

NOTICE OF PUBLIC HEARING

The Lincoln County Land Services Committee will hold a Public Hearing on Thursday, October 13, 2016 at 4:00 p.m. to take testimony on the item listed below. The tour will depart at 2:30 p.m. from Lincoln County Service Center, Meeting room #156, at 801 N. Sales St., Merrill, WI.

PETITION FOR MODIFICATION OF THE SUBDIVISION ORDINANCE

1. A request by T's Roadhouse LLC (Thom Leck) to create a lot which does not have 30 feet of frontage on a public road. The property is located in the NE ¼ of the SE ¼, Section 15, T35N-R6E, in the Town of Bradley, and having an address of N11052 County Rd A. The request is to modify section 18.7.08 (8) and is being heard under provisions of section 18.9.03 (3) of Lincoln County Ordinance.

NOTE: A final decision on any of the above requests may be made at a later date. Items not acted upon or laid over may come before the Committee again as "Old Business". The Committee may but is not obligated to take any additional testimony.

Original applications and materials may be viewed at the Lincoln County Zoning office located at 801 N. Sales Street, Merrill, Wisconsin.

The above hearing will be held in Meeting room #156 of the Lincoln County Service Center, at 801 N. Sales Street, Merrill, WI. All parties wishing to be heard are requested to be present. Both written and oral testimony will be entered into the record.

Greta Rusch, Secretary

**LINCOLN COUNTY
LAND SERVICES COMMITTEE
Thursday, October 13, 2016, at 2:30 p.m.
Lincoln County Service Center, Room #156
801 Sales Street, Merrill, WI 54452**

*MEETING AGENDA
Action where applicable and necessary*

1. Call meeting to order

REGISTER OF DEEDS

2. Q&A on ROD Monthly Munis Reports
3. Q&A on ROD Monthly Written Reports

LAND SERVICES DEPARTMENT

4. Agency Updates
5. Tour the site in the town of Bradley that will be the subject of the public hearing
6. Approval of the September 8, 2016 LSC meeting minutes
7. Department written reports & Correspondence

8. **4:00 p.m. Public Hearing** (see Public Hearing Notices published (9/20/16 & 9/27/16 and 9/23/16 & 9/30/16)
1) T's Roadhouse (Thom Leck) – Petition for Modification of the Subdivision Ordinance - (N11052 County Rd A, Tomahawk, WI) - Town of Bradley

9. "Old Business" Daniel Seehafer (Conditional Use Permit – Tourist Lodging) – Town of Bradley (Laid over from August 11, 2016 LSC Hearing)
10. "Old Business" Ross & Mary Nelson (Conditional Use Permit – Tourist Lodging) – Town of Bradley (Laid over from August 11, 2016 LSC Hearing)
11. Public comment
12. Presentation of "Draft" Plans by NCWRPC – Fred Heider
 - a) Farmland Preservation Plan
 - b) Land & Water Resource Management Plan
13. Discussion & action on 2017 Grazing Program
14. Confirm next meeting/public hearing date – November 10, 2016
15. Convene into **CLOSED SESSION** pursuant to sec. 19.85(1)(c), Stats., for considering employment, promotion, compensation or performance evaluation data of any public employee
 - 1) Land Services Administrator Evaluation
16. Reconvene into **OPEN SESSION** and take any action necessary on item(s) discussed in closed session
17. Adjourn

DISTRIBUTION:

Land Services Committee Members – Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser Jr., Kirby Crosby, Christopher Heller & Greta Rusch
Jeremy Irish – APHIS-WS, Peggy Winter – NRCS, Matt Peplinski – FSA, John Preuss – Lumberjack RC&D
County Board Chairman - Robert Lee
Administrative Coordinator

Others

News Media - Notified on _____ at _____ .m by _____

Bulletin Boards

Courthouse – Posted on _____ at _____ .m by _____

Service Center – Posted on _____ at _____ .m by _____

Tomahawk Annex – Posted on _____ at _____ .m by _____

*There may be a quorum of other Lincoln County committees present at this meeting.
Requests for reasonable accommodations for disabilities or limitations should be made prior to the date of this meeting. Please contact the Lincoln County Clerk at 715-539-1019 as early as possible so that proper arrangements may be made. Requests are kept confidential.*

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place, and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to give notice to the public.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is a good cause that such notice is impossible or impractical.

EXEMPTIONS FOR COMMITTEES AND SUB-UNITS:

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful meeting to act or deliberate upon a subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place, and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded, and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Deliberation of judicial or quasi-judicial matters. Sec. 19.85(1)(a)
2. Considering dismissal, demotion, or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter, provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation, or performance evaluation data of any public employee. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(c).
6. Considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f).
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve (12) hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting. Sec. 19.85(2).
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.

BALLOTS, VOTES, AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

REGISTER OF DEEDS

FOR 2016 09

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0010 GENERAL FUND							
43 REGISTER OF DEEDS							
10430051 REGISTER OF DEEDS							
10430051 511000 REG OF DEEDS SALAR	114,482	114,482	85,331.43	14,002.38	.00	29,150.57	74.5%
2016/09/000003 09/02/2016 PRJ	4,667.46 REF PAYROL				WARRANT=160902	GENERAL	
2016/09/000067 09/16/2016 PRJ	4,667.46 REF PAYROL				WARRANT=161609	GENERAL	
2016/09/000139 09/30/2016 PRJ	4,667.46 REF PAYROL				WARRANT=160930	GENERAL	
10430051 520000 REG OF DEEDS EMPLO	75,286	75,286	56,193.96	7,453.01	.00	19,092.04	74.6%
2016/09/000003 09/02/2016 PRJ	3,185.82 REF PAYROL				WARRANT=160902	GENERAL	
2016/09/000067 09/16/2016 PRJ	3,161.33 REF PAYROL				WARRANT=161609	GENERAL	
2016/09/000072 09/15/2016 API	450.00 VND 200033				NATIONWIDE TRUST COM PEHP ELECTED OFFICIALS		303444
2016/09/000139 09/30/2016 PRJ	655.86 REF PAYROL				WARRANT=160930	GENERAL	
10430051 531060 REG OF DEEDS FIDLA	15,000	15,000	6,333.90	750.00	.00	8,666.10	42.2%
2016/09/000147 09/29/2016 API	750.00 VND 000174				FIDLAR TECHNOLOGIES SUPPLIES		303691
10430051 552001 REG OF DEEDS TELEP	480	480	241.78	27.49	.00	238.22	50.4%
2016/09/000133 09/27/2016 GEN	27.49 REF SLB				SEPTEMBER 2016 PHONE CHARGES		
10430051 554001 PRINTING ALLOCATIO	2,500	2,500	1,241.60	.00	.00	1,258.40	49.7%
10430051 555000 REG OF DEEDS TRAVE	1,100	1,100	571.20	.00	.00	528.80	51.9%
10430051 561100 REG OF DEEDS OFFIC	6,000	6,000	2,286.38	-90.21	.00	3,713.62	38.1%
2016/09/000072 09/15/2016 API	9.79 VND 300012				OFFICE SUPPLIES		303512
2016/09/000119 09/23/2016 APM	-100.00 VND 400285				WI REGISTER OF DEEDS REGISTRATION		
TOTAL REGISTER OF DEEDS	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
TOTAL REGISTER OF DEEDS	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%

REGISTER OF DEEDS

FOR 2016 09

		JOURNAL DETAIL 2016 9 TO 2016 9					
TOTAL GENERAL FUND	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
TOTAL EXPENSES	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	
GRAND TOTAL	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%

** END OF REPORT - Generated by Jamie Willis **

REGISTER OF DEEDS

FOR 2016 09

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0010 GENERAL FUND							
43 REGISTER OF DEEDS							
10430051 REGISTER OF DEEDS							
10430051 511000 REG OF DEEDS SALAR	114,482	114,482	85,331.43	14,002.38	.00	29,150.57	74.5%
10430051 520000 REG OF DEEDS EMPLO	75,286	75,286	56,193.96	7,453.01	.00	19,092.04	74.6%
10430051 531060 REG OF DEEDS FIDLA	15,000	15,000	6,333.90	750.00	.00	8,666.10	42.2%
10430051 552001 REG OF DEEDS TELEP	480	480	241.78	27.49	.00	238.22	50.4%
10430051 554001 PRINTING ALLOCATIO	2,500	2,500	1,241.60	.00	.00	1,258.40	49.7%
10430051 555000 REG OF DEEDS TRAVE	1,100	1,100	571.20	.00	.00	528.80	51.9%
10430051 561100 REG OF DEEDS OFFIC	6,000	6,000	2,286.38	-90.21	.00	3,713.62	38.1%
TOTAL REGISTER OF DEEDS	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
TOTAL REGISTER OF DEEDS	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
TOTAL GENERAL FUND	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
TOTAL EXPENSES	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%
GRAND TOTAL	214,848	214,848	152,200.25	22,142.67	.00	62,647.75	70.8%

** END OF REPORT - Generated by Jamie Willis **

REGISTER OF DEEDS

FOR 2016 09

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
0010 GENERAL FUND						
43 REGISTER OF DEEDS						
10430051 REGISTER OF DEEDS						
10430051 412300 REG OF DEEDS REAL	-43,000	-43,000	-44,284.04	-5,070.60	1,284.04	103.0%
10430051 461300 REGISTER OF DEED F	-154,000	-154,000	-111,678.51	-21,186.91	-42,321.49	72.5%*
10430051 461900 REG OF DEEDS MISC	-25	-25	-10.00	.00	-15.00	40.0%*
TOTAL NO PROJECT	-197,025	-197,025	-155,972.55	-26,257.51	-41,052.45	79.2%
TOTAL REGISTER OF DEEDS	-197,025	-197,025	-155,972.55	-26,257.51	-41,052.45	79.2%
10430060 REG OF DEEDS PROPERTY TAXES						
10430060 411100 REGISTER OF DEEDS	-17,823	-17,823	-17,823.00	.00	.00	100.0%
TOTAL REG OF DEEDS PROPERTY TAXES	-17,823	-17,823	-17,823.00	.00	.00	100.0%
TOTAL REGISTER OF DEEDS	-214,848	-214,848	-173,795.55	-26,257.51	-41,052.45	80.9%
TOTAL GENERAL FUND	-214,848	-214,848	-173,795.55	-26,257.51	-41,052.45	80.9%
TOTAL REVENUES	-214,848	-214,848	-173,795.55	-26,257.51	-41,052.45	80.9%
GRAND TOTAL	-214,848	-214,848	-173,795.55	-26,257.51	-41,052.45	80.9%

** END OF REPORT - Generated by Jamie Willis **

REGISTER OF DEEDS 2016 MONTHLY WRITTEN REPORT

DAILY RECEIPTS

January.....	\$17,582.02
February.....	\$18,309.30
March.....	\$19,512.14
April.....	\$18,663.41
May.....	\$22,718.80
June.....	\$20,352.70
July.....	\$22,094.35
August.....	\$24,995.28
September.....	\$21,347.46

TRANSFER FEE RECEIPTS

January.....	\$25,803.90
February.....	\$16,302.00
March.....	\$14,061.90
April.....	\$30,279.00
May.....	\$24,162.90
June.....	\$27,106.50
July.....	\$25,120.80
August.....	\$30,986.40
September.....	\$27,515.70

Real Estate Documents Recorded: 492
Military Discharges Recorded: 1
Recorded Plats: 0

Commercial Code Filings (UCC): 2
Recorded Certified Survey Maps: 3
Recorded DOT Plats: 0

Sale of Daily Recordings to Abstract Companies generates \$900.00 per Month.

TOTAL CERTIFIED COPIES ISSUED FOR SEPT

Births: 91
Deaths: 145
Marriages: 62
Domestic Partnership: 0
Termination of Domestic Partnership: 0

VITAL RECORDS RECORDED FOR THE MONTH OF AUG

Birth: 29
Death: 24
Marriages: 20

FEEES DISBURSED FROM THE REGISTER OF DEED OFFICE FOR THE FOLLOWING STATE MANDATED PROGRAMS

“CHILD ABUSE AND PREVENTION PROGRAM” @ \$5.00 per Birth Certificate

January.....	\$280.00
February.....	\$265.00
March.....	\$225.00
April.....	\$255.00
May.....	\$315.00
June.....	\$235.00
July.....	\$235.00
August.....	\$320.00
September.....	\$235.00

“RIGHT FROM THE START PROGRAM”@ \$2.00 per Birth Certificate

January.....	\$112.00
February.....	\$106.00
March.....	\$90.00
April.....	\$102.00
May.....	\$126.00
June.....	\$94.00
July.....	\$94.00
August.....	\$128.00
September.....	\$94.00

VITAL RECORDS ONLINE PROGRAM: @ \$8.00 per Birth Certificate

January.....	\$448.00
February.....	\$424.00
March.....	\$360.00
April.....	\$408.00
May.....	\$504.00
June.....	\$376.00
July.....	\$376.00
August.....	\$512.00
September.....	\$376.00

VITAL RECORDS ONLINE PROGRAM: @ \$13.00 per Death Certificate

January.....	\$312.00
February.....	\$481.00
March.....	\$468.00
April.....	\$299.00
May.....	\$351.00
June.....	\$403.00
July.....	\$312.00
August.....	\$351.00
September.....	\$273.00

VITAL RECORDS ONLINE PROGRAM: @ \$13.00 per Marriage Certificate

January..... \$182.00
 February.....\$273.00
 March.....\$169.00
 April.....\$286.00
 May.....\$221.00
 June.....\$260.00
 July.....\$403.00
 August.....\$390.00
 September.....\$273.00

VITAL RECORDS ONLINE PROGRAM: @ \$13.00 per Domestic Partnership cert.

