

PROCEEDINGS OF THE DOUGLAS COUNTY BOARD OF SUPERVISORS
Thursday, September 20, 2007, 6:00 p.m., Board Room, Second Floor, Government Center
1316 North 14th Street, Superior, Wisconsin

Meeting called to order by Chairman Douglas Finn.

Pledge of Allegiance recited.

Roll call taken by County Clerk Susan T. Sandvick. There were 27 present, 1 absent. Absent and excused was John O'Brien. Youth representatives present were Naughton, Dalbec and Burger.

Motion by James O'Brien, second Hendrickson, to approve minutes of the August 16, 2007 meeting. Motion carried.

Oath of Office was administered by County Clerk Susan T. Sandvick to in-coming Youth Representative Alternates: Nate Dalbec, Lucas Geissler, Dominic Frost.

CLAIMS

Claim by United States against Douglas County arising out of a motor vehicle accident on October 6, 2005.

Notice of Claim from Attorney James W. Balmer on behalf of William M. Cunningham, against Douglas County arising from motor vehicle accident on October 6, 2005.

CORRESPONDENCE

Thirty-one items of correspondence were either received and filed or referred to the appropriate committees. County Board members can request a copy of any of the items by returning the Copy Request Form (attached to their agendas) to County Clerk

PRESENTATIONS

Judge Michael Lucci addressed the Board regarding the stalemate of the secure courtroom completion. Summarizing the Security and Facilities Committee, Buildings and Grounds Committee, and Sheriff's Department, and the courts' work on the project to date, Lucci requested the Administration Committee reconsider phasing the project. At minimum, starting the bidding process would provide a more accurate picture of costs, instead of relying on the architects' estimate, which is the very high end. Security has been the Security and Facilities Committee's first priority. The committee feels if the project is not completed over the next two years, it will never be built, thereby missing the opportunity for a secure courtroom, and decreasing any opportunity for a third judgeship. Administration Committee members were advised to contact Egan to request placement of the item on the Administration Committee agenda.

Matt Rudig, Congressman Obey's representative in the Superior office, addressed the Board briefly on his education and background. He highlighted Congressman Obey's work on the Appropriations Committee. Rudig welcomed Board members and the public to contact him with any issues.

Cathy Techtmann and Becky Sapper, UW-Extension Northern Great Lakes Visitors Center in Ashland, presented an overview of the National Estuarine Research Reserve, specifically Wisconsin's Freshwater Estuary Initiative. The importance of freshwater estuaries and site selection process were explained. Input on the site selection will be sought from the public and private sectors. This non-regulatory program will not adversely affect businesses. Browne advocated that

either the Land Conservation Committee or Environment, Agriculture and Extension Committee, bring a resolution of support for this initiative to the County Board. Discussion followed. It was suggested that this may be an excellent Superior Days issue.

ORDINANCES

**AMENDMENT TO ORDINANCE #8.3
FLOODPLAIN ZONING ORDINANCE
PRESENTED BY THE ZONING COMMITTEE**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

8.3 FLOODPLAIN ZONING ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This zoning ordinance is adopted pursuant to the authorization in ss. ~~59.97~~ **59.69** ~~59.971~~ **59.692** and ~~59.99~~ 59.694; and **the requirements in** s. 87.30, Wis. Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains; **and** rivers ~~or streams~~ of this municipality would ~~adversely affect~~ **impair** the public health, safety, convenience, general welfare, and ~~impair the~~ tax base.

1.3 STATEMENT OF PURPOSE

~~To regulate development in flood hazard areas to protect life, health and property the governing body does ordain:~~

~~The purpose of these rules is to:~~

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public monies for costly flood control projects;

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- (3) Minimize rescue and relief efforts, ~~generally undertaken at the expense of the tax paying public taxpayers;~~
- (4) Minimize business interruptions ~~which usually result in the loss of local incomes and other economic disruptions;~~
- (5) Minimize damage to public facilities ~~on in the floodplains such as water mains, sewer lines, streets and bridges;~~
- (6) Minimize the occurrence of future flood blight areas ~~on in the floodplains;~~
- (7) Discourage the victimization of unwary land and homebuyers; and
- (8) Prevent increases in regional flood heights that could increase flood damage and ~~may~~ result in conflicts or litigation between property owners-;
- (9) **Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.**

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Douglas County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

~~Areas regulated by this ordinance include all areas within the limits of the municipality that would be covered by the "regional flood" (defined in s. 10.1) and include "floodplain islands" (defined in s. 10.1) designated on the official map where emergency rescue and relief routes would be inundated by the regional flood.~~ **This ordinance regulates all areas that would be covered by the regional flood or base flood.**

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(2) **OFFICIAL MAPS AND REVISIONS**

The boundaries of the floodplain districts including the floodway, floodfringe and other floodplain districts, are those areas designated as floodplains or A-Zones on the following maps **listed below** and by elevation comparisons to the following regional flood elevations **the revisions in the Douglas County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate map (FIRM) must be reviewed and approved by the DNR and FEMA before effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Douglas County Zoning Administrator. If more than one map or revision is referenced, the most restrictive information shall apply.**

OFFICIAL MAPS: Based on the FIS

- A. Flood Insurance Study (FIS) maps with corresponding profiles that are based on the FIS study dated August 4, 1980. Prepared by the Federal Emergency Management Agency (FEMA).

Dated: February 4, 1981

Approved By: FEMA and the Department of Natural Resources (DNR)

- B. **Flood Insurance Rate Map (FIRM), 550538 0025 B through 550538 0875 B, dated: February 4, 1981**

Approved By: FEMA and the Department of Natural Resources

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C. Flood Boundary and Floodway Map (FBFW), 550538 475, 500, 650, 825 B, dated February 4, 1981.

B-D. Pattison Park Dam 100-Year Dam Failure Floodplain Map prepared by Short, Elliott, Hendrickson, Inc., Engineers, Architects and Planners.

Dated: May 1992

Approved By: The DNR

C-E. Hydraulic Shadow Map for Mooney Dam dated March 1995 and corresponding Floodway Data Table and Breach profile prepared by Ayres Associates Inc.

These maps, dated February 4, 1981, are the official floodplain zoning maps and have been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA), and are on file in the office of the Douglas County Zoning Administrator. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to par. (4) below.

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are hereby divided into three districts defined in s. 10.1 and as follows:

A. The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood waters.

B. The Floodfringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

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C. The General Floodplain District (GFP) consists of all areas which **is those areas that** have been or may be covered by flood water during the regional flood. It includes both the floodway and floodfringe districts.

(4) LOCATING FLOODPLAIN BOUNDARIES

A. ~~Where an apparent discrepancy exists between the location of the outermost boundary of the floodfringe district or general floodplain district shown on the official floodplain zoning map and actual field conditions, the location shall be initially determined by the zoning administrator using the criteria in paragraphs (b) or (c) below. Where the zoning administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in s. 8.0. Disputes between the zoning administrator and an applicant over the location of the district boundary line shall be settled according to s. 7.3 (3).~~

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

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(b) ~~Where flood profiles exist, the location of the district boundary line shall be determined by the zoning administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The zoning administrator shall have the authority to grant or deny a land-use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The zoning administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.~~

(a) **If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.**

c. ~~Where flood profiles do not exist, the location of the district boundary line shall be determined by the zoning administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the municipal governing body and the Department, the zoning administrator shall have the authority to grant or deny a land-use permit.~~

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(b) **Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspeciton and any information provided by the Department.**

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of **it is filled** at least two (2) feet above the regional **or base** flood elevation, the fill is contiguous to land ~~lying~~ outside the floodplain district, and the map is amended pursuant to s. 8.0. ~~To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.~~

(6) COMPLIANCE

Any development, as defined in s. 10.1, or use within the areas regulated by this ordinance shall be in ~~full~~ compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48 (13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.12 (4) (a) **30.2022**, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

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A:(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. ~~59.97~~ **59.69, 59.692** or ~~59.971~~ **59.694** or s. 87.30, Wis. Stats., which relates to floodplains. ~~except that where another municipal zoning ordinance~~ **If another ordinance** is more restrictive than ~~the provisions contained in this ordinance,~~ that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

B:(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. ~~However, where~~ **If** this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance ~~shall be held to be~~ **are the** minimum requirements liberally construed in favor of the governing body, and ~~shall be not be deemed~~ a limitation on or repeal of any other powers granted by the Wisconsin Statutes. ~~Where a~~ **If a** provision of this ordinance, is required by a standard in Ch. NR 116, Wis. Adm. Code, and ~~where the ordinance provision is unclear,~~ the provision shall be interpreted in light of the ~~Ch. NR 116~~ standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection ~~provided by~~ **standards in** this ordinance is ~~considered reasonable for regulatory purposes and is~~ **are** based on engineering experience and scientific ~~methods of study~~ **research**. Larger floods may occur or the flood height may be increased

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by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, ~~This ordinance does not imply or guarantee that areas outside of the delineated floodplain, or permitted land uses within the floodplain,~~ **non-floodplain areas or permitted floodplain uses** will be totally free from flooding and associated flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Douglas County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed

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building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

SECTION II. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) ~~No development, e~~ Except as provided in par. (23) below, shall be allowed in floodplain areas which will **no floodplain development shall:**
 - (a) ~~Cause an obstruction to~~ **Obstruct** flow, defined in s. 10.1 as any development which ~~physically blocks the conveyance of floodwaters by itself or in conjunction with future similar~~ **other** development, causing an ~~increase~~ **ing** in regional flood height; or
 - (b) ~~cause an i~~ **ncrease in** regional flood height due to floodplain storage area lost, which ~~is~~ **equals** ~~to or exceeding~~ **s** 0.01 foot;
- (23) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made

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to this ordinance, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with s. 8.0, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream unless a waiver is secured from FEMA for the 1.0 foot maximum increase.

