



# 1 POLK COUNTY, WISCONSIN

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Sharon Jorgenson, County Clerk  
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810  
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

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## **AGENDA AND NOTICE OF MEETING**

### **ENVIRONMENTAL SERVICES COMMITTEE**

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, January 9, 2019 at 9:00 a.m.

A quorum of the County Board may be present

1. Call to Order – Chairperson Kim O’Connell
2. Approval of Agenda
3. Approval of minutes for December 12, 2018
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total
5. Receipt of Information from non-committee Supervisors on Matters Noticed
  
6. Land Conservation/Land and Water Resource  
Wildlife Damage Abatement Claims Program, Discussion/Action to Set  
Commodity Prices – Chad Alberg, USDA Wildlife Services – APhi
  
7. Conditional Use Permit - Public Hearing and Determination - 10:00 a.m.

Conditional Use Application of SCOTT & YVETTE MAREK request a Conditional Use via Article 10.4.9(c)(5) of the Polk County Comprehensive Land Use Ordinance for automotive repair and sales and outdoor storage including multiple unlicensed and inoperable vehicles. Property affected is: 2296 State Hwy 35, part of the NW ¼ of the NW ¼ & SW ¼ of the NW ¼ lying west of Gandy Dancer Trail, except the north 311’, Sec 9/T35N/R17W, Town of Milltown, Parcel # 040-00210-0000.

Following the public hearing, the Committee will deliberate and make a determination on the application for conditional use permit

8. Tax Delinquent Properties:
  - Report and Update on Sale of Woodley Dam Property
  - Offer of Kwik Trip to Purchase Tax Delinquent Properties Located in Village of Osceola – Discussion and Recommendation
  
9. Land Records Report and Update – Requirement of Parcel Identification Numbers on Real Estate Documents.
  
10. Parks, Recreation and Trails – Report and Update
  - Status of County Ownership of Big Butternut Dam
  - Proposal of Northwestern Wisconsin Electric Company to Transfer Clam Falls Dam
  - WDNR Review of County Master Plan for Stower Seven Lakes State Trail and Cattail State Trail

11. Resolution No. 92-18: Resolution to Develop Revision to Gandy Dancer Trail Polk County Segment Master Plan – Discussion and Recommendation
12. Ordinance No. 95-18: Amendment to Polk County Board of Adjustments Procedures Ordinance – Discussion and Recommendation
13. Resolution No. 97-18: Resolution to Recommend the Removal of the Current Members of the Polk County Board of Adjustment by the Office of the County Administrator.
14. Zoning Ordinance Revisions – Discussion and Recommendation:
  - Comprehensive Land Use – Amend Private Road Setback and Accessory Building Height Provisions
  - Subdivision – Removal of Road Standards
  - Shoreland Protection Zoning Ordinances – Amend Private Road Setback Provisions; Accessory Building Height Provisions; and Revise Conditional Use Provisions and Expand Allowed Conditional Uses
15. Work Session on 2019 Work Plan
16. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



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### MINUTES

#### Environmental Services Committee

Government Center County Board Room  
 100 Polk County Plaza Balsam Lake, WI 54810  
 9:00 A.M. Wednesday, December 12, 2018

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim County Administrator; Malia Malone, Corporation Counsel, and members of the public and of the press.

#### Meeting called to order by Chair O'Connell at 9:04 A.M.

**Approval of Agenda-** Chair O'Connell called for a **motion** to approve the agenda. **Motion** (LaBlanc/Route) to approve the agenda carried by unanimous voice vote.

**Approval of Minutes** – Chair O'Connell called for a **motion** to approve the minutes of the November 14, 2018 meeting. **Motion** (Route/Edgell) to approve the Minutes of November 14, 2018 carried by unanimous voice vote.

**Public Comment** –8 public comments received by committee.

**Receipt of Information from non-committee Supervisors on Matters Noticed** – none.

Administrator Fuge reviewed the results of the most recent Polk County owned land sold.

Chair O'Connell recognized Tim Ritten, Director of Land and Water Dept. for the purpose of receiving information. Ritten presented an update on the Land and Water Resources Management Planning Process.

Chair O'Connell brought to the floor the Demand of Friends of Stower Seven Lakes Trail to the County Board to reconsider the Trail Plan submitted to the DNR and recognized Administrator Fuge for the purpose of receiving information. Discussion.

Administrator Fuge provided an update on the Big Butternut Dam – noting the property that the dam is on is not owned by the County of Polk.

Zoning Administrator Kjeseth announced that the owner of the property requesting the Conditional Use permit asked to postpone the Public Hearing.

Chair O'Connell called for a break at 9:52 A. M. Chair O'Connell called the meeting back in session at 10:08 A.M.

**Motion** (Olson/LaBlanc) to postpone the Public Hearing until the next ES committee meeting. **Motion** carried by unanimous voice vote.

Chair O'Connell brought to the floor Recommendations on Proposed Amendment to Land Use Ordinances. Discussion. Bring these back to the next meeting.

**Identification of Subject Matters for Upcoming Meetings:** Next meeting 1/9/19. Woodley property, Lime Quarry audit report (early in 2019), Work Plan, Butternut and Kennedy Dams, report on status of trails, recommendation on proposed amendments to land use ordinances, Outdoor rec. plan, disposition of County owned land for sale, update on Depts. Organizational plan, examples from other counties on allowed conditional uses, and USDA Wildlife abatement claim prices.

**Motion** (Olson/Edgell) to adjourn. **Motion** carried by unanimous voice vote of the committee members present. Chair O'Connell declared meeting adjourned at 11:20 A.M.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

**Grain Commodities:** (Only those crops/commodities necessary to settle the current year claims are presented.)

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**CORN:** Corn price #1 reflects average, area (local or regional) cash price paid over the past growing season. Grain buyers utilized data from January 1, 2018 – November 30, 2018. As reported by: Jennie-O Turkey Store, Barron, WI; Ace Ethanol, Stanley, WI; Big River Resources Boyceville, LLC, Boyceville, WI. Each source provides a *daily* closing price for every business day of the January 1 to November 30 pricing year.

Proposed corn price #1:

- #2 Yellow Corn = Average paid using local cash markets = **\$3.18/bu.**

Another pricing option for corn and other commodities is using the USDA-Risk Management Agency (RMA) system for settling crop insurance claims. Two price discovery periods are used, one February 1 – February 28, 2018 the other October 1 – October 31, 2018. The Chicago Mercantile Exchange (CME) futures closing price for each day within the discovery period is averaged, resulting in two prices. Most policies allow the producer the option of receiving the higher of the two price periods. The February price, known as the Base or Projected Price is approved at \$3.96. The October price, known as the Harvest Price is approved at \$3.68.

