: playgrounds, tennis courts, pools, and public and private parks.
- (5) Telephone exchanges, telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.

(Ord. of 3-19-2002, Art. IV, § 42; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-343—38-349. - Reserved.

DIVISION 5. - RESIDENTIAL-MOBILE HOME (RM) DISTRICT

Sec. 38-350. - Purpose.

The purpose of this district is to provide for an area for the accommodation of both conventional residential dwellings and single mobile homes. It is intended to encourage such development around existing areas of mobile home development where soil conditions are suitable for such development and in those areas which can be economically and readily served with the required facilities and services.

(Ord. of 3-19-2002, Art. V, § 50)

Sec. 38-351. - Permitted uses.

- (1) One- or two-family dwelling (not to exceed two dwelling units). ~~Subject to Washburn County Shorelands Multi-Unit Class Development Standards.~~
- (2) Single mobile home per lot or parcel.
- (3) Accessory buildings and uses incidental to the principle residential use.
- (4) Customary home occupation. Home occupations which involve automobile, motor vehicle or other engine repair are not permitted.
- (5) Gardening for home use.
- (6) Essential services and utilities intended to serve the residential and the accessory uses.
- (7) Signs, subject to the provisions of division 18.
- (8) Single guest cabin, subject to the provisions of division 28.

(9) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. V, § 51; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-352. - Conditional uses.

- (1) Expanded home occupation. Expanded home occupations which involve automobile or other motor vehicle or engine repair are not permitted.
- (2) Mobile home parks.
- (3) Multiple-family dwellings. Subject to Washburn County Shorelands Class Development Standards.
- (4) Boarding and lodging house.
- (5) Public and semipublic uses including, but not limited to, the following: museums, churches, public and private schools, clinics, hospitals, rest homes, funeral homes; recreational areas such as: playgrounds, tennis courts, pools, and public and private parks.
- (6) Telephone exchanges, telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.

(Ord. of 3-19-2002, Art. V, § 52; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-353—38-38-359. - Reserved.

DIVISION 6. - RESIDENTIAL-RECREATIONAL 1 (RR-1) DISTRICT (High Density)

Sec. 38-360. - Purpose.

The purpose of this district is to provide for both seasonal and year-round residential development and to encourage the orderly development of the recreation industry in areas having a high recreational value, where the soil conditions and other physical features will economically support such development without depleting or destroying natural resources.

(Ord. of 3-19-2002, Art. VI, § 60)

Sec. 38-361. - Permitted uses.

- (1) One- or two-family dwelling (not to exceed two dwelling units). ~~Subject to Washburn County Shorelands Multi-Unit Class Development Standards.~~
- (2) Accessory buildings and uses incidental to the principle residential use.
- (3) Customary home occupation. Home occupations which involve automobile, motor vehicle or other engine repair are not permitted.
- (4) Gardening for home use or sale.
- (5) Essential services and utilities intended to serve the residential and accessory uses.
- (6) Historical, geological and religious markers and monuments.
- (7) Signs, subject to the provisions of division 18.
- (8) Single guest cabin, subject to the provisions of division 28.

(9) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. VI, § 61; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-362. - Conditional uses.

- (1) Public and semipublic uses including, but not limited to, the following: museums, churches, public and private schools, clinics, hospitals, rest homes, funeral homes; recreational areas such as playgrounds, tennis courts, pools, and public and private parks.
- (2) Multiple-family dwellings. Subject to Washburn County Shorelands Class Development Standards.
- (3) Boarding and lodging houses.
- (4) Campgrounds, resorts, hotels, motels, and small apartments.
- (5) Restaurants, dinner clubs, taverns, dance halls, and other private clubs.
- (6) Gift and specialty shops.
- (7) Bait stores, sporting goods stores, and small general merchandise stores.
- (8) Expanded home occupation. Expanded home occupations which involve automobile, motor vehicle or other engine repair are not permitted.
- (9) Single mobile home.
- (10) Telephone exchanges, telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (11) Mini-storage units.

(Ord. of 3-19-2002, Art. VI, § 62; Res. No. 82-05, 12-21-2004; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-363—38-369. - Reserved.

DIVISION 7. - RESIDENTIAL-RECREATIONAL 2 (RR-2) DISTRICT (Low Density)

Sec. 38-370. - Purpose.

The purpose of this district is to provide for both seasonal and rear-round residential development, yet insure a rural atmosphere and the preservation of open space by requiring larger lot development. The soil conditions and other physical features must be suitable for such use and these areas shall be located in such a way as to be economically feasible to provide such development with the necessary facilities and services.

(Ord. of 3-19-2002, Art. VII, § 70)

Sec. 38-371. - Permitted uses.

- (1) Two seasonal or year-round dwellings (not to exceed four dwelling units). ~~Subject to Washburn County Shorelands Multi-Unit Class Development Standards.~~
- (2) Accessory buildings and uses incidental to the principle residential use.
- (3) Customary home occupation. Home occupations which involve automobile, motor vehicle or other engine repair are not permitted.

- (4) Essential services and utilities intended to serve the residential and accessory uses.
- (5) Gardening for home use or sale.
- (6) Conservation trails and natural resources management programs.
- (7) Historical, geological, and religious markers and monuments.
- (8) Fire control and detection structures.
- (9) Signs, subject to the provisions of division 18.
- (10) Horses. Not to exceed two animals, with an exception for a mare with a colt for up to two years. Fencing is the liability of the horse owner.
- (11) Single guest cabin, subject to the provisions of division 28.
- (12) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. VII, § 71; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-372. - Conditional uses.

- (1) Campgrounds, public and private parks and other recreational camps and parks.
- (2) Resorts, motels, small apartments, dinner clubs, taverns, dance halls, and other private clubs.
- (3) Gift shops, bait and sporting goods stores, and small general merchandise stores.
- (4) Marinas and boat storage.
- (5) Sportsman's clubs and shooting ranges.
- (6) Game and fish farms and fish hatcheries.
- (7) Riding stables, golf courses, and similar recreational facilities.
- (8) Institutions of a philanthropic or educational nature.
- (9) Single mobile home.
- (10) Expanded home occupation. Expanded home occupations which involve automobile, motor vehicle or other engine repair are not permitted.
- (11) Nurseries and greenhouses when used for other than a home use.
- (12) Telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (13) Mini-storage units.

(Ord. of 3-19-2002, Art. VII, § 72; Res. No. 82-05, 12-21-2004; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-373—38-379. - Reserved.

DIVISION 8. - RESIDENTIAL-AGRICULTURAL (RA) DISTRICT

Sec. 38-380. - Purpose.

The purpose of this district is to provide for some residential development in those areas which have been or are partially being used for agriculture and associated uses and that are not included within the agricultural district due to their marginal production capabilities. Such area's primary use may be a residential use with a subsidiary agricultural use.

(Ord. of 3-19-2002, Art. VIII, § 80)

Sec. 38-381. - Permitted uses.

- (1) Two seasonal or year-round dwellings (not to exceed four dwelling units). ~~Subject to Washburn County Shorelands Multi-Unit Class Development Standards.~~
- (2) General farming provided that buildings in which farm animals are kept shall be at least 100 feet away from any adjoining property line or building designated for human habitation other than the residence of the owner of the property, owner's agent or lessee.
- (3) Accessory buildings and uses incidental to the principal permitted use.
- (4) Essential services and uses incidental to the principal permitted and accessory uses.
- (5) Customary home occupation. Home occupations which involve automobile, motor vehicle, or other engine repair are permitted only by conditional use.
- (6) Roadside stands provided sufficient parking is available.
- (7) Greenhouses and nurseries.
- (8) Trails and wildlife refuges.
- (9) Wood lots and tree farms.
- (10) Production and harvesting of wild crops.
- (11) Fire control detection structures.
- (12) Historical, geological, and religious markers and monuments.
- (13) Signs, subject to the provisions of article 18.
- (14) Single guest cabin, subject to the provisions of division 28.
- (15) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. VIII, § 81; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-382. - Conditional uses.

- (1) Single mobile home.
- (2) Expanded home occupation, or any home occupation involving automobile, motor vehicle, or other engine repair.
- (3) Public and private schools and churches.
- (4) Cemeteries.
- (5) Airports and landing strips.
- (6) Drive-in theaters.
- (7) Storage of junked automobiles, salvage yards, and scrap storage and processing. Also subject to provisions of the Wisconsin Administrative Code.
- (8) Stockyards.

- (9) Portable sawmills and appurtenant equipment, and that such length of stay shall not exceed 30 days in any one one-year period.
- (10) Telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (11) Campgrounds.
- (12) Game and fish farms.
- (13) Kennels, when located no less than 100 feet from any adjoining property line, and no less than 500 feet from any existing residence.
- (14) Riding stables and similar recreational facilities.
 - (15) Mini-storage units.

(Ord. of 3-19-2002, Art. VIII, § 82; Res. No. 82-05, 12-21-2004)

Secs. 38-383—38-38-389. - Reserved.

DIVISION 9. - AGRICULTURAL (A) DISTRICT

Sec. 38-390. - Purpose.

The purpose of this district is to provide for the continuation of general farming and related activities and to preserve in agriculture, those lands suited for such uses. It is intended to avoid the problems of the mixing of farm and nonfarm uses. Due to the excessive costs of providing urban-type services in rural areas, a low density population should be maintained.

(Ord. of 3-19-2002, Art. IX, § 90)

Sec. 38-391. - Permitted uses.

- (1) General farming provided that buildings in which farms animals are kept shall be at least 100 feet from any adjoining property line or building designated for human habitation other than the residence of the owner of the property, his/her agent, or lessee.
- (2) Two seasonal or year-round dwellings (not to exceed four dwelling units). ~~Subject to Washburn County Shorelands Multi Unit Class Development Standards.~~
- (3) Accessory buildings and uses incidental to the farming and residential use.
- (4) Essential services and utilities intended to serve the farming, residential, and accessory uses.
- (5) Customary home occupation. Home occupations which involved automobile, motor vehicle, or other engine repair are permitted only by conditional use.
- (6) Roadside stands, provided sufficient parking is available.
- (7) Greenhouses and nurseries.
- (8) Riding stables and other similar recreational uses.
- (9) Production and harvesting of wild crops.
- (10) Game and fish farms, trails, and wildlife refuges.
- (11) Soil and water conservation programs.
- (12) Wood lots and tree farms.

- (13) Portable sawmills for personal use.
- (14) Fire control and detection structures.
- (15) Signs, subject to the provisions of division 18.
- (16) Kennels, when located not less than 100 feet from any adjoining property line, and no less than 500 feet from existing residence.
- (17) Single guest cabin, subject to the provisions of division 28.
- (18) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. IX, § 91; Res. No. 2006-111, § 8, 1-23-2007; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-392. - Conditional uses.

- (1) ~~Single mobile home.~~ Mobile homes, no more than two. A conditional use permit is required for each.
~~(1A) More than two dwelling units per lot or parcel.~~
- (2) Public and private schools and churches.
- (3) Cemeteries.
- (4) Airports and landing strips.
- (5) Drive-in theaters.
- (6) Stockyards and slaughter houses.
- (7) Sawmills, planing mills, and other primary forest products processing plants.
- (8) Telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (9) Communications. Radio and T.V. towers, microwave relay stations, and other similar structures.
- (10) Expanded home occupation, or any home occupation involving automobile, motor vehicle, or other engine repair.
- (11) Nonmetallic mining, including the stripping of top soil.
- (12) Storage of junking automobiles, salvage yards, and scrap storage and processing. Also subject to the provisions of the Wisconsin Administrative Code.
- (13) On land disposal operations for garbage, refuse, and other solid waste materials. Also subject to provisions of the Wisconsin Administrative Code.
- (14) Agricultural machinery dealership and repairs.

(Ord. of 3-19-2002, Art. IX, § 92)

Secs. 38-393—38-399. - Reserved.

DIVISION 10. - FORESTRY (F) DISTRICT

Sec. 38-400. - Purpose.

The purpose of this district is to protect and foster the development and multiple use of the forest lands and associated resources. It is intended to encourage forest management practices and to recognize the

recreational value of the forest when such uses are compatible. Isolated settlement with its cost to government and hardship to the individual is regulated by providing for year-round residences only within reasonable access of necessary residential services.

(Ord. of 3-19-2002, Art. X, § 100)

Sec. 38-401. - Permitted uses.

- (1) Production and harvesting of forest crops.
- (2) Forest, soil, and water management programs.
- (3) Conservation reserves, trails, and wildlife refuges.
- (4) Fire control and detection structures.
- (5) Historical, geological, and religious markers and monuments.
- (6) Seasonal cabins with no more than one unit per lot or parcel.
- (7) Accessory buildings and uses incidental to the principle permitted use.
- (8) Portable sawmills, planing mills, debarking operations, and similar equipment such that length of stay shall not exceed 90 days within any one-year period.
- (9) Signs, subject to the provisions of division 18.
- (10) One- or two-family dwelling when located within reasonable access of school and mail routes, and other necessary residential services (not to exceed two dwelling units). ~~Subject to Washburn County Shorelands Multi-Unit Class Development Standards.~~
- (11) Customary home occupation. Home occupations which involve automobile, motor vehicle, or other engine repair are permitted only by conditional use.
- (12) Single guest cabin, subject to the provisions of division 28.
- (13) Single bunkhouse, subject to the provisions of division 28.

(Ord. of 3-19-2002, Art. X, § 101; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Sec. 38-402. - Conditional uses.

- (1) Permanent forest industries such as sawmills, planing mills, and other primary forest products processing plants.
- (2) Hunting and fishing clubs and shooting ranges.
- (3) Licensed game, fur, and fish farms and fish hatcheries.
- (4) Public and private parks and campgrounds.
- (5) Single mobile home when located within reasonable access of school and mail routes and other residential services.
- (6) Expanded home occupation, automobile, motor vehicle, or other engine repair or other such business which may involve year-round employment, except the harvesting of forest crops.
- (7) Nonmetallic mining, including the stripping of top soil.
- (8) Pipelines.
- (9) Power dams, power plants, and flowages.

- (10) Telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (11) Communications. Radio and T.V. towers, microwave relay stations, and other similar structures.
- (12) Storage of junked automobiles, salvage yards, and scrap storage and processing. Also subject to the provisions of the Wisconsin Administrative Code.

(Ord. of 3-19-2002, Art. X, § 402)

Secs. 38-403—38-409. - Reserved.