- (32) The zoning administrator shall deny permits where if it is determined the proposed development will cause an obstruction to flow or increase in regional flood heights of 0.01 foot or greater more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

2.2 WATERCOURSE ALTERATIONS

Prior to any alteration or relocation of a watercourse, and prior to the issuance of any No land-use permit which may be required for the to alter ation or relocatione of a watercourse in a mapped floodplain shall be issued until the local zoning official shall has notified in writing; all adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA regional offices and shall required the applicant to secure all necessary state and federal permits. The flood carrying capacity within the of any altered or relocated portion of any watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department of Natural Resources, under ch. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids may be allowed provided if the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, BFE's established in the FIS, or other floodplain zoning maps or floodplain zoning ordinance, are made according to s. 8.0.

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2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) **The campground is approved by the Department of Health and Family Services.**
- (2) **A land use permit for the campground is issued by the zoning administrator.**
- (3) **The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.**
- (4) **There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.**
- (5) **This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations.**
- (6) **Only camping units are allowed.**
- (7) **The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.**
- (8) **All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.**

Roll Call		
District Number	Yes	No
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- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

SECTION III. FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

The provisions of this section apply to all areas mapped as floodway areas on the official floodplain zoning maps; and to those portions of the general floodplain district determined to be floodway according to the procedures in identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway ~~portion~~ areas of the general floodplain district, ~~providing if~~

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1:
- (1) Agricultural uses, such as: ~~general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming~~ and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

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- (3) Nonstructural private and public recreational uses, such as golf courses, tennis courts, ~~driving ranges,~~ archery ranges, picnic grounds, boat ~~launching ramps,~~ swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting ~~preserves,~~ ~~target ranges,~~ trap and skeet ~~ranges activities,~~ hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 3.3 (4).
- (4) Uses or structures accessory to open space uses, or ~~those~~ classified as historic structures, ~~that are not in conflict with the provisions in~~ **that comply with** s. 3.3 and 3.4 (Rev. federal rule Oct. 1990).
- (5) Extraction of sand, gravel or other materials according to s. 3.3 (4).
- (6) Functionally water-dependent uses such as: docks, piers or wharves, ~~including those used as part of a marina, and other water related uses such as~~ dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to chs. 30, **and** 31, Wis. Stats.
- (7) Public utilities, streets and bridges, ~~according to~~ **that comply with** s. 3.3 (3).

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

- (a) Any development in floodway areas shall ~~meet all of the provisions of~~ **comply with** s. 2.0; and have a low flood damage potential.
- (b) Applicants shall provide the following data ~~for the zoning administrator~~ to determine the effects of the proposal according to s. 2.1:
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or

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2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application ~~where it is determined if~~ the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b), above.

(2) **STRUCTURES:** ~~In, or over floodway areas, only s~~ Structures ~~which are accessory to permanent open space uses, those classified as historic structures, or are functionally dependant on a waterfront location;~~ may be allowed by permit, ~~providing if~~ the structures meet all of **comply with** the following criteria:

(a) The structures are not designed for human habitation, ~~or associated with~~ **and does not have a high flood damage potential;**

~~(b) The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;~~

(c) The structures are firmly anchored to prevent them from floating away and restricting bridge openings ~~or other restricted sections of the stream or river;~~ and

(d) The structures have all service facilities such as electrical and heating equipment at or above the flood protection elevation for the particular area.

(b) It must be anchored to resist flotation, collapse, and lateral movement;

(c) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

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(d) **It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.**

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, **provided that if:**

- (a) Adequate floodproofing measures are provided to the flood protection elevation; **and**
- (b) Construction ~~does not cause an increase in the regional flood height according to~~ **meets the development standards of s. 2.1,** ~~except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended, as needed to reflect any changes resulting from such construction.~~

(4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, **provided that if:**

- (a) The requirements of s. 2.1 are met;
- (b) ~~The fill or deposition of materials does not encroach on~~ **No material is deposited in the navigable** channel area ~~between the ordinary high water mark on each bank of the stream unless a permit has been granted is issued by the Department of Natural Resources pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution eControl Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this section are met;~~
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading ~~sufficient to prevent erosion;~~ **and provided that;** **and**
- (d) ~~Such fills are not associated with private or public solid waste disposal~~ **The fill is not classified as a solid or hazardous material.**

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Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ Lost _____ Refer _____ Amend _____ Other _____		
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3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, ~~within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway:~~

- (1) ~~Habitable S~~ structures in, on or over floodway areas which are designed for human habitation, **structures** associated with high flood damage potential, or ~~those~~ not associated with permanent open-space uses;
- (2) ~~The storage of any~~ **Storing** materials that are capable of ~~floating~~**buoyant**, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) ~~Any u~~ Uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (4) Any private or public sewage systems; , except portable latrines that are removed prior to flooding; and systems associated with recreational areas and Department- approved campgrounds; that meet the applicable provisions of local ordinances and ch. ~~HR~~ **COMM 83**, Wis. Adm. Code.
- (5) Any public or private wells which are used to obtain **potable** water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and chs. NR ~~111~~ **811** and NR ~~112~~ **812**, Wis. Adm. Code;
- (6) Any solid ~~and or~~ hazardous waste disposal sites; ~~whether public or private;~~
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15 (3) (b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

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SECTION IV. FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

~~The provisions of T~~ this section applies to all areas within the floodfringe district, as areas shown on the official floodplain zoning maps, and to those portions of the general floodplain district that are determined to be in the floodfringe area **identified** pursuant to s. 5.4.

4.2 PERMITTED USES

Any structures, land use, or development, ~~including accessory structures and uses, are is~~ allowed within the floodfringe district and floodfringe portions of the general floodplain district, provided that if the standards contained in s. 4.3 are met, that the use is not prohibited by this or any other ordinance or any other local, state or Federal regulation and that all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

(1) ~~All of the provisions of s~~ S. 2.1 shall apply in addition to the following requirements according to the use requested;

(21) RESIDENTIAL USES:

Any **habitable** structure or building used for human ~~habitation, including mobile/~~ a manufactured homes, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;:

(a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point two [2] feet above the regional flood elevation) on fill except where par. (b) is applicable. The fill elevation shall be one (1) foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize

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other floodproofing measures ~~where if the elevations of~~ existing streets or sewer lines are at elevations which make compliance with the fill standards impractical ~~provided the Board of Adjustment grants a variance due to dimensional restrictions.;~~

- (b) The basement or crawlway floor may be placed at the regional flood elevation ~~providing if~~ it is floodproofed to the flood protection elevation. No ~~permit or variance shall allow any~~ basement or crawlway floor is **allowed** below the regional flood elevation.
- (c) Contiguous dryland access, ~~defined in s. 10.1. as a vehicle access route above regional flood elevation,~~ shall be provided from a structure or building to land which is outside of the floodplain, except as provided in par. (d).
- (d) In ~~existing~~ developments where existing streets or sewer lines are at elevations which make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, ~~provided if:~~
 - 1. The municipality has written assurance from the ~~appropriate local units of~~ police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles; ~~considering the anticipated depth, duration and velocity of the~~ **during a** regional flood event; or
 - 2. The municipality has a ~~n~~ adequate natural disaster plan ~~concurred with the~~ **Division of approved by Wisconsin** Emergency Government and approved by **Management and** the Department.