Proposed corn price #2:

- #2 Yellow Corn Harvest Price (RMA) = **\$3.96/3.68bu.**

Corn pricing was also obtained from the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, USDA, and used their monthly reports specifically for Wisconsin for January 2017 to November 2017. The 11 monthly prices were then averaged.

Proposed corn price #3:

- #2 Yellow Corn NASS = **\$3.40/bu.**
- 

**SOYBEANS:** The Risk Management Agency (RMA) also obtains a soybean price using the same system as that for corn. The February price, known as the Base or Projected Price is approved at \$10.16. The October price, known as the Harvest Price is approved at \$8.60.

Proposed soybean price #1:

- Soybeans, Projected Price (RMA) = **\$8.60/10.16bu.**

Soybean pricing was also obtained from the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, USDA, using the same method as that for corn.

Proposed soybean price #2:

- Soybeans NASS = **\$9.35/bu.**

Approved price (if different than proposed and include justification):

Corn: \$

Soybeans: \$

**HAYLAGE/DRY HAY:** Pricing hay forages, especially high moisture content feeds like alfalfa silage can vary widely from region to region and farmer to farmer. Very often the price will be determined by supply and demand conditions in a local area and negotiations between the buyer and the seller. However, a dry hay baseline was established using the Weekly Hay Market Demand and Price Report for the Upper Midwest compiled by Ken Barnett, UW-Extension. That report was compared to local sales through Farmer To Farmer and on Craigslist.

The T AF (Tons As Fed) loss for the high moisture haylage was converted to tons of hay equivalent at 13% moisture using the Silage Bag Capacity Calculator developed by Dr. Brian Holmes, UWEX emeritus. Converting to dry hay equivalent allows for more consistent pricing comparisons. Harvest and storage costs are also considered in the proposed price.

- Proposed dry hay price, 125-150 RVF: **\$155.00/ton**



<b>Permanent Fence Inspections:</b>		<b>Lin. Ft.</b>	<b>Constructed</b>	<b>Expires</b>	
John Baker*	Orchard	5,245	2007	2022	St. Croix Falls
Jeff Becker*	Orchard	1,700	2014	2029	Beaver
David Dittbrenner*	Stored feed	1,300	2014	2029	McKinley
William Didlo	Orchard	2,775	2002	Expired 2017	West Sweden
Dan Guenthner	Vegetables	5,255	2000	Expired	S. Farmington
Ken Haberman	Orchard	?	1999	Expired	Lorain

\* No current enrollment, permanent fence inspections conducted annually only

\*\* Claim possible

# Locations throughout the county (number of fences)

Environmental Services Committee – January 9 2019

### **Informational Memo**

**Subject:** Sale of Woodley Dam Property

**Overview:**

This matter returns to the committee for authorization for public sale of three parcels north of and along or adjacent to U.S. HWY 8 at the Apple River Crossing.

In 2002, the County took title to the parcels by tax foreclosure. When taking title, the County Board adopted a resolution authorizing retention of the lands until activities of dam removal, streambank stabilization and snowmobile trail relocation had been completed and then bring before the Board the issue of ultimate disposition. In March 2018, the County Board directed the committee to consider and authorize sale of the lands at public auction, having determined that all such matters had been completed and that there was no longer a public use for which the County could utilize said lands.

The committee has asked staff to obtain a professional valuation of the lands to assist the committee in setting the appraised value and minimum bid price for sale as required by law. In December 2018, staff requested Garlulak Appraisal Services to provide a certified appraisal. Garlulak has informed the County that the appraisal report will be provided by January 31, 2019.

**Requested Action:** To defer setting the appraisal value until receipt of the appraisal report (February 13, 2019 meeting) and to then direct the sale of the properties at public auction.



Environmental Services Committee – January 9 2019  
General Government Committee – January 10, 2019

### **Informational Memo**

**Subject:** Offer of KwikTrip to Purchase Tax Delinquent Properties located in the Village of Osceola.

**Overview:**

KwikTrip has submitted an offer to purchase two tax delinquent parcels located in the Village of Osceola for a purchase price of \$250,000, plus all costs related to the sale.

The properties, identified as 165-00612-0000 and 165-00613-0000, are adjacent parcels consisting of approximately 78 acres of development property south of the Village and off of State Road 35/Cascade Street.

The County took the parcels in 2010 through tax foreclosure. The total taxes that were written off, which include special assessments and charges, amounted to \$351,231.43 for both parcels, \$175,861 on Parcel#165-00612; and \$175,369 on Parcel#165-00613.

The County has attempted unsuccessfully to sell the parcels at public auctions held in July and October 2018. In July, the public auction offered each parcel separately at a minimum bids of \$170, 000 and \$175,000, respectively. At the October 2018 sale, the County offered the two parcels together at a minimum bid of \$250,000. Neither public sale received a minimum bid.

Given that the County has already advertised and attempted to sell the properties as public sale, the County Board has the discretion to authorize a direct sale of one or both of the properties.

**Requested Action:** To make a recommendation to the County Board on the offer to purchase.





POLK COUNTY, WISCONSIN  
OFFICE OF THE REGISTER OF DEEDS

Sally L. Spanel  
Register of Deeds

Office: 715-485-9252  
www.co.polk.wi.us

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January 2, 2019

To: Environmental Services Committee

Re: Ordinance Requiring Parcel Identification Numbers (PIN) on Recorded Documents

Included on the Agenda for the January 9, 2019, Environmental Services Committee is a draft ordinance requiring the inclusion of a PIN on all documents submitted for recording that include a real estate description. Wisconsin Statute 59.43(7)(b) permits counties to require the use of a PIN if an ordinance is enacted.

Title searching is done by title companies, Polk County employees, and the general public. Having a PIN readily available can lead the searcher directly to the property assessment rolls, and can help assure the use of a current/correct legal description.

Implementing the requirement of a PIN would put us one step ahead for the possibility of Polk County becoming a PIN driven county. PIN driven counties is a fairly new topic, but starting to require a PIN now would have us prepared if that route is taken at some point in the future. A PIN driven county is one in which a title search can be done strictly by parcel number, rather than legal description.