DIVISION 11. ~~RESOURCE CONSERVATION (RC) DISTRICT~~ RESERVED

Sec. 38-410. – 38-419. - Reserved ~~Purpose:~~

~~The purpose of this district is to preserve and protect those areas within Washburn County that are important to the propagation and survival of wildlife, flora, and fauna. This may include both natural and man-made resources such as navigable waters, wetlands, watersheds, woodlands, significant topography, and other areas concerned with wildlife survival. These resources are essential to the functioning of the overall environment. Provide securities for human survival as the wetlands and their immediate uplands are essential to the purity of our water, and in turn they provide habitat for a variety of plants and animals. Development and alteration of such areas shall be severely limited to prevent environmental damage and pollution by possible depletion and destruction of resources; to prevent injury to public and private rights; and to protect public health, safety, and welfare.~~

~~(Ord. of 3-19-2002, Art. XI, § 110)~~

~~Sec. 38-411. – Permitted uses:~~

- ~~(1) Forest and wildlife preservation and management.~~
- ~~(2) Soil and water conservation programs which are consistent with the purpose of this district.~~
- ~~(3) Preservation of scenic, historic, and scientific areas.~~
- ~~(4) Hunting, fishing, and trapping unless prohibited by other ordinances or laws.~~
- ~~(5) Hunting blinds.~~
- ~~(6) Conservation reserves and wildlife refuges.~~
- ~~(7) The harvesting of wild crops such as marsh hay, ferns, moss, berries, and tree fruits and seeds.~~
- ~~(8) Drainage where such activity will not be in conflict with the purpose of this district.~~
- ~~(9) Grazing where such activity will not be in conflict with the purpose of this district.~~
- ~~(10) Hiking trails and bridle paths.~~
- ~~(11) Nonstructural uses accessory to any of the permitted uses which are consistent with the purpose of this district.~~
- ~~(12) Signs, subject to the provisions of division 18.~~

~~(Ord. of 3-19-2002, Art. XI, § 111)~~

~~Sec. 38-412. – Conditional uses:~~

- ~~(1) Telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.~~
- ~~(2) Public and private roads.~~
- ~~(3) Picnic areas, roadside parks and similar uses.~~
- ~~(4) Any structure incidental or accessory to any permitted or conditional use in this district.~~
- ~~(5) Fish hatcheries and associated uses.~~
- ~~(6) Commercial production of wild crops such as cranberries and other similar crops.~~
- ~~(7) Recreation trails where such activities would not be in conflict with the stated purpose of this district.~~
- ~~(8) Removal of any watercourse.~~
- ~~(9) Relocation of any watercourse.~~
- ~~(10) Dams, power plants and flowages.~~

~~No use, permitted or conditional, shall involve the draining, dumping, filling, dredging, grading or removal of topsoil or peat in such a way as to disrupt or destroy the natural flora and fauna, watercourses or drainage patterns of an area within the district, and the natural and essential character of the land shall be held in highest regards.~~

~~(Ord. of 3-19-2002, Art. XI, § 112)~~

DIVISION 12. - COMMERCIAL (C) DISTRICT

Sec. 38-420. - Purpose.

The purpose of this district is to provide for the orderly grouping at appropriate locations of retail business and service establishments and other similar commercial operations in order to avoid the problems and costs of mixed and scattered land use. It is also intended to provide a measure of control for those commercial uses which may possibly present a problem due to excessive traffic, parking, noise, smoke, dust, or other such detrimental effects of operation.

(Ord. of 3-19-2002, Art. XII, § 120)

Sec. 38-421. - Permitted uses.

- (1) A residential dwelling (one dwelling unit) or a mobile home in conjunction with and accessory to the uses permitted, provided that occupancy is restricted to owner, or one employee.
- (2) Bank, savings and loan, or other financial institutions.
- (3) Barber shops and beauty parlors.
- (4) Book and stationery stores, and newsstands.
- (5) Business and professional offices, and studios.
- (6) Clothing stores, department stores, shoe stores, and shoe repair shops.
- (7) Drug stores and soda fountains.
- (8) Florist shops and greenhouses.
- (9) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket, and bakeries.
- (10) Furniture store, household furnishings, office equipment, and upholstery

- (11) Hardware, appliances, plumbing, heating, and electrical supplies, and sporting goods.
- (12) Jewelry stores and antique shops.
- (13) Restaurants and cafes.
- (14) Music, radio, and television stores.
- (15) Paint store and interior decorating.
- (16) Taverns.
- (17) Clubs and lodges.
- (18) Hotels and motels.
- (19) Drive-in establishments offering in-car service to customers.
- (20) Farm implement sales.
- (21) Laundry establishments.
- (22) Funeral homes.
- (23) Telephone exchanges, telephone, telegraph, and power transmission lines, poles, towers, and substations with accessory buildings and equipment.
- (24) Filling stations, new and used car sales establishments, and auto repair shops.
- (25) Accessory buildings and uses when clearly incidental to the conduct of a retail business on the premises.
- (26) Print shops and publishing houses.
- (27) Signs, subject to the provisions of division 18.

(Ord. of 3-19-2002, Art. XII, § 121; Res. No. 64-10, 7-27-2010)

Sec. 38-422. - Conditional uses.

- (1) Warehousing, storage, and trucking terminal.
- (2) Dance halls, skating rinks, and bowling alleys.
- (3) Miniature golf, go-karts, amusement parks, and outdoor theaters.
- (4) Race tracks of various types.
- (5) Dyeing and cleaning establishments.
- (6) Animal hospital, pet shop, and veterinary clinic.
- (7) Sawmills and planing mills, and other forest products processing plants.
- (8) Bulk fertilizer and feed mill storage.
- (9) Storage of recreational equipment and vehicles, and shall meet the requirements as provided in division 25.
- (10) Mini-storage units.

Any other commercial use not enumerated in the above sections shall require a conditional use permit.

(Ord. of 3-19-2002, Art. XII, § 122; Res. No. 82-05, 12-21-2004)

Secs. 38-423—38-429. - Reserved.

DIVISION 12-A. - COMMERCIAL HIGHWAY (CH) DISTRICT

Sec. 38-430. - Purpose.

To provide an area for commercial development to serve the traveling public along major arterial and collector highways in such a manner as to minimize interruption of traffic flow, safeguard pedestrian movement, and optimize the aesthetic appearance to passing motorists.

(Ord. of 3-19-2002, Art. XII-A, § 120-A)

Sec. 38-431. - Permitted uses.

- (1) Police station.
- (2) Underground utility lines.
- (3) Parks.
- (4) Nonintensive agriculture.
- (5) Accessory uses (not involving open storage).

(Ord. of 3-19-2002, Art. XII-A, § 121-A)

Sec. 38-432. - Conditional uses.

A site plan showing the lot size, building size and setbacks, setback access points, signing, easements, landscaping, fencing, and drainage will be required as part of all conditional use applications.

- (1) Businesses of a retail or service nature, unless specifically listed elsewhere in this section.
- (2) Clubs (nonprofit).
- (3) Community centers.
- (4) Recreational uses.
- (5) Community service agencies.
- (6) Wholesaling of products.
- (7) Fabrication or assembling incidental to retail sales.
- (8) Governmental, business, professional, and semiprofessional offices.
- (9) Electrical substations and gas regulator stations.
- (10) Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations.
- (11) Overhead utility lines.
- (12) Hotels, motels, and lodges.
- (13) Automobile filling stations.
- (14) Automobile service stations.
- (15) Parking lots.
- (16) Mini-storage units.

- (17) Enterprises or businesses of the same nature or class as those listed this district which in the opinion of the zoning committee, are not more disruptive or detrimental to the welfare of the area than those listed.

(Ord. of 3-19-2002, Art. XII-A, § 122-A; Res. No. 82-05, 12-21-2004)

Sec. 38-433. - Area regulations.

- (1) Minimum lot size required for rezoning. The minimum lot size for classification into the commercial highway district shall be five acres. No tracts shall be rezoned without a minimum of five acres and without an overall access plan.
- (2) Maximum floor area.
 - (a) Other uses by right: 30 percent of the total lot area.
 - (b) Conditional uses: 30 percent of the total lot area.
- (3) Minimum lot area.
 - (a) Uses by right: One acre.
 - (b) Automotive filling stations: 10,000 square feet.
 - (c) Automotive service stations: 13,000 square feet plus an additional 2,000 square feet for each service bay over two.
 - (d) Other conditional uses: No minimum requirements unless otherwise specified by the zoning committee.
- (4) Minimum setback from property lines. Twenty feet, except that buildings shall be setback as per sections of this article.
- (5) Maximum building height. Three stories.
- (6) Landscaping. At least ten percent of the total land area shall be landscaped in accordance with a landscaping plan approved by the zoning committee.
- (7) Access. There shall be no more than two access points from any tract that has been rezoned to this zone. All internal lot accesses shall be by either internal access road or frontage roads. The access plans shall be approved by the zoning committee before conditional use approval and permit issuance.
- (8) Outside storage areas. Outside storage of goods and supplies shall only be allowed in screened and fenced areas that have been designated on the conditional use site plan.

All uses by right and conditional uses shall be subject to all provisions of this article with regard to signs, parking and loading access, vision clearance, floodplains and wetlands.

(Ord. of 3-19-2002, Art. XII-A, § 123-A)

Secs. 38-434—38-439. - Reserved.

DIVISION 13. - INDUSTRIAL (I) DISTRICT

Sec. 38-440. - Purpose.

The purpose of this district is to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics would not be detrimental to surrounding areas or public,

by reason of smoke, noise, dust, odor, traffic, physical appearance, air, water, or thermal pollution, or any other environmental degradation. Industries requiring outdoor storage of raw materials and/or finished products, may be required to provide fencing or screening in accordance with division 25 of this article.

(Ord. of 3-19-2002, Art. XIII, § 130)

Sec. 38-441. - Permitted uses.

- (1) A residential dwelling (one dwelling unit) or a mobile home in conjunction with and accessory to the uses permitted, provided that occupancy is restricted to the owner or one employee.
- (2) General warehousing and storage connected with the following permitted use under this section.
- (3) Metal and wood assembly, fabrication, and manufacturing.
- (4) Electronics assembly, fabrication, and manufacturing.
- (5) Clothing manufacturing.
- (6) Signs, subject to the provisions of division 18.

(Ord. of 3-19-2002, Art. XIII, § 131; Res. No. 64-10, 7-27-2010)

Sec. 38-442. - Conditional uses.

- (1) Storage and/or disposal of toxic and hazardous materials.
- (2) Bulk storage of gasoline, propane, chemicals, and other materials of an explosive nature.
- (3) Chemical manufacturing.
- (4) Foundaries.
- (5) Food processing.
- (6) Meat processing and the processing and disposal of the wastes from such.
- (7) Fertilizer processing.
- (8) Tool and die manufacturing.
- (9) Mining and quarry operation.
- (10) Ready-mix concrete and gravel production.

Any other industrial use not enumerated in the above sections or any industrial use which is determined to be objectionable by the zoning committee on the basis of its potential of detrimental harmful effects to the surrounding area or public, may be permitted only upon the issuance of a conditional use whereby the zoning committee may set performance standards, pollution standards, aesthetic controls, and dimensional and site requirements in order to ensure the public health, safety, and general welfare of this county.

(Ord. of 3-19-2002, Art. XIII, § 132)

Secs. 38-443—38-449. - Reserved.

DIVISION 14. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 38-450. - Purpose.

The purpose of this district is to provide for a larger scale project type development which, when viewed in entirety, may involve multiple districts and have an interrelationship of uses within those districts. This development may be of a recreational, residential, or commercial nature or a combination of such. This district is intended to provide for such development in an orderly manner and avoid the confusion of potentially numerous zoning changes.

This district shall have no definite boundaries until such are approved by the county board by order of zoning change to the PUD district. Plans for the proposed development shall be submitted in triplicate and shall show the location, size, and proposed use of all structures and land included in the areas involved.

(Ord. of 3-19-2002, Art. XIV, § 140)

Sec. 38-451. - Uses.

The uses within this district shall be determined by the plan as approved by the county board and shall conform to the requirements of the related district involved insofar as practicable. The specific uses within any particular PUD district shall be formulated by the zoning committee and the respective developer prior to the county board action.

(Ord. of 3-19-2002, Art. XIV, § 141)

Sec. 38-452. - Consideration.

In considering an application for a change to the PUD district, the zoning committee shall consider the following factors in evaluating the effect of such a change and development:

- (1) The location, nature, and size of the proposed area.
- (2) The size of the site in relation to the proposed use.
- (3) Existing topographic and drainage features, and vegetative cover.
- (4) The maintenance of safe and healthful conditions and control of pollution.
- (5) The location of the site with respect to the existing roads and other facilities and the impact upon such.
- (6) Its compatibility with the existing uses on land adjacent thereto.
- (7) Its compatibility with the immediate and surrounding environment and the possibility for reclamation, if needed.
- (8) Its impact upon and harmony with the future environment and the future development of the area.
- (9) Its relationship to the public interest, the purpose and intent of this article, and substantial justice to all parties concerned.

Secs. 38-453—38-469. - Reserved.

~~DIVISION 14 A.—PLANNED RESIDENTIAL DEVELOPMENT~~

~~Sec. 38-460.—Purpose.~~

~~A Planned Residential Development (PRD) is intended to permit smaller lots where the physical layout of the lots is so arranged as to better control pollution, preserve ground cover and promote the objectives of this article than would be possible if normal development standards were applied. This may be~~

accomplished by increasing shoreline setbacks and by clustering structures on one portion of the parcel. A condition of all planned residential developments is the preservation of open space, preferably along the shoreline, in perpetuity.

(Ord. of 3-19-2002, Art. XIV-A, § 143)

~~Sec. 38-461. Requirements for planned residential development.~~

~~The planning and zoning committee may at its discretion, upon its own motion or upon petition, authorize a planned residential development as a conditional use under division 20. The committee may authorize a specific project upon finding, after a public hearing, that all of the following facts exist:~~

- ~~(a) Location and area. The area proposed for home sites is located in a district that permits residential use and the gross project area is at least 35 contiguous acres. Gross project area shall include total project area less mapped wetlands, floodways and areas below the ordinary high water mark of navigable waters and may include lands in other zoning districts.~~
- ~~(b) Pollution control. The location and nature of the privately owned wastewater treatment systems which will serve the home sites individually or collectively is in compliance with the County Sanitary Code and Wis. Admin. Code Comm. 83. SPS 383.~~
- ~~(c) Open space. At least 50 percent of the project area shall be dedicated as permanent open space. Mapped wetlands, floodways and slopes greater than 45 percent shall not count toward the open space dedication requirement. Open space may be:
 - ~~1. Dedicated to the public;~~
 - ~~2. Retained by the former owner;~~
 - ~~3. Held in common by the residents of the planned residential development; or~~
 - ~~4. Held as individual outlots by owners of the planned residential development.~~~~

~~Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the open space is to be held in common by owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain it. Any restriction placed on use of lands which is required by this article or which was placed as a condition of approval of a planned residential development shall vest in the county the right to enforce the restriction against anyone who has or acquires an interest in the land subject to the restriction.~~

~~Open space shall be deed and plat restricted to nonstructural agricultural, forestry, recreational or environmental protection uses except that minor structures essential to open space recreational uses may be approved. A privately owned wastewater treatment system may be located in such an area provided no suitable site is available on the lot served by the system. Open space shall be contiguous.~~

- ~~(d) Density. The number of platted home sites shall not exceed 100 percent of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, widths and water frontage provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the gross project area, excluding streets, by the minimum lot sizes otherwise required by applicable provision of this article.~~
- ~~(e) Lot sizes, widths, setbacks, and vegetation protection. The minimum lot size for such development shall be 20,000-30,000 square feet with a 100-150-foot minimum lot width and ten-foot side yard. Shoreline setback and vegetation protection area provisions in division 27 sections 38-593 through 38-596 shall apply except that the maximum width of a lake-viewing corridor may be combined up to 100 feet if it is located on lands which are commonly held.~~