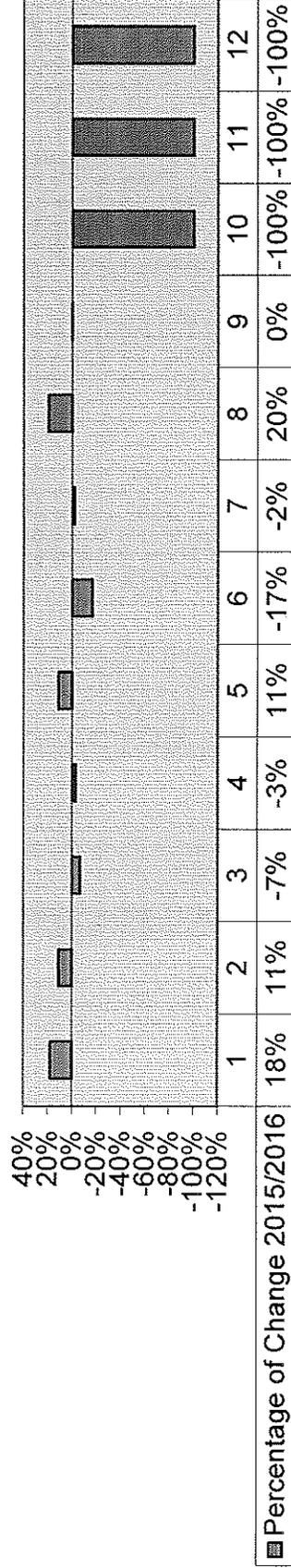
January-Sept.....\$0

REVENUE GENERATED FROM THE REGISTER OF DEEDS OFFICE FOR THE STATE MANDATED "LAND RECORDS PROGRAM"

MONTH/ COUNTED DOCS	STATE DOA FEES COLLECTED (\$7.00)	COUNTY LIO RETENTION (\$8.00)	TOTAL FEES (\$15.00)
JANUARY 403	\$2821.00	\$3224.00	\$6045.00
FEBRUARY 406	\$2842.00	\$3248.00	\$6090.00
MARCH 431	\$3017.00	\$3448.00	\$6465.00
APRIL 426	\$2982.00	\$3408.00	\$6390.00
MAY 535	\$3745.00	\$4280.00	\$8025.00
JUNE 458	\$3206.00	\$3664.00	\$6870.00
JULY 498	\$3486.00	\$3984.00	\$7470.00
AUGUST 575	\$4025.00	\$4600.00	\$8625.00
SEPTEMBER 492	\$3444.00	\$3936.00	\$7380.00
OCTOBER			
NOVEMBER			
DECEMBER			
TOTAL 2016 4224	\$29,568.00	\$33,792.00	\$63,360.00

MONTHLY DOCUMENT COMPARISON

	Monthly Recorded Documents 2015	Monthly Recorded Documents 2016	% of Change
January	342	403	18%
February	365	406	11%
March	462	431	-7%
April	439	426	-3%
May	480	535	11%
June	551	458	-17%
July	508	498	-2%
August	481	575	20%
September	491	492	0%
October	440	0	-100%
November	503	0	-100%
December	398	0	-100%
Total	5,460.00	4,224.00	-23%



**Lincoln County Land Services Committee
Minutes of Thursday, September 8, 2016, 2:30 pm
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser, Kirby Crosby, Christopher Heller & Greta Rusch.
Visitors: Matthew Bremer; Land Services Administrator, Sarah Koss; Register of Deeds, June Winters; Zoning Program Assistant, Jeremy Irish; APHIS-WS and Fred Heider; NCWRPC.

1. Call Meeting order - Meeting was called to order by Chair Baughan at 2:30 p.m.

REGISTER OF DEEDS

2. Q&A on Munis Report – Koss asked the Committee if they had any questions on the reports. There were none. Koss commented that August was a good month as they were 20% higher than August of last year.
3. Q&A on Written Report – No questions.
4. ROD Ten Year Long Range Plan – Koss shared that with her office being governed by state statutes it is hard to predict changes. She did mention that in 2017 there are changes that she is aware of and shared those with the Committee (State-wide vital records issuance). Discussion on how this may affect revenue. Baughan asked if all documents are sent to Madison. Koss shared that hard copies of vital records are no longer received. She is looking at possibly e-recording real estate documents in the near future. Personnel changes are unknown at this time as are some of the other areas. Koss said that software upgrades will always be taking place. Allen questioned which department was responsible for software/hardware. Koss explained who was responsible for which costs. Bialecki/Heller to approve the 10 year plan. Motion carried all ayes.

LAND SERVICES DEPARTMENT

5. Agency Updates –
 - a) APHIS – WS – Jeremy Irish – Approval of 2017 Wildlife Damage Budget – Irish shared a copy of the budget with the crop damage reports, both state & federal. He reviewed the budget with the Committee. He said that it is the same as last year with the exception of a 1.8% salary increase. M/S Heller/Allen to approve as proposed. Motion carried all ayes. Chair Baughan signed form.
 - b) APHIS – WS – Jeremy Irish – Approval for Lincoln County to participate in 2016 Venison donation program – Irish briefly explained the program. He said he needs verification annually that the County wishes to participate. There was discussion by the Committee. M/S Heller/Rusch to approve as proposed. Motion carried all ayes. Chair Baughan signed form.
 - c) Other Agency updates – There were none.
6. Set public hearing date for Farmland Preservation Plan (FPP) and Land & water Resource Management Plan (LWRM) – North Central Wisconsin Regional Planning Commission (NCWRPC) – Fred Heider – Heider explained that when the drafts are completed both plans require a public hearing. The LWRM plan public hearing requires a Class 2 notice and the FPP requires a Class 1 notice at least 30 days in advance of the hearing. He is hoping to hold the public hearing for both plans on November 10, 2016. He explained what would need to be included in the notices. Consensus of the Committee was that November 10, 2016 would work for the public hearing.
7. Tour site in the town of King that will be the subject of the 4:00 p.m. public hearing – Bremer & the Committee left for the tour at 2:50 p.m. They returned from the tour at 4:00 p.m. and resumed the meeting
8. Approval of the August 11, 2016 & August 22, 2016 Land Services Committee Minutes – M/S Bialecki/Heller to approve both minutes. Motion carried all ayes.

Chair Baughan moved to item #10 on the agenda.

9. Department written reports & Correspondence – Bremer asked if they had any questions on the Financial Report. There were none. He spoke about the task of filling the Real Property Lister position that was vacated by Jay Dick. Unfortunately this is a very critical time of the year to have this position vacant and is hoping to have someone in the position sometime in October. Bremer said that he has spoken to the previous Real Property Lister to see if she would come back to help & train whoever is hired to fill that position. He is looking into the details of that. He noted that we are also in the process of changing the software that tracks the parcels in the county.

Bremer spoke about the status of Land Use & Sanitary Permits so far in 2016. He shared that staff had a meeting with Marathon County and CCIT regarding the RFP for a new Land Records system and is imminent. He summarized what was said at that meeting. He said that we will have to wait & see what the response is to the RFP to know which route Lincoln County will be taking. He wants the Committee to be aware that this is going to be substantial expense initially for converting to a new system and there are a lot of unknowns at this time. He touched on the progress of the Advisory Committee for the FPP & LWRM Plan. The Committee again had lengthy discussion on the Real Property Lister vacancy issue and the Land Records system conversion.

Chair Baughan moved to item #12 on the agenda.

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser Kirby Crosby, Christopher Heller & Greta Rusch.
Visitors: Matthew Bremer; Land Services Administrator, June Winters; Zoning Program Assistant and 2 others.

10. 4:00 p.m. Public Hearing – Public Hearing was called to order at 4:01 p.m. Hearings were held on the items listed in the notice. Chair Baughan explained the rules of conduct for public hearings and introduced the Committee members. She called the first hearing.

Baughan explained that because items #1 & #2 are for the same parcel the testimony would be concurrently and then will be voted on individually.

COMPREHENSIVE PLAN AMENDMENT

1. A request by Doug & Sarah Williams (Co-applicant: Jason and Kristi Davis) to amend the Lincoln County Comprehensive Plan Map from Rural Single Family Residential to Private Recreation for 6.15 acres comprised of tax parcels 12.283507.006.002.00.00(1.6ac), 12.283507.006.004.00.00 (2.5ac), 12.283507.006.003.00.00 (1.75ac), and 12.283507.006.001.00.00 (.3ac). The properties are located in Section 28,T35N-R7E part of Government Lot 1, in the Town of King, with an address of W4095 County Highway A .

PETITION FOR REZONING

2. A request by Doug & Sarah Williams (Co-applicant: Jason and Kristi Davis) to rezone approximately 6.15 acres comprised of tax parcels 12.283507.006.002.00.00(1.6ac), 12.283507.006.004.00.00 (2.5ac), 12.283507.006.003.00.00 (1.75ac), and 12.283507.006.001.00.00 (.3ac) from Rural Residential 2 to Recreation. The properties are located in Section 28,T35N-R7E part of Government Lot 1, in the Town of King, with an address of W4095 County Highway A .

Chair called for proponents of the request. Doug Williams, the current owner, was present to support the request. He gave the history of the property stating that it had been a resort prior to his purchasing it. He said that in 2006 when the county did the recodification he was o.k. with the Rural Residential zoning because he was doing long term rentals at that time but didn't realize that it would not allow for weekly rentals also. He has prospective buyers that wish to return the property to a resort. He thinks this would be consistent with the area. He has spoken to the Town Board and people in the neighborhood and has found no one opposing the rezone.

Kristi Davis was present to explain & support the request. She and her husband are purchasing the property. They are planning on returning the property to an operating resort. They currently reside in Stevens Point and she works in Merrill. Her husband would be running the resort business should all of the proper approvals be granted. They are looking forward to moving to Tomahawk, raising their son here and operating the property as a resort citing the "up north retreat" atmosphere.

Chair Baughan called for any opponents of the request. There were none present.

Matt Bremer came to the podium to review the staff report. Staff recommends approval of the rezone request for the four parcels of land identified above (approximately 6.15 acres) from Rural Residential 2 (RR2) to a Recreation (RE) zoning district and the request to amend the comprehensive plan map from Rural Single Family Residential to Private Recreation. Bremer reviewed the options that the Committee does have. Bremer did add that the step to return the property to an operating resort would require a Conditional Use Permit if the rezone is granted.

Chair Baughan noted that Town of King's approval for the request has been received. Chair Baughan closed the public hearing for the Comprehensive Plan Amendment & the Rezone request.

M/S Bialecki/Rusch to APPROVE the Comprehensive Plan Amendment from Rural Single Family Residential to Private Recreation and forward to the September 28, 2016 County Board. Motion carried all ayes.

M/S Heller/Allen to APPROVE the Petition for Rezoning from Rural Residential 2 to Recreation and forward to the September 28, 2016 County Board. Motion carried all ayes.

11. Public Comment – There was none.

Chair Baughan returned to item #9 on the agenda.

12. Confirm next meeting/public hearing date – October 8, 2016 – confirmed date. There was discussion on the meeting times. Public Hearing at 4:00 p.m. Tour & Meeting time to be determined.