A short summary of the Polk County Land Record Modernization Plan, as mentioned in my proposed ordinance, is to improve the efficiency of government and provided improved government services to county residents. A complete copy of the Polk County Land Information Plan is available upon request.

If approved, awareness of this new requirement will be done via our on-line search programs. There will be a short grace period allowed for documents received without the required PIN. A notice will be returned with the recorded document, that in the future, all documents without a PIN will be returned as unrecordable. The only anticipated cost to the county would be very minimal postage fees for rejected documents.

Please feel free to contact me directly with any questions.

Sally L. Spanel  
Polk County Register of Deeds  
715-495-9252

**ORDINANCE # \_\_\_\_-19**

**ORDINANCE REQUIRING THE USE OF PARCEL IDENTIFICATION NUMBER  
ON ALL DOCUMENTS SUBMITTED FOR RECORDING PERTAINING TO REAL ESTATE**

WHEREAS, parcel identification numbers allow a uniform system of indexing and tracking of parcels of land; and

WHEREAS, parcel identification numbers are used by various Polk County departments and the general public to locate land and related information; and

WHEREAS, Wisconsin Statute 59.43(7)(b) permits counties to require the use of a parcel identification number for any conveyance, of any interest in real estate located in the county, if an ordinance requiring the same is enacted; and

WHEREAS, requirement of a parcel identification number is in keeping with the Polk County Land Record Modernization Plan; and

WHEREAS, it is the recommendation of the Polk County Environmental Services Committee that it would be beneficial to Polk County to require the parcel identification number on all documents, pertaining to real estate, being recorded with the Polk County Register of Deeds Office.

**THEREFORE, the Polk County Board of Supervisors does ordain as follows:**

1. Any conveyance, as described in Wisconsin Statutes 706.01(4); or any document containing a legal description, of any interest in real estate shall contain reference to the parcel identification number of the parcel affected.
2. If the document is for a newly-created parcel(s) for which a parcel identification number has not yet been assigned, reference shall be made to the parcel identification number of the parent parcel from which the new parcel was created.
3. The Polk County Register of Deeds shall not accept for recording any document, of any interest in real estate which does not contain the parcel identification number.
4. This ordinance shall be effective \_\_\_\_\_, 2019.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Reviewed By County Administrator:

Approved as to Form and Execution:

\_\_\_\_\_  
Jeffrey B. Fuge  
Interim County Administrator

\_\_\_\_\_  
Malia Malone  
Corporation Counsel

**Excerpt of Minutes**

At its regular business meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, the Polk County Board of Supervisors acted on Ordinance No. \_\_\_\_- 19: ORDINANCE REQUIRING THE USE OF PARCEL IDENTIFICATION NUMBER ON ALL DOCUMENTS SUBMITTED FOR RECORDING PERTAINING TO REAL ESTATE, as follows:

- Enacted by majority voice vote
- Enacted by simple majority of the board of supervisors by a vote of \_\_\_\_ in favor and \_\_\_\_ against.
- Adopted by unanimous voice vote
- Defeated: \_\_\_\_\_
- Other: \_\_\_\_\_

Signed By:

Attest:

\_\_\_\_\_  
 Dean K. Johansen  
 County Board Chairperson

\_\_\_\_\_  
 Sharon E. Jorgenson  
 County Clerk

**Certification of Publication**

Ordinance No. \_\_\_\_\_ - 19, as enacted the \_\_\_\_\_ day of \_\_\_\_\_, 2019, was published in the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Sharon E. Jorgenson  
 County Clerk

Environmental Services Committee – January 9 2019

**Parks, Recreation and Trails  
Report and Update**

**Subjects:** Big Butternut Dam; Clam Falls Dam; Status of WDNR Review of Master Plans for Stower Seven Lakes State trail and Cattail Trail.

1. Big Butternut Dam/South Shore Drive in Village of Luck

The Village of Luck has requested the County to enter into an intergovernmental agreement to share in the cost and continuing responsibility for reconstruction of South Shore Drive bridge, culvert and dam. Previously, the Village contacted the County on the premise that WDNR records demonstrated that the County apparently owned the rock dam located downstream of the bridge and culvert. The Village advised the County that South Shore Drive needs extensive reconstruction and that the bridge and culvert require replacement. The construction would also likely involve modification of the rock dam. The Village informed the County that it would proceed with the project irrespective of the County position. The Village represented that it would front the costs and then seek and obtain a financial commitment for reimbursement from the County. The estimated cost of the project is in excess of \$250,000.

At issue is County ownership of the dam. County staff was asked to look into definitive ownership of the dam and has reviewed recorded documents. The recorded real estate documents demonstrate that the Village of Luck/ Joint School District #3 has title to the lands on which rests the dam. County staff has informed WDNR and the Village that the county has no ownership interest in the dam.

The Village worked through MSA to submit to WDNR plans and an application for approval. MSA signed off on the application indicating that it had authority to sign the application for Polk County as apparent owner. WDNR has issued an administrative order approving of the application and the plans under application.

The County has submitted a request and the recorded real estate documents to the WDNR in request to revise WDNR records to reflect ownership of the dam consistent with the recorded real estate documents. The County's request asked WDNR to vacate the administrative decision and to withdraw the application submitted by MSA. WDNR has informed the County that it will update its records, lifting the County as owner of the dam.

Corporation Counsel has filed in the Polk County Circuit Court a petition for circuit court review of the WDNR order to protect the County's interest. The petition

asserts that MSA lacked authority to execute the application on behalf of the County and that the Village is the rightful owner of the lands under the dam. The legal action would be dismissed without prejudice when WDNR updates its records and takes action to vacate its administrative decision. The legal action will continue until such time.

## 2. Renewed Offer of Northwestern Wisconsin Electric (NWE) Company to Transfer Clam Falls Dam

On December 3, 2018 the County received a renewed offer of NWE to transfer ownership and responsibility of the Clam Falls Dam. The electric company owns the dam and leases it to Flambeau Hydro. The dam currently carries a “Significant” hazard rating. The electric company must either abandon the dam or make modifications to the dam to increase spillway capacity to safely pass a 500-year flood event. In the initial proposal, NWE offered to donate \$700,000 to the County in exchange of transfer to the County and a County commitment to undertake modifications to lower the hazard rating.