- ~~(f) Design standards. Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, cropland, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes, regulated floodplains and avoidance of a fragmented landscape.~~
- ~~(g) Building sites. Building sites shall include at least 10,000 square feet of contiguous, buildable area excluding sites designated for privately owned wastewater treatment systems and all areas where construction of buildings and related infrastructure is precluded by the provisions of county ordinances.~~
- ~~1. Buildings and roads shall be located as to minimize conflicts with uses of adjacent lands.~~
 - ~~2. Building sites which make structures as visually inconspicuous as practicable from public roadways and waters shall be selected.~~
 - ~~3. Building sites shall not include wetlands or floodways and shall comply with the land disturbance provisions of division 27, sections 38-597 and 38-598.~~
- ~~(h) Roadways and infrastructure.~~
- ~~1. Roadways and, where practicable, infrastructure shall not be located in open fields but shall be sited along forest edges and shall be designed to maximize the amount of forest in the planned residential development which is contiguous with adjacent forested lands.~~
 - ~~2. Roadways shall follow existing contours to minimize the extent of cuts and fills.~~
 - ~~3. Where sites include linear features such as existing access roads, tree lines and fence rows, roadways shall, where practicable, follow these features to minimize their visual impact.~~
 - ~~4. All driveways shall serve a minimum of two units.~~
 - ~~5. The maximum number of units served by a common driveway shall be four unless the applicant demonstrates that a greater number will promote the objectives of this article.~~
 - ~~6. Maximum length of common driveways shall be 1,320 feet.~~
 - ~~7. All lots using common driveways shall require a driveway maintenance agreement. The agreement shall require approval of the planning and zoning committee and shall be recorded with the deeds to the affected lots.~~
- ~~(i) Site development and land disturbing activities.~~
- ~~1. Existing natural drainageways shall be retained.~~
 - ~~2. Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.~~
 - ~~3. Where building sites are located in woodlands, a wooded buffer of at least 30 feet shall be retained between the building site and the common drive or roadway.~~

~~(Ord. of 3-19-2002, Art. XIV-A, § 144)~~

~~Sec. 38-462. Procedure for establishing a planned residential development.~~

~~The procedure for establishing a planned residential development shall be as follows:~~

- ~~(a) Petition. An application for conditional use setting forth all of the facts required in division 20, section 38-521 shall be submitted to the zoning department.~~
- ~~(b) Review and hearing. Upon determining that the petition is complete, the department shall forward the petition to the planning and zoning committee which shall give notice and hold a public hearing~~

~~consistent with the provision of division 20, section 38-524. The committee shall consider the recommendations of any federal, state, or local agency which provides information relating to the standards for establishment of a planned residential development.~~

~~(c) Findings and conditions of approval. The planning and zoning committee shall make written findings as to the compliance or noncompliance of the proposed planned residential development with each of the requirements set forth in section 38-461. If the plat is granted in whole or in part, the committee shall attach such written conditions to the plat approval as are necessary to assure compliance with the provisions of section 38-461 (Requirements). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, location of privately owned wastewater treatment systems and the preservation of ground cover and open space. The committee shall specifically approve or reject the plat and deed restrictions relating to the location, ownership and use of dedicated open space and shall require proof of the recording of such restrictions with the county register of deeds prior to the issuance of any building permits for the project.~~

~~(d) Planning studies. A petitioner may, at his own expense, develop the facts required to establish compliance with the provisions of division 20 and section 38-461 (Requirements) or may be required to contribute funds to the county to defray all or part of the cost of such studies undertaken by the county or any agency or person with whom the county contracts for such work.~~

~~(Ord. of 3-19-2002, Art. XIV A, § 145)~~

DIVISION 15. ~~RESIDENTIAL SHORELANDS DISTRICT~~ RESERVED

Sec. 38-470. ~~38-479.~~ - Reserved Purpose.

~~The purpose of this district is to provide for both seasonal and year-round residential development, yet insure protection of shorelands and open space by requiring a moderate lot density and development. The soil conditions and other physical features must be suitable for such development without depleting or destroying natural resources.~~

~~(Res. No. 2006-111, § 3, 1-23-2007)~~

Sec. 38-471. - Permitted uses.

~~[The following uses are permitted in the residential shorelands district:]~~

- ~~(1) One or two family dwelling (not to exceed two dwelling units). Subject to Washburn County Shorelands Class Development Standards.~~
- ~~(2) Accessory buildings and uses incidental to the principle residential use.~~
- ~~(3) Customary home occupation.~~
- ~~(4) Gardening for home use or sale.~~
- ~~(5) Essential services and utilities intended to serve the residential and accessory uses.~~
- ~~(6) Historical, geological, and religious markers and monuments.~~
- ~~(7) Signs, subject to division 18.~~
- ~~(8) Single guest cabin, subject to the provisions of division 28.~~
- ~~(9) Single bunkhouse, subject to the provisions of division 28.~~

~~(Res. No. 2006-111, § 3, 1-23-2007; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)~~

~~Sec. 38-472. - Conditional uses.~~

~~[The following are conditional uses in the residential shorelands district:]~~

- ~~(1) - Public and semi-public uses.~~
- ~~(2) - Multiple-family dwellings, condominiums.~~
- ~~(3) - Telephone exchanges, telephone, telegraph, and power transmission lines, poles, towers, and sub-stations with accessory buildings and equipment.~~
- ~~(4) - Expanded home occupation.~~

~~(Res. No. 2006-111, § 3, 1-23-2007; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)~~

DIVISION 16. - HIGHWAY ACCESS VISION AND SETBACKS

Sec. 38-480. - Highway setbacks.

For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of Washburn County are divided into the following classes:

- (1) Class A highways.
 - a. All arterial highways classified as expressways are hereby designated as Class A highways.
 - b. The setback from expressways shall be 190 feet from the center line of a two lane facility, or 190 feet from the center of the median of a divided facility, or 50 feet from the right-of-way line, whichever is greater.
- (2) Class B highways.
 - a. All state highways not designated as Class A highways.
 - b. The setback from Class B highways shall be 150 feet from the center line of such highway or 100 feet from the right-of-way line, whichever is greater.
- (3) Class C highways.
 - a. All lettered county highways are hereby designated as Class C highways.
 - b. The setback from Class C highways shall be 133 feet from the center line of such highway or 100 feet from the right-of-way line, whichever is greater.
- (4) Class D highways.
 - a. Town roads may be designated as Class D highways by concurrent action of the town board and the Washburn County Zoning Committee.
 - b. The setback from Class D highways shall be 133 feet from the center line of such highways or 100 feet from the right-of-way line, whichever is greater.
- (5) Class E highways.
 - a. All town roads, unless otherwise designated, are designated Class E highways.
 - b. The setback from Class E highways shall be 75 feet from the center line of the road or 50 feet from the right-of-way line, whichever is greater.
 - c. In the event a Class A, B, C, or D highway traverses or passes on the edge of a major subdivision, the setback standard for that class highway shall apply.

(Ord. of 3-19-2002, Art. XVI, § 160)

Sec. 38-481. - Vision triangles.

In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street center lines and a line connection point on them 300 feet from a Class A or Class B highway intersection 200 feet from a Class C, D, or E highway intersection.

Nothing shall block the vision triangle from two and one-half feet above the ground to ten feet above the ground. Open fences, telephone, telegraph, and power transmission poles, field and forest crops excepted.

- (1) At highway intersections with transitional widening. At all intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width and the setback lines on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- (2) Access driveways and road spacing.
 - a. Access driveways to highways from abutting properties shall comply with the following requirements:
 1. Class A highway: No access driveways are allowed.
 2. Class B highway: A recommended minimum distance of 500 feet spacing of highway frontage between access driveways for separate land uses. A minimum distance of 500 feet spacing access driveways may be located to the right-of-way line of an intersecting highway. Discretion shall be granted to the D.O.T. to permit driveway at a lesser setback for safety reasons. Also subject to Wis. Admin. Code Trans. 233.
 3. Class C highway: A recommended minimum of 300 feet spacing between access driveways; adjoining driveways permitted to accomplish same. A minimum distance of 300 feet spacing between access driveways and the right-of-way line of an intersecting highway. Discretion shall be granted to the Washburn County Highway Department to permit driveway at a lesser setback for safety reasons.
 4. Class D and E highways: A recommended minimum of 200 feet spacing between access driveways; adjoining driveways permitted. To accomplish same, minimum distance of 200 feet spacing between access driveways and the right-of-way line of an intersecting Class A, B, or C highway, otherwise the spacing is the same as between two driveways. Discretion is granted to the towns to permit driveways at a lesser setback for safety reasons.
 - b. Where there are two or more lots in less than 500 feet of frontage on a Class B highway, a service road of not less than 66 feet of right-of-way shall be provided across the entire frontage of each lot.
 - c. The maximum number and width of access driveways to highways and service roads shall be as follows:
 1. Commercial and industrial land use driveways: A maximum of two access driveways with a maximum of 35 feet of width.
 2. Other land use driveways: A maximum of one access driveway with a maximum of 24 feet of width.
 3. Driveways shall be at least a minimum of 20 feet wide, unobstructed into the driveway to a height of 15 feet.
 4. Driveways shall have a turn around 20 feet wide and 40 feet long or equivalent, within 100 feet of the building.
 5. Driveways are described as serving no more than two residential or commercial buildings. All driveways which serve new residential or commercial buildings that are

greater than 100 feet from a public or private road shall meet the following within 60 days of zoning permit issuance:

- (i) Driveways shall have a clearance of no less than 20 feet in width. Any curves in driveways must not be less than 100-foot radius.
- (ii) Overhead clearance shall be established at a minimum height of 15 feet.
- (iii) Driveways exceeding 150 feet in length must provide an adequate turnaround area that will accommodate a 30-foot long fire truck.
- (iv) Existing driveways shall be brought into compliance with this section as a condition of approval of issuance of a zoning permit when an addition or improvements to an existing dwelling exceeding a 25 percent increase in enclosed living space is constructed, or an attached or detached garage is constructed.
- (v) The turnaround space can be provided by one of the following methods and shall be within 100 feet of the principal building:
 - A. If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline; or
 - B. A turnaround space free of trees and other obstructions may be provided if it has the dimensions of not less than 60 feet by 50 feet; or
 - C. A turnout may be provided with the following dimensions: The length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet. The turnout may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet at the rear. In addition, a minimum of 40 feet of driveway must be provided between the building and the turnout to allow enough room to back a 30-foot fire truck into the turnout.

Exemptions from the provisions of this article would include:

- 1. New buildings that are 100 feet or less from a public road or a private road.
- 2. Those portions of both private roads and driveways which are restricted by an existing easement of less than 20 feet in width.
- d. Where crossovers in median strips have been provided, access driveways shall be directly opposite these crossovers.
- e. In addition to the above standards, a permit E-M-04-68 or its subsequent revision must be filed with the Wisconsin State Department of Transportation for access to all state highways. Approval must be given by the above agency before the county will consider and give approval to the applicant's request. Access to county highways must be approved by the Washburn County Highway Department prior to construction of a driveway connecting to a county highway.
- f. Private roads are described as those serving more than two residential or commercial buildings. All private roads serving multiple buildings, constructed after the enactment of this article, shall be a minimum width of two rods, four-rod easements are recommended.
- g. Where crossovers in median strips have been provided, access driveways shall be directly opposite these crossovers.
- h. In addition to the above standards, a permit E-M-04-68 or its subsequent revision must be filed with the Wisconsin State Department of Transportation for access to all state highways. Approval must be given by the above agency before the county will consider and give approval to the applicant's request.

(Ord. of 3-19-2002, Art. XVI, § 161; Res. No. 2006-111, § 7, 1-23-2007)

Sec. 38-482. - Roadway setback averaging.

A roadway setback may be reduced to the average of roadway setbacks for existing structures on adjacent properties where such structures are within 100 feet of the building site provided:

- (1) The resulting roadway setback is not less than two-thirds the required roadway setback; and
- ~~(2) No doorway or parking is located in the reduced roadway setback area.~~

(Ord. of 3-19-2002, Art. XVI, § 162)

Secs. 38-483—38-489. - Reserved.

DIVISION 17. - OFF-STREET PARKING AND LOADING

Sec. 38-490. - Loading space.

All commercial and industrial uses shall provide sufficient maneuvering and loading space on the premises for pickup, delivery, and service vehicles necessary for normal operations.

(Ord. of 3-19-2002, Art. XVII, § 170)

Sec. 38-491. - Off-street parking.

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least 200 square feet in area.

- (1) Dwellings: One space for each dwelling unit.
- (2) Restaurants, taverns, and similar establishments: One space for each 50 square feet of floor space devoted to patrons.
- (3) Drive-in eating stands offering in-car service: Five spaces for each person employed to serve customers.
- (4) Motels, mobile home parks, and camping grounds: One space for each unit.
- (5) Retail business and service establishments: One space for each 200 square feet of floor area.
- (6) Industrial uses and warehouses: One space for each two employees on the premises at a maximum employment on the main shift.
- (7) Service stations: Parking for all vehicles used directly in the conduct of the business, plus two spaces for each gas pump, plus three spaces for each grease rack.
- (8) Any use not specifically named shall be assigned to the most appropriate classification by the zoning administrator subject to appeal to the board of adjustments.

(Ord. of 3-19-2002, Art. XVII, § 171)

Secs. 38-492—38-499. - Reserved.

DIVISION 18. - SIGNS

Sec. 38-500. - General provisions.

- (1) Permit required. Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered in Washburn County until a permit has been issued by the county zoning administrator. A permit shall only be issued for a sign in conformity with the size, type, number, location, and use regulations affecting each zoning district.
- (2) Exceptions. A permit shall not be required for the following classes of signs:
 - (a) Class A signs: Official traffic control signs and informational or directional notices erected by federal, state, or local units of government.
 - (b) Class B signs: Type 1 on-premises real estate signs, residential identification, warning, and similar signs not greater than four square feet in area.
 - (c) Class B signs: Type 2 on-premises signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed 32 square feet in area, and no more than one sign for each such highway upon which the property faces shall be located outside of the right-of-way of the property.
 - (d) Class B signs: Type 3 on-premises signs advertising the sale of farm products. Such signs shall not be in use for more than six months or exceed 32 square feet in area. No more than one sign in the approaching direction along any one highway shall be permitted.
- (3) Prohibited characteristics of signs.
 - (a) No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, except required signs on multiple use trails.
 - (b) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
 - (c) No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
 - (d) No sign shall contain any rotating or moving parts, or be illuminated by flashing lights.
 - (e) No sign shall exceed the maximum height limitations of the district in which it is located.
 - (f) No sign shall be located on a lot so as to reduce the required dimensional setback and side yard requirements of the district in which it is located.
 - (g) No sign shall be erected upon trees, or painted or drawn upon rocks or other natural features, or truck vans or trailers.
 - (h) No sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered except in conformity with Wis. Stats. ch. 84.30 and Wis. Admin. Code ch. H-19.
 - (i) No sign shall be allowed to remain up for more than three months after the business has ceased to operate; the business owner or land owner shall be responsible for its removal.
 - (j) All signs must be maintained in good repair. This includes that the message must be current and all signs must be painted. If a sign is found to be not in good repair, the zoning administrator may order the sign either repaired or removed within 90 days. After this time, such unrepaired signs shall constitute a violation of the zoning ordinance.
 - (k) Signs are not subject to normal building setbacks; however, all signs along public roadways must be located outside of the official road right of way. Permitted and exempt signs that are improperly placed within the right of way of a county highway will be removed by the Washburn County Highway Department and stored at their department headquarters. Sign owners may reclaim removed signs at a cost of \$25.00 per sign, payable to the Highway Department. The Highway Department reserves the right to impose a forfeiture up to \$500.00 for habitual repeat offenders.