(3-2) ACCESSORY STRUCTURES OR USES:

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(a) **Except as provided in par.(b), A**—an accessory structure or use as defined in s. 10.1, **which is** not connected to a principal structure, including nonresidential agricultural structures, shall meet all the applicable provisions of ss. 3.3 (2), (a), (c), (d), and (6) below. A lesser degree of protection, compatible with these criteria and the criteria in sub. (4) may be permissible for an accessory structure or use providing that the site is not inundated to a depth greater than 2 (two) feet or subjected to flood velocities greater than 2 (two) feet per second during the regional flood **may be constructed with its lowest floor at or above the regional flood elevation.**

(b) **An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional floor elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 3.3(2)(a),(b),(c) and (d) and 4.3(5) below.**

(4-3) COMMERCIAL USES:

Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet the requirements of s. 4.3 (2-1). **Subject to the requirements of s 4.3(5), S**—storage yards, **surface** parking lots and other accessory structures or land **such** uses may be **placed** at lower elevations, ~~if~~ subject to the requirements of sub. (6). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second during the regional flood. ~~Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.~~

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(5-4) MANUFACTURING AND INDUSTRIAL USES:

Any manufacturing or industrial structure ~~or building~~ which is ~~to be erected, constructed, reconstructed,~~ altered or moved into the floodfringe area shall be protected to the flood protection elevation ~~utilizing~~ **using** fill, levees, floodwalls, ~~adequate or other~~ flood proofing measures in accordance with s. 7.5; ~~or any combination thereof.~~ ~~On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations.~~ A lesser degree of protection, compatible with the criteria in par. (4) and (6) may be permissible ~~for~~ **Subject to the requirements of s. 4.3(5)**, storage yards, **surface** parking lots and other accessory structures ~~or such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.~~

(6-5) STORAGE MATERIALS:

~~The storage of m-~~ **Materials** that are buoyant, flammable, explosive, or ~~which in times of flooding, could be injurious to property, water quality or human, animal, plant, fish or aquatic life,~~ shall be **stored** at or above the flood protection elevation for the particular area or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ~~assure~~ **ensure** that said materials will not enter the ~~river or stream~~ **water body** during flooding.

(7-6) PUBLIC UTILITIES, STREETS AND BRIDGES:

All utilities, streets and bridges ~~should~~ **shall** be designed to be compatible with ~~the local~~ comprehensive floodplain development plans; and

- (a) When failure ~~or interruption~~ of public utilities, streets and bridges would ~~result in~~ **endanger** to ~~the~~ public health or safety, or where such facilities are **deemed** essential ~~to the orderly functioning of the area,~~ construction of and substantial improvements to such facilities may only be permitted if they are floodproofed, in compliance with s. 7.5, to the flood protection elevation;

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(b) ~~Minor or auxiliary~~ roads or nonessential utilities may be constructed at lower elevations **providing they if they are designed to** withstand flood forces to the regional flood elevation.

~~(8-7)~~ **SEWAGE SYSTEMS:**

All on-site sewage disposal systems shall be floodproofed, **pursuant to s. 7.5**, to the flood protection elevation and shall meet the ~~applicable~~ provisions of all local ordinances and ch. ~~HLR~~ **COMM 83**, Wis. Adm. Code.

~~(9-8)~~ **WELLS:**

All ~~public or private~~ wells shall be floodproofed, **pursuant to s. 7.5**, to the flood protection elevation; ~~pursuant to s. 7.5~~, and shall ~~be~~ meet the ~~applicable~~ provisions of chs. NR 111 and NR 112 , Wis. Adm. Code.

~~(10-9)~~ **SOLID WASTE DISPOSAL SITES:**

All ~~public or private~~ **Disposal of** solid or hazardous waste ~~disposal sites are is~~ prohibited in floodfringe areas.

~~(11-0)~~ **DEPOSITION OF MATERIALS:**

Any ~~materials deposited~~ **material** for any purposes ~~may only be allowed if~~ **must meet** all the provisions of this ordinance ~~are met~~.

~~(12-1)~~ **MOBILE HOMES AND MANUFACTURED HOMES:**

(a) Owners or operators of all ~~mobile/~~ manufactured home parks and subdivisions ~~located in the regional floodplain~~ shall provide ~~for~~ adequate surface drainage to minimize flood damage, and prepare, secure approval **of** and file an evacuation plan, indicating vehicular access and escape routes, with ~~the~~ **appropriate** local emergency management authorities.

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(b) In existing ~~mobile~~ **manufactured** home parks, [see definition 10.1 (13)] all new homes with new pads, replacement ~~units~~ **homes** on existing pads, and substantially improved ~~mobile/manufactured~~ homes and recreational vehicles that remain on-site in excess of 180 days, or are unlicensed or not ready for highway use and which are placed or improved on a site located in the regional floodplain shall:

1. have the lowest floor elevated to the ~~regional flood~~ **protection** elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood.

(c) Outside of existing mobile home parks, including new ~~mobile~~ **manufactured** home parks, and all single units outside of existing parks; all new, replacement and substantially improved ~~mobile/manufactured~~ homes and recreational vehicles that remain on-site more than 180 days, which are unlicensed or are not ready for highway use, shall meet the residential development standards for the floodfringe in s. 4.3 (2-1).

(12) MOBILE RECREATIONAL VEHICLES:

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3(11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

SECTION V. GENERAL FLOODPLAIN DISTRICT (GFP)

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5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains for which "regional flood" data, as defined in Section 10.1 is ~~profiles are~~ not available, or where regional flood data is ~~profiles are~~ available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be designated in the floodfringe district or floodway district, as appropriate. **Floodway and floodfringe districts shall be delineated when adequate data is available.**

5.2 PERMITTED USES

The general floodplain district encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to s. 5.4, ~~to it shall be~~ determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodways (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3 and provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Once it is determined according to s. 5.4 that a proposed use is located within a floodway, the provisions of s. 3.0 shall apply. Once determined that the proposed use is located within the floodfringe, the provisions of s. 4.0 shall apply. **S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas.** All provisions of the remainder ~~The rest of this ordinance apply-ies~~ to either district.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (1) Require the applicant to submit, ~~at the time of application, two copies of an aerial photograph, or a plan which accurately locates~~ **shows** the proposed development with respect to the general floodplain

Roll Call		
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district limits, ~~channel of stream~~ **channel**, and existing floodplain development, ~~together along~~ with all pertinent information such as the nature of the proposal, a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(2) Require the applicant to furnish any of the following ~~additional information as is deemed necessary by the Department for to evaluation~~ of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway **boundaries:**

- (a) A typical valley cross-section showing the ~~channel of the stream~~ **channel**, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information.
- (b) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and ~~spatial arrangement~~ **layout** of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
- (c) Profile showing the slope of the bottom of the channel or flow line of the stream.
- (d) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(3) Transmit one copy of the information described in pars. (1) and (2) to the Department ~~District~~ **Regional** Office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1 (2) (c) apply, the applicant shall provide all required information and computations, to

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delineate floodway boundaries and the effects of the project on flood elevations.

SECTION VI. NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

~~Insofar as the standards in this section are not inconsistent with the provisions of~~ **If these standards conform with s. 59.9769** (10), Stats., they shall apply to all **modifications or additions to any nonconforming uses and nonconforming structures.** ~~These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.~~

(2) The existing lawful use of a structure ~~or building~~ or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions;

(a) No modifications or additions to a nonconforming use or a ~~nonconforming structure~~ shall be permitted unless they ~~are made in conformity~~ **comply** with the provisions of this ordinance for the area of the floodplain ~~occupied~~. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered **an extension**, modifications or additions; these include ~~internal and external~~ painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. **Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.**

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The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
- (c) ~~As requests are received by the municipality or modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept~~ **keep a record** which lists ~~the all~~ nonconforming uses and nonconforming structures, their present equalized assessed value, ~~and the cost of those all additions or modifications or additions~~ which have been permitted, and the percentage of the structure's total current value those modifications represent.
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3 (2-1). **The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;**
- (e) 1. **Except as provided in subd. 2.,** If any nonconforming structure or any structure with a nonconforming use is

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destroyed or is so badly ~~substantially~~ damaged, that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the **current ordinance** requirements of this ordinance. For the purpose of this subsection, restoration is deemed impractical where ~~A structure is considered substantially damaged if the total cost of such restoration to restore the structure to its pre-damaged condition would exceed 50% of the structure's present equalized assessed value of the structure.~~

2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

- (f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

6.2 FLOODWAY AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

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- (a) Has been granted a permit or variance which meets ~~the floodway requirements of this~~ **all ordinance requirements; and**
 - (b) Meets the requirements of s. 6.1; ~~and~~
 - (c) Will not increase the obstruction to flood flows or regional flood height, ~~and~~
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;;
 - (e) **If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:**
 - 1. **The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;**
 - 2. **The part of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;**
 - 3. **Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and**
 - 4. **The use must be limited to parking or limited storage.**
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal

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system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. ~~HR~~ **COMM** 83, Wis. Adm. Code.

- (3) No new well or modification to an existing well; used to obtain **potable** water for ~~ultimate human consumption~~, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. NR ~~811~~ and NR ~~812~~, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality. ~~and in addition~~, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3 (2) is applicable.
- (2) Where compliance with the provisions of par. (1) would result in unnecessary hardship, ~~and only~~ where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted **provided if**:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures; ~~and~~
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two (2) feet;

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- (e) Flood velocities will not exceed two (2) feet per second; and
 - (f) The structure will not be used for storage of materials described in s. 4.3 (6).
- (3) If neither the provisions of par. (1) or (2) above can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe on a one-time basis only, if the addition:
- (a) Meets all other regulations and will be granted by permit or variance;
 - (b) Does not exceed 60 (sixty) square feet in area; and
 - (c) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. ~~HR~~ **COMM** 83, Wis. Adm. Code.
- (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR ~~†811~~ and NR ~~†812~~, Wis. Adm. Code.