In the new proposal the electric company asks the County to accept ownership and responsibility of the dam under the condition that the electric company successfully obtains from WDNR an exemption from the regulatory hazard requirements. The structured offer of the electric company asks the County to

- Fund one-third of the professional study needed to support an application for a hazard exemption;
- Commit to sharing the cost of obtaining an exemption; and
- Upon issuance of the DNR exemption, complete a transfer of the dam from NWE to the County.

On December 20, 2018, County staff met with representatives of NWE, Flambeau Hydro and Ayres & Associates in discussion of the new proposal. NWE and Flambeau have requested to present the proposal to the full County Board. It is anticipated that the County Board will receive the presentation at its March 19, 2019 meeting.

### 3. WDNR Review of County Master Plans for Cattail and Stower Seven Lakes Trails

The County Board approved Master Plans for the Cattail and Stower Seven Lakes Trails have been submitted to WDNR for review and that review is on-going.

WDNR issued a letter on November 30, 2018 that acknowledged the pending review of the Stower Seven Lakes Trail Master Plan and outlined a number of concerns deficiencies of the County's plan and in its planning process. The letter requested a County response in 60-days.

County staff reached out to WDNR for further clarification to matters addressed in the November 30, 2018 letter. By letter dated December 17, 2018, WDNR provided additional information in response. WDNR informed the County that in the event that the concerns were not sufficiently addressed that the WDNR may consider termination of the MOU which provides for County management of the Trail. Land Use Division Staff is developing a response and pulling together information answering the concerns raised by the WDNR.

With respect to the Cattail Trail Master Plan, County staff inquired with WDNR on the status of its review. WDNR staff informed County staff that WDNR had deferred review of the Cattail Trail Master Plan because of the level of public interest in trail planning and usage of the Stower Seven Lakes Trail.

Resolution No. 72 -18

Resolution to Develop Revision to Gandy Dancer Trail Polk County Segment Master Plan

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, pursuant to the Gandy Dancer Trail – Polk County Segment Master Plan, as amended in March 2016, Polk County manages the segment of the Gandy Dancer State Trail as an all-season trail, providing safe two-way traffic for bicycling, hiking, snowmobiling and winter ATV use; and

WHEREAS, there is interest within the recreational community to expand uses on the Polk County Segment to allow for all-season ATV and UTV usage; and

WHEREAS, after receiving public comment in support of such expanded use, the Polk County Environmental Services Committee adopted a motion asking for County Board direction and, as appropriate, referral back to the committee to undertake the develop a revision of the Master Trail Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors authorizes and directs the Environmental Services Committee to develop a proposed revision to Gandy Dancer Trail Polk County Segment Master Plan with consideration of expanding ATV winter use to all-season ATV and UTV use.

Offered on the 18<sup>th</sup> day of December, 2018.

BY:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,  
Supervisor, District #3

Larry Jepsen, Supervisor, District #10

Chris Nelson, Supervisor, District #4

Jay Luke, 1<sup>st</sup> Vice Chair,  
Supervisor, District #11

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters, Supervisor, District #6

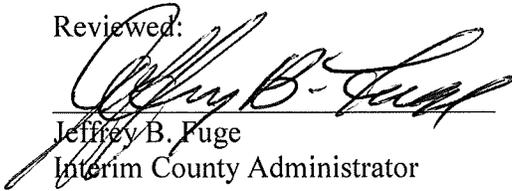
Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor,  
District #7

John Bonneprise, 2<sup>nd</sup> Vice Chair,  
Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Reviewed:

  
Jeffrey B. Fuge  
Interim County Administrator

*Fiscal Impact:* The passage of resolution has unknown fiscal impacts. The County will incur expenditures associated with development of the proposed revision to the trail plan. The estimated cost to conduct public participation events and impact analysis associated with modified or expanded use of the trail is at present unknown and would become more certain when the committee develops and implements its public participation plan and when the County undertakes impact analyses for those modified or expanded uses that may come forward in the plan development process.

Approved as to Form and Execution:

  
Malia T. Malone, Corporation Counsel

*Legal Impact Note:* Passage of the resolution directs the committee to undertake a revision of the trail plan. Wisconsin Administrative Code NR 44.04(7), in conjunction with Section V.1 of the Memorandum of Understanding by Douglas County, Burnett County, Polk County and State of Wisconsin Department of Natural Resources, dated July 31, 1989, require the County to open a master plan revision process, including securing public input.

Excerpt of Minutes

23 At its regular business meeting on the 18<sup>th</sup> day of December 2018, the Polk County Board of  
24 Supervisors acted upon Resolution No. 92-18: Resolution to Develop Revision to Gandy Dancer  
25 Trail Polk County Segment Master Plan, as follows:

- Adopted by a majority of the members present by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Adopted by voice vote.
- Adopted as amended. See Below.
- Defeated
- Other: \_\_\_\_\_

Insert amendment to resolution according to minutes:

SIGNED BY:

\_\_\_\_\_  
Dean Johansen, County Board Chairperson

ATTEST:

\_\_\_\_\_  
Sharon Jorgenson, County Clerk

Ordinance No. 95-18

Amendment to Polk County Board of Adjustment Procedures Ordinance to Provide for  
Nomination Process for Appointment of Members

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE  
COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, Section 1.3 of the Polk County Board of Adjustment Procedures Ordinance provides  
for the composition of the Board of Adjustment and the criteria of persons eligible to serve as  
members on said board.

NOW, THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors repeals and  
recreates Section 1.3 of the Polk County Board of Adjustment Procedures Ordinance to read as  
follows:

**“1.3 Membership, Nomination and Appointment**

1.31 The Board shall consist of five members with two alternate members. Membership  
requirements shall be consistent with Wisconsin Statute Section 59.694. At least  
three members shall be riparian landowners.

1.32 The five members and two alternate members shall be persons who are nominated  
by the Environmental Services Committee and appointed by the County  
Administrator subject to the confirmation of the County Board.

BE IT FURTHER ORDAINED that the other provisions of the Polk County Board Adjustment  
Procedures Ordinance unaffected by this amended shall remain in effected without change.

Offered this 18<sup>th</sup> day of December 2018.