(Ord. of 3-19-2002, Art. XVIII, § 180)

Sec. 38-501. - Classification of signs requiring permit.

- (1) Class C signs. On-premises signs which advertise a business activity or service performed on the property.
 - (a) Type 1: Signs advertising a permitted home occupation or professional office. Such signs shall not exceed 12 square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted.
 - (b) Type 2: Signs advertising a business activity or service available in a commercial or industrial area. Such signs shall not exceed 80 square feet in area where non-lighted, and if illuminated, shall not exceed 40 square feet in area. Not more than one such sign for each story may be attached to a building facade, and no sign may project more than six feet beyond a building when attached thereto or be higher than four feet above the top roof line. Freestanding signs shall not exceed 20 feet in height from the ground.
 - (c) Type 3: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 32 square feet in area and no more than one such sign for each highway upon which the property faces shall be permitted.
- (2) Class D signs. Signs or billboards which advertise a general brand of product, an area of interest, a business activity, or a service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed 300 square feet in area. Free standing signs shall be erected outside a line parallel to and 50 feet from the right-of-way of the highway and shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence.
- (3) Class E signs. Off-premises directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest, or service available at a specific location shall be within 25 air-miles of the premises on which it is located.
 - (a) Type 1: Directory signs indicating the direction to a resort or recreational business activity. No more than two such signs relating to any one use shall be permitted in the approaching directions along any one highway.

Signs located on Class A and B highways shall not exceed 50 square feet in area or be located within 300 feet of an existing residence. Such signs shall be placed outside of the right-of-way line of the highway subject to Wis. Admin. Code Trans 233.

Signs located on Class C, D, and E highways shall not exceed four square feet in area. When common posting is provided, all such signs shall be attached thereto.
 - (b) Type 2: Directory signs indicating the direction to a business activity, area of interest, or logo. No more than two such signs relating to any one use shall be permitted in the approaching direction along any one highway.

Signs located on a Class A highway shall not exceed 50 square feet in area or be placed within 300 feet of an existing residence. Such signs shall be placed outside of the right-of-way of the highway subject to Wis. Admin. Code Trans 233.

Signs located on Class B and C highways shall not exceed 12 square feet. Class B Highways are subject to Wis. Admin. Code Trans 233.
 - (c) Type 3: Directory signs to a cottage or residence. Such signs shall not exceed four square feet in area, and when common posting is provided, all such signs shall be attached thereto.

(Ord. of 3-19-2002, Art. XVIII, § 181)

Sec. 38-502. - Class and type of signs permitted in various zone districts.

Class and Type of Sign	Zone District
Class A Signs	All
Class B Signs	
Type 1	All
Type 2	All except Resource Conservation
Type 3	RR-2, Residential Agriculture and Agriculture
Class C Signs	
Type 1	All except Resource Conservation Industrial
Type 2	Commercial, Commercial Highway and Industrial
Type 3	All districts except Resource Conservation , Forestry and Residential
Class D Signs	Commercial, Commercial Highway and Industrial
Class E Signs	
Type 1	All except Resource Conservation
Type 2	All except Resource Conservation Forestry and Residential and Residential Shorelands
Type 3	All except Resource Conservation

(Ord. of 3-19-2002, Art. XVIII, § 182)

~~Sec. 38-503. — Shoreland signage.~~

~~Commercial signs which are visible from public waters may only be located on the premises which they serve. Temporary real estate signs may be placed on properties offered for sale. This section shall apply to all signs placed after October 1, 1998.~~

~~(Ord. of 3-19-2002, Art. XVIII, § 183)~~

Secs. 38-503—38-509. - Reserved.

DIVISION 19. - ZONING PERMITS

Sec. 38-510. - Cases where zoning permit is required.

- (1) Land use permits are required when ~~where~~ a ~~any~~ building ~~or other structure~~ is erected, placed, moved, or structurally altered so as to change its use or increase its footprint or outer dimensions. ~~floor area, except boathouses that extend waterward beyond the ordinary high-water mark of any navigable waters, shall comply with Wis. Stats. § 30.121.~~
- (2) ~~Where 50 percent or more of the current fair market value of a structure is destroyed and is being repaired or altered.~~ Land use permits are also required for other structures such as signs, decks, patios, retaining walls, walkways, stairs, fire pits, mobile homes (conditional use permit also needed), recreational vehicles outside of a licensed campground* and for most agricultural structures such as silos, outbuildings, manure storage facilities, grain storage bins, etc.

*Note: recreational vehicles are allowed in shoreland areas for a limited number of months with no permit. See Section 38-564.

(3) Land use permits are required for structures even if the structure is movable.

~~(3) Farm houses and accessory buildings and uses incidental to a residential use.~~

~~(4) For permanent farm buildings and structures which are used in connection with a primary farm use.~~

~~(5) Signs.~~

~~(6) For structural alterations to nonconforming structures which are less than 50 percent of current assessed value. Shoreland setback nonconforming are regulated under division 27.~~

(Ord. of 3-19-2002, Art. XIX, § 190)

Sec. 38-511. - Cases where zoning permit is not required.

- (1) For any accessory building which has a floor area of less than 65 square feet provided such structures conform to all setbacks, yard, and open space requirements of this article.
- (2) For any improvements, alterations, or repairs to an existing building which shall not affect a structural change or increase floor area.

(Ord. of 3-19-2002, Art. XIX, § 191)

Sec. 38-512. - Application for a zoning permit.

An application for a zoning permit shall be made to the zoning office upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) A diagram of the property sufficient to assure compliance with the dimensional requirements set forth within this article. Such a diagram shall clearly show the following:
 - a. The exterior boundaries of the property involved.
 - b. The location on the lot or parcel of existing structures buildings
 - c. The location of private on-site wastewater treatment system on the lot or parcel.
 - d. The distance from the center line of any road (or the right-of-way, whichever is greater) and the distance from the ordinary high-water mark of any water body.

- (2) Name and address of owner, legal description, lot or parcel area, zoning district classification, use intended, structure or building details, and other data listed upon the application form.
- (3) No zoning permit will be issued for a structure designed or intended for human occupancy before a sanitary permit is issued, except if the structure will be connected to a municipal sewer system.

Privies require a sanitary permit and are permitted subject to chapter 56, Washburn County Code. Setbacks of 100 feet from adjoining property residence, or 75 feet from side yard lot boundary, whichever is greater. A one-boring soil test must be filed to obtain a pit privy permit.

Other nonplumbing systems are subject to the requirements of Wis. Admin. Code SPS. Comm. 91.

(Ord. of 3-19-2002, Art. XIX, § 192)

Sec. 38-513. - Display of zoning permit.

It shall be the responsibility of the owner, his/her agent, or other persons engaged in construction upon the property, to display and maintain a zoning permit upon the property and in a place which is readily visible for inspection from the time work is started until such work is completed.

(Ord. of 3-19-2002, Art. XIX, § 193)

Sec. 38-514. - Refusal to work.

It shall be the responsibility of all workers, builders, and contractors to refuse to work upon a property until a zoning permit has been properly displayed if a permit is required for such construction.

(Ord. of 3-19-2002, Art. XIX, § 194)

Sec. 38-515. - Public services.

It shall be the responsibility of a municipality, governmental agency contractor worker, or public utility to refuse to connect any electric, water, gas sewer or other service to property or structure or to provide an entrance to the same unless a zoning permit has been properly displayed if a permit is required for such construction or activity.

(Ord. of 3-19-2002, Art. XIX, § 195)

Sec. 38-516. - Expiration.

A zoning permit shall expire one year from the date of issuance if no activity or construction has commenced, with regard to such permit for such premises. If such activity or construction has not proceeded to a point of exterior completion within a period of one year, ~~such permit shall require renewal~~ a new permit will be required.

(Ord. of 3-19-2002, Art. XIX, § 196)

Secs. 38-517—38-519. - Reserved.

DIVISION 20. - CONDITIONAL USE PERMITS

Sec. 38-520. - General provisions.

Any use listed as a conditional use in this article shall be permitted only upon application to the zoning administrator and issuance of a conditional use permit by the zoning committee. A conditional use permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this article. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(Ord. of 3-19-2002, Art. XX, § 200)

Sec. 38-521. - Required information.

In order to secure evidence upon which to base its determination, the zoning committee may require in addition to the information required for a zoning permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping, and pertinent information that may be necessary to determine if the proposed use meets the requirements of this article.

(Ord. of 3-19-2002, Art. XX, § 201)

Sec. 38-522. - Standards applicable to all conditional uses.

In passing upon a conditional use permit application, the zoning committee shall consider the following factors:

- (1) The location, nature, and size of the proposed use.
- (2) The size of the site in relation to the proposed use.
- (3) The location of the site with respect to existing or future roads giving access to it.
- (4) Its compatibility with existing uses on land adjacent thereto.
- (5) Its compatibility with the immediate and surrounding environment and the possibility for reclamation, if needed.
- (6) Its impact upon and harmony with the future environment and the future development of the district.
- (7) Existing topographic and drainage features and vegetative cover.
- (8) Its relationship to the public interest and the purpose and intent of this article. ~~and-substantial justice to all parties concerned.~~

(Ord. of 3-19-2002, Art. XX, § 202)

Sec. 38-523. - Conditions attached to conditional use permit.

Upon consideration of the factors listed above, the zoning committee may attach such conditions in addition to those otherwise specifically listed, that it deem necessary in furthering the purposes of this article. Such conditions may include landscaping, type of construction, sureties, lighting, fencing, planting screens, operational control, period of operation, improved traffic circulation, deed restrictions, or parking requirements necessary to fulfill the purpose and content of this article. Violation of any of these conditions shall be deemed a violation of this article.

(Ord. of 3-19-2002, Art. XX, § 203)

Sec. 38-524. - Notice and public hearing.

Before issuing a conditional use permit, the zoning committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the committee, and shall be given in the manner that is specified in division 32.

(Ord. of 3-19-2002, Art. XX, § 204)

Sec. 38-525. - Termination.

Where a conditional use is granted by the zoning committee and such conditional use does not continue in conformity with the requirement of this article, or with any conditions that were attached to such conditional use at the time of approval, the conditional use permit shall be terminated by action of the zoning committee. If such conditional use continues in conformity with this article and does not violate any of the conditions established at the time of approval or produce a hazard to the surrounding public, then such conditional use shall be allowed to continue. Conditional use approvals which have not been initiated shall expire two years from the date of approval, unless extended by action of the zoning committee.

(Ord. of 3-19-2002, Art. XX, § 205)

Secs. 38-526—38-529. - Reserved.

DIVISION 21. - NONCONFORMING USES and STRUCTURES (General Zoning)

Sec. 38-530 - Nonconforming Uses.

- (1) Property uses that are not in compliance with applicable provisions of this article may continue, subject to the following conditions:
 - (a) The property owner can prove that the use was legally established and in place prior to the adoption of this article.
 - (b) The use predated the section(s) of this article which render the use nonconforming.
 - (c) The nonconforming use is not discontinued or interrupted for a period of more than one year.
 - (d) The nonconforming use has not had a documented history of being classified as a nuisance.
 - (e) The expansion of a building containing a nonconforming use may be altered or expanded, subject to the provisions of section 38-532. Ordinary maintenance and repair of the building is allowable.
 - (f) When a structure or a building containing a nonconforming use is damaged by fire, explosion, act of God, or public enemy to the extent that more than 50 percent of its building footprint is permanently destroyed, it shall not be restored except in compliance with division 22, or upon the issuance of a conditional use permit. In addition to the standards generally required for a conditional use permit, the zoning committee shall also consider the hardship to the applicant and feasibility of requiring that restoration conform to this article.
 - (g) Any expansion of a nonconforming use activity shall require a conditional use permit.
 - (h) A nonconforming use which is changed to a conforming use, shall not revert back to nonconforming.

- (i) Classification of a nonconforming use under this section does not eliminate the necessity for issuance of a zoning permit or other permits as required in section 38-510 for activities specific in that section, as requiring permits.

Sec. 38-531. - Nonconforming Structures (not nonconforming to shoreland setbacks)

- (1) Purpose. It is the intent of these provisions to balance the public objectives of this article with the interests of owners of nonconforming structures by:
 - (a) Treating structures which are most nonconforming and therefore most contrary to the objectives of this article more restrictively than structures which are more nearly in compliance with ordinance provisions; and
 - (b) By allowing for the improvement or expansion of principal structures essential to the reasonable use of a property provided the adverse effects of such improvement or expansion are adequately mitigated.
- (2) General provisions.
 - (a) Ordinary maintenance and repair shall be allowed for all nonconforming structures.
 - (b) Nonconforming accessory structures are limited to ordinary maintenance and repair and shall not be improved or expanded.
 - (c) Nonconforming principal structures may be maintained, repaired, improved internally or expanded provided that the lifetime total of all expansions is limited to 50 percent of the structure's area which existed at the time the structure became nonconforming.
 - (d) A structure that is nonconforming as to structural or dimensional standards may not be expanded or enlarged so as to increase its dimensional nonconformity. Where practicable, additions to nonconforming structures shall conform to all applicable provisions of this article.

Sec. 38-532. - Temporary uses.

The following temporary uses may be established in an area from which they otherwise excluded by the regulations of this article:

- (1) A house trailer or mobile home to be occupied by an owner or builder while residential construction is in progress, except in ~~the residential and resource conservation~~ districts. Permits for such uses shall be required. The permit shall allow the temporary use for a period of one year. Extensions of the use beyond one year shall require a conditional use permit.
- (2) For the placement of temporary living quarters or other necessary structures involved in logging operations or utility and construction operations, placement not to exceed one year, except by the granting of a conditional use permit.