13. Adjourn – M/S Bialecki/Breitenmoser to adjourn at 4:30 p.m. Motion carried all ayes.

Minutes prepared by June Winters

Land Services Department Report

13 Oct 2016

To: Land Services Committee

From: Administrator, Land Services Department

1. The staff is in transition yet again. This time it is good news. We have hired a new Real Property Lister. Her name is Ellen Ronsman. She is scheduled to start on 1 Nov but we are hopeful that she can adjust her schedule to begin with us even sooner. I still await final budget decisions so that I can advertise the Conservation Program Manager position. I hope to be able to present a resolution to that delay in the very near future.
2. The Zoning Program reports that permits are roughly on track. As of 9/30/16 Land Use permits were +27 and Sanitary permits were -19 from this time last year.
3. Our Chair has asked that we resolve where we are at relative to the Lincoln County grazing program. For many years Lincoln County has collaborated with Marathon County to promote grazing. Grazing can be and has been a very useful tool for landowners to make use of land that, if managed properly, is well suited to grazing even when poorly suited to other forms of agriculture. I have worked with Finance to reduce the budget relative to the grazing program. I have also worked with my counterpart in Marathon County to address a suggestion made by my predecessor to continue collaboration but under a "pay-as-you-go" plan. Enclosed you will find this plan in a draft form for our discussion as indicated on the agenda.
4. The advisory committee formed to move forward on the (Farmland Preservation Plan) and LWRM (Land and Water Resource Management Plan) has met three times. A draft of those plans has been written by the Regional Planning Commission and will be presented to this Committee for approval at the October meeting to move forward to public hearing at the November meeting.

for 10/13/16 LSC Mtg



1
glytdbud

LINCOLN COUNTY
YTD BUDGET
LAND SERVICES EXP AS OF 10-5-16

10/05/2016 07:28
dawn-b

FOR 2016 13

	ORIGINAL APPROP	TRANSFERS/ADJUSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
51 GENERAL GOVERNMENT							
10410051 511000 GG-SALARIES AND WA	268,777	0	268,777	137,352.58	.00	131,424.42	51.1%
10410051 511000 10005 GG-BASE WLIF	0	0	0	29,519.37	.00	-29,519.37	100.0%*
10410051 520000 GG-EMPLOYEE BENEFIT	105,858	0	105,858	56,552.04	.00	49,305.96	53.4%
10410051 520000 10005 GG - BASE WLI	0	0	0	8,096.79	.00	-8,096.79	100.0%*
10410051 530000 GG-REMONUMENTATION	5,000	0	5,000	175.00	.00	4,825.00	3.5%
10410051 531060 GG-CC CONTRACT	73,000	0	73,000	36,628.33	.00	36,371.67	50.2%
10410051 531190 GG-SOFTWARE MAINT	18,000	0	18,000	15,550.00	.00	2,450.00	86.4%
10410051 531270 GG-RETAINED FEE EX	45,000	61,796	106,796	44,306.18	.00	62,489.82	41.5%
10410051 531271 GG-LIDAR EXP	0	44,756	44,756	44,756.35	.00	- .35	100.0%*
10410051 543001 GG-VEH MAINT	1,000	0	1,000	694.58	.00	305.42	69.5%
10410051 545000 GG-ROAD REPAIR	2,500	0	2,500	.00	.00	2,500.00	.0%
10410051 551000 GG-INSURANCE	2,260	0	2,260	.00	.00	260.00	.0%
10410051 552001 GG-TELEPHONE	2,600	0	2,600	1,736.00	.00	864.00	66.8%
10410051 554001 GG-PRINTING ALLOC	1,500	0	1,500	752.75	.00	747.25	50.2%
10410051 555000 GG-TRAVEL TRAINING	2,700	0	2,700	1,263.02	.00	1,436.98	46.8%
10410051 555000 10015 GG-STATE EDU	5,500	0	5,500	1,628.44	.00	3,871.56	29.6%
10410051 560000 GG-RURAL ADDRESS	2,500	0	2,500	.00	.00	708.22	71.7%
10410051 561100 GG-OFFICE SUPPLIES	9,000	0	9,000	5,121.79	.00	3,878.21	56.9%
10410051 561101 GG-POSTAGE	749	0	749	424.43	.00	324.57	56.7%
10410051 561450 GG-MONUMENT	6,000	0	6,000	.00	.00	6,000.00	.0%
10410051 562001 GG-FUEL	2,350	0	2,350	640.42	.00	1,709.58	27.3%
10410051 562002 GG-ELECTRONIC ACCE	0	114,911	114,911	.00	.00	114,911.00	.0%
10410051 571000 10005 GG-BASE WLIF	0	19,178	19,178	.00	.00	19,178.00	.0%
10410051 571000 10127 GG-STRATEGIC	0	50,000	50,000	17,179.75	.00	32,820.25	34.4%
TOTAL GENERAL GOVERNMENT	552,294	290,641	842,935	404,169.60	.00	438,765.40	47.9%
TOTAL EXPENSES	552,294	290,641	842,935	404,169.60	.00	438,765.40	
53 PUBLIC WORKS							
10410053 595000 10002 PW-WI FUND	33,000	0	33,000	.00	.00	33,000.00	.0%
TOTAL PUBLIC WORKS	33,000	0	33,000	.00	.00	33,000.00	.0%
TOTAL EXPENSES	33,000	0	33,000	.00	.00	33,000.00	
56 CONSERVATION AND DEVELOPMENT							
10410056 511000 C&D-SALARY AND WAG	161,292	0	161,292	140,070.24	.00	21,221.76	86.8%



FOR 2016 13

56	CONSERVATION AND DEVELOPMENT	ORIGINAL APPROP	TRANSFERS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
10410056	511000	149,529	0	149,529	106,565.46	.00	42,963.54	71.3%
10410056	520000	61,652	0	61,652	66,038.07	.00	-4,386.07	107.1%*
10410056	520000	69,685	0	69,685	31,561.21	.00	38,123.79	45.3%
10410056	530000	0	0	0	.00	.00	.00	.0%
10410056	530000	0	0	0	.00	.00	.00	.0%
10410056	531320	0	0	0	.00	.00	.00	.0%
10410056	532000	0	0	0	.00	.00	.00	.0%
10410056	543001	2,200	0	2,200	1,083.35	.00	1,116.65	49.2%
10410056	551000	865	0	865	.00	.00	865.00	.0%
10410056	552001	1,650	0	1,650	892.48	.00	757.52	54.1%
10410056	553000	1,800	0	1,800	1,504.47	.00	295.53	83.6%
10410056	554001	7,000	0	7,000	3,957.39	.00	3,042.61	56.5%
10410056	555000	4,500	0	4,500	1,701.31	.00	2,798.69	37.8%
10410056	561100	5,000	0	5,000	3,222.27	.00	1,777.73	64.4%
10410056	561101	3,500	0	3,500	1,693.42	.00	1,806.58	48.4%
10410056	562001	5,025	0	5,025	2,012.59	.00	3,012.41	40.1%
10410056	571000	0	0	0	.00	.00	.00	.0%
10410056	571000	30,000	0	30,000	7,500.00	.00	22,500.00	25.0%
10410056	571000	0	0	0	77,394.65	.00	-77,394.65	100.0%*
10410056	595000	60,000	0	60,000	.00	.00	60,000.00	.0%
10410056	595000	7,000	0	7,000	.00	.00	7,000.00	.0%
10410056	595000	20,000	0	20,000	9,432.33	.00	10,567.67	47.2%
10410056	595000	40,000	0	40,000	30,669.70	.00	9,330.30	76.7%
10410056	595000	0	0	0	.00	.00	.00	.0%
10410056	595000	0	0	0	.00	.00	.00	.0%
10413556	511001	0	0	0	685.24	.00	-685.24	100.0%*
10413556	520000	0	0	0	2.68	.00	-2.68	100.0%*
10413556	532000	100	0	100	.00	.00	100.00	.0%
10417056	571000	0	0	0	.00	.00	.00	.0%
TOTAL CONSERVATION AND DEVELOPMENT		630,798	0	630,798	485,986.86	.00	144,811.14	77.0%
TOTAL EXPENSES		630,798	0	630,798	485,986.86	.00	144,811.14	
57	OUTLAY							
10410057	581001	0	0	0	22,950.00	.00	-22,950.00	100.0%*
TOTAL OUTLAY		0	0	0	22,950.00	.00	-22,950.00	100.0%
TOTAL EXPENSES		0	0	0	22,950.00	.00	-22,950.00	
GRAND TOTAL		1,216,092	290,641	1,506,733	913,106.46	.00	593,626.54	60.6%

** END OF REPORT - Generated by Dawn Bergs **

RECEIVED

Fee \$ 350.00

MOD - 16-001

AUG 8 2016

PETITION FOR MODIFICATION OF SUBDIVISION ORDINANCE
LINCOLN COUNTY LAND SERVICES COMMITTEE

Doc # 388724

Legal description of the property: GL NE 1/4, SE 1/4, Sec 15, T. 35 N, R. 6 E
and/or Lot Number _____, Subdivision Name _____

Property Address N 11050 C.T.H. "A", TOMAHAWK, WIS. 54487

Tax Parcel Number 0043506154997 Parcel PIN 04.153506.013.003.00:00

Zoning district CROSSROADS MIX USE Lot size 70,012.0

Current use and improvements: BAR & DUPLEX (OWNER'S RESIDENCE)

Ordinance section relating to modification request: 18.7.08(8)

A modification is required because: BOTH LOTS CAN NOT FRONT ON C.T.H. "A", ONLY PUBLIC ROAD TO PROPERTY.

Circumstances that prevent compliance with this section include: ONLY ENOUGH FRONTAGE FOR ONE LOT TO FRONT.

The following is proposed as a means of providing an equal degree of protection to the public health, safety and welfare and in support of the spirit and intent of the ordinance:

ACCESS TO DUPLEX LOT WILL BE BY WAY OF EXISTING ROADWAY TO RACE TRACK, ON SOUTH SIDE OF DIVISION.

Owner Information: Name: THOM LECK

Daytime phone number: (715) 493-0406

Mailing Address: N 11050 C.T.H. "A" TOMAHAWK, WIS. 54487

Signed: thom leck

Date: 8/5/16

You must apply for a "Subdivision Review" prior to applying for this "Petition for Modification". Please attach plat or other map of your property, details of your plans and submit any additional information that may be pertinent (i.e. soil test, draft road maintenance agreement, town approval form, etc.) as it may be required in the decision process.

FOR OFFICE USE ONLY

Date Application Filed: 8/8, 2016 By (Staff): JLW Receipt # 11806 Hearing Date: 10/13, 2016

Owner T's Ranch (Leck, Thom) Tax Parcel # 0043506154997 PIN 04.153506.013.003.00:00
Town BRADLEY Subdiv. _____
Block _____
Lot 6 E Lot 15 T 35 N, R 6 E
Property Desc 388724 DBC # 388724
Last Name Leck First Name Thom

RECEIVED

INITIAL FEE \$

150 -

RECEIPT #

11806

ADDITIONAL FEE

\$ 35 -

RECEIPT #

11806

Lincoln Co. **APPLICATION FOR MAJOR OR MINOR SUBDIVISION / CONDOMINIUM**

Return this signed application & fee to Lincoln County Zoning prior to preparing any map for recording.

Pre Plat-Consultation meeting with Town Officials & County Zoning Staff is required prior to submittal of a plat to assure that the lots will meet minimum standards and requirements of the town and the county.

- 1. This application will be a
 - Minor Subdivision (CSM) - 4 lots or less
 - Major Subdivision (County Plat) - 5 or more lots
 - Minor Condominium Plat - 4 units or less
 - Major Condominium Plat - 5 units or more
 - Condominium Addendum

This section to be completed by owner or surveyor:

2. Tom Leck, N11050 CTH. "A", TOMAHAWK, WIS. 54487 715-493-0406
 Owner or Seller's Name, Address & Phone Number

(Person commissioning survey if other than owner)

LESTER SCHMIT, P.O. Box 216, TOMAHAWK, WIS. 54487
 Surveyor's Name and Address

Applicant's Signature Lester Schmit Date 4 Aug 16

3. Legal description of property to be divided: Sect(s) 15 T 35 N, R 6 E, GL NE 1/4 SE 1/4

Town of: BRADLEY Zoning Designation: CROSSROADS MIX USE

4. Tax Parcel Number(s) of land under this review: 00435061549997 PIN
04.153506.013.003.00.00

5. Parent parcel is located () In Shoreland Not in Shoreland Water Body _____
 (Applies if any part of lot being created is within 1000' of a lake or fowage or 300' of a navigable stream)

6. Extraterritorial Jurisdiction? { Yes } { No } Municipality: CITY OF TOMAHAWK

7. Town Jurisdiction? { Yes } { No } Municipality: BRADLEY

8. Trans 233 approval required? { Yes } { No }
 (Division of Land abutting a state trunk highway or connecting highway)

9. Will there be new roads that needs to be named { Yes } { No } (If yes, please follow-up with Road Naming Form)

10. Is any part of the property within the floodplain? { Yes } { No }

11. Is there any wetland on the property? { Yes } { No }

12. Number of lots / units that will be shown on this survey: 2

13. Approximate lot size(s): ± 50,000 sq ft 98,000 sq ft

14. Total contiguous area retained by owner after this parcel is surveyed, not including this survey.
0 Square Feet or _____ Acres

RECEIVED

MAY 6 0 2014

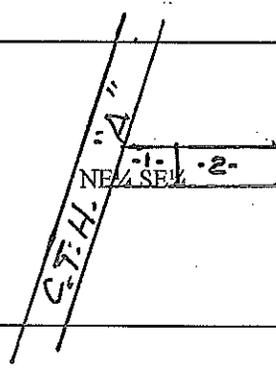
15. Are there any improvements (structures) on the lots shown on this survey? {Yes} {No}
Are there any improvements (structures) on a remainder parcel? N/A {Yes} {No}