BY:

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,  
Supervisor, District #3

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O’Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1<sup>st</sup> Vice Chair,  
Supervisor, District #11

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2<sup>nd</sup> Vice Chair,  
Supervisor, District #14

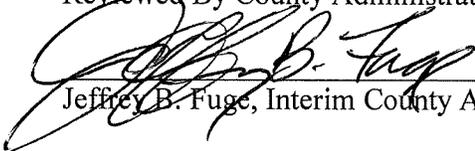
Joe DeMulling, Supervisor, District #15

Ordinance No. 95-18  
Amendment to Polk County Board of Adjustment Procedures Ordinance to Provide for  
Nomination Process for Appointment of Members

*Fiscal Impact Note:*

The proposed ordinance amendment presents minimal fiscal impact to operations associated with the process in which persons are selected for appointment to the Board of Adjustments.

Reviewed By County Administrator:

  
\_\_\_\_\_  
Jeffrey B. Fuge, Interim County Administrator

*Legal Impact Note:*

The proposed amendment revises Section 1.3 of the Ordinance, which currently reads:

**“1.3 Membership**

The Board shall consist of five members with two alternate members. Membership requirements shall be consistent with Wisconsin Statute Section 59.694. At least one member shall be a riparian landowner.”

In recreating Section 1.3, the proposed amendment provides for that language and creates an additional provision to establish a nomination process for persons who are appointed by the County Administrator and confirmed by the County Board as members to the Board of Adjustments. All other provisions of the Polk County Board of Adjustment Procedures Ordinance are unaffected by the proposed amendment. The proposed amendment takes effect upon passage and publication.

At the time that the proposed ordinance amendment was introduced, the Office of Corporation Counsel has not rendered an opinion as to the legal effect that the proposed amendment may have on the appointment power of the County Administrator to appoint persons to the Board of Adjustments.

Reviewed and Approved as to Form and Execution:

  
\_\_\_\_\_  
Malia T. Malone, Corporation Counsel

Ordinance No. 95-18  
Amendment to Polk County Board of Adjustment Procedures Ordinance to Provide for  
Nomination Process for Appointment of Members

Excerpt of Minutes

At its regular business meeting on the \_\_\_ day of December 2018, the Polk County Board of Supervisors acted on Ordinance No. 95-18: Amendment to Polk County Board of Adjustment Procedures Ordinance to Provide for Nomination Process for Appointment of Members, as follows:

- Enacted by majority voice vote
- Enacted by simple majority of the board of supervisors by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Adopted by unanimous voice vote.
- Defeated: \_\_\_\_\_
- Other: \_\_\_\_\_

SIGNED BY:

ATTEST:

\_\_\_\_\_

Dean Johansen, County Board Chairperson Sharon Jorgenson, County Clerk

Certification of Publication

Ord. No. 95-18, as enacted the \_\_\_\_\_ day of \_\_\_\_\_, 2018, was published in the Inter-County Leader on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sharon Jorgenson, County Clerk

Resolution No. 97-18

Resolution to Recommend the Removal of the Current Members of the Polk County Board  
Adjustment by the Office of the County Administrator

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF  
THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, pursuant to Wisconsin Statute § 17.10(3), § 59.694(1) and § 59.18(2)(c), the County  
Administrator has the appointment and removal authority for the members of the Polk County Board  
of Adjustment; and,

WHEREAS, the County has received numerous complaints regarding the current members of the  
Board of Adjustment, specifically in how they treat the parties who apply for variances to the various  
Polk County zoning Ordinances; and,

WHEREAS, the property owners who apply for variances deserve to be treated with dignity and  
respect regardless of the ultimate outcome of their applications; and,

WHEREAS, the members of the Board of Adjustment serve at the pleasure of the County  
Administrator pursuant to Wisconsin Statute § 17.10.

NOW, THEREFORE, BE IT RESOLVED, that, the Polk County Board of Supervisors encourages  
the County Administrator to consider removing the current members of the Polk County Board of  
Adjustment.

Offered on the 18<sup>th</sup> day of December, 2018.

BY:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,  
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Larry Jepsen, Supervisor, District #10

Jay Luke, 1<sup>st</sup> Vice Chair,  
Supervisor, District #11

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor,  
District #7

*John Bonneprise*  
John Bonneprise, 2<sup>nd</sup> Vice Chair,  
Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Reviewed and Recommended: */ without recommendation*  
*Jeffrey B. Fuge*  
Jeffrey B. Fuge  
Interim County Administrator

*Fiscal Impact:* There is no fiscal impact on the County.

Approved as to Form and Execution:

*Malia T. Malone*  
Malia T. Malone, Corporation Counsel

*Legal Impact Note:* There is no legal impact on the County unless the County Administrator decides to exercise the statutory authority and remove the members of the Board of Adjustment.

Excerpt of Minutes

26 At its regular business meeting on the 18<sup>th</sup> day of December 2018, the Polk County Board of  
27 Supervisors acted upon Resolution No. \_\_-18: Resolution:

- Adopted by a majority of the members present by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Adopted by voice vote.
- Adopted as amended. See Below.
- Referred to committee for further consideration: \_\_\_\_\_
- Defeated
- Other: \_\_\_\_\_

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

\_\_\_\_\_  
Dean Johansen, County Board Chairperson

\_\_\_\_\_  
Sharon Jorgenson, County Clerk

***Polk County Board of Supervisors amends the Polk County Shoreland Protection Zoning Ordinance as follows:***

- **Article 4. “BUILDING, ACCESSORY” is amended to read:** means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to ~~25’~~ 35’ in height. ~~beyond the shoreland setback area.~~
- **Article 4. “Food Service” is added to read:** means grocery store, restaurant, drive-ins, cafes, coffee shops, catering, clubs.
- **Article 8.E.4 is amended to read:**  
 Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required for new construction or land disturbances of 500 square feet or more.

<ol style="list-style-type: none"> <li>1. Hotels/motels</li> <li>2. Retail Stores</li> <li>3. Financial Institutions</li> <li>4. Food service</li> <li>5. Dealerships</li> <li>6. Ag &amp; Marine related businesses</li> <li>7. Maintenance &amp; Repair shops</li> <li>8. Community/public buildings</li> <li>9. Commercial entertainment facilities</li> <li>10. Outdoor events</li> <li>11. Taverns, Brew pubs, Wineries</li> <li>12. Medical &amp; dental Offices</li> <li>13. Recreational businesses/amusement parks</li> <li>14. Laundromats</li> <li>15. Building Material and Home furnishings stores</li> <li>16. Quarry, mining and processing of non-metallic mining products</li> <li>17. Indoor/Outdoor storage</li> <li>18. Professional offices not defined under Article 8.C.7.</li> <li>19. Utility scale energy generation</li> <li><del>32. Businesses customarily found in recreational areas.</del></li> </ol>	<ol style="list-style-type: none"> <li>20. Churches</li> <li>21. Cemeteries/burial sites</li> <li>22. Institutions of a philanthropic or educational nature</li> <li>23. Sporting goods and accessories</li> <li>24. Forest industries</li> <li>25. Shooting range</li> <li>26. Licensed daycare centers.</li> <li>27. Art Galleries/fairs</li> <li>28. Fitness centers</li> <li>29. Funeral Homes</li> <li>30. Schools/educational centers</li> <li>31. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter ATCP 79, Wisconsin Administrative Code.</li> </ol>
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- **Article 11.E.4. is amended to read:**

The setback from any private road shall be 35 feet from the centerline of the road, unless the Town Board approves a reduced setback. A permit shall be issued for a reduced setback once written Town approval (i.e. minutes, letter, or resolution) is received and if all of the other ordinance requirements are met.