Secs. 38-533 – 38-539.-Reserved

~~DIVISION 21. - NONCONFORMING USES~~

~~Sec. 38-530. - General provision.~~

~~The lawful use of a building, structure, or property which existed at the time this article, or an applicable amendment to this article, took effect and which is not in conformity with the provisions of this article, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:~~

~~If the alteration, addition or repair of a building or structure with a nonconforming use or a nonconforming building or structure is prohibited because it is in excess of 50 percent of the structure's area, the property owner may still make the proposed alteration, addition or repair if:~~

- ~~(1) A nonconforming use is permanently changed to a conforming use;~~
- ~~(2) The property owner appeals the determination of the zoning administrator and either the county board of adjustment or the circuit court find in the property owner's favor under Wis. Stats. § 59.694(4) or (10);~~
- ~~(3) The property owner successfully petitions to have the property rezoned by amendment to this article in accordance with division 31 of this article and Wis. Stats. § 59.69(5)(e).~~

~~(Ord. of 3-19-2002, Art. XXI, § 210)~~

~~Sec. 38-531. Nonconforming uses.~~

- ~~(1) Burden of proof. A property owner claiming a nonconforming use and exemption from applicable regulations shall prove by a preponderance of the evidence that:
 - ~~(a) The use was legally established;~~
 - ~~(b) The use predated zoning provisions with which it does not comply;~~
 - ~~(c) The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.~~~~
- ~~(2) No expansion. A nonconforming use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became nonconforming, was only partially devoted to such use.~~
- ~~(3) Discontinuance. If a nonconforming use is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this article.~~
- ~~(4) Temporary structures. If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.~~
- ~~(5) Nuisances. Uses which are nuisances shall not be permitted to continue as nonconforming uses.~~

~~(Ord. of 3-19-2002, Art. XXI, § 211)~~

~~Sec. 38-532. Nonconforming structures.~~

- ~~(1) Purpose. It is the intent of these provisions to balance the public objectives of this article with the interests of owners of nonconforming structures by:
 - ~~(a) Treating structures which are most nonconforming and therefore most contrary to the objectives of this article more restrictively than structures which are more nearly in compliance with ordinance provisions; and~~
 - ~~(b) By allowing for the improvement or expansion of principal structures essential to the reasonable use of a property provided the adverse effects of such improvement or expansion are adequately mitigated.~~~~
- ~~(2) General provisions.
 - ~~(a) Nonconforming accessory structures are limited to ordinary maintenance and repair and shall not be improved or expanded.~~
 - ~~(b) Nonconforming principal structures may be improved internally or expanded provided that:~~~~

1. ~~Modification or replacement of no more than 25 percent of the structural members of the existing external walls and roof is involved;~~
 2. ~~The lifetime total of all expansions is limited to 50 percent of the structure's area which existed at the time the structure became nonconforming; and~~
 3. ~~Shoreline setback nonconformities comply with the provisions of division 27, section 38-593(5).~~
- (c) ~~A structure that is nonconforming as to structural or dimensional standards may not be expanded or enlarged so as to increase its dimensional nonconformity. Where practicable, additions to nonconforming structures shall conform to all applicable provisions of this article.~~
- (d) ~~Additional shoreline setback nonconformities are addressed in division 27, section 38-594.~~

~~(Ord. of 3-19-2002, Art. XXI, § 212)~~

~~Sec. 38-533. Standards and requirements of nonconforming use.~~

- (1) ~~If a nonconforming use is discontinued or terminated for a period of 12 months, any further use of the property shall be in conformity with this article.~~
- (2) ~~When a nonconforming structure or a building containing a nonconforming use is damaged by fire, explosion, act of God, or public enemy to the extent of more than 50 percent of its current fair market value, it shall not be restored except in compliance with division 22, or upon the issuance of a conditional use permit. In addition to the standards generally required for a conditional use permit, the zoning committee shall also consider the hardship to the applicant and feasibility of requiring that restoration conform to this article.~~
- (3) ~~Repairs of a maintenance nature shall be allowed.~~
- (4) ~~A nonconforming use which is changed to a conforming use, shall not revert back to nonconforming.~~
- (5) ~~Classification of a use or building as preexisting or nonconforming under this section does not eliminate the necessity for issuance of a zoning permit or other permits as required in section 38-510 for activities specific in that section, as requiring permits.~~

~~(Ord. of 3-19-2002, Art. XXI, § 213)~~

~~Sec. 38-534. Temporary uses.~~

~~The following temporary uses may be established in an area from which they otherwise excluded by the regulations of this article:~~

- (1) ~~A house trailer or mobile home to be occupied by an owner or builder while residential construction is in progress, except in the residential and resource conservation districts. Permits for such uses shall be required. The permit shall allow the temporary use for a period of one year. Extensions of the use beyond one year shall require a conditional use permit.~~
- (2) ~~For the placement of temporary living quarters or other necessary structures involved in logging operations or utility and construction operations, placement not to exceed one year, except by the granting of a conditional use.~~

~~(Ord. of 3-19-2002, Art. XXI, § 214)~~

~~Secs. 38-535—38-539. Reserved.~~

DIVISION 22. - SUBSTANDARD LOTS OR PARCELS (General Zoning)

Sec. 38-540. - Use of substandard and nonconforming properties for a dwelling.

A lot or parcel which does not contain sufficient area to conform to the dimensional requirements of the Ordinance but which meets the requirements set forth in sections 38-541 and 38-542 of this division may be used as a building site for a single-family dwelling and garage upon issuance of a zoning permit subject to the conditions listed in division 19.

(Ord. of 3-19-2002, Art. XXII, § 220)

Sec. 38-541. - Conditions attached to use of substandard property.

- (1) Such use is permitted in the zoning district.
- (2) The lot or parcel is of record in the county register of deeds office prior to effective date of this article (February 14, 1977).
- (3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot or parcel have the same ownership, they shall be considered as one parcel and shall conform to the requirements of this article.
- (4) To comply with all other district and dimensional requirements.
- (5) No lot or parcel shall be reduced to be substandard or such lot shall not be usable.
- (6) Such lot or parcel shall be able to satisfy the minimum area requirement for the installation of a private on-site waste water treatment system.

~~(7) — See division 27 for nonconforming shoreland lots.~~

(Ord. of 3-19-2002, Art. XXII, § 221)

Sec. 38-542. - Minimum lot or parcel requirements.

Zoning Districts	Minimum Width (in feet)	Total Sq. Ft. in Area
Residential	60	12,000
Residential-Mobile	60	12,000
RR-1	60	12,000
RR-2	100	20,000

Residential-Agriculture	100	1 acre
Agriculture	100	1 acre
Forestry	100	1 acre
Commercial	60	12,000
Industrial	100	20,000
Resource-Conservation	Not Applicable	Not Applicable

~~All setbacks to be complied with.~~

(Ord. of 3-19-2002, Art. XXII, § 222)

Sec. 38-543. - Use of substandard lots for other purposes.

All other uses of substandard lots shall require a variance from the board of adjustments, subject to the conditions listed in section 38-541.

(Ord. of 3-19-2002, Art. XXII, § 223)

Secs. 38-544—38-549. - Reserved.

DIVISION 23. - PROVISIONS APPLICABLE TO MOBILE HOMES

Sec. 38-550. - Mobile homes.

Minimum standards for placement of mobile homes:

- (1) Manufactured under Code of Federal Regulations, Title 24, part of 3280, 3282, 3283, and Title 42 U.S.C.A., 5401, et seq., as administered by the U.S. Department of Housing and Urban Development, effective June 15, 1976.
- (2) The mobile home shall be substantially affixed to the property by means of piers with skirting, a foundation, or a basement. The mobile home shall be served with sewer and water facilities.
- (3) Placement of any mobile home manufactured prior to June 15, 1976 is prohibited.
- (4) The placement of a mobile home requires a conditional use permit unless the parcel is zoned Residential Mobile or the mobile home is being placed in an authorized mobile home park.

(Ord. of 3-19-2002, Art. XXIII, § 230)

Sec. 38-551. - Mobile home parks.

Mobile home parks are allowed in Washburn County only under a conditional use and provided the following minimum standards are met:

- (1) The minimum size of a mobile home park shall be ten acres.
- (2) The maximum number of mobile homes shall be six per acre.
- (3) Minimum dimension of a mobile home site shall be 50 feet wide by 100 feet long.
- (4) There shall be a minimum distance of 20 feet between units.
- (5) There shall be a minimum distance of 15 feet between units and service roads.
- (6) All drives, parking areas, and walkways shall be hard surfaced before occupancy; stage development being allowed.
- (7) Two off-street parking spaces for each mobile home unit.
- (8) There shall be a minimum yard setback of 40 feet at all lot lines of the mobile home park.
- (9) Sanitary facilities subject to Wis. Admin. Code [SPS 383 Comm. 83](#).
- (10) Open space: Minimum of ten percent of the total lot area of development of park, exclusive of required yard and access drives.
- (11) Provide: Temporary planting of fast growing vegetation capable of reaching a height of 15 feet or more. Permanent evergreen planting; the trees to be such a number and so arranged that within ten years, they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
- (12) [Mobile homes in mobile home parks shall be authorized by a land use permit and shall be subject to the provisions in section 38-550 \(1\) of this article.](#)
- (13) [No unit classified as a recreational vehicle shall be used in place of a mobile home in a mobile home park.](#)

(Ord. of 3-19-2002, Art. XXIII, § 231)

Secs. 38-552—38-559. - Reserved.

DIVISION 24. - CAMPGROUNDS AND RESORTS^[4]

Footnotes:

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Editor's note—Resolution No. 61-08, adopted June 17, 2008, repealed Div. 24, Recreational Equipment/Vehicles, in its entirety and enacted similar provisions to read as herein set out. Former Div. 24 was comprised of § 38-560, and derived from Art. XXIV of an ordinance adopted March 19, 2002.

Sec. 38-560. - Purpose.

The purpose of this division of chapter 38 of the Washburn County Code is to regulate campgrounds and resorts in order to protect the health, safety, and welfare of the citizens, and the natural, historical and cultural resources of Washburn County. These land uses are encouraged by Washburn County because of their importance in providing the general public access to recreational opportunities and the public waters in accord with the Wisconsin Public Trust Doctrine. It is also recognized that such land uses promote tourism and contribute to the general economic welfare of the county.

(Res. No. 61-08, 6-17-2008)

Sec. 38-561. - Applicability.

The provisions of this division shall apply to all campgrounds and resorts within the unincorporated areas of Washburn County that are created, expanded, require a new conditional use permit, or require an amendment to an existing conditional use permit after the effective date of this division of the Washburn County Code.

All previous requirements contained in division 24 of chapter 38 of the Washburn County Code are hereby repealed after the effective date of this division of the Washburn County Code.

(Res. No. 61-08, 6-17-2008)

Sec. 38-562. - Definitions.

~~All italicized terms are defined in this division.~~

Campground means a publicly or privately owned parcel of land that has a valid permit issued under Wis. Stats. § 254.47 and Wis. Admin. Code ch. *ATCP 79*, if applicable, open to the general public, with or without a daily fee that is used primarily for the purpose of providing camping sites for use by camping units. A campground may also provide resort units containing dwelling units.

Camping site means a portion of land within a campground or resort for placing a camping unit. A camping site is classified as a large camping site or a small camping site depending on the size of the camping unit that can be accommodated by the camping site.

Camping unit means a portable device or enclosure, no more than 400 square feet in area, including but not limited to a tent, camping trailer, bus, van, pick-up truck, park model or other mobile recreational vehicle used for human habitation.

Density point means a measure of land that is used, in conjunction with acreage to determine the density of large and small camping sites and dwelling units in campgrounds and resorts.

Dwelling unit means a permanent structure or part thereof having one or more rooms and optionally providing bathroom and kitchen facilities designed and constructed as a unit for either temporary or permanent residential occupancy by one family.

Large camping site means a camping site accommodating camping units between 200 and 400 square feet in area. Mobile recreational vehicles, buses, large camping trailers and park models are typical examples of camping units suitable for a large camping site.

Mobile recreational vehicle means a recreational vehicle no more than 400 square feet in area that is carried, towed, or self-propelled including but not limited to an RV, bus, van, and pickup truck; and is, or may be, licensed for highway use, if registration is required. A mobile recreational vehicle is a camping unit for purposes of this division.

Primary residence means the residence, whether owned or rented, is used as a primary dwelling for income and property tax purposes.

Resort means a publicly or privately owned parcel of land that has a valid permit issued under Wis. Stats. § 254.47 and Wis. Admin. Code ch. *ATCP 79*, if applicable, open to the general public, with or without a daily fee, that is used primarily for the purpose of providing resort units and dwelling units. A resort may also provide camping sites.

Resort unit means a permanently placed structure (e.g., building or cabin) in a resort or campground used for human habitation. A resort unit contains one or more dwelling units.

Small camping site means a camping site accommodating camping units less than 200 square feet in area. Tents, small camping trailers, and pick-up trucks are typical examples of camping units suitable for a small camping site.

(Res. No. 61-08, 6-17-2008)

Sec. 38-563. - Campgrounds and resorts.

Campgrounds and resorts shall be subject to the following provisions:

- (1) Nothing in this division shall apply to the placement of mobile homes, which are regulated by federal and state authorities and division 23 of chapter 38 of the Washburn County Code.
- (2) A campground or resort shall be allowed only in Residential-Recreation 1, Residential-Recreation 2, Residential-Agriculture, Agriculture, and Forestry zoning districts by conditional use. An application for a conditional use permit for a campground or resort shall include a detailed description of the proposed campground or resort including camping site and dwelling unit densities, resort units, and all accessory structures and facilities (e.g., sheds, decks, sanitary facilities, wash houses, etc.) associated with a campground or resort following the provisions of this division.
- (3) A campground or resort shall have a valid permit issued under Wis. Stats. § 254.47 and Wis. Admin. Code ch. [ATCP 79](#) if applicable.
- (4) A campground or resort may be any combination of camping sites, resort units, and dwelling units.
- (5) Camping sites shall be restricted to permitted campgrounds or resorts.
- (6) All roads in a campground or resort shall be no less than 20 feet wide and have an unobstructed overhead clearance of no less than 15 feet.
- (7) All structures, including camping units, resort units, and accessory structures and facilities (e.g., sheds, decks, sanitary facilities, wash houses, etc.) associated with a campground or resort shall conform to all dimensional and setback requirements of the zoning district in which they are located.
- (8) Land-use permits shall not be required for individual camping units.
- (9) Land-use permits shall be required for all resort units and all accessory structures and facilities (e.g., sheds, decks, sanitary facilities, wash houses, etc.) associated with a campground or resort including those permanent accessory structures (decks, sheds, etc.) associated with each individual camping site and camping unit.
- (10) A campground or resort abutting navigable waters shall be subject to the additional provisions:
 - a. The minimum standards specified in Wis. Admin. Code ch. NR 115 and ch. NR 116 shall be satisfied.
 - b. Shoreline setbacks for all structures including camping units, resort units, and accessory structures and facilities (e.g., sheds, decks, sanitary facilities, wash houses, etc.) associated with a campground or resort shall conform to the provisions of division 27 of chapter 38 of the Washburn County Code.
 - c. The shoreline viewing corridor, the access pathway, and the vegetative protection buffer shall conform to the provisions of [Division 27 37](#) of Chapter 38 of the Washburn County Code. Multiple access pathways and viewing corridors, depending on the total parcel area and shoreline frontage, may be permitted.
 - d. [Campgrounds/resorts created after October 1, 2016 that are located on navigable lakes, rivers, creeks or streams shall comply with the impervious surface provisions of Division 27 of this article. For the area from the ordinary high water mark to a point 300 feet landward of the ordinary high water mark of any navigable waterway, the total impervious surface of a campground or resort shall not exceed 15 percent of the land area. Impervious surfaces that shall be included are: all paved and gravel roads, paved and gravel walkways, the footprint of all permanent structures including resort units, accessory structures, 200 square feet for](#)

~~each small camping site, and 400 square feet for each large camping site within the impervious surface limited region.~~

- e. Small, nonpermanent seasonal items such as benches, chairs, picnic tables, fire rings, etc. in the shoreline setback area, access corridor, and buffer are ~~permitted~~ allowed.

All docks and piers shall conform to Wisconsin Department of Natural Resources (DNR) regulations and guidelines for docks and piers.

- (11) Only a permitted campground or resort may permit camping units to be located at a camping site longer than 120 consecutive days in a 12-month period. No camping unit or resort unit may be used as a primary residence. See section 38-564 of division 24, chapter 38 of the Washburn County Code for provisions for placing camping units outside of a permitted campground or resort.
- (12) All camping units located at camping sites for three or more consecutive weeks shall be served with suitable sanitary facilities in accordance with the Washburn County Private Sewage Systems Ordinance (chapter 56 of Washburn County Code) and Wis. Admin. Code ch. SPS 383. ~~CH. COMM 83~~. All proposals for expansion of existing campgrounds and/or resorts shall include an inspection and evaluation of the private sewage system. Modifications to existing sanitary systems may be required by the zoning committee as a condition of the conditional use permit.
- (13) A campground or resort shall have a minimum area, and if abutting navigable waters, a minimum shoreline measured at the ordinary high-water mark, according to the following table:

PARAMETERS FOR CAMPGROUNDS AND RESORTS			
Zoning District/Navigable Waters Classification	Minimum Area	Minimum Shoreline	Density Factor
Residential-Recreational 1	4 acres	NA	6
Residential-Recreational 2	6 acres	NA	10
Residential Agriculture	8 acres	NA	10
Agriculture	10 acres	NA	12
Forestry	10 acres	NA	12
Navigable Lakes	5 acres	300 ft.	10
Class 1 Waters	5 acres	300 ft.	10
Class 2 Waters	5 acres	400 ft.	8

Class 3 Waters	-6 acres	600-ft.	-6
Streams, Rivers and Creeks	6 acres	600 ft.	6

(14) The number of camping sites and dwelling units permitted in a campground or resort shall not exceed, and may be less than by condition of the conditional use permit, the least of that established by the following procedure, Wis. Admin. Code chs. ATCP 79, NR 115, or NR 116 if applicable:

- a. Density of large and small camping sites and dwelling units shall be determined by density points.
- b. The allowable number of density points for a campground or resort shall be determined by multiplying the total acreage by the density factor in the above table. Fractional numbers shall be rounded down.
- c. The allowable density points thusly obtained shall be allocated as follows until the number of density points has been exhausted:
 1. One small camping site: One density point.
 2. One large camping site: Two density points.
 3. One dwelling unit: Three and one-half density points.
 4. Dwelling units may be separate or combined into a single resort unit (for example: one structure—a resort unit—may contain three separate dwelling units for three separate families).

Example: A proposed campground or resort contains 12 acres in a Forestry District. Total density points are $12 \times 12 = 144$.

Divide the total density points by the number required for each type of usage. Round down fractional numbers. This example campground or resort may contain 144 small camping sites (1 point per site), or 72 large camping sites (2 points per site), or 41 dwelling units (3.5 points per dwelling unit) as an illustration.

Alternatively, the 144 points may be used in any combination, such as 42 small camping sites (1 point per site), 30 large camping sites (2 points per site) and 12 dwelling units (3.5 points per dwelling unit) as another illustration.

As an example of the relationship between resort units and dwelling units: One resort unit containing accommodations for four families would be considered four dwelling units and utilize 14 density points.

- d. For a campground or resort abutting a navigable waterway, the density of resort units, which contain one or more dwelling units, shall conform to the multiunit attached or detached Shorelands Class Development Standards of Division 27 of this article. ~~section 38-605 of Washburn County Code in the region from the ordinary high water mark to a point 300 feet landward of the ordinary high water mark of any navigable waterway.~~
- e. The proposed number of camping sites and dwelling units in a new campground or resort, or in the expansion area of an existing campground or resort, established by this procedure shall be verified by the zoning office prior to applying for a conditional use permit or applying to amend an existing conditional use permit.

- (15) When a campground or resort existing before the effective date of this division of the Washburn County Code wishes to expand (e.g., add camping sites, resort units, dwelling units, or any combination thereof), or change of use within the campground or resort (e.g., convert from camping sites to resort units), the number of density points shall be adjusted accordingly. The existing campground or resort and the expansion area will be considered as a whole to determine the allowable density points.
- (16) Provisions applicable to condominium ownership:
- a. A new campground or resort created in condominium ownership shall conform to the density standards of this division of the Washburn County Code and shall be operated with valid state and county permits if the campground or resort contains any camping sites.
 - b. Any campground or resort with camping sites regardless of ownership must be operated with valid state and county permits. Any campground or resort that ceases to operate with valid state and county permits shall not be allowed any camping sites and shall be restricted to resort units.

(Res. No. 61-08, 6-17-2008; Res. No. 25-15, 3-24-2015)

Sec. 38-564. - Camping units outside of permitted campgrounds and resorts.

Camping units including mobile recreational vehicles located outside of a **state-licensed** and permitted campground or resort shall be subject to the following provisions:

- (1) A camping unit outside of a permitted campground or resort shall be allowed only in **Residential, Residential Shorelands, Residential Mobile, Residential-Recreational 1, Residential-Recreational 2, Residential-Agricultural, Agricultural, and Forestry** zoning districts, unless such unit is being stored in accordance with subsection (8) **herein below**.
- (2) **No more than two camping units shall be allowed on any parcel at the same time, unless authorized by special permit issued by the Zoning Department in accordance with the conditions described in subsection (9) herein below. ~~except by authorization by special permit from the zoning office. Such permit shall allow the placement of more than two camping units for no more than four consecutive days, for special events (e.g. family reunions, etc.).~~**
- (3) A camping unit shall not be used as a primary residence.
- (4) **The following time limitations shall apply to the use* of camping units: ~~The legal number A camping unit shall not be located on the same parcel for more than 120 days in any 12-month period unless authorized by a land use permit. No such permit shall be granted for any camping unit to be placed in areas classified as Shorelands.~~**
 - a. **In areas classified as shoreland, camping units may remain on the property from April 1st through November 30th, unless such unit is being stored in accordance with subsection (8) herein below.**
 - b. **In areas under comprehensive zoning that are non-shoreland, campers may remain on the property indefinitely if authorized by a land use permit issued by the Zoning Department.**

***Note- It is presumed that camping units in this situation are being used on parcels that are undeveloped and therefore cannot be stored in accordance with subsection (8) herein below.**
- (5) A camping unit shall conform to all dimensional and setback requirements of the zoning district in which it is located.

- (6) A camping unit located on a parcel abutting navigable waters shall conform to shoreline setbacks as specified in division 27 of the Washburn County Code.
- (7) A camping unit occupied for a period of three or more consecutive weeks shall be served with suitable sanitary facilities in accordance with the Washburn County Private Sewage Systems Ordinance (chapter 56) and Wis. Admin. Code ch. ~~COMM-83~~ SPS 383.
- (8) A camping unit may be stored within a pole barn, garage, carport, or other similar structure, or in conjunction with a residential dwelling if placed in the rear or side yard area and located in accordance with all applicable setbacks. A conditional use permit shall be required for the storage of more than two mobile recreational vehicles or camping units.
- (9) More than two camping units may be placed on a parcel for no more than nine consecutive days when authorized by a special event permit issued by the Zoning Department. Such permit is designed for family reunions and events, etc., and shall be available no more than once in a calendar year per parcel.

(Res. No. 61-08, 6-17-2008; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-565—38-569. - Reserved.

DIVISION 25. - SCREENING AND FENCING

Sec. 38-570. - Provisions.

Screening and/or fencing which may be required by this article or by the zoning committee shall be subject to the following provisions:

- (1) Any use or conditional use listed in this article requiring screening or fencing shall be permitted only when authorized by the county zoning committee and subject to its approval of a screening or fencing plan for that particular use.
- (2) Planting or other suitable screening, including fences or freestanding walls shall be required when deemed necessary for the screening or enclosure purposes by the county zoning committee; such as around outdoor storage yards, industrial property lines, salvage yards, refuse disposal sites, quarries, mines, mobile home parks, trailer camps, and campgrounds. Such provisions shall be required to the extent needed to provide for:
 - a. Screening of objectionable views.
 - b. Enclosure of storage materials.
 - c. Public health and safety.
 - d. A suitable setting for the particular use or other facilities.
- (3) Screen planting.
 - a. Adequate to screen objectionable views effectively within a reasonable time; in some cases, temporary screening devices may be required until suitable screen planting can be achieved.
 - b. Other planting: For mobile home parks and campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy and pleasant outlook for living units to minimize reflected glare.
 - c. Existing planting: Acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.
 - d. Fences and walls: Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use.

- e. All screening, fences, and walls required by this article shall be maintained so as not to provide an objectionable view by themselves.

(Ord. of 3-19-2002, Art. XXV, § 250)

Secs. 38-571—38-579. - Reserved.

DIVISION 26. - QUARRIES AND NONMETALLIC MINING

Sec. 38-580. - Application information.

In addition to the information required in an application for a conditional use permit, and the considerations involved, an application for a quarry or mine operation must have the following:

- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation.
- (2) Topographic maps and/or aerial photos of the proposed site, and the area beyond the site to a minimum distance of 300 feet on all sides, and information as to the soils and other geographic features that are located within the area.
- (3) An estimation of the quantity and type of material to be removed and its effect on the surrounding area.
- (4) Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source, and its disposal shall be identified.
- (5) Where the operation is to include a hot or cold blacktop mix plant, a description of the type of equipment to be used and an estimate of use frequency.
- (6) An approved reclamation plan pursuant to Wis. Admin. Code NR 135.

(Ord. of 3-19-2002, Art. XXVI, § 260; Res. No. 25-15, 3-24-2015)

Sec. 38-581. - Restoration plan and/or financial guarantee.

The county zoning committee shall not grant a conditional use for a quarry or nonmetallic mining operation without the reclamation permit and financial assurance required under Wis. Admin. Code NR 135 and this division of this article.

(Ord. of 3-19-2002, Art. XXVI, § 261; Res. No. 25-15, 3-24-2015)

Sec. 38-582. - Conditions for approval.

The county zoning committee may set forth special conditions prior to granting such use to insure the health, safety, and general welfare of the user, neighbor, community or general public. Such conditions shall be considered dependent upon the type and size of such operations.

(Ord. of 3-19-2002, Art. XXVI, § 262)

Sec. 38-583. - Duration of conditional grant.

The zoning committee may set limits on the duration of the nonmetallic mining operation as a condition of approval. The operation of all nonmetallic mines in Washburn County is subject to Wis. Admin. Code NR 135 and this division of this article.

(Ord. of 3-19-2002, Art. XXVI, § 263; Res. No. 25-15, 3-24-2015)

Sec. 38-584. - Existing quarry operations.

The operation of all nonmetallic mines in Washburn County is subject to Wis. Admin. Code NR 135 and this division of this article.

(Ord. of 3-19-2002, Art. XXVI, § 264; Res. No. 25-15, 3-24-2015)

Secs. 38-585—38-589. - Reserved.

DIVISION 27. - SHORELANDS REGULATIONS (replaced with new Division 27, October 1, 2016)

Secs. 38-605—38-609. - Reserved.

DIVISION 28. - PROVISIONS APPLICABLE TO GUEST CABINS AND BUNKHOUSES^[5]

Footnotes:

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Editor's note—Res. No. 25-15, adopted March 24, 2015, amended div. 28 in its entirety and enacted new provisions to read as herein set out. Former div. 28, § 38-610 pertained to provisions applicable to bunkhouses, and derived from Res. No. 64-10, adopted July 27, 2010.

Sec. 38-610. - Guest cabins.

- (1) Guest cabins are authorized as a permitted use in residential, residential mobile, residential recreational one and two, residential agriculture, agriculture and forestry ~~and residential shorelands~~ zoning districts.
- (2) Guest cabins are intended to be used for overflow guest accommodations etc., and are accessory to the principal structure. A parcel must contain a principal dwelling before a guest cabin can be authorized.
- (3) Guest cabins shall be subject to all provisions of the Wisconsin State Uniform Dwelling Code, as appropriate.
- (4) One guest cabin shall be allowed per lot (lots in contiguous ownership shall be considered one lot for purposes of this use).
- (5) All applicable setbacks shall be maintained.
- (6) Reserved.
- (7) Guest cabins shall not exceed the following size limitations:
 - (a) Free-standing guest cabins shall be one story and shall not exceed 400 square feet in floor area.
 - (b) Guest cabins that are within an accessory structure (e.g., pole shed) shall be limited to 50 percent of the structure floor area, or 400 square feet, whichever is lesser.

- (c) Guest cabins utilizing the loft space (attic scissor truss type construction) above a garage may be the full floor area size of the garage building footprint; however, a garage may not contain two full stories to create bunkhouse space. No external knee walls shall be allowed above the first story. Dormer windows, if installed, shall not exceed 30% (fractional numbers shall be rounded down to the nearest whole number) of the lineal distance of the roof.
- (8) Guest cabins containing plumbing shall be subject to the requirements of Wis. Stats. ch. 145, DSPS 383 Wis. Admin. Code and chapter 74, Washburn County Code.
- (9) When a previously permitted accessory structure is converted to a guest cabin, the size limitations noted in [section] 38-610(7) do apply and a "change of use" permit must be obtained from the zoning office.
- (10) Guest cabins are subject to internal inspection by the zoning department.

(Res. No. 25-15, 3-24-2015)

Sec. 38-611. - Bunkhouses.

- (1) Bunkhouses are authorized as a permitted use in residential, residential mobile, residential recreational one and two, residential agriculture, agriculture and forestry ~~and residential shorelands~~ zoning districts.
- (2) Bunkhouses are intended to be used for overflow sleeping only and are accessory to the principal structure. A parcel must contain a principal dwelling before a bunkhouse can be authorized.
- (3) Bunkhouses shall be subject to all provisions of the Wisconsin State Uniform Dwelling Code, as appropriate.
- (4) One bunkhouse shall be allowed per lot (lots in contiguous ownership shall be considered one lot for purposes of this use).
- (5) All applicable setbacks shall be maintained.
- (6) A bunkhouse shall not contain any plumbing.
- (7) Bunkhouses shall not exceed 400 square feet in floor area and must be free standing. Bunkhouses shall be limited to one story.
- (8) A bunkhouse shall not be located within an existing structure (i.e., pole shed, garage).
- (9) Bunkhouses are subject to internal inspection by the zoning department.

(Res. No. 25-15, 3-24-2015)

Secs. 38-612—38-619. - Reserved.

DIVISION 29. - ADMINISTRATION

Sec. 38-620. - County zoning administrator.

The county zoning administrator shall administer and enforce the provisions of this article. The county zoning committee may also authorize designation of assistant zoning administrator to assist in the enforcement and administration of this article.

(Ord. of 3-19-2002, Art. XXIX, § 290)

Sec. 38-621. - Duties of zoning administrator.

In administering and enforcing this article, the county zoning administrator and any of his or her assistants, shall perform the following duties:

- (1) Provide necessary forms and applications for permits.
- (2) Issue zoning permits where the provisions of this article have been complied with.
- (3) Issue conditional use permits when authorized by the county zoning committee.
- (4) Survey the county upon adoption of this article, and when necessary upon passage of amendments, identify and record information relative to nonconforming uses and structures.
- (5) Maintain files and applicants, permits, and other relevant information.
- (6) Make an annual report of his or her activities to the county zoning committee and to the county board.

(Ord. of 3-19-2002, Art. XXIX, § 291)

Sec. 38-622. - Powers of zoning administrator.

The county zoning administrator and his or her **assistance** assistant, shall have powers and authority, including but not limited to the following:

- (1) Access to any structure or premises for the purpose of performing his or her duties between 8:00 a.m. and 6:00 p.m. by the permission of the owner or upon issuance of a special inspection warrant. **Additionally, by signing a land use permit application, the property owner or representative grants permission to the Zoning Administrator (and/or staff) to access the property for purposes of inspection.**
- (2) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alterations, or use which is in violation of the provisions of this article.