SECTION VII. ADMINISTRATION

Where a Zoning Administrator, Planning Agency or a Board of Adjustment has already been appointed to administer a zoning ordinance adopted under ss. ~~59.97 or 59.971~~ **59.69, 59.692 or 62.23(7)**, Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

- (1) The Zoning Administrator is hereby authorized to administer the provisions of this ordinance and shall have the following duties and powers:

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- (a) Advise applicants of the ~~provisions of this ordinance~~ **provisions**; assist them in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.**
- (c) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 4. All substantial damage assessment reports for floodplain structures.**
- (d) Submit copies of the following items to the Department ~~district~~ **Regional** office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of any case-by-case analyses, and any other information required by the Department including an annual

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summary of the number and types of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- (e) Investigate, prepare reports, and report violations of this ordinance to the appropriate municipal zoning agency and the municipal attorney for prosecution. Copies of the violation reports shall also be sent to the Department ~~District~~ **Regional Office**.
- (f) Submit copies of text and map amendments and biennial reports to the regional office of FEMA **Regional Office**.

(2) LAND-USE PERMIT

A land use permit shall be obtained ~~from the zoning administrator~~ before any new "development", as defined in s. 10.1, or any **structural repair** change in the use of a ~~n existing~~ building or structure, including sewer disposal systems and water supply facilities, may be initiated. Application shall be made to the zoning administrator upon furnished application forms and shall include the following data:

(a) GENERAL INFORMATION

- 1. Name and address of the applicant, property owner and contractor-builder;
- 2. Legal description; of the property, type of proposed use, and an indication as to whether **it is** new construction or a modification to an existing structure is involved;

(b) SITE DEVELOPMENT PLAN

~~The A~~ site development plan shall be drawn to scale and **shall be** submitted as a part of **with** the permit application form and shall contain the following information:

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1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and center lines of all abutting streets or highways;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using **the vertical datum from the adopted study - either National Geodetic and Vertical Datum (NGVD or North American Vertical Datum (NAVD))**;
8. Data sufficient to determine the regional flood elevation in NGVD **or NAVD** at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; **and**
9. Data ~~sufficient~~ to determine if the proposed development will cause ~~either~~ an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3 (1).

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(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 (five) acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - b. A map showing location and details of vehicular access to lands outside the floodplain; **and**
 - c. A surface drainage plan with ~~adequate details~~ showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, ~~electrical and plumbing utilities~~, and similar other pertinent items reasonably applied to ~~the overall development costs~~, but need not include land costs.

2. ~~The Department will determine regional flood elevations and evaluate the proposal where the applicant is not required to provide computations as above, and inadequate data exists. The municipality may transmit additional information, such as the data in s. 5.4 (2) where appropriate, to the Department with the request for analysis.~~

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(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire ~~1 year from the date of~~ **730 days after** issuance.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt, **repaired**, or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.

(b) Application for such certificate shall be concurrent with the application for a permit.

(c) **If all ordinance provisions are met**, ~~the~~ certificate of compliance shall be issued within 10 days after written notification ~~of completion of that~~ **the permitted** work specified in the permit, ~~provided the building or premises or proposed use conforms with all the provisions of this ordinance is completed.~~

(d) The applicant shall submit a certification signed by a registered professional engineer, **architect** or ~~registered~~ land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or ~~registered~~ architect that floodproofing ~~adequacy~~ **measures** meets the requirements of s. 7.5.

(4) OTHER PERMITS

The applicant must secure all ~~other~~ necessary permits from ~~all appropriate~~ federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334.

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7.2 ZONING AGENCY

- (1) The Douglas County ~~Zoning and Planning~~ **and Zoning** Committee shall:
- (a) oversee the functions of the office of the Zoning Administrator; and
 - (b) review and ~~make recommendations to~~ **advise** the Governing body on all proposed amendments to this ordinance, maps and text.
- (2) This zoning agency shall not:
- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment; ~~nor~~
 - (b) amend the text or zoning maps in place of official action by the ~~G~~**G**overning body.

7.3 BOARD OF ADJUSTMENT

The ~~appropriate~~ **Board of Adjustment** created under s. 59.99694, Stats., is hereby authorized or shall be appointed to act as the ~~Board of Adjustment~~ for the purposes of this ordinance. The ~~Board of Adjustment~~ shall exercise the powers conferred by Wis. Stats., and adopt rules for the conduct of business. The Zoning Administrator may not be the Secretary of the Board.

- (1) POWERS AND DUTIES: The Board of Adjustment shall:
- (a) Appeals - 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 ordinance.
 - (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (c) Variances - Hear and decide, upon appeal, variances from the ~~dimensional ordinance~~ standards of this ordinance.

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(2) APPEALS TO THE BOARD

(a) Appeals to the Board may be taken by any person aggrieved or by any officer; ~~or department, board or bureau~~ of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all ~~the papers constituting the records concerning~~ **regarding** the matter appealed

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The Board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
- c. Assure that notice shall be mailed to the parties in interest and the ~~district office of the~~ Department **Regional Office** at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent ~~or attorney~~. The Board shall:

- a. Resolve boundary disputes according to s. 7.3 (3);
- b. Decide variance applications according to s. 7.3 (4);

Roll Call		
District Number	Yes	No
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26. Johnson, Carol		
27. Stewart		
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c. Decide appeals of permit denials according to s. 7.4.

(c) DECISIONS: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the ~~district office of the~~ Department **Regional Office** within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a variance;
6. Include the reasons ~~or justification~~ for granting an appeal, ~~with a description of the~~ **describing the** hardship ~~or practical difficulty~~ demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board of ~~Adjustment~~ in hearing disputes concerning ~~the district boundaries shown on the official floodplain~~ **district boundaries zoning map**:

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(a) ~~Where~~ **If** a floodplain district boundary is established by approximate or detailed floodplain studies, the ~~regional~~ flood elevations or profiles for the point in question shall be the governing factor **prevail** in locating the ~~district~~ boundary. If ~~no regional flood elevations or profiles are available to the Board~~ **none exist**, other available evidence may be examined.

(b) In all cases, the person contesting the ~~location of the district boundary~~ **location** shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Adjustment.

(c) ~~Where it is determined that the district~~ **If the** boundary is incorrectly mapped, the Board should inform the Zoning Committee or the person contesting the ~~location of the~~ boundary **location** to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE

(a) The Board of Adjustment may, upon appeal, grant a variance from the dimensional standards of this ordinance ~~where if~~ an applicant convincingly demonstrates that:

1. Literal enforcement of the provisions of the ordinance will **result in practical difficulty or cause** unnecessary hardship ~~on the applicant~~;
2. The hardship is due to adoption of the floodplain ordinance and **special unique property** conditions ~~unique to the property~~; , not common to a ~~group of adjacent lots or premises~~. (In such case the ordinance or map must be amended);
3. ~~Such~~ **The** variance is not contrary to the public interest;
4. ~~Such~~ **The** variance is consistent with the purpose of this ordinance in s. 1.3.

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(b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance may not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(b-c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created;
4. Damage the rights or property values of other persons in the area;
- ~~5. Permit a lower degree of flood protection in the floodplain than the flood protection elevation;~~
- ~~6. Allow any floor of a basement or crawlway below the regional flood elevation for residential or commercial structure;~~

Roll Call		
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75. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.

8-6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(cd) When a **floodplain** variance is granted in a ~~floodplain area~~ the Board shall notify the applicant in writing that **it may** increased flood insurance premiums and risks to life and property ~~may result~~. A copy of this ~~notification~~ shall be maintained with the variance ~~appeal~~ record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board of Adjustment shall review all data ~~constituting the basis for related to the appeal of permit denial~~. This data may include ~~(where appropriate)~~:

- (a) Permit application data listed in s. 7.1 (2);
- (b) Floodway/floodfringe determination data in s. 5.4;
- (c) Data listed in s. 3.3 (1) (b) ~~2~~; where the applicant has not submitted this information to the Zoning Administrator.
- (d) Other data submitted ~~to the zoning administrator~~ with the permit application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

- (a) Follow the procedures of s. 7.3;
- (b) Consider Zoning Agency recommendations;
- (c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

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- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
- (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 ~~feet~~ **foot** provided no other reasons for denial exist.