*Polk County Board of Supervisors amends the Polk County Comprehensive Land Use Ordinance as follows:*

- **Section 10.3.5(C)(2) is amended as follows:**

- A permit ~~may~~ shall be issued for a reduced town road or private road setback once written Town approval (i.e. minutes, letter, resolution) is received if all of the other ordinance requirements are met.
- All provisions limiting the height of accessory buildings to 25' were either removed or changed to 35.'

### Summary of changes to Chapter 18 Polk County Subdivision Ordinance:

- **Amend Table of Contents for removed text**
- **Section 18.03 is amended to read:** The definitions set forth in Chapter 236 of the Wisconsin Statutes are incorporated into this Ordinance. In addition, for purposes of this Ordinance, certain words or phrases used herein are defined as follows:
  - **Section 18.03(B) is amended to read:** Committee. The subcommittee of the Polk County Board of Supervisors responsible for the administration of land use regulations including subdivisions. The name of the Committee at the time of the adoption of this ordinance is the Environmental Services Committee. The Committee is the County Zoning Office ~~planning agency~~ under Chapter 236 and Chapter 59 of the 236.02(3), 236.45(2)(a), and 59.69 Wisconsin Statutes.
  - **Section 18.03(O) is amended to read:** Impervious Surface. An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Stat. s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in Wis. Stat. s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
  - **Section 18.03(P) is amended to read:** Lot. A parcel of land occupied or designed to provide space necessary for one principal building and its accessory buildings or uses, including the open spaces required by this ordinance and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the County Register of Deeds, or any part of a large parcel when such part complies with the requirements of this Ordinance as to width and area for the district in which it is located.
  - **Section 18.03(AA) is created to read:** Subdivider. Any person, partnership, corporation or other entity that submits to the County a proposed Subdivision for review and approval, or any person, partnership, corporation or other entity that executes the final Subdivision Plat or CSM which is recorded and effectuates the Subdivision.
  - **Section 18.03(AA) is renumbered to (BB) and amended to read:** Subdivision. A division of a lot, parcel or tract of land ~~existing on June 30, 1996,~~ by the owner thereof or the owner's agent for the purpose of sale ~~transfer of ownership~~ or building development where the act of division creates or results in one or more parcels, lots, outlots, or building sites. Subdivisions are further defined as:
    - (1) Major subdivision. A subdivision creating five (5) or more lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996. Subdivisions that have five (5) or more lots or outlots of 1½ acres or less shall require state approval. ~~be considered state subdivisions.~~
    - (2) Minor subdivision. A subdivision creating one (1) to four (4) lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996.
    - ~~(3) State subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area, or where the~~

~~act of division creates five (5) or more parcels or building sites of one and one-half (1 1/2) acres each or less in area by successive division within a period of five (5) years.~~

A subdivision can be created by the following means (not an exclusive list):

Recording a state or major subdivision plat or a CSM certified survey map.

Recording any other document or instrument that creates a parcel not previously created pursuant to this Ordinance or its predecessor.

Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this Ordinance.

- **Section 18.03(CC) is amended to read:** Town. Any town within the County.
- **Section 18.04(A) is amended to read:** Chapters 59-69, 87-30, 92, 15, 236, and 281, Wisconsin Statutes.
- **Section 18.04(A) is amended to read:** For state approved subdivision plats, the rules of the Wisconsin Department of Administration (DOA) regarding that agency's administration of Chapters 236.13(2m), 236.15, 236.16, 236.20, and 236.21(1) and (2), Wisconsin Statutes.
- **Section 18.04(C) is amended to read:** Statutory requirements ~~Rules of the DOT~~ relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting road (~~TRANS~~ 233, Wisconsin Administrative Code).
- **Section 18.04(D) is amended to read:** Statutory requirements ~~Rules of the DNR~~ regulating development within floodplain, wetland, shoreland areas, and Standard Best Management Practices, including Chapter 30, Wisconsin Statutes, and NR 102, 103, 115, 116, 118, and 151 Wisconsin Administrative Code.
- **Section 18.04(E) is amended to read:** All County and Town land use regulations, including this Ordinance, and all other applicable local and County regulations and plans.
- **Section 18.04(F) is amended to read:** Dedication of lands for streets, highways, and parkways, parks, playgrounds, trails, waterways, and public transit facilities pursuant to an adopted County or Town comprehensive plan or County development plan. Whenever a parcel of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of a road, highway, parkway, park, playground, trail, waterway, or public transit facility that has been designated on a duly adopted city, village, town or County comprehensive plan, public facilities plan, or park plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in Section 18.17 of this Ordinance.
- **Section 18.05(B) is amended to read:** The document, plat, or CSM survey map shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under this Ordinance if the Committee subsequently determines that the exemption was not available.
- **Section 18.10(A) is amended to read:** Any division of a parcel of land creating a lot or outlot shall be implemented using a CSM or ~~plat~~ plat prepared as required pursuant to this ordinance by a Wisconsin registered land surveyor unless it is exempted under Section 18.05. Any applicable Town Regulations or County standards that may have

~~been adopted by a Town as its standards shall apply. If such division requires the construction of a road, the design standards found in Section 18.16(C) (Design Standards for Subdivisions) shall apply.~~