(Ord. of 3-19-2002, Art. XXIX, § 292)

Sec. 38-623. - Fee schedule.

The Washburn County Zoning Committee shall establish a fee schedule in connection within the filing of applications and permits and a current copy of such fee schedule shall be available and posted in the office of the zoning administrator. **The fee schedule may be periodically adjusted by the Zoning Committee independent of the code amendment process.**

(Ord. of 3-19-2002, Art. XXIX, § 293)

Secs. 38-624—38-629. - Reserved.

DIVISION 30. - BOARD OF ADJUSTMENTS

Sec. 38-630. - Powers of the board.

The Washburn County Board of Adjustments is hereby created. Such board shall be appointed in accordance with the provisions of Wis. Stats. § 59.694, consisting of five members and two alternate members, which shall have the following duties and powers:

- (1) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this article.
- (2) It may authorize upon appeal in specific cases, a variance from the terms of this article as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of the article shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district.
- (3) It shall be responsible for the interpretation of any of the provisions of this article which may have to be clarified in regard to a specific situation or peculiarity.

(Ord. of 3-19-2002, Art. XXX, § 300)

Sec. 38-631. - Appeals to the board.

Appeals to the board of adjustments may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality affected by any decision of any other administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustments, a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(Ord. of 3-19-2002, Art. XXX, § 301)

Sec. 38-632. - Hearing appeals.

The board of adjustments shall fix a reasonable time for the hearing of the appeal and publish a Class 2 notice thereof under Wis. Stats. ch. 985, as well as give due notice to the parties in interest and decide the same within a reasonable time.

All meetings of the board of adjustments shall be open to the public and upon a hearing, any party may appear in person, by agent, or attorney. Meetings of the board shall be at the call of the chairman and at such other times as the board may determine. Such meetings shall be noticed as to date, time, place, and the matters to come before the board.

The board of adjustments shall adopt such rules as it deems necessary for the conduct of business, and may exercise all the powers, and is vested with all of the duties conferred on such boards by Wis. Stats. § 59.99.

(Ord. of 3-19-2002, Art. XXX, § 302)

Sec. 38-633. - Minutes.

The board of adjustments shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

(Ord. of 3-19-2002, Art. XXX, § 303)

Secs. 38-634—38-639. - Reserved.

DIVISION 31. - AMENDMENTS

Sec. 38-640. - Amendments.

The Washburn County Board of Supervisors may from time to time amend this article or district boundary lines in accordance with the procedures prescribed in Wis. Stats. § 59.69. At the time amendments are proposed, according to Wis. Stats. § 59.69, to the article text or district boundaries, the zoning committee shall hold a hearing thereon which shall be open to the public so any party concerned may appear in person, by agent, or by attorney. Subsequently, the zoning committee shall consider such requests and present a report to the Washburn County Board of Supervisors for their action.

Decisions on map and text amendments involving shorelands and shorelands-wetlands provisions, shall be submitted to the department within ten days of county board action.

(Ord. of 3-19-2002, Art. XXXI)

Secs. 38-641—38-649. - Reserved.

DIVISION 32. - PUBLIC HEARINGS

Sec. 38-650. - Public hearings.

Adequate notice shall be given of any public hearing required by the provisions of this article, stating the date, time, and place of such hearing and the purpose for which it is being held. Such hearings shall be published as a Class 2 notice under Wis. Stats. ch. 985. All such hearings shall be open to the public and be held in a place which is readily accessible to the general public so any party concerned may appear in person, by agent, or by attorney. Written notice shall be given to the department of natural resources office at least ten days prior to the hearing on proposed shoreland variances, conditional uses and appeals, for map or text interpretations. Public hearings shall be held to obtain information from the public and to increase public awareness.

(Ord. of 3-19-2002, Art. XXXII)

Secs. 38-651—38-659. - Reserved.

DIVISION 33. - VIOLATIONS AND PENALTIES

Sec. 38-660. - Intent.

It is the intent and purpose of this section of the Washburn County Zoning Ordinance to have the violations of this article rectified by correction, and to bring such violations into conformity with the requirements and provisions of this article.

(Ord. of 3-19-2002, Art. XXXIII, § 330)

Sec. 38-661. - Violations and penalties.

Any person who violates, disobeys, neglects, fails, or refuses to comply with, any of the provisions of this article shall be subject to the provisions of the Washburn County Citation Ordinance. Each day a violation exists or continues shall constitute a separate offense. Under this article, the term "person" includes owners and renters or lessees of property, and also persons who are performing services regulated under this article. In addition to any forfeiture, the county is authorized to seek full compliance with the terms of this article and restoration or reparations for any environmental damage. Forfeitures shall

me charged according to a schedule approved by the Zoning Committee. The schedule may be periodically adjusted by the Zoning Committee independent of the code amendment process.

(Ord. of 3-19-2002, Art. XXXIII, § 331)

Sec. 38-662—38-669. - Reserved.

DIVISION 34. - DEFINITIONS

Sec. 38-670. - Definitions.

Unless specifically defined below, words and phrases used in this article shall have the same meaning as they have at common law and to give this article its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.

The word "person" includes an individual, all partnerships, associations and bodies, politic and corporate.

The word "used" or "occupied" as applied to any land or building shall be construed to include intended, arranged, or designed to be used or occupied.

A-Zones. Those areas shown on the "Official Floodplain Zoning Map" (see below) which would be inundated by the "regional flood" zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory building. Any building except the principle building on a lot or parcel, which is subordinate to the principle building. In the case of a home and detached garage on the same lot or parcel, the accessory building is the garage. No mobile home, travel trailer, recreational vehicle, truck or trailer van is to be used as an accessory building.

Accessory use. A use customarily incidental and subordinate to the principle use and on the same lot or parcel as the principle use.

Boathouse. Any structure located on the same lot or parcel as the principle building and used for the protecting and storing of boats for non-commercial purposes in conjunction with a residence.

Building. Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of person, animals, or property.

Building, height of. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

Bulkhead line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department of natural resources pursuant to Wis. Stats. § 380.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this article.

Bunkhouse. A freestanding one-story structure, accessory to the principal dwelling, that is equipped only for overflow sleeping and does not contain plumbing. Bunkhouses are subject to size limitations and regulations pursuant to the Wisconsin State Uniform Dwelling Code.

Cabin. A single story dwelling of simple wood frame construction which has a floor area of 600 square feet or less and has only limited plumbing fixtures.

Campground. A privately and municipality owned site, designated, maintained, intended, or used for the purpose of supplying a location for major recreation equipment/vehicles, open to the public for free or paying camping purposes.

Camping trailer. A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

Certificate of compliance. A certification issued by the zoning administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.

Channel. A natural or artificial water course with definite bed and banks to confine and conduct normal flow of water.

Conditional use. Means a use which is permitted by the Ordinance provide that certain conditions specified in this article are met and that a permit is granted by the zoning committee.

Customary home occupation. A gainful occupation conducted by members of the residence family only within such residence, where the space used is incidental to the residential use, and no article is sold or offered for sale except such as is produced by such home occupation. The maintenance of such occupation shall not detract from the character of the district.

Dams. Any artificial barrier, together with appurtenant works, which does or may impound or divert water. See Wis. Stats. ch. 31 for department of natural resources permit requirements.

Dependent recreational equipment/vehicles. A recreational vehicle which is dependent upon other facilities for toilet and lavatory.

Department. The Wisconsin Department of Natural Resources.

Development. This means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Dredging. The removal of bed materials from navigable waters. See Wis. Stats. § 30.20 for department of natural resources permit requirements.

Driveways. Shall be considered any traveled way used to provide vehicular access from the property line to the premises.

Dryland access. Means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling. A building designed or used as the living quarters by one or more persons, including modular homes. For purposes of this article, dwellings may contain one or more "dwelling units". Dwellings are not construed to include mobile homes.

Dwelling, two-family. A building designed or used as the living quarters by one or more persons. Two-family dwellings contain two "dwelling units" that function independently of each other.

Dwelling, multifamily. A building or group of dwellings on one parcel containing more than two separate "dwelling units". The facility may be designed for the sharing of some facilities and services.

Dwelling unit. A single unit, containing one or more rooms, that provides complete independent living facilities for one or more persons. "Dwelling units" include provisions for living, sleeping, eating, food preparation and sanitation. A typical single-family home is considered one "dwelling unit". Accordingly, a duplex contains two dwelling units. For purposes of this article, improved areas within accessory structures are considered to be "dwelling units" if they meet this definition. Further, accessory structures (e.g., shop, garage) that contain only sanitary facilities are not considered dwelling units.

Enclosed habitable living space. A space measured by floor area, which is enclosed by walls (solid windows or screens) and covered by a roof, and is measured for each story of a multistory structure. For purposes of this article, three-season porches are considered to meet this definition. Garages (portion with no living quarters), unfinished basements and unfinished lofts are excluded.

Encroachment. Any fill, structure, building, use or development in the floodway.

Enlargement of waterways. To construct, dredge, or do any work in development of a canal, channel, ditch, lagoon, pond, lake, or similar waterway. Enlargement of waters for the purpose of obtaining required permits from the department of natural resources is defined in Wis. Stats. § 30.19.

Environmental damage. The harming of wildlife or their habitat, including but not limited to, fish, bird, animal, or plant life, or the degradation of the air, land, and waters within the state. While the definition of environmental damage is necessarily general and must be subjectively applied, it should be applied liberally in each case to protect the environment of the county.

Environmental pollution. The contaminating or rendering unclean or impure air, land, or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird animal, or plant life as defined by Wis. Stats. § 144.30(9).

Essential services. Services provided by public and private utilities necessary for the exercise of the principle use or service of the principle structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Essential services may also include road access to the property or buildings involved for ingress and egress.

Expanded home occupation. A home occupation that may involve persons other than the resident family and such occupation may be carried on other than within the confines of the home.

Existing manufactured or mobile home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this article.

Expansion to existing mobile/manufactured home park. Means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Family. An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit.

Farming, general. The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

Federal emergency management agency (FEMA). The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

Fills. The placement or depositing of any material within or adjacent to the shorelands area. See Wis. Stats. § 30.12 for required state permits.

Flood or flooding. Means a general and temporary condition of partial or complete inundation of normally dry land area caused by:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation or runoff of surface waters from any source;
- (3) The inundation caused by waves or current of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior;

- (4) The sudden increase caused by unusually high-water level in natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency. Means the probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Floodfringe. That portion of the floodplain outside the floodway which is covered by floodwaters during the regional flood and generally associated with standing water rather than flowing water.

Flood hazard boundary map. A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

Flood insurance study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain. That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island. Means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management. Means the full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances, and statutes for land use in the floodplain.

Flood profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of flood event to locations of land surface elevations along a stream or river.

Floodproofing. Means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood protection elevation. An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)

Flood storage. Means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Floor area. The area within the center lines of the exterior walls of a building at the top of the foundation or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics and garages.

Freeboard. Means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodway, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or stream bed.

Grading. Filling over or removing topsoil or a combination of both. See Wis. Stats. § 30.19 for required state permits.

Guest cabin. A freestanding structure, or a portion thereof, accessory to the principal dwelling, that is equipped for overflow sleeping and may contain plumbing, provisions for sanitation and facilities for food preparation/storage. Guest cabins are subject to size limitations and regulations pursuant to the Wisconsin State Uniform Dwelling Code.

Habitable buildings. Means any building, or portion thereof used for human habitation.

Hearing notice. Means publication or posting meeting the requirements of Wis. Stats. ch. 985. Class 1 notice is the minimum required for appeals: Published once at least one week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: Published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential. Means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic structure. Means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the secretary of the interior; or directly by the secretary of the interior in states without approved programs.

Human habitation. Means a human residence or dwelling.

Increase in regional flood height. Means a calculated upward rise in the regional flood elevation, equal to or greater than 0.02 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variable such as roughness factors, expansion and contraction coefficients and discharge.

Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs.

Kitchen. A room, or part thereof, utilized for the storage, cooking or preparation of food.

Lagoon. An artificially constructed waterway connected to or associated with a navigable water.

Land, natural and essential character of. The special values that lands in their natural state provide or produce in public benefit, which may be sensitive to or intolerant of man-made changes.

Land use. Any nonstructural use made of unimproved or improved real estate. (Also see: Development.)

Lot. Any description of land that is within a recorded plat.

Lot, depth of. A mean horizontal distance between the front and rear lot lines, measured in general direction of its side lot lines.

Lot, width of. The mean width measured at right angles to its depth.

Lot lines. Any line dividing one lot from another.

Major recreational equipment/vehicles. A travel trailer, pickup coach, motor home, camping trailer, or tent which is either dependent and/or self-contained.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of the ordinance, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and providing they remain on site less than 180 days.

Marsh. Deep marshes are permanently water covered, while shallow marshes may be dry or intermittently water covered. Marshes may occur in basins or at the sites of former lakes, or may be a part of adjoining to a navigable lake or surface water.

Mine. A place commonly excavated from which ores, precious stone, gravel, etc. are take by digging, washing the soil, etc.

Mobile home. A unit capable of long-term occupancy which does not require substantial on-site fabrication and which is or was as originally constructed; designed to be transported by any motor vehicle upon public highway, and designed, equipped, and used primarily for sleeping, eating, and living quarters, or is intended to be so used; and which can be moved on its own axle and wheels or by similar means to a site, parcel or lot. For the purpose of this article, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and providing they remain on site less than 180 days.

Mobile home park. An area on which is provided the required space for accommodation of mobile homes together with necessary accessory buildings, driveways, screenings, and other required adjuncts. Two or more mobile homes shall constitute a park whether or not a fee is charged.

Motorhome. A portable structure constructed as an integral park of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school bus conversions and vans.

Municipality or municipal. The county, city, or village governmental units enacting, administering and enforcing this zoning ordinance.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

Natural resources. Land, water, air, and the associated minerals and plant and animal life.

Navigable waters. Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters which are navigable under the laws of state. Under Wis. Stats. § 144.26(2)(d), notwithstanding any other provision of the law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, and Wis. Admin. Code ch. NR 115, do not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a navigable river or stream;
- (2) Those parts of such drainage ditches adjacent to such land were not navigable streams before ditching; and
- (3) Such lands are maintained in nonstructural agricultural use.

All ponds and streams designated as permanent or intermittent on U.S.G.S. quadrangle maps are assumed to be navigable unless field verification by the department of natural resources determine otherwise.

Nonconforming Structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this article, or for the area of the floodplain which it occupies. (For example: an existing residential structure in the floodfringe district is a conforming use, however, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this article or for the area of the floodplain it occupies. (Such as a residence in the floodway.)

Obstruction to flow. Means any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Official floodplain zoning map. That map, adopted and made part of this article, as described in [sic] § 1.5(2), which has been approved by the department of natural resources and FEMA.

Open space use. Those uses having a relatively low flood damage potential and not involving structures.

Ordinary high-water mark. That point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetations, predominance of aquatic vegetation, or other easily recognized characteristics. Where the bank or shore at any particular place is of such a character that it is impossible or difficult to ascertain where the point of ordinary high-water mark is, recourse may be had to other places on the bank or shore of the same body of water to determine whether a given state of water is at or above or below the ordinary high-water mark.

Parcel. Any description of land that is not within a recorded plat. Can be a platted lot, government lot, or a quarter quarter section.

Pickup coach. A structure designed to be mounted on a truck chassis for use as temporary living and housekeeping purposes.

Private sewage system. Means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department of industry, labor and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities. Means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Quarry. An open excavation, usually for obtaining building stone, such as slate or limestone.

Regional flood. A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every 100 years.

Salvage junk yard. An area consisting of buildings, structures or a premises where junk, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards. For purposes of this article, a premises is said to meet this definition if it contains more than two unlicensed ~~and~~ or inoperable motor vehicles. NOTE: No parcel may contain more than two inoperable or unlicensed motor vehicles unless the property is zoned for a use involving auto salvage and/or motor vehicle repair. Such uses are allowed in Residential Agriculture, Agriculture, Forestry and Commercial Highway districts with a conditional use permit, and are a permitted use in Commercial and Industrial districts.

Self-contained recreational vehicles. A recreational vehicle which can operate independent of connections to sewer, water, and electric system. Water storage and sewage holding tanks are located within the vehicle.

Sign. A sign is any structure or natural object or park thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

Structure. Any man made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Substantial improvement. Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- (2) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.
- (3) Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Surface water. All streams, springs, ponds, impounding reservoirs, marshes, watercourses, drainageways, and other surface water, natural or artificial, public and private, which are not defined as navigable waters.

Tent. A portable lodge of canvas or strong cloth stretched and supported by poles.

Travel trailer. A portable vehicle less than ten feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.

Unnecessary hardship. Means that circumstances where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density, unnecessarily burdensome or unreasonable in light of purposes of this article.

Use, accessory. The use customarily incidental to the principle use and on the same lot as the principle use.

Use, principle. The primary use of a property or structure.

Use, seasonal. A use which is undertaken for a total of less than six months out of any given year. In the case of a seasonal residence, it would not be necessary to provide services such as: school busing, mail carriers, town or county snow removal.

Variance. Means an authorization granted by the board of adjustments to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this article, and where hardship exists; or for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in the floodplain zoning section.

Watershed. Means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

Water surface profile. Means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

Wetlands. Means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

Yard, front. An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot, and extending the full width of the lot.

Yard, rear. An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot, and extending the full width of the lot.

Yard, side. An open unoccupied space on the same lot with the building situated between the building and the side line of the lot, and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

(Ord. of 3-19-2002, Art. XXXIV; Res. No. 64-10, 7-27-2010; Res. No. 25-15, 3-24-2015)

Secs. 38-671—38-675. - Reserved.

DIVISION 35. - SEVERABILITY

Sec. 38-676. - Severability.

If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

If any application of this article to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

(Ord. of 3-19-2002, Art. XXXV)

DIVISION 36. - WHEN EFFECTIVE

Sec. 38-677. - When effective.

This article upon passage by the Washburn County Board of Supervisors, shall be in effect in any township within Washburn County when approved by the town board and when a certified copy of the approving resolution, being attached to a copy of the ordinance is filed with the county clerk. Such ordinance shall become effective in such town as of the date of such filing, which filing shall be recorded by the county clerk in his/her office, reported to the town board and the county board, and printed in the proceedings of the county board.

This article shall supercede all inconsistent provisions of any prior county zoning ordinance enacted under Wis. Stats. § 59.69 and all zoning ordinances in conflict with the provisions of this article are hereby repealed, provided that the existing county zoning ordinance shall remain in force in a town in which it is in effect for a period of one year or until this article is approved by the town board, whichever period is shorter. If the town board fails to approved the comprehensive revision within a year after its adoption by the county board, neither the existing ordinance nor the comprehensive revision shall be in effect in that town.

(Ord. of 3-19-2002, Art. XXXVI)

DIVISION 37. - ~~SHORELAND WETLAND DISTRICT~~ Reserved

~~Sec. 38-678. — 38-686 Reserved~~

~~The purpose of this district is to maintain safe and healthful conditions, to prevent water pollution, to fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, to reduce flood hazards to life and property, and to control building and development in a manner that minimizes adverse impact upon the wetlands.~~

~~(Ord. of 3-19-2002, Art. XXXVII)~~

~~Sec. 38-679.—Designation.~~

~~This district shall include all shoreland wetlands which are within 1,000 feet of ordinary high water mark of any navigable lake, pond, or flowage, or within 300 feet of ordinary high water mark of a navigable river or stream, or to the landward side of the floodplain, whichever distance is greater and are shown on the Wisconsin Wetland Inventory Maps stamped final 12-20-84 (excluding point symbols) that are hereby adopted and made part of this article.~~

~~(Ord. of 3-19-2002, Art. XXXVII, § 371)~~

~~Sec. 38-680.—Location shoreland wetland boundaries.~~

~~Where an apparent discrepancy exists between the shoreland wetland district boundary shown on the Wisconsin Wetland Inventory Maps, and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the department to determine if the shoreland wetland district boundary as mapped is in error. If department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. The zoning administrator shall initiate a map amendment to correct these mapping discrepancies.~~

~~(Ord. of 3-19-2002, Art. XXXVII, § 372)~~

~~Sec. 38-681.—Permitted uses.~~

~~The following uses shall be allowed, subject to general shoreland zoning regulations contained in the Ordinance, the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other applicable local, state, and federal laws:~~

~~(Ord. of 3-19-2002, Art. XXXVII, § 373)~~

~~Sec. 38-682.—Activities which do not require issuance of zoning permit.~~

~~Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tilling, or excavation except as allowed under section 38-683 or 38-684:~~

- ~~(1) Hiking, fishing, trapping, hunting, swimming, and boating.~~
- ~~(2) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.~~
- ~~(3) The pasturing of livestock.~~
- ~~(4) The cultivation of agricultural crops.~~
- ~~(5) The practice of silviculture, including the planting, thinning, and harvesting of timber.~~
- ~~(6) The construction and maintenance of duck blinds.~~

~~(Ord. of 3-19-2002, Art. XXXVII, § 373.1)~~

~~Sec. 38-683.—Uses which do not require issuance of zoning permit and may include limitations.~~

~~Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, or excavating, but only to the extent specifically provided as:~~

- ~~(1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.~~
- ~~(2) The cultivation of cranberries including flooding, dike dam construction, or ditching necessary for the growing and harvesting of cranberries.~~
- ~~(3) The maintenance and repair of existing agricultural drainage systems where permissible by Wis. Stats. § 30.20, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged soil adjacent to the drainage system provided that the filling is permissible by Wis. Stats. ch. 30, and that dredged soil is placed on existing spoil banks where possible.~~
- ~~(4) The construction or maintenance of fences or pasturing.~~
- ~~(5) The construction or maintenance of piers, docks, or walkways built on pilings.~~
- ~~(6) The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.~~
- ~~(7) The construction or maintenance of electric, gas, telephone, water, and sewer transmission and distribution facilities by public utilities and cooperative associations, organized for the purpose of producing or furnishing heat, light, and power, or water to their members, and the construction or maintenance of railroad lines provided that:
 - ~~a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.~~
 - ~~b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 38-685.~~~~

~~(Ord. of 3-19-2002, Art. XXXVIII, § 373.2)~~

~~Sec. 38-684. Uses which require issuance of zoning permit and may include limitations:~~

~~Uses which require the issuance of a zoning permit which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but 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 adverse impact upon the natural functions of the wetland enumerated in section 38-686(2).~~
 - ~~c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.~~
 - ~~d. Road construction activities are carried out in the immediate area of the roadbed only.~~~~
- ~~(2) The construction or maintenance of nonresidential buildings provided that:
 - ~~a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.~~
 - ~~b. The building cannot as a practical matter be located outside the wetland.~~~~

- e.—Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
 - d.—Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, public boat launching ramps, and attendant access roads, provided that:
- a.—Any private development is used exclusively for the permitted use, and the applicant has received a permit or license under Wis. Stats. ch. 29, where applicable.
 - b.—Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in this section.
 - c.—Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(Ord. of 3-19-2002, Art. XXXVII, § 373.3)

~~Sec. 38-685.—Prohibited uses.~~

~~Any use not listed in sections 38-682, 38-683, and 38-684 is prohibited unless the wetland and portion of the wetland has been rezoned by amendment of this article and in accordance with section 38-686 of this article and Wis. Stats. § 59.69.~~

(Ord. of 3-19-2002, Art. XXXVII, § 374)

~~Sec. 38-686.—Rezoning of lands in the shoreland wetland district.~~

- (1) ~~For all proposed text and map amendments to the shoreland wetland provisions of this article, the appropriate district office of the department shall be provided with the following:~~
- (a) ~~A copy of every petition for a text or map amendment to the shoreland wetland provisions of this article within five days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this article describing any proposed rezoning of a shoreland wetland.~~
 - (b) ~~Written notice of the public hearing to be held on a proposed amendment at least ten days prior to such hearing.~~
 - (c) ~~A copy of the county zoning agency's findings and recommendations on each proposed amendment within ten days after the submission of those findings and recommendations to the county board.~~
 - (d) ~~Written notice of the county board's decision on the proposed amendment within ten days after it is issued.~~
- (2) ~~A wetland, or a portion thereof, in the shoreland wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:~~
- (a) ~~Storm and floodwater storage capacity.~~
 - (b) ~~Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.~~

- ~~(c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.~~
 - ~~(d) Shoreline protection against soil erosion.~~
 - ~~(e) Fish spawning, breeding, nursery, or feeding grounds.~~
 - ~~(f) Wildlife habitat.~~
 - ~~(g) Areas of special recreational, scenic, or scientific interest including scarce wetland types.~~
- ~~(3) If the department notifies the county zoning agency that a proposed text or map amendment to the shoreland wetland provisions of this article may have a significant adverse impact upon any of the criteria listed in subsection (2) of this section, that amendment, if approved by the county board, shall contain the following provisions:~~

~~"This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Section 59.692, Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.692, adoption procedure is completed or otherwise terminated."~~

~~(Ord. of 3-19-2002, Art. XXXVII, § 375)~~

Secs. 38-678—38-700. - Reserved.

DIVISION 38. - TELECOMMUNICATIONS FACILITIES⁶

Footnotes:

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Editor's note—Resolution No. 10-14, §§ II—VIII, adopted March 18, 2014, repealed the former div. 38, §§ 38-701—38-713, and enacted a new div. 38 as set out herein. The former div. 38 pertained to similar subject matter and derived from Res. No. 06-04, adopted March 23, 2004.

Sec. 38-701. - Purpose.

The purpose of this division is to regulate by zoning permit:

- (1) The siting and construction of any new mobile service support structure and facilities;
- (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and
- (3) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(Res. No. 10-14, § II, 3-18-2014)

Sec. 38-702. - Exemptions.

- (a) Exempt from review under this division will be television antennas, satellite dishes one meter (or 39 inches) in diameter or less, satellite dishes used commercially and three meters in diameter or less, receive only antennas, amateur radio facilities, and mobile services providing public information coverage of news events or of a temporary or emergency nature.

- (b) Exempt from the permitting requirements of this division will be satellite dishes more than one meter in diameter, ground mounted antennas not exceeding 100 feet in height, building mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached, utility pole mounted antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached.
- (c) Exempt structures under this division are subject to all other applicable provisions of the zoning ordinance.

(Res. No. 10-14, § III, 3-18-2014)

Sec. 38-703. - Definitions.

- (a) The following definitions shall apply to this division unless the context dictates otherwise. All definitions in chapter 38, division 34, of the Washburn County Zoning Ordinance, shall apply, unless specifically defined in this division.

Alternative support structure means structures including but not limited to clock towers, steeples, silos, light poles, water towers, freestanding chimneys, utility poles and towers, towers, buildings or similar structures that may support telecommunications facilities.

Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna building mounted means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

Antenna ground mounted means any antenna with its base placed directly on the ground.

Camouflaged tower means any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples lack of lighting, low tower height, noncontrasting colors, screening and landscaping, and others.

Carrier means companies licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a provider.

Class 1 collocation means the placement of a new mobile service facility on an existing support structure, such that the owner of the facility does not need to construct a freestanding support structure for the facility, but does need to engage in substantial modification.

Class 2 collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

Co-location means a telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

Guyed structure means a telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height, telecommunications tower means the distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.

Lattice structure means a telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole structure means a telecommunications tower of a single pole design.

Operation means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

Provider. See Carrier.

Satellite dish means a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TYROs and satellite microwave antennas.

Substantial modification means the modification of a mobile service support structure, including the mounting of an antenna on the structure, that does any of the following:

- (1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by ten percent or more.
- (3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is needed for collocation.
- (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Telecommunications facility means a facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under section 38-703.

Telecommunications facility structure means a telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.

Telecommunications tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under section 38-703.

Utility pole mounted antenna means an antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.

(b) Additional definitions contained in [Wis. Stats.] § 66.0404(1) are hereby incorporated by reference.

(Res. No. 10-14, § IV, 3-18-2014)

Sec. 38-704. - Siting and construction of any new mobile service support structure and facilities and class 1 collocation.

(a) Application process.

- (1) A land use permit is required for the siting and construction of any new mobile service support structure and facilities.

- (2) A written permit application must be completed by any applicant and submitted to the Washburn County Zoning Department (the county). The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) A permit application will be provided by the county upon request to any applicant.
- (4) If an applicant submits to the county an application for a permit to engage in an activity described in this division, which contains all of the information required under this division, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing, within ten days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90-day period:
 - a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under subsection (2)f.
- (7) If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

- (8) The fee for the permit is \$3,000.00.

(Res. No. 10-14, § V, 3-18-2014)

Sec. 38-705. - Class 2 collocation.

(a) Application process.

- (1) A land use permit is required for a class 2 collocation.
- (2) A written permit application must be completed by any applicant and submitted to the county. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
- (3) A permit application will be provided by the county upon request to any applicant.
- (4) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (5) If an applicant submits to the county an application for a permit to engage in an activity described in this division, which contains all of the information required under this division, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (6) Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 45-day period:
 - a. Make a final decision whether to approve or disapprove the application.
 - b. Notify the applicant, in writing, of its final decision.
 - c. If the application is approved, issue the applicant the relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (7) The fee for the permit is \$500.00.

(Res. No. 10-14, § VI, 3-18-2014)

Sec. 38-706. - Removal of abandoned telecommunications facilities.

It is the express policy of Washburn County that telecommunications facilities be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service.

- (a) Removal and restoration of such facilities is the responsibility of the owner of the facility.
- (b) The telecommunications facility(s) shall be removed when use of the facility(s) has been discontinued or the facility not been used for its permitted purpose for 12 consecutive months. Mere intent to continue use of the facility(s) shall not constitute use. The applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the use will be continued

without a lapse of more than 12 consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

- (c) This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility; to a level of three feet below grade.
- (d) Nothing in this section prevents the removal of the facility prior to expiration of the 12-month period.

(Res. No. 10-14, § VII, 3-18-2014)

Sec. 38-707. - Reporting requirements.

Notification shall be provided to the zoning department if any of the information changes in subsection(s) 38-704(a) (2) or 38-705(a) (2).

(Res. No. 10-14, § VIII, 3-18-2014)