7.5 FLOODPROOFING

- (1) No permit or variance shall be issued until the applicant submits a plan ~~or document~~ certified by a registered professional engineer or architect that the floodproofing measures ~~are adequately designed to~~ **will** protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
 - (a) Withstand ~~the~~ flood pressures, depths, velocities, uplift and impact forces, and other ~~factors associated with the regional flood~~ **factors**;
 - (b) Assure protection to the flood protection elevation;
 - (c) ~~Provide anchorage of~~ **Anchor** structures to foundations to resist flotation and lateral movement;
 - (d) Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding, ~~without human intervention.~~
- (3) Floodproofing measures could include:
 - (a) ~~Reinforcing~~ **menting** of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

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- (b) ~~Additioning~~ of mass or weight to structures to prevent flotation;
- (c) ~~Placemnting~~ of essential utilities above the flood protection elevation;
- (d) ~~Installing~~ ~~S~~ surface or subsurface drainage systems, ~~including pumping facilities,~~ to relieve ~~external~~ foundation wall and basement floor pressures;
- (e) ~~Constructioning~~ of water supply wells, and waste treatment systems to prevent the ~~entrancey~~ of flood waters ~~into the systems~~;
- (f) ~~Putting~~ ~~C~~ cutoff valves on sewer lines or ~~eliminationng~~ of gravity flow basement drains.

7.6 PUBLIC INFORMATION

- (1) ~~Where useful, Place~~ marks on ~~bridges or buildings or other markers may be set~~ structures to show the depth of inundation during the regional flood at appropriate locations within the floodplain.
- (2) All available information in the form of maps, engineering data and regulations shall be readily available and ~~should be~~ widely distributed.
- (3) All legal descriptions of property in the floodplain ~~real estate transfers~~ should include information relative to the ~~show what~~ floodplain zoning classification when such ~~district any real~~ property is transferred in.

SECTION VIII. AMENDMENTS

8.1 GENERAL

The governing body may change or supplement the **floodplain zoning district** boundaries of the floodplain zoning districts and the regulations contained in this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area;

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- (2) Correction of ~~significant~~ discrepancies between the water surface profiles and floodplain zoning maps;
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (4) Any fill or ~~encroachment into the floodplain~~ **encroachment** that will obstructs flow, causing an ~~increasing~~ **ing** of 0.01 foot or more in regional flood height **0.01 foot or more**;
- (5) Any ~~upgrading to a~~ **ing to a** of floodplain zoning ordinances text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) **All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.**

8.2 PROCEDURES

~~Amendments to this Ordinance~~ **amendments** may be made upon petition of any interested party according to the provisions of s. 59.97-69, Stats. Such petitions shall include all necessary data required by ss. 5.4 and 7.1 (2).

- (1) ~~Copies of any~~ **The proposed** amendment ~~proposed~~ shall be referred to the Zoning Agency for a public hearing and recommendation to the governing body. ~~Copies of t~~ **The proposed** amendment and notice of the public hearing shall be submitted to the ~~appropriate District Office of the Department of Natural Resources~~ **Regional Office** for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.97 ~~69~~, Stats.
- (2) No amendments ~~to the maps or text of this ordinance~~ shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment ~~which involves an~~ **that** obstructions to flow, causing an ~~increasing~~ **ing** of 0.01 foot or more in the height of the regional flood **height 0.01 foot or more**, shall obtain

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flooding easements, or other appropriate legal arrangement; from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

- (4) ~~When considering amendments to the official floodplain zoning map, where~~ **For amendments** in areas ~~where with~~ no water surface profiles exist, the Zoning Agency or Board shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See s. 1.5 (4).)

SECTION IX. ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than ~~\$10.00~~ **\$50.00** and not more than ~~\$100.00~~ **\$200.00**, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30 Stats.

SECTION X. DEFINITIONS

- 10.1 Unless specifically defined below, words and phrases used in this ordinance shall have ~~the same meaning as they have at their~~ common law **meaning** and ~~to give this ordinance its most reasonable application shall be applied in accordance with their common usage.~~ 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 **is** not discretionary.

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

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District Number	Yes	No
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- (2) "ACCESSORY STRUCTURE OR USE" - A ~~detached subordinate structure or a use which is clearly~~ **facility, structure, building or use which is accessory or incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal of a property,** structure or use ~~building.~~
- (3) **"BASE FLOOD"** - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (3-4) "BASEMENT" - Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- (4-5) "BUILDING" - See STRUCTURE.
- (5-6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance approved by the Department of Natural Resources pursuant to s. 30.11, Stats., 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 ordinance.
- (7) **"CAMPGROUND"** - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites of nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (8) **"CAMPING UNIT"** - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- (6-9) "CERTIFICATE OF COMPLIANCE" - A certification ~~issued by the Zoning Administrator~~ stating that the construction and

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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 ordinance.

- (710) "CHANNEL" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (811) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for ~~limited~~ access to plumbing and electrical utilities.
- (12) **“DECK” - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.**
- (913) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- (104) "DEVELOPMENT" - ~~means a~~ Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or ~~substantial improvements~~ **alterations** to buildings, structures or accessory structures; **the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement;** the placement of buildings or structures; **subdivision layout and site preparation;** mining, dredging, filling, grading, paving, excavation or drilling operations; ~~and the~~ storage, deposition or extraction of materials **or equipment;** **and the installation, repair or removal of** public or private sewage disposal systems or water supply facilities.
- (1+5) "DRYLAND ACCESS" - ~~means a~~ A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain,

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such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

- (12-6) "ENCROACHMENT" - Any fill, structure, **equipment**, building, use or development in the floodway.
- (137) "EXISTING MANUFACTURED OR MOBILE-HOME PARK OR SUBDIVISION" - A parcel (or continuous parcels) of land, divided into two or more ~~mobile~~ **manufactured** 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 ordinance. **At a minimum, this would include the installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.**
- (14-8) "EXPANSION TO EXISTING MOBILE/ MANUFACTURED HOME PARK" - means ~~t~~The preparation of additional sites by the construction of facilities for servicing the lots on which the ~~mobile~~ **manufactured** homes are to be ~~placed~~ **affixed**. This includes installation of utilities, **construction of streets and** either final site grading, ~~pouring pads, or the construction~~ **pouring of streets concrete pads**.
- (159) "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).
- (20) "**FLOOD INSURANCE RATE MAP**" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Roll Call		
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(†621) "FLOOD" or "FLOODING" - ~~means a~~ **A** general and temporary condition of partial or complete inundation of normally dry land areas caused by **one of the following conditions:**

- (a) The overflow or rise of inland waters;
- (b) The rapid accumulation or runoff of surface waters from any source; ~~and~~
- (c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of **Lake Michigan or Lake Superior; and**
- (d) The sudden increase caused by an unusually high water level in a 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.

(†722) "FLOOD FREQUENCY" - ~~†~~The probability of a flood occurrence which 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.

(†823) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

(†924) "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~~ **This** map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) **until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.**

Roll Call		
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(205) "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/**base** 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.

(216) "FLOODPLAIN" - ~~That~~ Land which has been or may be hereafter covered by flood water during the regional flood. ~~The floodplain~~ **It** includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(227) "FLOODPLAIN ISLAND" - ~~a~~ **A** natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(238) "FLOODPLAIN MANAGEMENT" - ~~means the full range of public p~~ **Policy and Procedures** and ~~action for to insure~~ wise use of floodplains, **including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.** ~~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.~~

(249) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(2530) "FLOODPROOFING" - ~~means any~~ **Any** combination of structural provisions, changes or adjustments to properties and structures,

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water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

- (2631) "FLOOD PROTECTION ELEVATION" - An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- (2732) "FLOOD STORAGE" - ~~means~~ ~~t~~ Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (2833) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (2934) "FREEBOARD" - ~~means a flood protection elevation requirement designed as a~~ **A** safety factor ~~which is usually expressed in terms of a~~ specified number of feet above calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. ~~These factors include~~ **ing** ~~but are not limited to,~~ ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of **watershed** urbanization ~~on the hydrology of the watershed,~~ loss of flood storage areas due to development and aggregation of the river or stream bed.
- (305) "HABITABLE BUILDINGS STRUCTURE" - ~~means any building,~~ **Any structure** or portion thereof used or designed for human habitation.
- (316) "HEARING NOTICE" - ~~means~~ ~~p~~ **Publication** or posting meeting the requirements of Ch. 985, Stats. **For appeals, a Class 1 notice is the minimum required for appeals. P** ~~published~~ **published** once at least one week (7 days) before the hearing **is required. For all zoning ordinances and amendments, a 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 (7 days)**

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before the hearing **is required**. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(327) "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.

(338) "HISTORIC STRUCTURE" - ~~a~~ Any structure that is **either**:

- (a) 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;
- (b) 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;
- (c) 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
- (d) 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.

(349) "INCREASE IN REGIONAL FLOOD HEIGHT" - ~~Means a~~ ~~A~~ calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, ~~resulting by~~ **based on a**

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comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(3540) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(3641) "~~MOBILE HOME~~ or "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 this ordinance, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle".~~

(42) "**MOBILE RECREATIONAL VEHICLE**" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. **Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".**

(3743) "MUNICIPALITY" or "MUNICIPAL" - ~~means~~ ~~†~~The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

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(44) **“NAVD” or “NORTH AMERICAN VERTICAL DATUM” - Elevations referenced to mean sea level datum, 1988 adjustment.**

(3845) **"NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - means - Elevations referenced to mean sea level datum, 1929 adjustment.**

(46) **“NEW CONSTRUCTION” - For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.**

(3947) **"NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance 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~~ lowest floor is lower than the flood protection elevation, the structure is nonconforming.)**

(408) **"NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)**

(419) **"OBSTRUCTION TO FLOW" - ~~means a~~ Any development which physically blocks the conveyance of floodwaters such that this**

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development ~~by itself or in conjunction~~ **alone or together** with any future similar development will cause an increase in regional flood height.

- (4250) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5 (2), which has been approved by the Department of ~~Natural Resources~~ and FEMA.
- (4351) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- (4452) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (4553) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (4654) "PRIVATE SEWAGE SYSTEM" - ~~means a~~ **A** sewage treatment and disposal system serving ~~a single~~ **one** structure with a septic tank and soil absorption field located on the same parcel as the structure. ~~This term~~ **It** also means an alternative sewage system approved by the Department of ~~Industry, Labor and Human Relations~~ **Commerce**, 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.
- (4755) "PUBLIC UTILITIES" - ~~means~~ ~~t~~ 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.

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(56) **“REASONABLY SAFE FROM FLOODING”** - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(4857) **"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. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

(58) **“START OF CONSTRUCTION”** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds nor occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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(4959) "STRUCTURE" - a Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(60) 'SUBDIVISION' - Has the meaning given in s. 236.02(12), Wis. Stats.

(50) "SUBSTANTIAL IMPROVEMENT" - Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the improvement began, was identified by a municipal official and are necessary to assure safe living conditions;

(b) Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure.

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. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that

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alteration affects the external dimensions of the structure.

(61) **“SUBSTANTIAL DAMAGE” - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.**

(5162) **“UNNECESSARY HARDSHIP” - ~~w~~Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.**

(5263) **“VARIANCE” - ~~a~~An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.**

(64) **“VIOLATION” - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.**

(5365) **“WATERSHED” - ~~means t~~The entire region ~~or area~~ contributing runoff or surface water to a particular watercourse or body of water.**

(5466) **“WATER SURFACE PROFILE” - ~~means a~~A graphical representation showing the elevation of the water surface of a watercourse for each position along a ~~research~~ reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.**

(5567) "WELL" - means a An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Thompson, to adopt. Discussion followed on the required engineering studies which used to be the DNR's responsibility, and now require an engineer. This will truly hurt trail associations in terms of trail maintenance. Rannenberg summarized the history of the Floodplain Ordinance. Originally, the responsibilities were with FEMA, then the DNR, and now passed on to the counties. The Douglas County Zoning Department recommended adopting the DNR's model ordinance. FEMA deadlines were set for the states, and the counties were given six months by the state to comply. Discussion ensued on use of the FEMA map for floodplain identification. A county's ability to be involved in the National Flood Insurance Program is contingent on adoption of these amendments and compliance with these regulations, and no private insurance company can provide flood insurance without it. Motion carried.

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**AMENDMENT TO ORDINANCE #8.0
ZONING ORDINANCE
PRESENTED BY THE ZONING COMMITTEE**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

WHEREAS, the Douglas County Zoning Committee held a public hearing on September 12, 2007, on the following petitions for amendment of the county zoning district ordinance map:

- (1) Part of Government Lot 1, known as Parcel 3, Section 10, T46N-R11W, (BE-004-00090-00/Minnesuing Acres Dr.), Town of Bennett, from the C-1: Commercial zoning district to the RR-1: Residential-Recreation zoning district, by Jacqueline Lange, P.O. Box 247, Lake Nebagamon, Wisconsin, referred from the August 8, 2007 meeting. Intended use: Residential; and
- (2) Part of the SW1/4 of the SW1/4, Section 24, T46N-R12W, (BE-004-00721-00/County Road L), Town of Bennett, from the R-2: Residential zoning district to the R-1: Residential zoning district, by the Town of Bennett, c/o 8451 S County Road E, Bennett, Wisconsin. Intended use: Fire Hall.

WHEREAS, proof of publication of the notice of the public hearing, and proof of giving notice to the town clerks of the hearing are as shown in Exhibit A-9-07.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and approve the petitions contingent on receipt of approval letters from the respective town boards.

BE IT FURTHER RESOLVED that the County Clerk notify the town clerks of this action.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by C. Johnson, second Baker, to adopt. Motion carried.

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RESOLUTIONS

Motion by Baker, second Martin, to suspend agenda and take up Resolution #82-07. Motion carried.

**RESOLUTION #82-07
RESOLUTION BY THE ZONING COMMITTEE**

Subject: Zoning District Map Amendment Denied

WHEREAS, the Douglas County Zoning Committee held a public hearing on September 12, 2007, on the following petition for amendment of the county zoning district ordinance map:

SW1/4 of the SW1/4, Section 35 and in Part of the SE1/4 of the SE1/4 (Lying E of Beaugard Lake Rd), Section 34, T45N-R10W, (HI-016-00650-00 & 000634-01 / Beaugard Lake Rd), Town of Highland, from the F-1: Forestry zoning district to the R-2: Residential zoning district, by Equity Trust Company Custodian FBO, c/o Michael J. Gottwald, 673 4th Avenue N, Park Falls, Wisconsin. Intended use: Residential.

WHEREAS, proof of publication of the notice of the public hearing, proof of giving notice to the town clerk of the hearing, and correspondence from the town, are as shown in Exhibit E-9-07, and

WHEREAS, understanding that the Town of Highland gave its approval, and despite receiving recommendation for approval, the Zoning Committee unanimously denied the petition following discussion by members of the Beaugard Lake Association and adjoining property owners who expressed concerns of adverse impacts of increased development near the lake.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Zoning Committee and deny the petition.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by Baker, second C. Johnson, to adopt. Motion by Martin, second Browne, to allow audience to speak on the denial. Motion carried. Sherry Amys, Jim Tracy, and Rory Braenne spoke in support of the denial. A petition supporting denial, signed by 64 property owners in the Beaugard Lake area, was submitted to the County Board. C. Johnson, Zoning Committee Chair, summarized the Zoning Committee's decision-making on this petition. Motion by C. Johnson, second Allen, to amend the resolution, correcting sponsorship from the Zoning Committee. Motion carried. General

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consensus of Supervisors was they have confidence in the Zoning Committee's decisions based on all the details of the petitions. There needs to be a compelling reason to allow what may be considered spot zoning, such as with the Town of Bennett's re-zoning to build a fire hall. Motion to adopt resolution, as amended, carried.

**RESOLUTION #76-07
RESOLUTION BY THE LAND AND DEVELOPMENT
COMMITTEE**

Subject: Issuance of Tax Deeds

WHEREAS, October 16, 2007, is the last day for payment of 2003 unpaid real estate taxes and Douglas County can issue a tax deed after this date for those properties with remaining unpaid 2003 taxes, and

WHEREAS, it may be determined that some of these properties will require an environmental screening prior to issuance of a tax deed, and

WHEREAS, Section 75.14 of the Wisconsin Statutes requires County Board approval for issuance of tax deeds.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors hereby accept the recommendations of the Land and Development Committee and approve the following:

- (1) Referral of environmentally questionable properties to MSA Professional Services, Inc. (which submitted the low proposal for these services), for an environmental assessment (Transaction Screen Process) to assist in determining whether a tax deed will be issued; and
- (2) Issuance of tax deeds for properties listed on Exhibit B-9-07, which have 2003 taxes remaining unpaid as of October 16, 2007.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by Allen, second McKenzie, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed X_____ Lost _____ Refer _____ Amend _____ Other _____		
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Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed X_____ Lost _____ Refer _____ Amend X_____ Other _____		
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RESOLUTION #77-07
RESOLUTION BY THE DOUGLAS COUNTY BOARD OF SUPERVISORS

Subject: State-Wide Bill Prohibiting Sale and Use of Phosphorus Lawn Fertilizers Supported

WHEREAS, protecting the water quality of Douglas County's lakes, rivers and streams (including Lake Superior) is extremely important as it has the potential to affect both surface water and groundwater resources, and

WHEREAS, human health is directly tied to the quality of water in surface and groundwater resources, and

WHEREAS, local economies such as tourism (fishing, recreation, resorts, etc.) and property values depend upon the good quality of Douglas County's water resources, and

WHEREAS, most soils in Douglas County do not need additional phosphorus to maintain healthy lawns, and

WHEREAS, application of commercial fertilizers on parks, residential properties, and other non-agricultural areas often increases phosphorus runoff into streams, lakes and rivers, and

WHEREAS, runoff from lawns carries up to eight times more phosphorus than the runoff from similar-sized wooded areas, and

WHEREAS, phosphorus accelerates growth of weeds and algae and decreases water clarity in lakes and waterways, with one pound of phosphorus in runoff producing 500 pounds of algae growth, and

WHEREAS, inland lakes and Lake Superior beaches and shorelines have been periodically degraded by algae, and

WHEREAS, elimination of phosphorus from lawn fertilizer will improve water quality and help reduce the presence of algae in Douglas County's waters, and

WHEREAS, introduction of excess phosphorus is detrimental to the quality of Douglas County waters, and

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed _____ X _____ Lost _____ Refer _____ Amend _____ X _____ Other _____		
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WHEREAS, reliance on local municipal ordinances to ban the sale and use of lawn fertilizers containing phosphorus will be ineffective in addressing county-wide concern since landowners can purchase and import products from outside the municipality, and

WHEREAS, the State of Wisconsin can protect water quality in its counties by promoting better management practices through restrictions on the sale and use of lawn fertilizers containing phosphorus, and

WHEREAS, to ease the enforcement burden, it is recommended this prohibition be self-regulating by removing fertilizers containing phosphorus from store shelves accessible by the public so that persons requiring fertilizer containing phosphorus must ask store employees for the product.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Land Conservation Committee and support the development and implementation of a state-wide bill prohibiting the sale and use of phosphorus lawn fertilizer on residential properties, parks, and other non-agricultural areas.

BE IT FURTHER RESOLVED that upon passage, copies of this resolution be provided to Wisconsin DNR Secretary ~~Scott Hassett~~ **Matt Frank**, Wisconsin DATCP Secretary Rod Nilsestuen, Governor Doyle, and all members of the Wisconsin legislature.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by McKenzie, second James O'Brien, to adopt. Motion by Robinson, second Liebaert, to amend resolution and insert new DNR Secretary Matt Frank's name to last paragraph. Motion carried. Motion by McKenzie, second Quam to amend resolution and have it sponsored by entire County Board. Motion carried. Motion to adopt resolution, as amended, carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> Lost _____ Refer _____ Amend _____ Other _____		
Rev. 07-19-07		

**RESOLUTION #78-07
RESOLUTION BY SUPERVISORS ON THE HEALTH AND
HUMAN SERVICES BOARD**

Subject: Family Care Development Council Created

WHEREAS, the Northwest Wisconsin Long Term Care Options Consortium (NW-LTCO) will complete all Phase I - Plan to Plan activities by September 30, 2007, and

WHEREAS, through Resolution #47-07, the Douglas County Board of Supervisors authorized Douglas County's staff and agents to participate in Phase II - Plan to Implement Phase activities with the good faith intention of developing a regional, public, Family Care Program in partnership with Ashland, Barron, Bayfield, Burnett, Iron, Polk, Price, Rusk, Sawyer, and Washburn Counties, and

WHEREAS, the Plan to Implement Phase will result in specific plans for the governance, organization, services, provider network, care management, quality management, and financial and business management of the Managed Care Organization (MCO) operating the Family Care Program, and

WHEREAS, the NW-LTCO wishes to establish a Family Care Development Council (FCDC) to work in partnership with the NW-LTCO until such time as a Long Term Care District Board is established in the Spring of 2008, and

WHEREAS, the Family Care Development Council will consist of one representative of each county participating in NW-LTCO; four representatives of consumers, families or advocates; and one member with expertise in managed care.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors authorizes the County Board Chair to select a nominee to recommend for confirmation by the Board of Supervisors to be its representative to the Family Care Development Council.

BE IT FURTHER RESOLVED that upon passage, a copy of this resolution be sent to the Secretary of the Department of Health and Family Services, and the County Clerks of Ashland, Barron, Bayfield, Burnett, Iron, Polk, Price, Rusk, Sawyer, and Washburn Counties.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed X_____ Lost _____ Refer _____ Amend _____ Other _____		
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Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
 (Fiscal Note: None)

ACTION: Motion by Jaques, second Quam, to adopt. Motion carried.

**RESOLUTION #79-07
RESOLUTION BY SUPERVISORS ON THE LAND
CONSERVATION COMMITTEE AND THE
ADMINISTRATION COMMITTEE**

Subject: Environmental Reserve Fund Authorized

WHEREAS, projects with large environmental impacts, such as construction of the Arrowhead Transmission Company's power line and the Enbridge, LLC pipeline expansion have been approved in Douglas County, and

WHEREAS, because of the detrimental environmental impacts of these projects, significant funding was given to Douglas County to be used on environmental conservation projects, and

WHEREAS, there exist many diverse public conservation projects identified by resource managers and concerned citizens in Douglas County that have come to the attention of the Douglas County Land Conservation Division, that are either not eligible nor feasible with funding through the Douglas County Land Conservation Committee's cost-share program, nor the federal Natural Resource Conservation Service's cost-share program, such as listed in Exhibit C-9-07, and

WHEREAS, these projects can and should be accomplished with multiple partners who regularly work with the Douglas County Land Conservation Division, such as federal and state agencies, other county departments, citizen groups, townships and villages, university groups, city department, other counties, etc., and

WHEREAS, the Douglas County Administration Committee and Land Conservation Committee request \$350,000 be placed in an environmental reserve fund from which the interest will be used on conservation projects or, if not used, added to the principal, while larger projects may be funded by withdrawals from the principal amount, and

WHEREAS, funding from the environmental reserve fund would only be used as leverage for other funding, either as match funding to receive grants or in collaboration with other funding partners towards the total cost of a project, and

WHEREAS, funding from the environmental reserve fund would only be used for publicly accessible environmental conservation projects, as listed in Exhibit C-9-07, and

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Isackson	X	
5. Baker	X	
6. Ritscher	X	
7. Livingston	X	
8. Martin	X	
9. Prettie	X	
10. Robinson	X	
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney	X	
17. Egan	X	
18. Allen	X	
19. Miller	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert	X	
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Graven	X	
Roll: Ayes <u> 27 </u> Noes <u> 0 </u> Absent <u> 1 </u> Abstain <u> </u>		
Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> X </u> Other <u> </u>		
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Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne	X	
3. O'Brien, John		
4. Isackson	X	
5. Baker	X	
6. Ritscher	X	
7. Livingston	X	
8. Martin	X	
9. Prettie	X	
10. Robinson	X	
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney	X	
17. Egan	X	
18. Allen	X	
19. Miller	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert	X	
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart	X	
28. Graven	X	
Roll: Ayes <u> 27 </u> Noes <u> 0 </u> Absent <u> 1 </u> Abstain <u> </u>		
Passed <u> X </u> Lost <u> </u> Refer <u> </u> Amend <u> X </u> Other <u> </u>		
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WHEREAS, the environmental reserve fund, in the amount of \$350,000, will be set up as a separate account with the State Investment Pool to earn interest at the current rate, with monthly interest earnings rolled back into the account, and

WHEREAS, the process for approving expenditures will be: (1) Project and funding recommendations made by the Land Conservation Committee (LCC); (2) LCC request reviewed and approved by the Administration Committee for recommendation to the County Board; and (3) Final approval by the Douglas County Board.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisors on the Land Conservation Committee and the Administration Committee, and approves the formation of an environmental reserve fund in the amount of \$350,000 with the funding criteria set forth herein ~~effective October 18, 2007.~~

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: \$161,950 from excess capital projects revenue to existing reserve)
(Administrative Note: Two-thirds vote of Board-elect required)

ACTION: Motion by Martin, second Hendrickson, to adopt. Motion by McKenzie, second Ritscher, to delete the effective date in last paragraph, and use resolution date. Motion carried. Roll call vote taken and passed with 27 Yes, 0 No, 1 Absent. Absent was John O'Brien.

RESOLUTION #80-07
RESOLUTION BY THE ADMINISTRATION COMMITTEE

Subject: Budgetary Transfers

RESOLVED that the Douglas County Board of Supervisors accept the recommendation of the Administration Committee and approve the following budgetary transfers:

- (1) Register of Deeds \$8,550.00 (J.E. #137059 from Excess Transfer Fees to Register of Deeds Capital Account for purchase of equipment);
- (2) Forestry \$17,000.00 (J.E. #137060 from Forestry Plantings Contract Services and Supplies to Forestry Administration for editing and printing of Forestry 15-Year Plan and Access Management Plan); and
- (3) Forestry \$134,500.00 (J.E. #137061 Release capital funding from reserve – 2006 capital carryover for Aerial Imagery Project of \$75,000.00; Anna Gene Park improvements of \$21,975.00; and Miscellaneous park improvements of \$37,525.00).

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: Accounts individually noted above for each transfer)
(Administrative Note: Two-thirds vote of Board-elect required)

ACTION: Motion by Egan, second Liebaert, to adopt. Motion by Egan, second Allen, that item #3, \$134,500, be referred back to Forest, Parks and Recreation Committee, to verify the original funding source or sources, the mapping contract total, and how the \$134,500 will be used. Egan stated his concern about carryover of specific project reserves getting used for other purposes. Finance Director Doucette

Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne		X
3. O'Brien, John		
4. Isackson	X	
5. Baker	X	
6. Ritscher		
7. Livingston	X	
8. Martin	X	
9. Prettie	X	
10. Robinson		X
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney	X	
17. Egan	X	
18. Allen	X	
19. Miller	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert		X
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart		X
28. Graven		X
Roll: Ayes <u> 21 </u> Noes <u> 5 </u> Absent <u> 1 </u> Abstain <u> 1 </u> Passed <u> X </u> Lost Refer <u> X </u> (Item #3) Amend <u> X </u> Other		
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Roll Call		
District Number	Yes	No
1. Finn	X	
2. Browne		X
3. O'Brien, John		
4. Isackson	X	
5. Baker	X	
6. Ritscher		
7. Livingston	X	
8. Martin	X	
9. Prettie	X	
10. Robinson		X
11. Coyle	X	
12. Jaques	X	
13. Quam	X	
14. O'Brien, James	X	
15. McKenzie	X	
16. Sweeney	X	
17. Egan	X	
18. Allen	X	
19. Miller	X	
20. Hendrickson	X	
21. Johnson, Kay	X	
22. Thompson	X	
23. Corbin	X	
24. Liebaert		X
25. Conley	X	
26. Johnson, Carol	X	
27. Stewart		X
28. Graven		X
Roll: Ayes <u> 21 </u> Noes <u> 5 </u> Absent <u> 1 </u> Abstain <u> 1 </u> Passed <u> X </u> Lost Refer <u> X </u> (Item #3) Amend <u> X </u> Other		
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explained the \$134,500 will come from a larger reserve comprised of several projects. Discussion. Motion to refer carried. Roll call vote taken on resolution, as amended, and passed with 21 Yes, 5 No, 1 Abstain, 1 Absent. Voting no were Browne, Robinson, Liebaert, Stewart, Graven. Abstaining was Ritscher. Absent was John O'Brien.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed X_____ Lost _____ Refer _____ Amend _____ Other _____		
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**RESOLUTION #81-07
RESOLUTION BY THE JUDICIARY, LEGISLATIVE AND
VETERANS COMMITTEE**

Subject: Wisconsin DNR Fishing Tournament Regulation and Fees

WHEREAS, the Wisconsin Department of Natural Resources has proposed a program for regulation of fishing tournaments with both regulations and fees to be imposed, and

WHEREAS, the items delineated by the Wisconsin Department of Natural Resources as reasons for the development of the proposed tournament fee(s), including but not limited to administration costs, law enforcement and studies on tournament fishing, and set forth in Exhibit D-9-07, are part of the normal scope and duties of the Wisconsin Department of Natural Resources, and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative impact on the tourism-based businesses in and around the tournament area, contrary to the information provided by the Wisconsin Department of Natural Resources information of no impact anticipated, and

WHEREAS, the fishing tournament/event fee proposal would have a direct negative effect on lake associations, communities, service organizations, and local business' ability to carry on traditional events, fund-raising events, as well as the additional cost that would impact tourist and local population decisions as to whether or not to participate, and

WHEREAS, the proposed fishing tournament/event fee proposal could be construed as an additional tax or surcharge on a specific segment of the fishing community, and

WHEREAS, the Wisconsin Department of Natural Resources has not provided the public with any specific detail as to the allocation of funds collected via the fishing tournament/event fee proposal, and

WHEREAS, event organizers have been diligent in enforcing the existing laws related to fishing in Wisconsin waters and in supervising their tournament/event participants.

NOW THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors opposes any further regulation or fees on the well-regulated and administered practice of fishing tournaments.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> Lost _____ Refer _____ Amend _____ Other _____		
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BE IT FURTHER RESOLVED that any additional involvement of the Wisconsin Department of Natural Resources in these locally controlled events are a part of the statutory charge of the Legislature, in the tradition of the Public Trust Doctrine, which states that all the waters of Wisconsin belong to all the people of Wisconsin, and all cost for administration, regulation, enforcement or study should be covered by the \$1,000,000,000.00 plus budget already assessed and designed.

Dated this 20th day of September, 2007.

(Committee Action: Unanimous)
(Fiscal Note: None)

ACTION: Motion by K. Johnson, second Corbin, to adopt. Motion carried.

**RESOLUTION #83-07
RESOLUTION BY SUPERVISOR ALLEN**

Subject: "Creation and Grant of Covenants" Document Additional
Parcels

WHEREAS, Resolution #64-07, adopted August 16, 2007, approved the conservation and preservation of Douglas County owned property in the Mocassin Mike area, and

WHEREAS, several parcels within the preservation boundary were inadvertently omitted from the recording document.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors accept the recommendation of Supervisor Allen and include the following parcels in the "Creation and Grant of Covenants" document, for the purpose of conserving and preserving Mocassin Mike area property:

Parcel Number 118110011500;
Parcel Number 118110060300; and
Parcel Number 118110087500.

Dated this 20th day of September, 2007.

(Fiscal Note: None)

ACTION: Motion by Allen, second Hendrickson, to adopt. Motion carried.

Roll Call		
District Number	Yes	No
1. Finn		
2. Browne		
3. O'Brien, John		
4. Isackson		
5. Baker		
6. Ritscher		
7. Livingston		
8. Martin		
9. Prettie		
10. Robinson		
11. Coyle		
12. Jaques		
13. Quam		
14. O'Brien, James		
15. McKenzie		
16. Sweeney		
17. Egan		
18. Allen		
19. Miller		
20. Hendrickson		
21. Johnson, Kay		
22. Thompson		
23. Corbin		
24. Liebaert		
25. Conley		
26. Johnson, Carol		
27. Stewart		
28. Graven		
Roll: Ayes _____ Noes _____ Absent _____ Abstain _____ Passed <u> X </u> _____ Lost _____ Refer _____ Amend _____ Other _____		
Rev. 07-19-07		

COUNTY ADMINISTRATOR REPORT: New HR Director, Jim Laumeyer, will be at the October or November County Board meeting. Administration Committee budget sessions scheduled for October 2nd and 3rd. Department managers will be notified to be available if questions arise on their respective budgets. Administration Committee's regular monthly meeting is October 4th.

COUNTY BOARD CHAIR REPORT AND APPOINTMENTS: On November 1st, 7 to 9 p.m., WCA, Wisconsin Board of Realtors, Builders Association and WEAC, will be holding a town meeting titled "The Wisconsin Way", to discuss how education is funded locally. The Health and Human Services Board was contacted by United Way and BART (bus service between Ashland and Superior) regarding Douglas County support for the bus program. Finn signed grant application as County Board Chair, as it was due that Friday. The only condition is a \$500 contribution.

The following appointments were recommended: **Local Emergency Planning Committee** - Chuck E. Wessberg to replace Nancy K. Erickson; **Recreational Trails Committee** - Aaron Dandrea as alternate for Randy Hurst. Motion by Stewart, second Jaques, to approve. Motion carried.

COMMITTEE REPORTS

C. Johnson reported Comprehensive Planning met a week ago and the survey was distributed to County Board. Committee is looking for people to serve on focus groups. County Board members interested in becoming a youth representative mentor should contact Joan Wimme.

K. Johnson reported Highway Department patrol supervisors meetings to be held in Superior.

Martin reported that NW Community Services will have a garden in north end next year and any products harvested will go to Solid Rock and the food shelf.

Liebaert reported on the forest mapping project status. Delinquent loggers contracts continue for variety of reasons. Jon Harris is working on the Forestry Department's 15 year plan.

McKenzie reported Land Conservation Committee requests anyone interested in participating with selection of environmental projects to contact Christine Ostern or herself.

Allen reported negotiation of fairground management and racetrack leases on October 27th Land and Development Committee special meeting agenda.

James O'Brien reported veterans now have open enrollment at St. Mary's Medical Center.

Stewart reported Law Enforcement Committee September 24th meeting cancelled due to lack of agenda items. He encouraged people to attend the issues meetings for Superior Days.

Egan reported on fairgrounds activities and improvements. Motor home group here again this year and are having a wonderful time. They plan to return next year.

YOUTH REPRESENTATIVE REPORTS: Megan Dalbec welcomed new youth representatives. School garden first harvest completed. Homecoming next week at Senior High.

APPROVAL OF BILLS AND CLAIMS: Motion by Allen, second Corbin, to approve. Motion carried.

SUCH OTHER MATTERS AS AUTHORIZED UNDER THE WISCONSIN STATUTES: St. Louis River Citizens Action Committee sponsoring fall color tour on the rail along St. Louis River September 29th. Contact Kay McKenzie for more information or tickets.

ADJOURNMENT: Motion by Stewart, second Hendrickson, to adjourn. Motion carried. Meeting adjourned 8:30 p.m. Next regularly scheduled meeting - Thursday, October 18, 2007.

Submitted by,

Susan T. Sandvick
Douglas County Clerk