16. If there are improvements on the remainder, how close are they to the lot being surveyed? N/A FEET

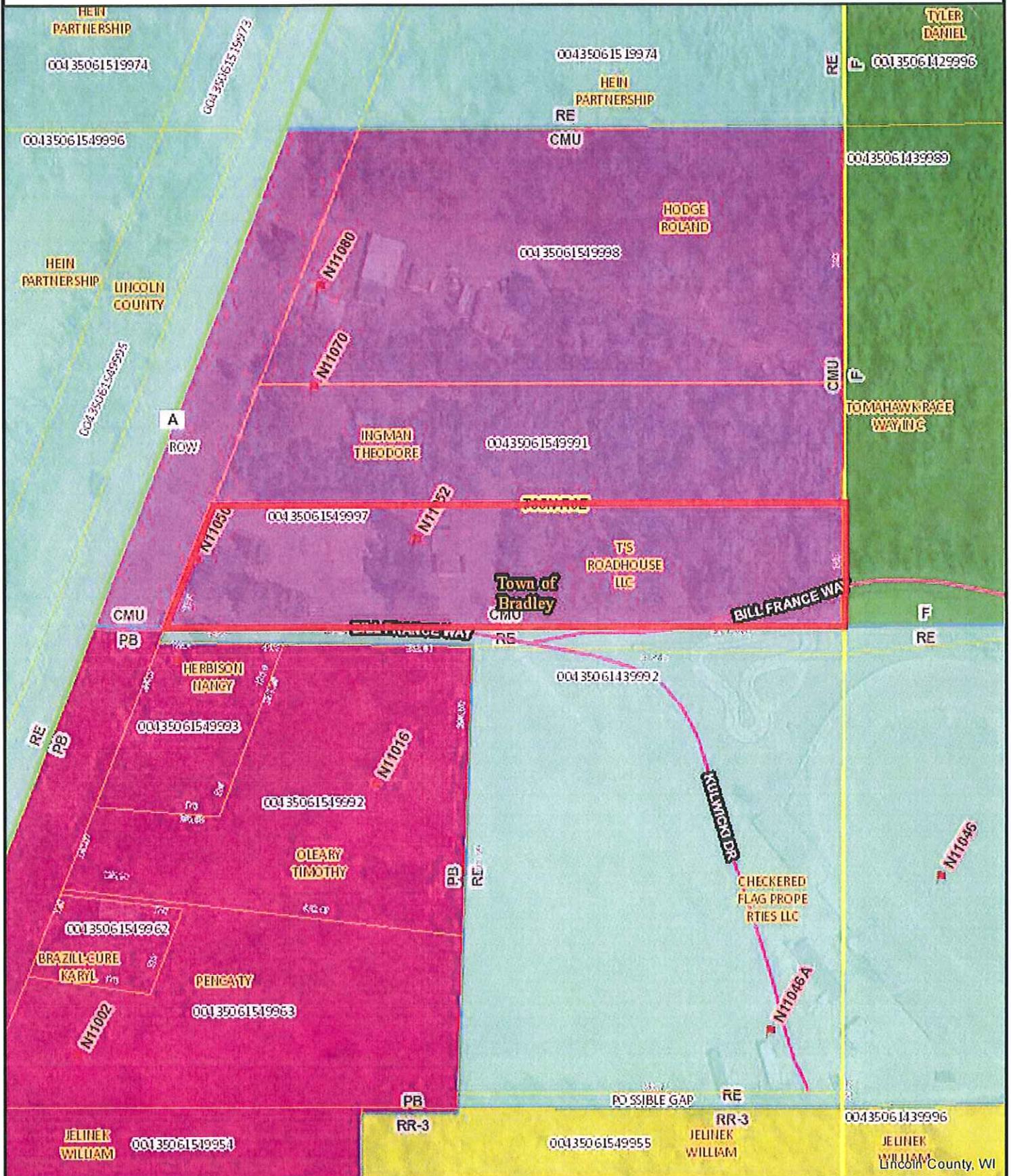
The grid represents one section of land (640 acres) at a scale of 8" = 1 mile. Show your parcel within the section in as much detail as possible. Include the location of existing buildings, roads, property lines, streams, ponds, lakes, and wetlands in relation to your proposed project.

SECTION NUMBER 15 T 35 N R 6 E

NW¼ NW¼	NE¼ NW¼	NW¼ NE¼	NE¼ NE¼
SW¼ NW¼	SE¼ NW¼	SW¼ NE¼	SE¼ NE¼
NW¼ SW¼	NE¼ SW¼	NW¼ SE¼	NE¼ SE¼
SW¼ SW¼	SE¼ SW¼	SW¼ SE¼	SE¼ SE¼



Lincoln County Public Access Land Records Viewer

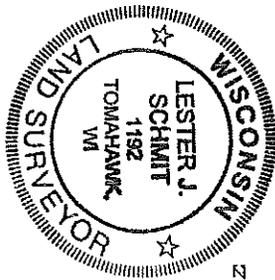


Author: Public
Date Printed: 8/8/2016



The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be substituted for field-verified information. Map may be reproduced with permission of the Lincoln County Land Services Department. Errors should be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone (715) 539-1049.

PRELIMINARY



Lester J. Schmit R.L.S. 9--1192
 Professional Land Surveyor
 Dated this 9th day of August 2016

North is referenced to the east line of
 the Southeast 1/4, Section 15, which is
 N 00°14'36" E, per the Lincoln County
 Coordinate System.

Drafted by Lester J. Schmit

Sheet 1 of 3 sheets

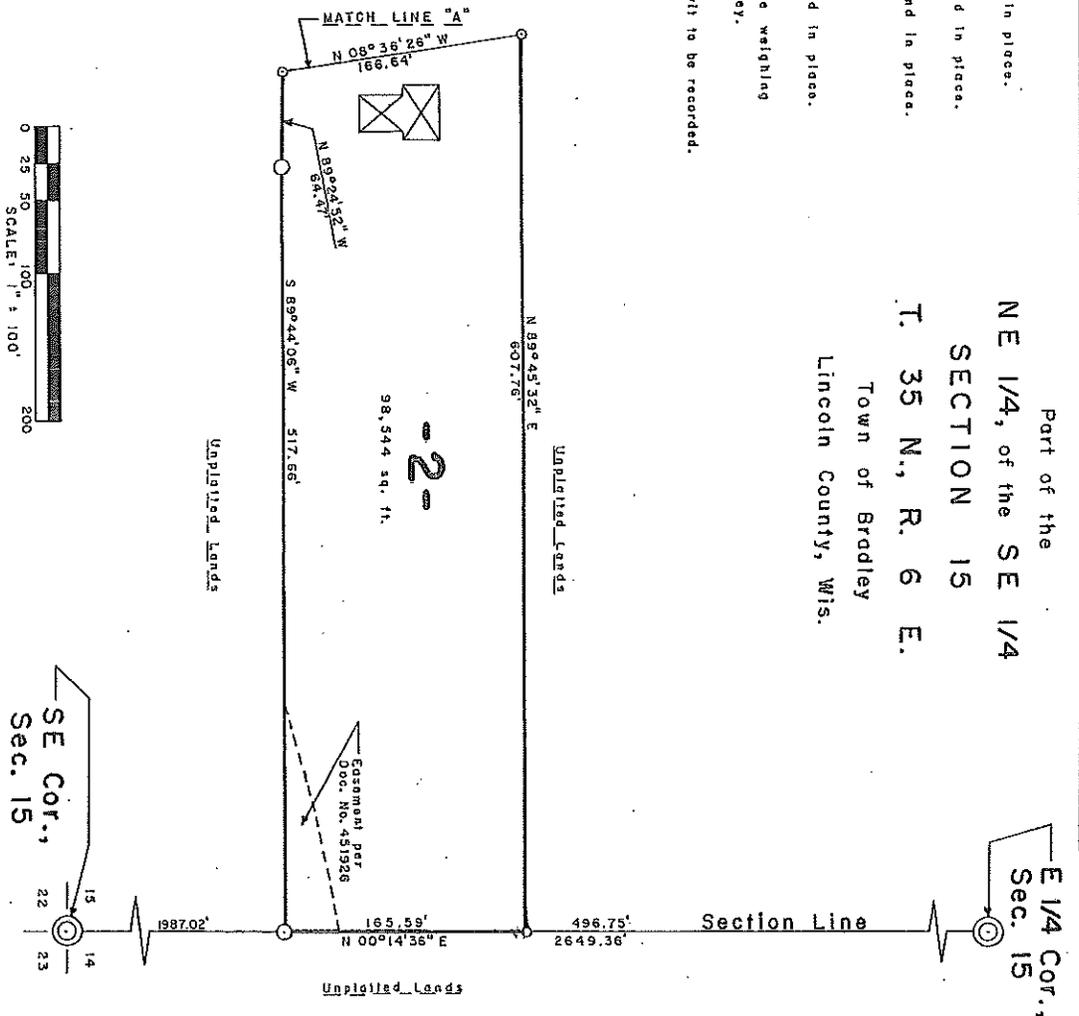
LINCOLN COUNTY CERTIFIED SURVEY MAP NO.

LEGEND

- ⊙ Berrison monument found in place.
- 1 5/8" o.d. iron pipe found in place.
- 1 3/8" o.d. iron pipe found in place.
- ⊠ Denotes building.
- 2 1/2" o.d. iron pipe found in place.
- 1 3/8" o.d. x 24" iron pipe weighing 1.69 lb/ft, see this survey.
- ZZZ P.O.W.T.S. assessment affidavit to be recorded.

Part of the
 NE 1/4, of the SE 1/4
 SECTION 15

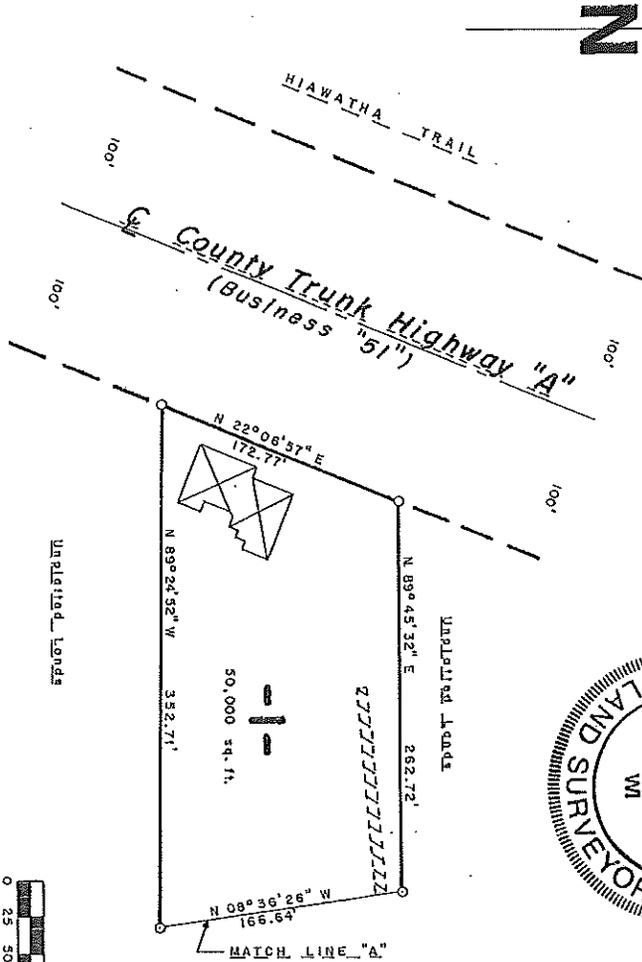
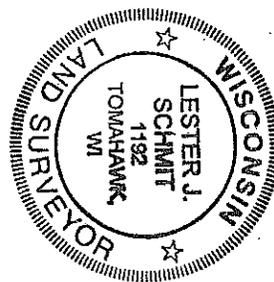
T. 35 N., R. 6 E.
 Town of Bradley
 Lincoln County, Wis.



PRELIMINARY

North is referenced to the post line of
the Southeast 1/4, Section 15, which is
N 00°14'36" E, per the Lincoln County
Coordinate System.

Lester J. Schmitt R.L.S. S-1192
Professional Land Surveyor
Dated this 9th day of August 2016



Created by Lester J. Schmitt

Sheet 2 of 3 sheets



Resolved, that this plat of
Thomas Leek, owner, in the
Town of Bradley, is hereby
approved by the Town Board.

Approved _____
Town Chairman

I hereby certify that the fore-
going is a copy of a resolution
adopted by the Town Board of
the Town of Bradley.

Town Clerk _____

Approved for recording under the
land division regulations of
Lincoln County.

Land Services Administrator
Dated _____

PRELIMINARY

SURVEYOR'S CERTIFICATE

I, Lester J. Schmit, Professional Land Surveyor S-1192 hereby certify:

That I have surveyed, divided and mapped this certified survey being a part of the Northeast $\frac{1}{4}$, of the Southeast $\frac{1}{4}$, Section 15, Township 35 North, Range 6 East, Town of Bradley, Lincoln County, Wisconsin, bounded and described as follows:

Commencing at a Berntsen monument marking the East $\frac{1}{4}$ corner of said Section 15, thence S $00^{\circ}14'36''$ W coincident with the east line of said Section 15 a distance of 496.75' to an iron pipe and the place of beginning, thence continuing S $00^{\circ}14'36''$ W coincident with said east line a distance of 165.59' to an iron pipe, thence S $89^{\circ}44'06''$ W a distance of 517.66' to an iron pipe, thence N $89^{\circ}24'52''$ W a distance of 417.18' to an iron pipe on the easterly right-of-way line of County Trunk Highway "A", thence N $22^{\circ}06'57''$ E coincident with said easterly right-of-way line a distance of 172.77' to an iron pipe, thence leaving said easterly right-of-way line on a bearing of N $89^{\circ}45'32''$ E a distance of 870.48' to an iron pipe and the place of beginning.

That I have made said survey and map at the direction of Thomas Leck; that said map is a true and correct representation of all the exterior boundaries of the land surveyed; and that I have complied fully with the provisions of Chapter 236.34 of the Wisconsin Statutes.