- **Section 18.10(B) is amended to read:** A survey is not required for the sale or exchange of parcels of land between owners of abutting property if additional parcels ~~lots~~ are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this Ordinance or other applicable laws or regulations. However, the legal description or preliminary map of such lot line adjustment shall be reviewed by the County prior to recording any document evidencing the contemplated sale or exchange of real estate under this exemption. The legal description or preliminary map shall clearly describe or indicate the parcel to which it is to be attached.
- **Section 18.10(C) is amended to read:** Whenever a subdivision requires the perpetuation, restoration, or use of a U.S. Public Land Survey System corner the Land Surveyor shall comply with Wisconsin Administrative Code A-E 7.08, U.S. Public Land Survey Monument Record as each may be amended, and any other applicable law or regulation, prior to the County granting final approval.
- **Section 18.11(A)(1) is amended to read:** Before applying for approval of a preliminary plat, the subdivider or agent shall meet with the Director and other County staff for a pre-application meeting to receive advice and assistance, and review the procedures and requirements of this Ordinance, other regulations, and any plans or data that may affect the proposed land division and/or development. All subdivisions must reference bearings to the Polk County Coordinate System.
- **Section 18.11(A)(2) is amended to read:** ~~{~~ County Staff may require the subdivider to bring a sketch-concept drawing of the proposed subdivision to the pre-application meeting, along with a USGS quadrangle map and County soils map for the proposed subdivision and relevant adjacent land. As part of the pre-application review, the proposal may be referred to DNR or other appropriate state agencies for review and comment. Pre-application procedures may include a site visit by County staff.
- **Section 18.11(A)(3) is amended to read:** A principal function of the pre-application procedure shall be to review the concept of the proposed subdivision, the characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. The assignment of the vertical datum will be discussed at this pre-application meeting.
- **Section 18.11(B)(1)(h) is amended to read:** The location and names of adjacent plats, tax parcel number, certified survey maps, parks, and cemeteries, underscored with a dotted or dashed line.
- **Section 18.11(B)(1)(h) is amended to read:** The location, construction plans, and specifications for all public and private roads required by the Town. In addition, the preliminary plat ~~subdivider~~ shall identify areas suitable for driveways and shall require the subdivider to dedicate access restrictions and such restrictions shall be explained within the application material, and noted on the face of the plat.
- **Section 18.11(B)(1)(k) is amended to read:** The locations of all storm water plan soil borings shall be shown with cross-reference to test results within soil test forms (SBD-8330) or other report documents.
- **Section 18.11(B)(1)(l) is amended to read:** Specific identification of all proposed outlots, indicating purpose and proposed ownership and control. Any lot or outlot owned by a homeowners association or commonly owned, and any private road shall

have deed restrictions or covenants against all lots within the subdivision providing for assessments against the lots within the subdivision for taxes and maintenance of the road. The plat shall reference these deed restrictions.

- **Section 18.11(B)(3) is amended to read:** In addition to the above information, the subdivider must submit a completed Town government checklist for each requested Subdivision. The checklist shall include, but not be limited to, the questions set forth in sections (a)-(d) below, and may include additional standards if so required by the Town or County. ~~The checklist shall be a standard form established by the Committee and shall communicate the judgment of the Town Board on the questions listed below. The purpose of the checklist for each requested Subdivision is to involve a tTown bBoards in the land division review early in the review process and to advise the County and subdivider of all applicable Town Board standards. The checklist shall bear the signature of the three Town Board members or of the Town Clerk. The Town Clerk shall attest that his/her signature represents the official position of the Town Board on the questions listed below. The checklist does not relieve the Town Board of acting formally upon proposed land divisions as required under State law or Town ordinances.~~
  - (a) ~~Whether the Town Board will, on behalf of the Town, accept ownership and responsibility for all or specified portions of the streets and roads involved in the land division~~
  - (b) ~~Whether the subdivider will be obliged to construct roads to standards specified by the Town Board.~~
  - (c) ~~The standards the Town wants applied to any culverts involved in the land division.~~
  - (d) ~~Whether the Town Board wants each lot in a land division to be tested for ability to meet the Sanitary Code requirements for installation of an on-site waste disposal system prior to approval of the land division.~~
- **Section 18.11(B)(4) is amended to read:** If a subdivider or the surveyor engaged by the subdivider demonstrates to the satisfaction of the Committee that the appropriate Town officials were or should have been aware of a request to complete a checklist and the Town officials failed, refused or neglected to complete the checklist, despite diligent efforts by the subdivider or surveyor to convince the Town officials to do so, the Committee ~~shall may~~ waive the requirement of the checklist. The Committee shall not, however, waive the site testing requirement described in Section 18.11(B)(3)(~~ed~~) without written approval of the waiver by the Town.
- **Section 18.11(B)(5) is amended to read:** The County may refuse to approve the subdivision or assess costs if the Town requirements for public improvements are not complied with.
- **Section 18.12(A) is amended to read:** The subdivider shall submit two (2) legible copies of the preliminary plat or survey to the Director and the required number of legible copies for each of the reviewing agencies, as deemed necessary by the Director, listed in (B), below. In addition to the procedures set forth below, any ~~state~~ subdivision must comply with the provisions of Section 18.11 and Chapter 236.12 of the Wisconsin Statutes.

- **Section 18.11(B)(1)(c) is amended to read:** if a plat is not made pursuant to a CSM, the DOT if the subdivision abuts or adjoins a state trunk highway or a connecting road; and
- **Section 18.13(A) is amended to read:** A final plat shall substantially conform to the preliminary plat. An exception to this is the incorporation of written recommendations by the review committee. The subdivider may submit a final plat on a portion of the preliminary plat as part of a phased development. Subsequent final plats of a phased development shall conform to the approved preliminary plat, and shall be submitted within a timeframe approved by the Committee (or earlier), not to exceed ~~five (5) years~~ 36 months. Any final plat of a phased development submitted after ~~five (5) years~~ 36 months of the initial approval of the preliminary plat shall be reviewed as a new preliminary plat and shall conform to any and all regulations in effect at the time of the new submittal. Wetlands shall be shown on the final plat and be based upon on-site staking by a wetland delineator that may be reviewed by the County and/or DNR. CSM's shall not be accepted for final plats of major subdivisions, or for intermediate phases of phased final plats.
- **Section 18.13(C) is amended to read:** The subdivider shall submit all proposed restrictive covenants or deed restrictions in the final ~~draft version plat. It is a condition of approval of a final plat that the Director receives one (1) copy of such instrument after they are recorded, along with one (1) copy of the recorded plat.~~ plat.
- **Section 18.13(H) is amended to read:** After the Committee approves a final plat, and the town required improvements have either been installed, or an agreement and sureties insuring their installation has been filed, the Director shall certify the approval upon the plat. After certification of approval, the subdivider shall record the plat and all documents relating to the plat with the County Register of Deeds. The subdivider must provide to the Director, one (1) copy of the recorded plat and recorded documents. If copies of the recorded plat and other recorded documents are not provided to the Director within 30 days of the date of certification of final approval, the County approval of the plat is terminated.
- **Section 18.14(A)(3)(b) is amended to read:** The Director shall have the authority to take action on the final CSM without committee approval.
- **Section 18.15(A) is amended to read:** A replat is a change to the exterior boundaries of a previously platted subdivision or part thereof. A replat does not include the changing the interior boundaries within a previously recorded subdivision.
- **Section 18.15(B) is amended to read:** ~~Changing the interior boundaries within a previously recorded subdivision shall be deemed a subdivision under this Ordinance, if the change creates one or more lots or outlots of nineteen (19) acres or less and is not a replat. If a replat creates one or more lots or outlots, it shall be deemed a subdivision under this ordinance.~~
- **Section 18.16(C)(2) is amended to read:** The Town Board shall determine the applicable public road, private road, and driveway standards for any subdivisions within their jurisdiction. ~~In the absence of any local standards, the provision of Chapter 82.50 Wisconsin Statutes and the standards contained within Appendix A to this ordinance shall apply. The Town Board shall also approve the construction standards for private roads. All private roads must meet the same construction standards as public roads as required by the Town. Under no circumstances will the minimum width of right of way or easement for any public or private road be less than 66 feet.~~

- **Section 18.16(C)(3-6) are removed.**
- **Section 18.16(C)(8) is amended to read:** A resolution acknowledging a town road right-of-way width less than 66 feet, but at least 49.5 feet from the Town Board may be required for a subdivision review at the discretion of the Director as part of the Town requirements.
- **Section 18.16(D & E) are removed.**
- **Section 18.16(F)(5) is amended to read:** All lots shall front on a public or private road or driveway easement. ~~No more than two (2) lots may be served by a driveway easement. A lot not on a cul-de-sac shall have a minimum frontage of 66 ft. to facilitate the possible development of a public right-of-way that could service additional lots. A lot on a cul-de-sac shall have a minimum of 33 ft. of frontage on the cul-de-sac. No lot shall be approved that does not have access as specified in this Ordinance.~~
- **Section 18.16(F)(7) is removed.**
- **Section 18.16(F)(13) is amended to read:** Flag lots are allowed. ~~The access strip must be a minimum of 66 feet in width (33 feet on a cul-de-sac) or 33 feet in width when developed adjacent to another flag lot.~~ The area of the access strip shall not be included in the calculation for minimum lot size nor net project area.
- **Section 18.16(G) is removed.**
- **Section 18.17 is removed.**
- **Section 18.18 is removed.**
- **Section 18.19 is removed.**
- **Section 18.20(A) is amended to read:** ~~No land grading or site preparation, alteration of drainage ways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainage ways or the like, shall occur prior to approval of the preliminary plat or preliminary certified survey map, including by the Town and Committee approval of all plans for improvements, drainage and erosion control measures, ditches and culverts.~~
- **Section 18.23(E) is amended to read:** Any ~~person, partnership, corporation or other entity~~ Subdivider who fails to comply with the provisions of this Ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures issued by county staff as provided in Chapters 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes. These sections provide penalties for:
- **Appendix A is removed.**

➤ *Please note: All other provisions except for the changes listed above remain intact and unchanged in these ordinances.*

**PCLAR proposed uses:**

1. Hotels/motels
2. Restaurants
3. Dinner clubs
4. Drive-in food service
5. Catering
6. Taverns
7. Breweries, brew-pubs, wineries
8. Private clubs
9. Power generating stations
10. Churches
11. Cemeteries/burial sites
12. Institutions of a philanthropic or educational nature
13. Marinas
14. Boat liveries
15. Sale of boats and motors
16. Sporting goods and accessories
17. Forest industries
18. Snowmobile sales
19. Recreational archery
20. Custom rod building
21. Indoor archery range
22. Storage units
23. Licensed daycare centers.
24. Antique Stores
25. Art Galleries
26. Barber shop/ beauty shop
27. Community center
28. Coffee shop
29. Internet café
30. Real estate offices
31. Veterinarians
32. Recreational camps and campgrounds

**Barron County Business District permitted uses.**

- (a) Professional offices.
- (b) Automobile gas and service stations.
- (c) Taverns.
- (d) Farm implement dealers.
- (e) Farm feed and fertilizer dealers.
- (f) Fuel dealerships.
- (g) Ski hills.
- (h) Golf courses.
- (j) Retail stores and shops offering convenience goods and services.
- (k) Business and professional offices and studios.
- (l) Banks and Savings and Loan offices.
- (m) Public and semi-public buildings and institutions.
- (n) Commercial entertainment facilities.
- (o) Laundromats.
- (p) Restaurants.
- (q) Medical and dental offices.
- (r) Public and private marinas.
- (s) Recreation service oriented facilities.
- (t) Motels.
- (u) Rooming and boarding houses.
- (v) Mini-warehouse storage.
- (w) General merchandise stores.
- (x) Food stores.
- (y) Building materials, hardware, garden supplies.
- (z) Automotive dealers, mobile home dealers.
- (aa) Apparel and accessory stores.
- (bb) Furniture, home furnishings and equipment.
- (cc) General retail establishments.
- (dd) Real Estate offices.
- (ee) Civic, social and fraternal associations.
- (ff) Churches.

(gg) Community buildings  
(Local Government owned).

**Burnett County Commercial District permitted uses:**

- (1) Retail stores and shops offering convenience goods and services.
- (2) Business and professional offices and studios.
- (3) Banks and savings and loan offices.
- (4) Public and semi-public buildings and institutions.
- (5) Commercial entertainment facilities.
- (6) Laundromats.
- (7) Restaurants.
- (8) Taverns.
- (9) Medical and dental clinics.
- (10) Auto service stations and maintenance facilities.
- (11) Public and private marinas.
- (12) Recreation service oriented facilities
- (13) Motels and tourist homes.
- (14) Roominghouses and boardinghouses.
- (15) Farm implement sales firms.
- (16) Dwelling of owner or employee of a commercial establishment on the same or adjacent property.
- (17) Essential services and utilities intended to serve a permitted principal use on the premises.