Lester J. Schmit R.L.S. S-1192
Professional Land Surveyor
Dated this 9th day of August 2016



LINCOLN COUNTY
LAND SERVICES DEPARTMENT
 Office of Zoning and Conservation
 Lincoln County Service Center
 801 N Sales Street-Suite 103
 Merrill, WI 54452
 Phone (715) 539-1087 Fax (715) 539-8325

Subdivision Ordinance Modification Criteria
STAFF REPORT

Report Date: October 3, 2016
Hearing Date: October 13, 2016
Property Owner: T's Roadhouse LLC (Thom Leck)
Property Address: N11050 County Hwy A and N11052 County Hwy A
Town of: Bradley
Tax Parcel Numbers: 04.153506.013.003.00.00 (3.57 acres)
Staff Reviewer: Mike Huth – Zoning Program Manager
Zoning District: CMU-Crossroads Mixed Use
Overlay Zoning District: W-Wetland
Submitted Materials: Petition for Modification of Subdivision Ordinance Application,
 Application for Minor Subdivision, Preliminary Certified Survey Map

OVERVIEW

REQUEST

The landowner is requesting to subdivide a 148,544 sq.ft. (3.41 acre) parcel into two lots. Currently, there is a residential dwelling (duplex) and commercial business on the 3.57 acre parcel. The proposed subdivision would place the duplex on a 98,544 sq.ft. (2.26 acre) lot and the commercial business on a separate 50,000 sq.ft. (1.14 acre) lot. The commercial business lot would continue to have access off of County Highway A. The duplex lot would gain access from Bill France Way, a private road easement and maintained through a road maintenance agreement. The Private Onsite Wastewater Treatment System (POWTS) that serves the dwelling on lot 2 is located on lot 1. The applicant has indicated on the preliminary certified survey map that a POWTS easement would be recorded. The lots would continue to have the same land use, residential and commercial. A petition for modification of the subdivision ordinance is required because the proposed duplex lot being created does not have 30 feet of frontage on a public roadway.

STAFF ANALYSIS

What aspect of the Subdivision Ordinance would be compromised by this request?

Staff analysis: Section 18.7.08(8) of Lincoln County Ordinances requires new lots to front or abut a public street for a distance of at least 30 feet. The proposed subdivision cannot meet this requirement as the duplex lot abuts a road served by private easement.

What features of the property prevent compliance with the required standards?

Staff analysis: The proposed duplex lot has no public road frontage.

How does the request provide an alternative method of protecting public health, safety and welfare and uphold the intent of the ordinance?

Staff analysis: The subdivision takes place adjacent to a well-established private road. The property owner has offered to record a road maintenance agreement regarding the responsibility for maintenance of portions of the private road onto the lot being served by the private road. The maintenance agreement should require a minimum maintained road width of 16 feet as is suggested in section 17.5.02 (g) of the Zoning Ordinance for driveways serving dwellings within nonresidential zoning districts.

PUBLIC NOTIFICATION

The applicant has made contact with the Town of Bradley and the Town Recommendation Form should be available at the committee meeting for review. Staff advises the Land Services Committee review any comments the Town submits regarding this petition prior to taking action on this matter.

The legal notice of the requests were published in the *Merrill Courier* (9/23 and 9/30 editions) and the *Tomahawk Leader* (9/20 and 9/27 editions). Staff mailed seven (7) notices of the petitioner's request to neighboring property owners within 300' from the property boundary, the Town of Bradley, and the Lincoln County Forestry and Highway Departments. At the date of this report, staff has not received any comments from neighboring property owners or Lincoln County departments.

COMMITTEE ACTION OPTIONS

APPROVE, WITH CONDITIONS the petition based on the facts of the request presented at the public hearing and approval criteria located in section 18.9.03(1) which states that the Land Services Committee shall not approve modifications unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are met:

- a) The modification shall not have the effect of nullifying the purpose of this chapter.
- b) The modification will not be detrimental to the public safety, health, or welfare or injurious to other property.
- c) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, except as may be allowed for a conservation neighborhood development or for a subdivision within a PD Planned Development zoning district.
- d) Because of the particular physical surroundings, shape, or topographical conditions of the specific parcel involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter is carried out, except as may be allowed for a conservation neighborhood development or for a subdivision within a PD Planned Development zoning district.
- e) The relief sought will not in any manner vary the provisions of the comprehensive plan, Zoning Ordinance, or an adopted official map, except that those documents may be amended in the manner prescribed by law.

DISAPPROVE petition based on the facts of the request presented at the public hearing and that the requested modification is not consist with respective Ordinance regulations.

STAFF RECOMMENDATION

Staff recommends approval of the Petition for Modification request subject to the following conditions:

1. A road maintenance agreement be recorded which obligates lot 2 owner to a minimum maintained width of 16 feet for the private roadway.
2. Lot 2 of the CSM shall be provided driveway access off of Bill France Way. Lot 2 shall not have a driveway through lot 1 or onto County Road A.
3. A Private Onsite Wastewater Treatment System (POWTS) easement shall be recorded.
4. All other applicable ordinance standards are adhered to.



Lincoln County - Zoning Program Manager

10/3/2016

Date

RECEIVED

Fee: \$ 350.00

JUN 22 2016

Receipt Number

11724

CUP - 16 - 011

Lincoln Co. Zoning

CONDITIONAL USE PERMIT

To the Lincoln County Planning and Zoning Administration: The undersigned hereby makes application for a CONDITIONAL USE PERMIT for a determination that the following described site is suitable for the purpose indicated, and that suitable safeguards are met in accordance with the requirements of the Lincoln County Zoning Ordinance and with all other applicable County Ordinances and the laws and regulations of the State of Wisconsin. I declare that the information that I am supplying is true and accurate to the best of my knowledge and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application I am also granting permission to the zoning department staff to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

Legal description of the property: GL 7+8 1/4, 1/4, Sec 10, T.35 N - R. 6 E

and/or Lot Number 2, Subdivision Name CSM # 2416

Property Address N 11466 CORBIN ROAD

Tax Parcel Number 04.103506.009.002.02.02 PIN 004-3506-103-9955

Zoning district Rural Residential 2 Lot size 3 ACRES

Ordinance section relating to the request 17.3.04(12)

Proposed use: RENT COTTAGE ON OCCASIONAL BASIS DURING SUMMER MONTHS (TOURIST LODGING)

Use of adjoining property: Residential's vacant land

COMPLETE A PLOT PLAN DRAWING ON REVERSE SIDE OR ATTACH A SEPARATE SHEET

Owner(s) Name: DANIEL SEENAFER

Mailing Address: 1905 SEVILLE ROAD
MOSINEE, WI 54455

Daytime Phone: (715) 551-3642

Signature: D. Seenafer

Date: 6-22-16

CO-APPLICANT (other than owner)

Name: _____

Address: _____

Note: All owners must sign

FOR OFFICE USE ONLY

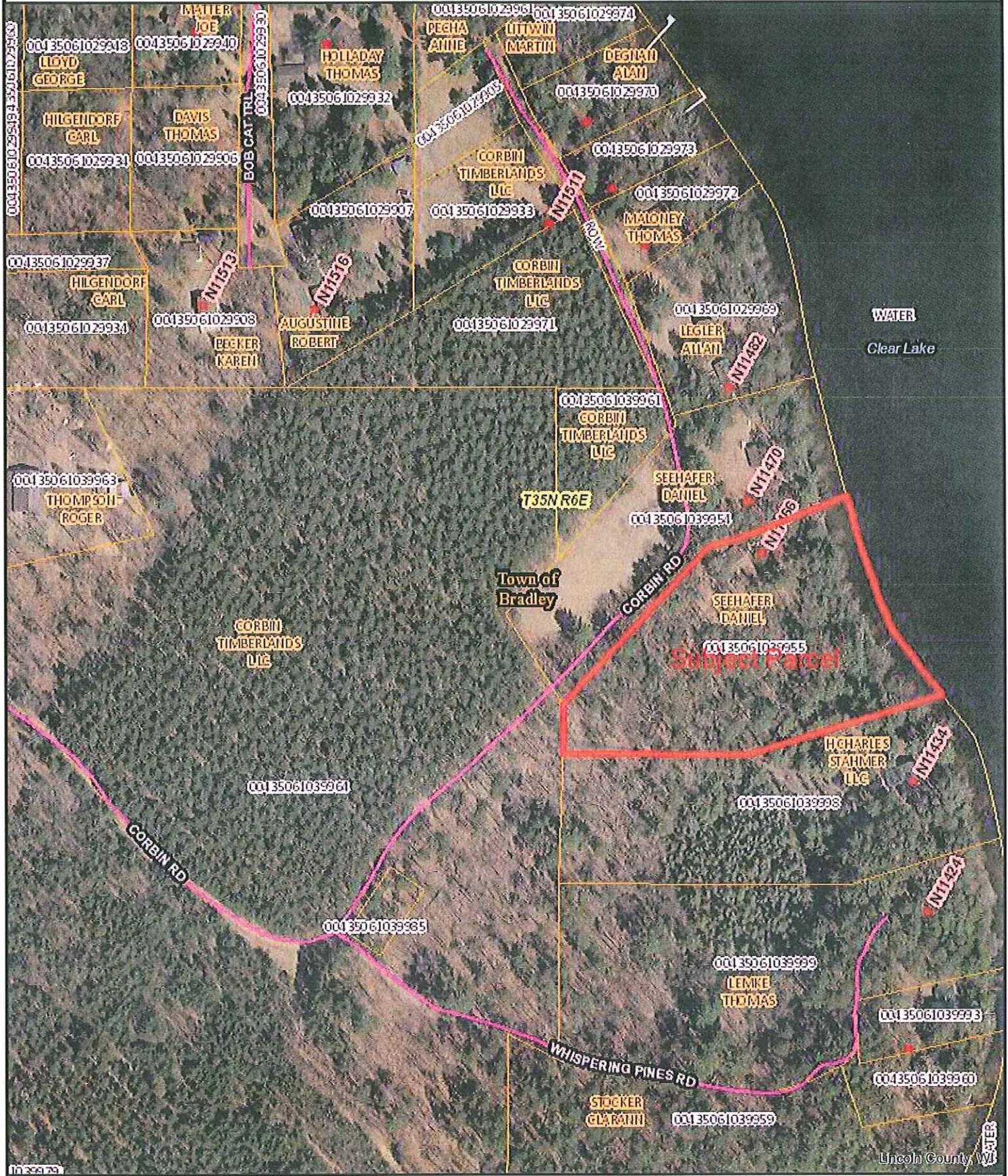
Date Application Received: 6/22, 2016

By (Staff) J. Winters

Date of Hearing: _____, 8/11 2016

Owner: Seenafer, Daniel
First Name: 718
Last Name: Seenafer
Property Desc: (3 acres)
Tax Parcel #: 04-103506-009-002-02-02
Town: Bradley
Subdiv.: CSM # 2416
Block: _____
Lot: 2
1/4, Sec. 10, T. 35 N, R. 06 E

Lincoln County Public Access Land Records Viewer



Author: Public
 Date Printed: 6/22/2016

The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be substituted for field-verified information. Map may be reproduced with permission of the Lincoln County Land Services Department. Errors should be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone (715) 539-1049.

NOTICE OF ACTION

Date: August 17, 2016

Daniel Seehafer
1905 Seville Road
Mosinee, WI 54455

Dear Applicant(s):

On August 11, 2016 the Lincoln County Land Services Committee held a Public Hearing to hear your application #16-011 for a CONDITIONAL USE PERMIT to:

use the property as tourist lodging allowing for overnight and weekly rental of the residence in a Rural Residential 2 (RR2) zoning district. The property is located in the SE¼SW¼ of Section 10, T35N-R6E, in the Town of Bradley, with an address of N11466 Corbin Road. The tax parcel number is 04.103506.009.002.02.02. The request is being heard under section 17.3.04(12) of Lincoln County Ordinance.

On the basis of the evidence presented at the hearing, your request for a CONDITIONAL USE PERMIT has been:

L A I D O V E R

M/S Baughan/Heller to LAYOVER the request until the Committee has Town of Bradley recommendation.

The request will come back as "Old business" on the October Land Services Committee meeting provided this information is received.

Motion carried all ayes.

This order may be revoked by the Committee after notice and opportunity to be heard for violation of any of the conditions imposed.

A record of the hearing and the decision of the Committee are available for inspection in the Zoning Office. If copies are desired, they may be secured upon request and payment of fees according to Lincoln County Ordinance No. 1.33. A complete transcript may be secured upon payment of all transcription fees.

APPEALS OF COMMITTEE DECISIONS. Proceedings for an appeal of the Committee's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Committee's decision. An appeal must be made not more than 30 days from the date of the decision. The appeal shall be initiated by an application to the Land Services Administrator and shall be heard by the Board of Adjustment following the same procedures as an appeal to an Administrator's decision included in Section 17.8.65. The Board of Adjustment shall review whether the Committee followed the standards and criteria in this chapter, rather than conducting a de novo review of the conditional use permit request.

TIME LIMITS ASSOCIATED WITH CONDITIONAL USES. A conditional use permit shall expire 24 months from the date issued if the work described in the permit is not commenced, unless a one-time, one-year extension is applied for, without fee, from the Land Services Committee before the expiration date. If a use or activity associated with a previously approved conditional use permit ceases for 12 months or more after first being established on the property, the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity. Unless a specific condition of approval indicates otherwise, conditional use permits shall run with the land.

The following permits are required to be obtained PRIOR to the commencement of any work on the above conditional use permit:

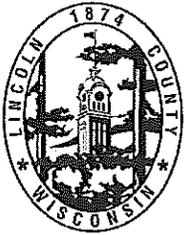
- 1. N/A

Sincerely,

Chair

Secretary

Joretta Baughan
Greta Rusech



LINCOLN COUNTY
LAND SERVICES DEPARTMENT
Office of Zoning and Conservation
Lincoln County Service Center
801 N Sales Street-Suite 103
Merrill, WI 54452
Phone (715) 539-1087 Fax (715) 539-8325

CONDITIONAL USE PERMIT

STAFF REPORT

Report Date: October 3, 2016
Hearing Date: October 13, 2016 (Initially heard at August 11, 2016 LSC)
Property Owner: Daniel Seehafer
Property Address: N11466 Corbin Road
Town of: Bradley
Tax Parcel Number: 04.103506.009.002.02.02
PIN: 004-3506-103-9955
Staff Reviewer: Mike Huth – Zoning Program Manager
Zoning District: RR2-Rural Residential
Overlay Zoning District: S-Shoreland and W-Wetland (see staff report for details)
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The applicant seeks a Conditional Use Permit (CUP) to use the property as tourist lodging allowing for overnight and weekly rental of the pursuant to Chapter 17.3.04(12) of the Lincoln County Zoning Ordinance.

The initial request was heard at the August 2016 Land Services Committee (LSC) meeting. Since the committee did not receive a town recommendation, the LSC tabled the request until the October 2016 LSC meeting in hopes that that applicant would receive the town recommendation by that time.

SUMMARY OF NOTEWORTHY TOPICS

The applicant is proposing to rent the existing dwelling on an overnight and weekly basis in the RR2-Rural Residential zoning district. Tourist lodging requires a CUP in all of the rural residential zoning districts. The applicant has been in contact with the Lincoln County Health Department regarding the requirements regarding the operation of a lodging facility. Lincoln County Health Department is an agent for the State of WI Department of Health Services and under Section 254.74 of WI State Statute it gives the department (in this case Lincoln County Health Department) the authority to prescribe rules for hotels, motels and tourist rooming houses and to enforce these rules for the purpose of protecting public health and safety. The applicant will need to obtain the necessary State of Wisconsin and Lincoln County Health Department approvals upon completion of the CUP process.

SITE CHARACTERISTICS

The approximate three (3) acre wooded parcel is located along Corbin Road, a private roadway and is within the Shoreland overlay zoning district with the close proximity to Clear Lake in the Town of Bradley. In 1970 the property was issued a Sanitary Permit to serve the two (2) bedroom residential dwelling. The septic system was designed pursuant to Wisconsin Administrative Code for two (2) bedrooms; or four (4)

people. Section SPS383.43(3) of Wisconsin Code outlines how the estimated daily combined flow for a Private Onsite Wastewater Treatment System (POWTS) is determined based upon the number of bedrooms with two (2) persons per bedroom.

SURROUNDING LAND USE AND ZONING

NORTH of the property the applicant owns another parcel of land with a single family dwelling. Lands north of the roadway are zoned RR2-Rural Residential and currently contain single family dwellings. **EAST** is Clear Lake. **SOUTH** of the property are single family dwellings and are zoned RR2- Rural Residential. **WEST** of the property Corbin Road, a private roadway and lands east of the road are zoned RR2-Rural Residential.

PUBLIC NOTIFICATION

The applicant has made contact with the Town of Bradley and the Town Recommendation Form has been included with CUP application submittal for staff and the committee to review. The Town of Bradley has made a recommendation to approve the request. Staff advises the Land Services Committee review any comments the Town has submitted regarding this petition prior to taking action on this matter.

The legal notice of the requests were published in the *Merrill Courier* (9/23 and 9/30 editions) and the *Tomahawk Leader* (9/20 and 9/27 editions). Staff mailed six (6) notices of the petitioner’s request to neighboring property owners within 300’ from the property boundary and also the Town of Bradley. At the date of this report, staff has not received any comments from neighboring property owners.

ACTION

Consider the Conditional Use Permit, with conditions. This action would be consistent with the findings of the staff report. New or revised conditions must be included with a motion by the Land Services Committee.

APPROVAL CRITERIA

Section 17.8.30 (7) of the Lincoln County Zoning Ordinance contains the following approval to consider when reviewing the petition. The Land Service Committee before making a decision regarding a CUP request of this nature shall ensure the request fulfills all specific standards of the Lincoln County Zoning Ordinance, and shall find adequate evidence to the following standards:

(a.) The proposed conditional use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

Staff analysis

Will any of the following be substantially or adversely impacted? Explain “Yes” responses.

	<u>Yes</u>	<u>No</u>
1. <i>Nearby Property?</i>		X
2. <i>Character of the neighborhood?</i>		X
3. <i>Natural Environment?</i>		X
4. <i>Traffic or Parking?</i>		X
5. <i>Public Improvements, Property or Rights-of-Way?</i>		X
6. <i>Other Health or Safety Issues?</i>		X

The property is located in a rural residential area that has a variety of sized lots and a scattering of dwellings with accessory detached and attached accessory structures. The applicants have provided a verbal narrative of operations addressing a variety of items ranging to property maintenance and expectations of renters.

Staff has visited the proposed tourist lodging location and has not identified areas of concern regarding the potential impact on the character of the neighborhood that would be different than if the property was used as a single family residential dwelling. Stating as much, with the variety of users renting the property it is inevitable that varying levels of use will exist, ranging from renters seeking a quiet getaway to others that are utilizing the waterfront access the property has to Clear Lake.

As indicated in other sections of this staff report, the applicant will be proceeding with obtaining compliance with the State of Wisconsin through the Lincoln County Health Department regarding health and safety issues that are applicable since this the property is being proposed as a tourist lodging site.

(b.) The proposed conditional use will maintain the desired compatibility of existing and planned land uses types, intensities, and densities in the area as represented by zoning standards and the comprehensive plan, including town land use plans developed by individual towns and incorporated into the comprehensive plan.

Staff analysis

Is the proposed use consistent with the land use types and densities of the Zoning District and the Comprehensive Plan?

Yes, the proposed use is allowed in the RR2-Rural Residential zoning district as a Conditional Use.

(c.) The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies.

Staff analysis

	<u>Yes</u>	<u>No</u>
1. <i>Is the proposed use adequately serviced?</i>	X	
2. <i>Will it place an undue burden on infrastructure or services?</i>		X

The applicant is proposing to utilize the property as tourist lodging that is very comparable to other seasonal residential dwellings in the area in regards to amount of occupants and vehicles accessing the property via Corbin Road, a private roadway. As such, staff does not anticipate any impacts on existing or planned roads for the proposed use as a tourist lodging establishment.

(d.) The potential public benefits of the proposed conditional use outweigh potential adverse impacts, after taking into consideration the specific proposal and any requirements included in approved plans or conditions to ameliorate such impacts.

Staff analysis

	<u>Yes</u>	<u>No</u>
1. <i>Do the benefits outweigh the impacts?</i>	X	

It appears that the potential public benefits (economic, social, and environmental) of a tourist lodging land use in the proposed location would outweigh potential adverse impacts.

(e.) The conditional use will meet all applicable standards of other divisions of this chapter, particularly any standard in Division 17.3, which is applicable to the particular conditional use being sought.

Staff analysis

Section 17.3.04(12) of the Zoning Ordinance defines and regulates tourist lodging land uses. The property owner is proposing a tourist lodging land use that meets the definition as stated below. Considering the unique regulations that are utilized when reviewing land uses of this nature, the zoning ordinance does view more favorability a site that has an onsite or readily available caretaker/manager. The applicants have indicated that they would be occupying

the dwelling to the north of the proposed tourist lodging unit when tourist lodging would occur. The applicant has indicated they have initiated the process of obtaining the necessary license to operate a tourist lodging operation through the Lincoln County Health Department and as stated in the 'Summary of Noteworthy Topics' will regulate a wide variety of items pursuant to WI State Statute.

TOURIST LODGING. Includes land uses that provide 3 or fewer housing units in a single building, on a single lot, or on contiguous lots, with such units available for overnight or weekly stays by paying guests. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include "bed and breakfast establishments," "hotels, motels, or lodging resorts," or "boarding houses." Where available for month-to-month or lease terms of greater length, such uses shall not be considered tourist lodging but shall instead be considered single-family dwellings.

Regulations:

(a) When considering a conditional use for a tourist lodging facility the following criteria are viewed more favorably: onsite or readily available caretaker/manager, larger lot sizes, appropriate screening and natural buffering from adjacent properties. Where this criteria is not present, it may be grounds for denial of a conditional use permit. (Cr. #2006-06-477)

Parking Requirements: One space per room, suite, or cabin.

ASSESSMENT

CONCLUSION

Staff finds that the petition satisfies the approval criteria found in section 17.8.30 (7) of the Lincoln County Zoning Ordinance. In the RR2-Rural Residential zoning district, the proposed tourist lodging land use is conditionally permitted; however, the committee still needs to form a basis for support by reviewing the request against the criteria.

RECOMMENDATION

Staff recommends the Land Services Committee grants a Conditional Use Permit to Daniel Seehafer to use the property (N11466 Corbin Road) as tourist lodging if the Committee is confident the request satisfies the approval criteria listed in this Report. If the Committee approves the request, staff suggests the Committee attach the following conditions to the approval:

1. The overnight occupancy of the dwelling is limited by the sizing of the existing 2-bedroom septic system (installed in 1970), which allows for a maximum of four (4) persons until installation and inspection of a permitted septic system allowing for the total overnight occupancy to be increased based upon the number of bedrooms with two (2) persons per bedroom.
2. Camping units are not allowed for rental purposes.
3. All other applicable regulations shall be met, including appropriate license from Lincoln County Health Department.



Lincoln County - Zoning Program Manager

10/3/2016

Date

Town Recommendation Form
Conditional Use Request, Petition for Modification of Subdivision Ord., Plat Approval
Town of Bradley
Lincoln County

Name of Applicant: Dan Seehafer

Request: Tourist Lodging for property located in SE 1/4 SW 1/4 of Section 10, T35N-R6E in the Town of Bradley, with an address of N11466 Corbin Road.

The Town Planning Commission has made a recommendation on this date 6-27-2016 to:



Approve the Request: by a vote of 6 For and 0 Against

Conditions: _____

Deny the Request: by a vote of _____ For and _____ Against

Delay the Request for 30 days: by a vote of _____ For and _____ Against

Comments/Reasons for any of the above recommendations: _____

The Town Board has made a recommendation on this date September 12, 2016

Approve the Request: by a vote of 3 For and 0 Against

Conditions: Following Information to be Provided

1. Renter's rules and regulations.
2. Name and Telephone number of a local contact to oversee the rental property.

Deny the Request: by a vote of _____ For and _____ Against

Delay the Request for 30 days: by a vote of _____ For and _____ Against

Comments/Reasons for any of the above recommendations: _____

(Check here if:) **The Town hereby waives its right to make a formal recommendation on this Request to the Lincoln County Land Services Committee.**

Dated this 12th day of September, 2016

Town Chairman Signature

Town Board Supervisor Signature

Town Board Supervisor Signature

Town Board Supervisor Signature

RECEIVED

Fee: \$ 350.00

JUL 13 2016

Receipt Number

17764754 gov pay

CUP - 16-014

Lincoln Co Zoning

CONDITIONAL USE PERMIT

To the Lincoln County Planning and Zoning Administration: The undersigned hereby makes application for a CONDITIONAL USE PERMIT for a determination that the following described site is suitable for the purpose indicated, and that suitable safeguards are met in accordance with the requirements of the Lincoln County Zoning Ordinance and with all other applicable County Ordinances and the laws and regulations of the State of Wisconsin. I declare that the information that I am supplying is true and accurate to the best of my knowledge and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application I am also granting permission to the zoning department staff to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

Legal description of the property: GL 3 SE 1/4, NW 1/4, Sec 13, T. 34 N, R. 6 E and/or Lot Number Parcel A, Subdivision Name unrecorded #937 Timberland Survey

Property Address N8794 Lakeview Dr.

Tax Parcel Number 04.133406.005.027.01.00 PIN 004-3406-132-9969

Zoning district RRI Lot size 1.79 acres

Ordinance section relating to the request 17.3.04(12)

Proposed use: Tourist Housing

Use of adjoining property: single family dwellings

COMPLETE A PLOT PLAN DRAWING ON REVERSE SIDE OR ATTACH A SEPARATE SHEET

Owner(s) Name: Ross Nelson

Mailing Address: N8794 Lakeview Dr. Tomahawk, WI 54487

Daytime Phone: (715) 453-0908

Signature: Powell D. Nelson Mary K. Nelson

CO-APPLICANT (other than owner)

Name: Mary K. Nelson

Address: N8794 Lakeview Dr. Tomahawk, WI 54487

Date: July 11, 2016

Note: All owners must sign

FOR OFFICE USE ONLY

Date Application Received: 7/13, 2016

By (Staff) J. Winter

Date of Hearing: 8/11, 2016

Owner: Nelson, Rosswell, Bradley
First Name: Rosswell, Bradley
Last Name: Nelson
Property Desc: GL 3
1/4 Sec 13, T 34 N, R 6 E Lot
Block
Subdiv.
Tax Parcel # 04.133406.005.027.01.00
Town 01.00

July 11, 2016

Lincoln County Health Dept.

Lincoln Co. Zoning

Town of Bradley,

My name is Mary Nelson. I live with my husband Ross and our adult son Andrew Nelson, who has Down's Syndrome, on Road Lake in Tomahawk, WI.

In January of 2015, after my husband suffered a second heart attack we decided that we needed to make serious plans for his retirement. Since he was self-employed as a pastor for over 35 years we needed to be creative. We had a lovely home that we shared with our children for the past 12 years that we knew had potential for others to enjoy while we could remain on the property and provide stability for our son and a place for us to retire.

In June of 2015 we opened the upper level of our 3000 sq. foot home to several vacation renters. They have a three bedroom, two bath upper level unit with their own kitchen and their own entrance.

For the summer we are targeting only the silent sport vacationers. Which means that we will offer only kayaks, canoes, paddleboards, and a dock for recreation. We are a family that respects the environment. We aim to improve the shoreline with natural vegetation (which we purchase from Hanson's gardens in Rhinelander, WI). We will offer NO access to Road Lake with motorized vehicles. With this in mind, we hope to remain friends to all those who have enjoyed Road Lake as a small fairly quiet lake.

Our guests must park on our driveway only. Our property is set up for a max of 8 guests. We do not allow parties or reunions UNLESS it is our private party or wedding, in which we would contact our neighbors.

We have a contract they must sign clarifying the boundaries and the rules of our property before they even arrive. We recycle ALL garbage.

We live in the lower level with our adult son Andrew in an apartment we made in the fall and winter of 2015. We have our own access to move in and out freely without disturbing our guests. We maintain a fairly large vegetable garden and huge flower gardens.

We will retire at the end of 2016. At which time we hope to supplement our social security with our vacation rental money.

Thank You for giving us this opportunity,

Mary Nelson

Lincoln County Public Access Land Records Viewer



Author: Public
Date Printed: 7/13/2016



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NOTICE OF ACTION

Date: August 17, 2016

Roswell & Mary Nelson
N8794 Lakeview Dr.
Tomahawk, WI 54487

Dear Applicant(s):

On August 11, 2016 the Lincoln County Land Services Committee held a Public Hearing to hear your application #16-014 for a CONDITIONAL USE PERMIT to:

use the property as tourist lodging allowing for overnight and weekly rental of the residence in a Rural Residential 1 (RR1) zoning district. The property is located in Government Lot 3 of Section 13, T34N-R6E, in the Town of Bradley, with an address of N8794 Lakeview Drive. The tax parcel number is 04.133406.005.027.01.00. The request is being heard under section 17.3.04(12) of Lincoln County Ordinance.

On the basis of the evidence presented at the hearing, your request for a CONDITIONAL USE PERMIT has been:

LAI D O V E R

M/S Bialecki/Allen to LAYOVER the request until the Committee has Town of Bradley recommendation.

The request will come back as "Old business" on the October Land Services Committee meeting provided this information is received.

Motion carried all ayes.

This order may be revoked by the Committee after notice and opportunity to be heard for violation of any of the conditions imposed.

A record of the hearing and the decision of the Committee are available for inspection in the Zoning Office. If copies are desired, they may be secured upon request and payment of fees according to Lincoln County Ordinance No. 1.33. A complete transcript may be secured upon payment of all transcription fees.

APPEALS OF COMMITTEE DECISIONS. Proceedings for an appeal of the Committee's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Committee's decision. An appeal must be made not more than 30 days from the date of the decision. The appeal shall be initiated by an application to the Land Services Administrator and shall be heard by the Board of Adjustment following the same procedures as an appeal to an Administrator's decision included in Section 17.8.65. The Board of Adjustment shall review whether the Committee followed the standards and criteria in this chapter, rather than conducting a de novo review of the conditional use permit request.

TIME LIMITS ASSOCIATED WITH CONDITIONAL USES. A conditional use permit shall expire 24 months from the date issued if the work described in the permit is not commenced, unless a one-time, one-year extension is applied for, without fee, from the Land Services Committee before the expiration date. If a use or activity associated with a previously approved conditional use permit ceases for 12 months or more after first being established on the property, the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity. Unless a specific condition of approval indicates otherwise, conditional use permits shall run with the land.

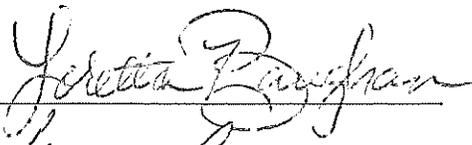
The following permits are required to be obtained PRIOR to the commencement of any work on the above conditional use permit:

- 1. N/A

Sincerely,

Chair

Secretary






LINCOLN COUNTY
LAND SERVICES DEPARTMENT
Office of Zoning and Conservation
Lincoln County Service Center
801 N Sales Street-Suite 103
Merrill, WI 54452
Phone (715) 539-1087 Fax (715) 539-8325

CONDITIONAL USE PERMIT

STAFF REPORT

Report Date: October 3, 2016
Hearing Date: October 13, 2016 (Initially heard at August 11, 2016 LSC)
Property Owner: Ross and Mary Nelson
Property Address: N8794 Lakeview Drive
Town of: Bradley
Tax Parcel Number: 04.133406.005.027.01.00
PIN: 004-3406-132-9969
Staff Reviewer: Mike Huth – Zoning Program Manager
Zoning District: RR1-Rural Residential
Overlay Zoning District: S-Shoreland
Submitted Materials: CUP Application, Site Drawings, Narrative of Operations

OVERVIEW

REQUEST

The applicant seeks a Conditional Use Permit (CUP) to use the property as tourist lodging allowing for overnight and weekly rental of the pursuant to Chapter 17.3.04(12) of the Lincoln County Zoning Ordinance.

The initial request was heard at the August 2016 Land Services Committee (LSC) meeting. Since the committee did not receive a town recommendation, the LSC tabled the request until the October 2016 LSC meeting in hopes that that applicant would receive the town recommendation by that time.

SUMMARY OF NOTEWORTHY TOPICS

The applicant is proposing to continue to rent portions of the existing dwelling on an overnight and weekly basis in the RR1-Rural Residential zoning district. Tourist lodging requires a CUP in all of the rural residential zoning districts. The applicant has been in contact with the Lincoln County Health Department regarding the requirements regarding the operation of a lodging facility. Lincoln County Health Department is an agent for the State of WI Department of Health Services and under Section 254.74 of WI State Statute it gives the department (in this case Lincoln County Health Department) the authority to prescribe rules for hotels, motels and tourist rooming houses and to enforce these rules for the purpose of protecting public health and safety. The applicant will need to obtain/maintain the necessary State of Wisconsin and Lincoln County Health Department to operate the tourist lodging.

SITE CHARACTERISTICS

The approximate 1.6 acre partially wooded parcel is located along Lakeview Drive, a Town of Bradley roadway and is within the Shoreland overlay zoning district with the close proximity to Road Lake. In 2002, the property was issued a Land Use Permit to allow for the construction of a single family dwelling

with porch and garage. The Land Use Permit Application indicated that the dwelling would contain 4 bedrooms. In 2015, a porch and addition were permitted. The Land Use Permit indicated that at that time the dwelling had 3 bedrooms. In 2002, Sanitary Permit #414265 was issued for the installation of a non-pressurized in-ground Private Onsite Wastewater Treatment System (POWTS) that was designed to serve a 3 bedroom single family dwelling. In 2003, the septic system permitted as #414265 was installed. The septic system was designed pursuant to Wisconsin Administrative Code for three (3) bedrooms; or six (6) people. Section SPS383.43(3) of Wisconsin Code outlines how the estimated daily combined flow for a POWTS is determined based upon the number of bedrooms with two (2) persons per bedroom. Based upon conversations with the applicant, there are 3 family members that reside at the home. Depending on how the applicant would operate the tourist lodging, and based upon the installed septic system, six (6) total individuals utilizing the bedrooms of the dwelling would not exceed the permitted and installed POWTS.

Since the LSC meeting in August 2016, the applicant has worked with a WI licensed plumber and has received a POWTS sanitary permit to allow work to be conducted on the existing system to enlarge it. Once the enlargement of the POWTS is installed and inspected, the number of total individuals utilizing the system could be increased to align with the permitted two (2) persons per bedroom. The POWTS permit (S-16-90 #3516073) is valid for 2 years from the date of issuance on August 9, 2016.

SURROUNDING LAND USE AND ZONING

NORTH of the property is Road Lake. **EAST** of the property are single family dwellings and are zoned RR1 - Rural Residential. **SOUTH** of the property access is gained to the parcel by Lake View Drive, a Town of Bradley roadway. Adjacent properties to the roadway are single family dwellings and are zoned RR1- Rural Residential. **WEST** of the property are single family dwellings and are zoned RR1 - Rural Residential.

PUBLIC NOTIFICATION

The applicant has made contact with the Town of Bradley and the Town Recommendation Form has been included with CUP application submittal for staff and the committee to review. The Town of Bradley has made a recommendation to approve the request and has noted that a condition of the town approval was that '*a maximum of three quests at one time or six if the Nelson's vacate the property while guests are there*'. Staff advises the Land Services Committee review any comments the Town has submitted regarding this petition prior to taking action on this matter.

The legal notice of the requests were published in the *Merrill Courier* (9/23 and 9/30 editions) and the *Tomahawk Leader* (9/20 and 9/27 editions). Staff mailed seven (7) notices of the petitioner's request to neighboring property owners within 300' from the property boundary and also the Town of Bradley. At the date of this report, staff has not received any comments from neighboring property owners.

ACTION

Consider the Conditional Use Permit, with conditions. This action would be consistent with the findings of the staff report. New or revised conditions must be included with a motion by the Land Services Committee.

APPROVAL CRITERIA

Section 17.8.30 (7) of the Lincoln County Zoning Ordinance contains the following approval to consider when reviewing the petition. The Land Service Committee before making a decision regarding a CUP request of this nature shall ensure the request fulfils all specific standards of the Lincoln County Zoning Ordinance, and shall find adequate evidence to the following standards:

- (a.) *The proposed conditional use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public*

improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

Staff analysis

Will any of the following be substantially or adversely impacted? Explain "Yes" responses.

	<u>Yes</u>	<u>No</u>
1. Nearby Property?		X
2. Character of the neighborhood?		X
3. Natural Environment?		X
4. Traffic or Parking?		X
5. Public Improvements, Property or Rights-of-Way?		X
6. Other Health or Safety Issues?		X

The property is located in a rural residential area that has a variety of sized lots and a scattering of dwellings with accessory detached and attached accessory structures. The applicants have provided a narrative of operations addressing a variety of items ranging to property maintenance and expectations of renters.

Staff has visited the proposed tourist lodging location and has not identified areas of concern regarding the potential impact on the character of the neighborhood that would be different than if the property was used as a single family residential dwelling. Stating as much, with the variety of users renting the property it is inevitable that varying levels of use will exist, ranging from renters seeking a quiet getaway to others that are utilizing the waterfront access the property has to Road Lake.

As indicated in other sections of this staff report, the applicant will be proceeding with obtaining compliance with the State of Wisconsin through the Lincoln County Health Department regarding health and safety issues that are applicable since this the property is being proposed as a tourist lodging site.

(b.) The proposed conditional use will maintain the desired compatibility of existing and planned land uses types, intensities, and densities in the area as represented by zoning standards and the comprehensive plan, including town land use plans developed by individual towns and incorporated into the comprehensive plan.

Staff analysis

Is the proposed use consistent with the land use types and densities of the Zoning District and the Comprehensive Plan?

Yes, the proposed use is allowed in the RR1-Rural Residential zoning district as a Conditional Use.

(c.) The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies.

Staff analysis

	<u>Yes</u>	<u>No</u>
1. Is the proposed use adequately serviced?	X	
2. Will it place an undue burden on infrastructure or services?		X

The applicant is proposing to utilize the property as tourist lodging that is very comparable to other seasonal residential dwellings in the area in regards to amount of occupants and vehicles accessing the property via Lakeview Drive, a township roadway. As such, staff

does not anticipate any impacts on existing or planned roads for the proposed use as a tourist lodging establishment.

(d.) *The potential public benefits of the proposed conditional use outweigh potential adverse impacts, after taking into consideration the specific proposal and any requirements included in approved plans or conditions to ameliorate such impacts.*

Staff analysis

	<u>Yes</u>	<u>No</u>
1. <i>Do the benefits outweigh the impacts?</i>	X	

It appears that the potential public benefits (economic, social, and environmental) of a tourist lodging land use in the proposed location would outweigh potential adverse impacts.

(e.) *The conditional use will meet all applicable standards of other divisions of this chapter, particularly any standard in Division 17.3, which is applicable to the particular conditional use being sought.*

Staff analysis

Section 17.3.04(12) of the Zoning Ordinance defines and regulates tourist lodging land uses. The property owner is proposing a tourist lodging land use that meets the definition as stated below. Considering the unique regulations that are utilized when reviewing land uses of this nature, the zoning ordinance does view more favorably a site that has an onsite or readily available caretaker/manager. Since the applicants would be utilizing a portion of the existing dwelling for tourist lodging, it appears that they will be readily available. The applicant has indicated that they have initiated the process of obtaining the necessary license to operate a tourist lodging operation through the Lincoln County Health Department and as stated in the 'Summary of Noteworthy Topics' will regulate a wide variety of items pursuant to WI State Statute.

TOURIST LODGING. Includes land uses that provide 3 or fewer housing units in a single building, on a single lot, or on contiguous lots, with such units available for overnight or weekly stays by paying guests. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include "bed and breakfast establishments," "hotels, motels, or lodging resorts," or "boarding houses." Where available for month-to-month or lease terms of greater length, such uses shall not be considered tourist lodging but shall instead be considered single-family dwellings.

Regulations:

(a) *When considering a conditional use for a tourist lodging facility the following criteria are viewed more favorably: onsite or readily available caretaker/manager, larger lot sizes, appropriate screening and natural buffering from adjacent properties. Where this criteria is not present, it may be grounds for denial of a conditional use permit. (Cr. #2006-06-477)*

Parking Requirements: One space per room, suite, or cabin.

ASSESSMENT

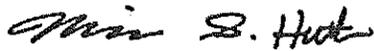
CONCLUSION

Staff finds that the petition satisfies the approval criteria found in section 17.8.30 (7) of the Lincoln County Zoning Ordinance. In the RR1-Rural Residential zoning district, the proposed tourist lodging land use is conditionally permitted; however, the committee still needs to form a basis for support by reviewing the request against the criteria.

RECOMMENDATION

Staff recommends the Land Services Committee grants a Conditional Use Permit to Ross and Mary Nelson to use the property (N8794 Lakeview Drive) as tourist lodging if the Committee is confident the request satisfies the approval criteria listed in this Report. If the Committee approves the request, staff suggests the Committee attach the following conditions to the approval:

1. The overnight occupancy of the dwelling is limited by the sizing of the existing 3-bedroom septic system, which allows for a maximum of six (6) persons until installation and inspection of the permitted (S-16-090 #3516073) septic system allowing for the total overnight occupancy to be increased to a maximum of ten (10) persons based upon the 5-bedroom septic system.
2. Camping units are not allowed for rental purposes.
3. All other applicable regulations shall be met, including appropriate license from Lincoln County Health Department.



Lincoln County - Zoning Program Manager

10/3/2016

Date

Town Recommendation Form
Conditional Use Request, Petition for Modification of Subdivision Ord., Plat Approval
Town of Bradley
Lincoln County

RECEIVED
SEP 30 2016
Lincoln Co. Zoning

Name of Applicant: Ross and Mary Nelson

Request: Tourist Lodging for property located in Government Lot 3 of Section 13, T34N-R6E, in the Town of Bradley, with an address of N8794 Lakeview Drive.

The Town Planning Commission has made a recommendation on this date 9-26-2016 to:

Approve the Request: by a vote of 5 For and 0 Against

Conditions: This approval is with a maximum of three guests at one time or six if the Nelson's vacate the property while guests are there.

Deny the Request: by a vote of For and Against

Delay the Request for 30 days: by a vote of For and Against

Comments/Reasons for any of the above recommendations: _____

The Town Board has made a recommendation on this date September 12, 2016

Approve the Request: by a vote of 3 For and 0 Against

Conditions: This approval is with a maximum of 3 guests at one time or 6 if the Nelson's vacate the property while guests are there.

Deny the Request: by a vote of For and Against

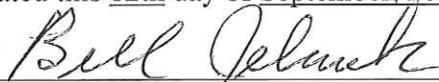
Delay the Request for 30 days: by a vote of For and Against

Comments/Reasons for any of the above recommendations: _____

(Check here if:) **The Town hereby waives its right to make a formal recommendation on this Request to the Lincoln County Land Services Committee.**

Dated this 12th day of September, 2016


Town Chairman Signature


Town Board Supervisor Signature


Town Board Supervisor Signature

Town Board Supervisor Signature



August 9, 2016

MANAGED GRAZING – 2017 LINCOLN COUNTY PROPOSAL

Dear Matt,

Marathon County would like to extend an invitation to Lincoln County to renew the managed grazing educational and technical assistance partnership.

The use of managed grazing by farmers provides many community benefits. Farmers who implement managed grazing typically have profitable operations that will benefit the local economy. In addition, managed grazing provides unmatched soil and water conservation benefits as shown by the many University research projects. It is one of the few low cost options available to new farmers as a way to start their own farms.

Managed grazing efforts match Lincoln County's desire to preserve its abundant rural character as stated in the County's Mission Statement and the goals, objectives and action items in the Lincoln County Land and Water Resource Management Plan.

By renewing our partnership, it will bring both Lincoln County's Comprehensive Plan and Land and Water Resource Management Plan to life, provide direct technical and educational services to landowners, while reducing runoff from agricultural land. By working cooperatively, as in the past, Marathon and Lincoln Counties can leverage and utilize additional state, federal and private funding through various programs to benefit the landowners and agricultural economy in north central Wisconsin.

Please refer to the attached sheet that describes possible options for a cooperative arrangement between the two counties. Bill Kolodziej, Grazing Specialist and I are willing to meet with you to discuss these as well as any other options to assist Lincoln County with managed grazing efforts.

Thank you for your consideration,

Rebecca Frisch
Director

cc. Bill Kolodziej, Grazing Specialist

MANAGED GRAZING OPTIONS:

Marathon County is open to a variety of options in which a managed grazing partnership could be renewed. Following are a few options for Lincoln County to consider:

Option A: Marathon County would provide Lincoln County a prescribed set of managed grazing educational and technical assistance services for a total sum of \$10,000 per calendar year as compensation.

Option B: Marathon County would provide managed grazing technical assistance and bill Lincoln County based on services rendered as authorized by Lincoln County. For example: per farm visit, per grazing plan developed, per follow-up technical assistance, per hour of staff training, etc. A maximum total dollar amount could be established for budget purposes.

You may have other ideas for options and we are open to discuss other ideas.

For your reference, following are examples of what types of assistance would be provided for technical, educational and program management of managed grazing.

- **Technical Assistance**
 - Provide one-on-one planning assistance to farmers.
 - Cost share agreement development.
 - Coordinate use of no-till drills to graziers for pasture renovation.
 - Provide follow-up technical assistance to graziers.
 - Provide design and implementation assistance for Best Management Practices.
- **Education**
 - Educate farmers, lenders, educators and other agricultural professionals about managed grazing through pasture walks, winter meetings, conferences, and local press releases.
 - Organize pasture walks in both Marathon and Lincoln Counties.
 - Develop and distribute newsletters.
 - Develop an annual accomplishment report for each county.
 - Provide support and guidance to beginning farmers about managed grazing.
- **Program Management**
 - Cooperates, communicates and provides required documentation to the Department of Agriculture, Trade, and Consumer Protection (DATCP), Grassworks, respective county departments and other entities as required.
 - Apply for and secure additional funding for program/project implementation.



MANAGED GRAZING TECHNICAL AND EDUCATIONAL ASSISTANCE OPTIONS LINCOLN COUNTY

Technical Assistance

- Grazing Plan Development: Provide one-on-one planning assistance to farmers including development of a managed grazing plan. Typically, 8 hours is needed for plan development plus 6-8 hours is needed for two farm visits. The first farm visit aids in the development of the grazing plan and includes introduction of managed grazing methods, discussion of layout of paddocks/ fencing/water supply needs, and consideration of individual farm management skills and livestock type. The second visit includes reviewing the draft grazing plan with landowner, discussion of modifications, and demonstration of the use of temporary wire and moving livestock from paddock to paddock.
- Pasture Inventory and Grazing Training: Provide follow-up technical assistance to grazers to ensure that the landowner has full understanding of pasture management and maintenance. Typically, 3 to 4 hours per visit (which includes drive time). Eight visits per year are recommended for the first two years, which includes biweekly or monthly pasture inventories during the growing season. This will vary based on the knowledge and experience of the farmer but is especially helpful for new or young farmers. The on-farm inventory and training is to educate the landowner on grass/weed management, adequate pasture rotations and ensure that pasture overgrazing does not occur. The ultimate goal is to maximize pasture management for the benefit of the animal as well as the environment.
- Best Management Design/Implementation and Cost Share Assistance: Provide design and implementation assistance for cost shared Best Management Practices (BMPs). Managed grazing systems often include BMPs such as watering systems, livestock trails/walkways, heavy use area protection, etc. These practices must be designed and installed to meet Natural Resource Conservation Service (NRCS) standards. Staff working on these practices must have engineering approval authority to meet these standards. CPZ staff has engineering job approval authority at sufficient levels to complete designs and install the practices independently to meet the NRCS standards.

The time to design and install BMPs can vary (10-40 hours) due to soils, topography, paddock layout, size and other factors. In addition, site visits must occur during the installation of the BMP to document that engineering specifications are met. In addition to the technical aspect of BMP's, cost share agreements are developed, change orders submitted, cost documentation collected, reimbursement request data collected, etc. to ensure compliance with cost share agreement terms.

- No Till Drills: Coordinate use of no-till drills to grazer's for pasture renovation would include drill maintenance, drill set up, trouble shooting, seed mixture suggestions, adjusting drill use schedule due to weather and other factors, etc. Typically, time spent on this activity is a minimum of 30 minutes up to 2 hours plus delivery time, if applicable.

Conservation, Planning & Zoning Department

Educational Activities

- Pasture Walks: Educate farmers, lenders, educators and other agricultural professionals about managed grazing through a minimum of 2 on-farm pasture walks in Lincoln County. Pasture walks are an opportunity for the farmer to explain his/her grazing set-up and management to the attendees. This includes preparation/setup, mailing, advertising, refreshments, and assisting the landowner hosting the pasture walk. Pasture walks are typically 2 hours with an additional 4 hours of preparation and setup.
- Grazing Educational Meetings: Educate farmers, lenders, educators and other agricultural professionals about managed grazing through a minimum of 2 grazing educational meetings in Lincoln County. Topics for these meetings would be discussed with and approved by the Lincoln County Land Services Administrator. This would include coordinating meeting agenda, location, speakers, mailings, advertising, meeting preparation/setup, refreshments, and other meeting management. Typically, these meetings are held evenings for 2 hours with an additional 8 hours of preparation, planning and set up.
- Newsletters: Develop and distribute newsletters to interested Lincoln County landowners. Currently, there are 308 individuals on the grazing newsletter mailing list that reside in Lincoln County. Costs associated with the quarterly newsletter would be limited to costs for printing and mailing to the Lincoln County residents.
- Reports: Develop reports as requested including an annual report of managed grazing activities. Typical annual reports take approximately 2 hours to organize and complete. Special report requests may take longer to develop.
- Training: Provide managed grazing training and guidance to Lincoln County Land Services Department staff, as requested. Training would be scheduled to accommodate both Lincoln and Marathon County staff schedules.

MANAGED GRAZING OPTIONS	ESTIMATED TIME/cost per unit*	ESTIMATED COSTS
Grazing Plan Development	16 hours	\$1072.00 per plan plus mileage
Pasture Inventory and Grazing Training	32 hours	\$2144 per plan/farmer/year plus mileage
Best Management Design/Implementation and Cost Share Assistance	10-40 hours	\$670.00-\$2680.00 plus mileage
No Till Drills	30 minutes – 2 hours	\$33.50 - \$134.00 plus mileage
Pasture Walks	6 hours	\$402.00 each plus mileage
Grazing Educational Meetings	10 hours	\$670.00 per meeting plus outside speaker fees, if applicable and mileage
Newsletters	\$.16 per copy, \$.32 postage per piece	\$150.00 for each mailing
Reports	2 hours	\$134.00 each
Training of Lincoln County staff	on an as needed basis per hour	\$67.00 per hour plus mileage

Please note: The table above calculates costs based on typical estimates of time spent on each activity multiplied by \$67.00 per hour rate. This hourly rate includes salary and fringe, equipment costs, computer, office space, and administrative costs. The Lincoln County Land Services Administrator would be responsible to request services in writing (email), as needed. Services provided would be agreed upon in writing (email) prior to the start of the project.

*Billing would be for actual hours worked and actual miles driven versus the typical estimates as outlined on the table above.

LINCOLN COUNTY DEPARTMENT HEAD EVALUATION FORM

Please respond to each question by indicating the appropriate level. Areas left unmarked will be graded as Meets Expectations. Areas marked Needs Improvement must be discussed with the employee during the committee meeting. Failure to discuss an item will be counted at Meets Expectations.

AREA OF EVALUATION	Needs Improve- ment	Meets Expect- ations	Exceeds Expect- ations	COMMENTS
A. Relationship with the Committee				
1. Keeps the Committee informed on issues, needs and operation of the Department.				
2. Offers professional advice to the Committee on items requiring Committee action, with appropriate recommendations based on thorough study of the matter.				
3. Provides Committee with adequate time to review background materials prior to making decisions.				
4. Supports Committee policy and actions to the public and staff.				
5. Recommends policy revisions/additions to the Committee.				

AREA OF EVALUATION	Needs Improvement	Meets Expectations	Exceeds Expectations	COMMENTS
A. Relationship with Committee (cont'd)				
6. Prepares and publishes an annual report of Department operations.				
7. Provides leadership for long-term planning for Department.				
8. Works toward establishing a working relationship and good communications with the Chair and other Committee members.				
B. Business and Finance				
1. Prepares budget employing accepted and sound fiscal and budgetary practices.				
2. Supervises operations, insisting on competent and cost-effective performance.				
3. Evaluates financial needs within the Department and makes recommendations for adequate funding.				

Employee Name: _____

Date of Evaluation __/__/__

AREA OF EVALUATION	Needs Improvement	Meets Expectations	Exceeds Expectations	COMMENTS
C. Community Relations				
1. Gains respect and support of the community on the Department operation. Is willing to listen to opinions and concerns of the public.				
2. Provides prompt, courteous service to those served by the department.				
Additional Comments:				
Date of Evaluation:				Evaluator's Signature: