

**NOTICE OF PUBLIC HEARING**

The Lincoln County Land Services Committee will hold a Public Hearing on Thursday, June 9, 2016 at 2:00 p.m. to take testimony on the items listed below. The tour will depart at 1:00 p.m. from Lincoln County Service Center, Meeting room #156, at 801 N. Sales St., Merrill, WI.

**CONDITIONAL USE REQUESTS**

1. A request by Mervin and Tonya Brubaker to operate an expanded home occupation business for a bakery (wholesale and retail sales) as a conditional use in the Rural Lands 4 zoning district. The property is located in the NW¼ NE¼ of Section 27, T33, R8E, in the Town of Russell, with an address of W5696 State Road 17, Gleason. The tax parcel number is 20.273308.002.001.01.00. The request is being heard under section 17.8.30 and relating to section 17.3.09(8) of the Lincoln County Zoning 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

## Budget Modification Form

For the Year 2016

Issue Date: 5/11/2016

County Department:

LAND

Budget Modification Number:  
(Finance will assign)

Decrease

Increase

Account Name

Account Number

10410051.435100.10127

STRATEGIC INITIATIVE REV

50000

10410051.571000.10127

STRATEGIC INITIATIVE EXP

50000

Description of need:

WLIP STRATEGIC INITIATIVE GRANT AWARD

Department Head Signature

Committee Approval:

Finance Committee Approval:  
(if total appropriation has been increased)

## June Winters

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**From:** June Winters  
**Sent:** Wednesday, May 11, 2016 12:58 PM  
**To:** Dawn Bergs; Norm Bushor; Matt Bremer  
**Cc:** Terri Pankow  
**Subject:** RE: WLIP and updated chart of accounts...

I will put it down for June's LSC meeting agenda.

*June Winters*  
*Zoning Program Assistant*  
*Lincoln County Land Services*  
*801 N. Sales St., Suite 103*  
*Merrill, WI 54452*  
*Ph (715) 539-1087 Fax (715) 539-8325*

**From:** Dawn Bergs  
**Sent:** Wednesday, May 11, 2016 11:40 AM  
**To:** Norm Bushor <NBushor@co.lincoln.wi.us>; Matt Bremer <MBremer@co.lincoln.wi.us>  
**Cc:** Terri Pankow <tpankow@co.lincoln.wi.us>; June Winters <JWinters@co.lincoln.wi.us>  
**Subject:** WLIP and updated chart of accounts...

Hi Norm and Matt,  
First report shows just the 3 projects for WLIP, base/edu/strategic and where you are right now in a 2016 YTD budget report. Since this grant award has been approved, please bring the budget modification to your committee and return signed back to me. Once I receive I will enter the budget which will make it easier to see where you are at. I updated the chart of accounts to include new grant. If I have missed anything or you need anything... let me know.

Thanks,  
Dawn

*Dawn D Bergs*  
**Accountant**  
**Lincoln County Finance Department**  
**801 N Sales Street, Suite 211**  
**Merrill, WI 54452-1632**  
**Ph: (715) 539-1031**  
**[dbergs@co.lincoln.wi.us](mailto:dbergs@co.lincoln.wi.us)**



05/11/2016 11:28  
dawn-b

LINCOLN COUNTY  
YTD BUDGET

P 1  
glytdbud

FOR 2016 13

	ORIGINAL APPROP	TRNFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<b>10005 BASE BUDGET WLIP GRANT</b>							
10410051 435100 10005 GG- BASE BUDG	-55,000	0	-55,000	-120,915.00	.00	65,915.00	219.8%
10410051 511000 10005 GG-BASE WLIP	0	0	0	9,646.31	.00	-9,646.31	100.0%*
10410051 520000 10005 GG - BASE WLI	0	0	0	2,579.99	.00	-2,579.99	100.0%*
10410051 571000 10005 GG-BASE WLIP	0	0	0	.00	.00	.00	.0%
TOTAL BASE BUDGET WLIP GRANT	-55,000	0	-55,000	-108,688.70	.00	53,688.70	197.6%
TOTAL REVENUES	-55,000	0	-55,000	-120,915.00	.00	65,915.00	
TOTAL EXPENSES	0	0	0	12,226.30	.00	-12,226.30	
<b>10015 STATE EDUCATION GRANT</b>							
10410051 435100 10015 GG-EDUCATION	-1,000	0	-1,000	-3,480.00	.00	2,480.00	348.0%
10410051 555000 10015 GG-STATE EDU	0	0	0	.00	.00	.00	.0%
TOTAL STATE EDUCATION GRANT	-1,000	0	-1,000	-3,480.00	.00	2,480.00	348.0%
TOTAL REVENUES	-1,000	0	-1,000	-3,480.00	.00	2,480.00	
<b>10127 STRATEGIC INITIATIVE GRANT</b>							
10410051 435100 10127 GG-WLIP-STRAT	0	0	0	.00	.00	.00	.0%
10410051 571000 10127 GG-STRATEGIC	0	0	0	.00	.00	.00	.0%
TOTAL STRATEGIC INITIATIVE GRANT	0	0	0	.00	.00	.00	.0%
GRAND TOTAL	-56,000	0	-56,000	-112,168.70	.00	56,168.70	200.3%

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

## Departmental Ten Year Long Range Plan

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**Department: LAND SERVICES**

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**Mission Statement:** Over the next 20 years and beyond, Lincoln County desires to preserve its abundant rural character. The County's rural character is defined by its forests, pristine lakes, rivers, wetlands, and other natural areas; farms and open spaces; clear separation between "city" and "country"; schools and other institutions; careful placement and design of development; and most importantly, its people. At the same time, the County will accommodate and promote thoughtfully planned housing and economic development, and seek to balance community goals with private property rights. Lincoln County seeks to achieve this vision in close partnership with towns, cities, and others interested in the County's long term health, success, and beauty.

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**Department Program Changes:**  
POWTS Retro-Active Maintenance Program  
Expanded Conservation Program

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**Statutory Mandates:**  
POWTS Maintenance program implementation by 2019

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**Personnel Changes:**  
3-4 retirements within 5-7 years  
2 new positions to support program changes above

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**Department Structural Changes:**  
None expected

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**Legal Issues:**  
Increased enforcement activity as result of POWTS Maintenance program

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**Financial:**  
Funding for additional personnel and IT needs

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**Information Technology:**  
Constant upgrading

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**Capital Improvement Projects (CIP):**  
Replace all 5 vehicles within 10 years (prefer to stagger purchases to 1 vehicle every 2 years)

For 6/9/16 LSC Meeting



1  
glytbdud

LINCOLN COUNTY  
YTD BUDGET

LAND EXP AS OF 060116

06/01/2016 07:53  
dawn-b

FOR 2016 13

	ORIGINAL APPROP	TRANSFRS/ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
51 GENERAL GOVERNMENT							
41 LAND SERVICES DEPARTMENT							
10410051 511000 GG-SALARIES AND WA	268,777	0	268,777	79,285.79	.00	189,491.21	29.5%
10410051 520000 GG-EMPLOYEE BENEFIT	105,858	0	105,858	29,244.57	.00	76,613.43	27.6%
10410051 530000 GG-REMONUMENTATION	5,000	0	5,000	.00	.00	5,000.00	.0%
10410051 531060 GG-CC CONTRACT	73,000	0	73,000	35,803.33	.00	37,196.67	49.0%
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	0	45,000	30,404.03	.00	14,595.97	67.6%
10410051 531271 GG-LIDAR EXP	0	0	0	44,756.35	.00	-44,756.35	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	260	0	260	.00	.00	260.00	.0%
10410051 552000 GG-LSD PHONE	2,600	0	2,600	1,085.00	.00	1,515.00	41.7%
10410051 552001 GG-TELEPHONE	1,500	0	1,500	415.82	.00	1,084.18	27.7%
10410051 554001 GG-PRINTING ALLOC	2,700	0	2,700	700.00	.00	2,000.00	25.9%
10410051 555000 GG-TRAVEL TRAINING	5,500	0	5,500	1,458.44	.00	4,041.56	26.5%
10410051 560000 GG-RURAL ADDRESS	2,500	0	2,500	782.91	.00	1,717.09	31.3%
10410051 561100 GG-OFFICE SUPPLIES	9,000	0	9,000	3,602.07	.00	5,397.93	40.0%
10410051 561101 GG-POSTAGE	749	0	749	229.13	.00	519.87	30.6%
10410051 561450 GG-MONUMENT	6,000	0	6,000	.00	.00	6,000.00	.0%
10410051 562001 GG-FUEL	2,350	0	2,350	286.52	.00	2,063.48	12.2%
TOTAL LAND SERVICES DEPARTMENT	552,294	0	552,294	244,298.54	.00	307,995.46	44.2%
TOTAL NO PROJECT	552,294	0	552,294	244,298.54	.00	307,995.46	44.2%
10005 BASE BUDGET WLIP GRANT							
41 LAND SERVICES DEPARTMENT							
10410051 511000 10005 GG-BASE WLIP	0	0	0	13,626.45	.00	-13,626.45	100.0%*
10410051 520000 10005 GG - BASE WLI	0	0	0	3,746.33	.00	-3,746.33	100.0%*
TOTAL LAND SERVICES DEPARTMENT	0	0	0	17,372.78	.00	-17,372.78	100.0%
TOTAL BASE BUDGET WLIP GRANT	0	0	0	17,372.78	.00	-17,372.78	100.0%



FOR 2016 13

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL GENERAL GOVERNMENT	552,294	0	552,294	261,671.32	.00	290,622.68	47.4%
TOTAL EXPENSES	552,294	0	552,294	261,671.32	.00	290,622.68	
53 PUBLIC WORKS							
10002 WISCONSIN FUND GRANT							
41 LAND SERVICES DEPARTMENT							
10410053 595000 10002 PW-WI FUND	33,000	0	33,000	.00	.00	33,000.00	.0%
TOTAL LAND SERVICES DEPARTMENT	33,000	0	33,000	.00	.00	33,000.00	.0%
TOTAL WISCONSIN FUND GRANT	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							
41 LAND SERVICES DEPARTMENT							
10410056 511000 C&D-SALARY AND WAG	161,292	0	161,292	60,851.41	.00	100,440.59	37.7%
10410056 520000 C&D-EMPLOYEE BENEF	61,552	0	61,552	29,530.51	.00	32,121.49	47.9%
10410056 543001 C&D-VEHICLE MAINT	2,200	0	2,200	182.31	.00	2,017.69	8.3%
10410056 551000 C&D-INSURANCE	865	0	865	.00	.00	865.00	.0%
10410056 552001 C&D-TELEPHONE	1,650	0	1,650	473.83	.00	1,176.17	28.7%
10410056 553000 C&D-ADVERTISING	1,800	0	1,800	481.19	.00	1,318.81	26.7%
10410056 554001 C&D-PRINTING ALLOC	7,000	0	7,000	1,792.92	.00	5,207.08	25.6%
10410056 555000 C&D-TRAVEL TRAININ	4,500	0	4,500	1,112.01	.00	3,387.99	24.7%
10410056 561100 C&D-OFFICE SUPPLIE	5,000	0	5,000	2,940.00	.00	2,060.00	58.8%
10410056 561101 C&D-POSTAGE	3,500	0	3,500	572.61	.00	2,927.39	16.4%
10410056 562001 C&D-FUEL	5,025	0	5,025	553.31	.00	4,471.69	11.0%
10413556 511001 C&D- BOA PER DIEM	0	0	0	254.48	.00	-254.48	100.0%*
10413556 532000 C&D-BOA REPORTER	100	0	100	.00	.00	100.00	.0%
TOTAL LAND SERVICES DEPARTMENT	254,584	0	254,584	98,744.58	.00	155,839.42	38.8%
TOTAL NO PROJECT	254,584	0	254,584	98,744.58	.00	155,839.42	38.8%



FOR 2016 13

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
10010 LWRMP IM BONDING STATE AID							
41 LAND SERVICES DEPARTMENT							
10410056 595000 10010 C&D-LWRMP BON	60,000	0	60,000	.00	.00	60,000.00	.0%
TOTAL LAND SERVICES DEPARTMENT	60,000	0	60,000	.00	.00	60,000.00	.0%
TOTAL LWRMP IM BONDING STATE AID	60,000	0	60,000	.00	.00	60,000.00	.0%
10011 LWRMP IMP SEG STATE AID							
41 LAND SERVICES DEPARTMENT							
10410056 595000 10011 C&D-LWRMP SEG	7,000	0	7,000	.00	.00	7,000.00	.0%
TOTAL LAND SERVICES DEPARTMENT	7,000	0	7,000	.00	.00	7,000.00	.0%
TOTAL LWRMP IMP SEG STATE AID	7,000	0	7,000	.00	.00	7,000.00	.0%
10016 SWRM STAFFING STATE AID							
41 LAND SERVICES DEPARTMENT							
10410056 511000 10016 C&D-SALARIES	149,529	0	149,529	71,791.81	.00	77,737.19	48.0%
10410056 520000 10016 C&D-EMPLOYEE	69,685	0	69,685	24,550.57	.00	45,134.43	35.2%
TOTAL LAND SERVICES DEPARTMENT	219,214	0	219,214	96,342.38	.00	122,871.62	43.9%
TOTAL SWRM STAFFING STATE AID	219,214	0	219,214	96,342.38	.00	122,871.62	43.9%
10018 WILDLIFE ABATEMENT STATE AID							
41 LAND SERVICES DEPARTMENT							
10410056 595000 10018 C&D-WILDLIFE	20,000	0	20,000	3,628.96	.00	16,371.04	18.1%



FOR 2016 13

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL LAND SERVICES DEPARTMENT	20,000	0	20,000	3,628.96	.00	16,371.04	18.1%
TOTAL WILDLIFE ABATEMENT STATE AID	20,000	0	20,000	3,628.96	.00	16,371.04	18.1%
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10036 AEPP-419-14 (PHASE3) LK MGMNT							
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41 LAND SERVICES DEPARTMENT							
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10410056 595000 10036 C&D-AEPP-419-	40,000	0	40,000	14,999.13	.00	25,000.87	37.5%
TOTAL LAND SERVICES DEPARTMENT	40,000	0	40,000	14,999.13	.00	25,000.87	37.5%
TOTAL AEPP-419-14 (PHASE3) LK MGMNT	40,000	0	40,000	14,999.13	.00	25,000.87	37.5%
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10152 FARMLAND PRESERVATION							
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41 LAND SERVICES DEPARTMENT							
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10410056 571000 10152 C&D - MISC EX	30,000	0	30,000	7,500.00	.00	22,500.00	25.0%
TOTAL LAND SERVICES DEPARTMENT	30,000	0	30,000	7,500.00	.00	22,500.00	25.0%
TOTAL FARMLAND PRESERVATION	30,000	0	30,000	7,500.00	.00	22,500.00	25.0%
TOTAL CONSERVATION AND DEVELOPMENT	630,798	0	630,798	221,215.05	.00	409,582.95	35.1%
TOTAL EXPENSES	630,798	0	630,798	221,215.05	.00	409,582.95	
GRAND TOTAL	1,216,092	0	1,216,092	482,886.37	.00	733,205.63	39.7%

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

# DATCP REPORT

June 2016

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## Land and Water Conservation Board

- The June LWCB meeting was canceled. The next meeting of the LWCB will be held on August 2nd. Some items on the draft agenda include: preliminary 2017 DATCP and DNR joint allocation plan, update on implementation of annual work plans, amendment to 2016 CREP spending authority, and several requests for approval of Land and Water Resource Management Plan reviews, extensions, and revisions.

## Producer Led Watershed Protection Grants

- A press release<sup>1</sup> was issued in May summarizing the 14 awardees and projects of the Producer Led Watershed Protection grants.
- DATCP is continuing to work on the permanent rule for the program (ATCP 52) and are also continuing to work on outreach materials.

## Conservation Reserve Enhancement Program

- DATCP continues to offer CREP training for counties that covers CREP basics, county CREP responsibilities, and available tools. Trainings can be held locally and are a good opportunity for all partner agencies (LCD, FSC, NRCS, and DATCP) to convene and review CREP in their area. Contact [Brian.Loeffelholz@wisconsin.gov](mailto:Brian.Loeffelholz@wisconsin.gov) if you are interested in arranging a training or have any other CREP-related questions.

## Farmland Preservation

- Burnett County just received certification of the FP plan.
- Forest County received certification of an amendment to their FP plan.
- DATCP is in the process of sending out about 8,300 letters to 2014 Farmland Preservation Tax Credit claimants. All the letters will be sent by mid-June. The letter asks claimants to contact the county where they own cropland if they do not yet have a certificate of compliance and wish to continue to claim the farmland preservation tax credit. DATCP is sending the letter out now so landowners have time to develop a nutrient management plan and achieve compliance with other soil and water conservation practices if necessary by the end of the year.
- DATCP has created a database tool to help with tasks related to the FP program. You can view the short webinar demonstration<sup>2</sup> to learn more.

## Drainage Districts

- A Spring 2016 Drainage Program update was sent to all county drainage board members. To request a copy of the update, email Chris Clayton at [christopher.clayton@wi.gov](mailto:christopher.clayton@wi.gov).

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<sup>1</sup> <http://datcp.wi.gov/news/?ID=1464>

<sup>2</sup> <https://datcp-wi.adobeconnect.com/p5shcrji4j7/>

## Conservation Engineering

- Conservation engineering staff continue to assess the impact of changes in technical standards related to managing discharges on livestock operations, specifically related to vegetated treatment areas. Currently nearly 50 conservation projects are under evaluation to determine if additional practices are needed to address potential discharges. For current and new non-federal projects, design and construction on operations with 300 AU and fewer should continue to move forward following the DATCP small AFO guidance which still requires co-approval from the Area Engineer. Conservation needs on medium-size operations (300 to 999 AU) will likely need additional practices to ensure that any discharge from that operation is handled appropriately. DATCP continues to work with partners to evaluate changes in the standard for vegetated treatment areas.

**LINCOLN COUNTY  
LAND SERVICES COMMITTEE  
Thursday, June 9, 2016, at 1:00 p.m.  
Lincoln County Service Center, Room #156  
801 N. Sales Street, Merrill, WI 54452**

*MEETING AGENDA  
Action where applicable and necessary*

1. Call Meeting to Order
2. Tour the site in the town of Russell that will be the subject of the public hearing
3. Approval of the May 14, 2016 LSC meeting minutes
4. Public Comment

**REGISTER OF DEEDS**

5. Q&A on ROD Monthly Munis Reports
6. Q&A on ROD Monthly Written Reports

**LAND SERVICES DEPARTMENT**

7. **2:00 p.m. Public Hearing** (see Public Hearing Notices published (5/17/16 & 5/24/16 and 5/20/16 & 5/27/16 )
  - 1) Mervin & Tonya Brubaker (Conditional Use Request – to allow for an expanded home occupation business for a bakery in a Rural Lands 4 district) – (N5696 State Rd 17, Gleason, WI) Town of Russell
8. "Old Business" – Request by staff to correct Kelly Schattl Conditional Use Permit conditions to comport with ordinance requirements regarding side-yard setback distance (N2811 Alexander Lake Rd – Town of Harding)
9. Grazing Program discussion
10. Agency Updates
11. Residential and Non-residential accessory structure discussion
12. Discussion on "complaint" protocol
  - a) Complaint of a "junkyard" in the Town of Skanawan
13. Discuss proposed ordinance amendments to Chapter 21 (Shoreland Ordinance) to proceed to public hearing
14. Discuss/Approve changes to Shoreland Mitigation Guidebook
15. Approve 2016 Budget Modification WLIP Strategic Initiative Grant Award
16. Discussion on department 10 year long range plan
17. Department written reports & Correspondence
  
18. Confirm next meeting/public hearing date – July 14, 2016
19. 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)(e).
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.

**Lincoln County Land Services Committee  
Minutes of Thursday, May 12, 2016, 12:00 pm  
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser, Kirby Crosby & Christopher Heller. Visitors: Matthew Bremer; Land Services Administrator, Sarah Koss; Register of Deeds, Mike Huth; Zoning Program Manager, June Winters; Zoning Program Assistant and 14 others. Supervisor Rusch was excused.

1. Call Meeting order - Meeting was called to order by Matthew Bremer at 12:00 p.m.
  2. Introduction of Committee & Staff – Bremer felt it appropriate that the Committee meet the department employees who are under this oversight Committee. The Committee introduced themselves & Bremer had the Land Services Department staff quickly introduce themselves to the Committee before returning to work.
  3. Election of Officers –
    - a. **Chair** – Matthew Bremer called for nominations for Chair. Breitenmoser nominated Bialecki. Bialecki declined. Heller nominated Baughan. No other nominations. Nominations closed. M/S Bialecki/Crosby for unanimous vote for Baughan. Motion carried all ayes. **Baughan elected Committee Chair.**
    - b. **Vice-Chair** – Chair Baughan called for nominations for Vice-Chair. Bialecki nominated Allen. Allen declined. Breitenmoser nominated Heller. No other nominations. Nominations closed. M/S Breitenmoser/Bialecki for unanimous vote for Heller. Motion carried ayes. **Heller elected Committee Vice-Chair.**
    - c. **Secretary** – Chair Baughan called for nominations for Secretary. Breitenmoser nominated Rusch. No other nominations. Nominations closed. M/S Bialecki/Heller unanimous vote for Rusch. Motion carried all ayes. **Rusch elected Committee Secretary.**
  4. Appoint representatives to:
    - a. (1 + Alternate) North Central Land + Water Conservation Association (NCLWCA) – Bremer gave a brief review of the duties of the appointee. Breitenmoser indicated interest. **Baughan appointed Breitenmoser.** There was no alternate appointed.
    - b. (1 + Alternate) Lumberjack Resource Conservation and Development Council (RC&D) – Baughan said that she was the alternate to this last time and shared that it seemed like most people who attended the NCLWCA seemed to be the same ones in attendance at RC&D meeting. She wondered if this wasn't being redundant and questioned the benefit to the county to belong to RC&D and wondered if it should be discontinued. Bremer said that he hoped the Committee would not decide to discontinue this relationship. Bremer said that RC&D provides grant monies for different projects including an ongoing grant that Lincoln County is currently participating in. There was discussion regarding what belonging to RC&D may be costing the county. Allen & Breitenmoser both agreed that it benefited the county to remain associated with this Council and said that the networking with other counties was also beneficial. There was discussion. **Baughan appointed Bialecki.** Breitenmoser & Allen would be the alternates.
- Moved to item #9 on the agenda.
5. Tour site in the towns of Bradley, King and Harding that will be the subjects of the 2:30 p.m. public hearing – Bremer, Huth & the Committee left for the tour at 12:25 p.m. They returned from the tour at 2:25 p.m. and resumed the meeting at 2:26 p.m.
  6. Approval of the April 14, 2016 Land Services Committee Minutes – M/S Bialecki/Allen to approve the minutes. Motion carried all ayes.
  7. Agency Updates – NRCS – Peggy Winter - Winter wanted to discuss an item from last month's minutes to clarify a discussion that had taken place. She introduced herself to the Committee and explained what her job involves. She wanted to point out the importance that Lincoln County continue the relationship with Marathon County. She said that the controversy over the "no-till drill" issue between the counties had consequences for landowners. Baughan interrupted Winter and asked if what she was talking about was something regarding a later agenda item, she maybe could hold off in speaking until then. Baughan suggested that what Winter wanted to discuss was a more in depth discussion than time allowed for now with people waiting for the public hearings. Baughan asked Bremer & Winter to wait until item #15 on the agenda was discussed. Winter agreed to wait until then.

Moved to item #13 on the agenda

8. Public Comment – Earl Welker was present and welcomed the new members of the Committee. He explained that he is with the Town of Schley Plan Commission. He explained that the Town of Schley tries to keep posted of activities in their town. He said he feels that the town has a good working relationship with the Zoning staff. He said that there are several issues that need to be reviewed and possibly changed with the Zoning code.

Moved to item #14 on the agenda

#### REGISTER OF DEEDS

9. Q&A on March Munis Report – Koss asked if there were any questions on the report and there were none. She noted that their transfer fee receipts seem to be increasing indicating more real estate sales as opposed to just refinancing.
10. Q&A on March Written Report – There were no questions on the report.
11. 2017 ROD Budget – Koss reviewed the proposed budget. There were a couple of questions by the Committee, explanations by Koss & discussion. M/S Allen/Heller to approve the budget & forward to Finance. Motion carried all ayes.

Returned to item #5 on the agenda.

#### LAND SERVICES DEPARTMENT

12. 2:30 p.m. Public Hearing – Public Hearing was called to order at 2:40 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.

#### **CONDITIONAL USE REQUEST**

1. A request by Carl and Barbara Taves to allow for a detached storage building larger than 1,500 square feet in a Rural Residential 3 zoning district. The property is located in the SW¼NE¼ of Section 21, T35N-R7E, in the Town of King, with an address of W3848 Taves Road. The tax parcel number is 12.213507.003.001.00.00 and comprises approximately 38 acres. The request is being heard under section 17.3.09(1) of Lincoln County Ordinances.

Chair called for proponents of the request. Carl Taves came to the podium to support their request. The Committee had no questions.

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

Mike Huth came to the podium and said that he had no update to his staff report. He said that the Town Board recommendation indicated on May 9, 2016 was approved on a 5-0 vote. Chair Baughan closed the public hearing for the Conditional Use request.

M/S Bialecki/Breitenmoser to APPROVE the request with conditions as listed in the staff report. Motion carried all ayes.  
Conditions:

1. All other applicable regulations shall be met.
2. A request by Kelly Schattl to allow for a detached storage building larger than 1,500 square feet in a Rural Residential 2 zoning district. The property is located in the NW¼NW¼ of Section 31, T32N-R6E, in the Town of Harding, with an address of N2811 Alexander Lake Road. The tax parcel number is 08.313206.009.010.00.00 and comprises approximately 1.75 acres. The request is being heard under section 17.3.09(1) of Lincoln County Ordinances.

Chair Baughan called for proponents of the request. Gloria Schattl was present and explained their request. She understands that the staff report recommends a 25' setback from the side lot line but they were hoping that could be reduced to 15' setback. She said that the Town of Harding & the neighbor did not have a problem with the 15' setback from the side lot line. She gave the Committee a copy of the e-mail correspondence with the neighbor. She commented that she hadn't seen anything in the Zoning Code requiring that 25' setback. Kelly Schattl was present & said that their goal is to retire up here in a few years. He said that the building would be landscaped after built to better suit the neighborhood. He shared the family history with the lot. Two lots were combined and then needed to be cleared and stumped to have the building put up. They have a home right across the road from the lot that they wish to build the storage building.

Chair Baughan called for any opponents of the request. There were none. Huth came to the podium and noted that the Town Board recommendation indicated on April 12, 2016 it was approved on a 5-0 vote. He explained that in the code it does state that an accessory structure built larger than 1500 sq. ft. would need to meet the minimum setback of a principal structure to all lot lines. He stated that setback is 25'. Chair Baughan noted again that the town had given their approval. She then closed the public hearing for the Conditional Use request. There was discussion. Breitenmoser asked again for clarification on the required setbacks and the reasoning. Huth reviewed. Baughan noted that the e-mail that had been submitted may not be formal enough to be considered as testimony.

M/S Bialecki/Heller to APPROVE the request with conditions as listed in the staff report. Motion carried all ayes.

Conditions:

1. Detached storage building shall have twenty five (25) foot rear and side setbacks from property lines.
  2. All other applicable regulations shall be met.
3. A request by Dirk and Nancy Wriedt to use the property as tourist lodging allowing for overnight and weekly rental of the residence in a Rural Residential 3 zoning district. The property is located in the E½ SE¼ of Section 26, T34N-R6E, in the Town of Bradley, with an address of W5383 Hillcrest Road. The tax parcel number is 04.263406.016.002.01.02. The request is being heard under section 17.3.04(12) of Lincoln County Ordinances .

Chair Baughan called for proponents of the request. Dirk Wriedt was present to explain their request. They own a small cabin that they wish to rent. He disagreed with one condition in the staff report (#4 having to notify all neighbors on Hillcrest Rd) stating that may be cumbersome if properties changed owners. He stated that regardless of the Committee decision, they would still have other friends & family staying there. Allen asked if this has already been used for 3 years as tourist lodging. Wriedt confirmed that was correct. Allen asked if there was any problems up to this point. Wriedt stated none that they were aware of. She questioned an incident where the Sheriff's Office had been called. He stated that they themselves had contacted law enforcement on one occasion. Baughan asked about recommendation #3. Wriedt said that they are the contact at this time from their home in Illinois. His wife operates the cabin rental and is at the site regularly. They have contractors that they can call if there are problems (plumbing, snowplowing, etc). Baughan asked if they have a screening process on the people that rent from them. Wriedt explained that they do. They try to rent to families and stay away from younger renters. Allen asked if there has been anything like garbage smells that would annoy the neighbors. Wriedt said that they have not.

Nancy Wriedt came to the podium. She said that they advertise on a website called "Home away". She explains her screening process and said that she personally likes to contact any proposed renters to get a feel of who she is renting to. She asks for cell phone contacts for anyone she rents to. Heller asked how they enforce their rules if they have no one local to verify something. Wriedt said that she has never had a problem.

Chair Baughan called for any opponents of the request. Stephen Jarosz was present. He lives on Hillcrest Rd and is a neighbor to the subject property. When they purchased there it was a quiet area with not much traffic. Since more lots have been developed there has been more noise disturbing the loons and other wildlife. Baughan asked for clarification as to whether the noise was coming from renters at the Wriedt's property. Jarosz said he thought it was. He worries that if there is one person who has weekly rentals other properties will be used as that or will end up being a "campground". Crosby asked Jarosz if he called the Sheriff's Dept. when there was fireworks. Jarosz said he did not.

Jeffrey Blank was present. His sister-in-law is Christine Corson and she is a neighbor to the applicant's property. Blank read into the record the letter that had been received from Corson in opposition to the Wriedt's request citing that she will

be retiring to her property soon and doesn't wish to have the neighborhood turned commercial and the peace & quiet destroyed. The area is safe, peaceful & full of precious wildlife and Corson had a right to expect it would remain that way. She believes that some renters may not respect property of people they will never see again. Baughan asked Blank about some of the statements regarding gunfire being heard at the site. Blank said he believed that the neighbors had told her about that.

Ed Frary was present in opposition. He is a neighbor to the applicant. He built in 2012. He confirmed what Mr. Jarosz had said about the fireworks and Frary said he was actually the one that went and put a stop to the fireworks. He has the same concerns that there will be more of a business in the neighborhood. He agreed completely with Ms. Corson's concerns. Baughan asked for clarification of "gunfire" statement. Frary said that he wasn't positive it was gunfire or fireworks. Allen asked outside of the fireworks incident, has there been any problems. Frary said that there hasn't been really with the exception that their road is not a snowmobile trail and he has seen tracks from this house. He said that he was never notified of the Town Board meeting.

Bill Meyer was present. He owns a vacant lot directly next to the applicant. He's a believer of property rights but not if it affects the neighbors. He had lots of unanswered questions about the type of rental. He has concerns of how many people will be occupying the home. He brought up the issue of fire danger. He said that issues like # of people, noise & campfires need to be addressed before this request may be granted. Baughan explained that the packet the Committee receives addresses some of the issues that Meyer is citing. Meyer said he is opposed to the request until issues are clarified. Meyer said he plans on retiring on his lot up there and would like peace & quiet.

Chair Baughan referenced an e-mail of opposition that had been received from James & Peggy Pagenkopf. The Pagenkopfs stated that their permanent home of 38 years is to the west of the Wriedt's cabin and cited the effect of something operated as commercial tourist lodging would have on the area could be devastating. They were disappointed that neither the Town of Bradley nor Lincoln County had notified them.

Huth came to the podium. He referenced the Town Recommendation form. That form indicated that the Plan Commission recommended approval on April, 19, 2016 & Town Board recommended approval on the same date on a vote of 3-0. It had noted conditions of "All requirements of Lincoln County Land Services (Zoning Regulations), Lincoln County Board of Health and the State of Wisconsin are met". He reviewed the noticing requirements that the county has for public hearings. Huth stated that he stands behind his recommendation & conditions in the staff report. He is working with the Health Department to coordinate what is required. He explained his recommended conditions. He said that #1 (overnight occupancy) was based on the septic sizing and should be limited to no more than 6 overnight guests. #2 states that Camping units are not allowed for rental purposes. #3 addresses having someone available 24/7 if there are problems. He feels that in this time of technology, cell phones, etc. that responsible party doesn't necessarily need to be within a certain distance of the property and feels that what the Wriedts are proposing to address such issues should be sufficient. #4 was suggested hoping that open lines of communications between the Wriedts and the neighbors could help alleviate any potential issues.

Huth went on to say that this is not considered a "commercial" use of the site in Zoning's eyes. Baughan questioned recommendation #4. She pointed out that may be hard to maintain. Bialecki asked what Huth considered "readily available". Huth said that with today's technology & cell phones you would not need to have someone "on site". Bialecki said he didn't think that a caretaker should be 200 miles away. Bialecki questioned the "commercial" aspect of the use. There was discussion on that. Baughan questioned the occupancy limit. Huth clarified a system sized for a 3 bedroom dwelling is for 6 overnight occupants. There was discussion relating to gatherings vs. overnight stays.

Baughan called the Wriedt's back to the podium. She had questions on parts of the rental agreement. Change occupancy limit from 7 persons to 6. Mr. Wriedt was agreeable. 2015 it was used as a rental approximately 80-90 nights. Other family or friends used it possibly another 20-30 nights. They have a minimum of a 2 night stay. Baughan questioned rules regarding "fire-pit" rules. Wriedt said that they try to keep the area clear of leaves and they have told renters that if fire danger is high they should not have a fire. Wriedt said that they will address the fire-pit in their rules. Baughan suggested that they add rule about noise because it carries & that there be a time limit on fireworks and noise. Wriedt said that they would add something to their agreement. He did say that during duck hunting season there is noise from hunters but it would have not been their renters. Baughan suggested that they add the use of snowmobiles to the ATV restrictions be added. Wriedt said that they would add the clarification of use of snowmobiles to the rental agreement. He did state that there have been snowmobiles on their land not belonging to them or their renters.

Blank said that there may be snowmobiles in the area because people are ice fishing on the flowage. Jarosz had concerns about the septic polluting the ground water. Frary questioned if Wriedt's would have made it known that this was to be used as "tourist lodging" at the time they built would it have been allowed. Huth clarified that this is still a "single family residence" but because they are renting it for other than a long term lease (meaning less than a month at a time) it falls under the definition of "tourist lodging". Meyer said that he could not hear from where he was seated in the room what the maximum occupancy of the rental was and was told that overnight occupancy was limited to 6 persons. Wriedt asked for clarification that the limit of 6 is whether it is rental or family. Bremer stated that the occupancy of the home based on sizing for a 3 bedroom septic is 6 persons. There was discussion.

Chair Baughan closed the public hearing for the Conditional Use request. Breitenmoser commented that he would encourage the owners to put no fireworks and no guns in their rental rules. Huth & Bremer said that they believe that most of those things would fall under #5 as far as "all other regulations shall be met". Breitenmoser said that it may be advisable that the applicant make sure that the neighbors have contact information for them. Crosby shared his views and didn't really see any disadvantages to this request. Allen commented that she feels that the owners take pride in their property. She feels that a "local" rental manager to deal with any issues would be better than someone hours away suggesting they modify recommended condition #3. Breitenmoser disagreed and said that he didn't feel that was an issue. Baughan said she feels the applicants have a good screening process & rules in place. Bialecki said that he sympathized with the neighbors. Baughan pointed out that this has been in existence for 3 years and this is the first that anyone has been made aware of it.

M/S Breitenmoser/Crosby to APPROVE ON CONDITION the request with conditions as listed in the staff report and to include the applicant adding/changing issues discussed & agreed to in their rental agreement (added as condition #6).  
Conditions:

1. The overnight occupancy of the rental is limited by the sizing of the existing septic system. The existing 3-bedroom system (installed in 2009) allows for a maximum of 6 persons for overnight occupancy.
2. Camping units are not allowed for rental purposes.
3. A property manager, owner, or similar responsible party must be made available twenty-four (24) hours a day during times of rental occupancy.
4. Tourist Lodging property owner contact information be identified to renters and all property owners along Hillcrest Road.
5. All other applicable regulations shall be met, including appropriate license from Lincoln County Health Department.
6. The rental agreement be amended to address: 1)overnight occupancy maximum of 6 persons; 2) fire-pit rules need to be clarified regarding level of DNR fire danger; 3) time limits on fireworks & other noise; 4) Add snowmobiles to the ATV restrictions.

Motion carried 4-2 with Heller & Bialecki voting nay.

Moved to item #8 on the agenda.

13. WLIP Grant amendment – Norm Bushor – Bushor told the Committee members that anytime any of them wishes to come to his office and review GIS programs and discuss what his position does they are welcome to do so. He quickly reviewed the reasons for the changes & updated goals from the originally had approved for the Land Records Plan Update. Baughan had questions about the cost of the equipment. Bushor clarified. There was discussion. M/S Allen/Bialecki to approve the Land Records Plan amendments. Motion carried all ayes.

Moved back to item #12 on the agenda.

14. Land & Water Resource Management (LWRM) committee discussion/plan – Bremer said that this had briefly been touched on at the last Committee meeting but he wanted to wait to take action on any issued until new Committee members were in place. He said that Lincoln County's current LWRM plan has expired and we have gotten an extension but we need to develop a new plan by 2018. Money has already been spent with NCWRPC to move this forward. He would like to create a committee of 5-7 people (2 staff, 2 LS Committee members + another person representing the Ag industry) to discuss agriculture impacts in Lincoln County. He would like to move forward with creating the Committee to be able to contact NCWRPC to get things going. He asked anyone interested to contact him. He needs Committee approval to move forward. M/S Bialecki/Heller to move forward. Motion carried all ayes.

15. Conservation discussion – Bremer said that the Conservation Department currently consists of one person in the Land Services Department. He has support from other agencies partners such as NRCS & UW Extension. Bremer asked that the Committee be aware that programs may need to be expenses and that there may be expenses that need to be considered. Bremer said that if we are going to be good stewards of the land environmentally we need to have a plan. He gave examples of environmental issues in Lincoln County. Baughan said that it may be advantageous for Bremer to prioritize. Baughan said that the department & this Committee should be looking more at ordinance updates as direct to take care of previously. Bremer said that the Conservation issue is just as important an issue as those that other parts of the department deals with. He agreed that last year as the department was hoping to work towards changes in parts of the ordinance, the budget bill passed and that threw Shoreland Regulations ahead of anything else. Bremer said that he was looking at ways to be more proactive towards conservation issues to avoid problems later as the example he gave the Committee.

Baughan asked Bremer about item #3 on his memo. She feels that the rest of the Committee should be brought up to speed with the history of this agreement with Marathon County. Both the benefits & previous problems should be discussed. Baughan would like to see it on the next agenda and she feels that the Committee should hear Corp Counsel's opinion. Bremer said that at last month's meeting he let the Committee know that all of this would be discussed this month and Baughan said that she remembered that but was counting on Bremer to have all of the documentation that she had brought up about the agreement available in the packet. Bremer indicated that he had all the documentation available and held up 2 thick files of information. Bremer said that maybe this should be tabled until next month and apologized to the 2 agency representatives who had been waiting to be heard indicating that this would not be discussed until next month.

16. 2017 Land Services Budget – Bremer asked if the Committee had any questions. Baughan asked Bremer to touch on reasons for any significant increases/changes in the budget. He reviewed the changes. There was discussion. M/S Allen/Breitenmoser to approve and forward the 2017 Land Services Department budget to finance.

At 4:42 P.M. Bialecki excused himself so that he may get to another commitment.

17. Discussion and possible action on departmental 10 year long range plan – Bremer asked the Committee's wishes as far as developing this list. Would they like to put some ideas down to have him look at or would they like him to put down his ideas and then discuss it with the Committee. Consensus was for the latter. Bremer said that it would be on next month's agenda.
18. Department written reports & Correspondence – Bremer mentioned an item of correspondence from North Central Area Land & Water Conservation Association specifically upcoming events and deadlines. There is a meeting that some Committee members may be interested in attending. As Breitenmoser had been appointed to that Committee he would be attending this meeting. M/S Breitenmoser/Allen for any Committee members attending NCWLWCA meetings get mileage & per diem. Motion carried all ayes. Baughan asked that Breitenmoser give an update after that meeting.

May 19<sup>th</sup> Zoning Committee workshop in Eagle River was discussed as far as riding arrangements.

19. Confirm next meeting/public hearing date – June 9, 2016 – confirmed date. Time to be determined. There was discussion on future meeting scheduling. Allen asked if most meetings could start at 2:00 p.m. or later so that she doesn't have to take an excessive amount of time off work. Baughan asked to be kept informed if an extraordinary amount issues need to be discussed or the Committee gets behind to determine if additional meetings are necessary.
20. Adjourn – M/S Breitenmoser/Heller to adjourn at 4:50 p.m. Motion carried all ayes.

Minutes prepared by June Winters

REGISTER OF DEEDS

JOURNAL DETAIL 2016 5 TO 2016 5

FOR 2016 05

	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	47,141.40	9,334.93	.00	67,340.60	41.2%
2016/05/000024 05/13/2016 PRJ	4,667.47 REF PAYROL				WARRANT=160513 RUN=2 GENERAL		
2016/05/000112 05/27/2016 PRJ	4,667.46 REF PAYROL				WARRANT=160527 RUN=2 GENERAL		
10430051 520000 REG OF DEEDS EMPLO	75,286	75,286	32,287.80	6,355.97	.00	42,998.20	42.9%*
2016/05/000024 05/13/2016 PRJ	3,185.79 REF PAYROL				WARRANT=160513 RUN=2 GENERAL		
2016/05/000112 05/27/2016 PRJ	3,170.18 REF PAYROL				WARRANT=160527 RUN=2 GENERAL		
10430051 531060 REG OF DEEDS FIDLA	15,000	15,000	2,604.00	.00	.00	12,396.00	17.4%
10430051 552001 REG OF DEEDS TELEP	480	480	133.24	28.79	.00	346.76	27.8%
2016/05/000138 05/26/2016 GEN	28.79 REF SLB				MAY 2016 TELEPHONE CHARGES		
10430051 554001 PRINTING ALLOCATIO	2,500	2,500	569.30	.00	.00	1,930.70	22.8%
10430051 555000 REG OF DEEDS TRAVE	1,100	1,100	154.90	.00	.00	945.10	14.1%
10430051 561100 REG OF DEEDS OFFIC	6,000	6,000	1,557.41	100.00	.00	4,442.59	26.0%
2016/05/000072 05/12/2016 API	100.00 VND 400285 VCH267207				WI REGISTER OF DEEDS REGISTRATION		300963
TOTAL REGISTER OF DEEDS	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL REGISTER OF DEEDS	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL GENERAL FUND	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL EXPENSES	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
GRAND TOTAL	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%

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

REGISTER OF DEEDS

FOR 2016 05

	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	47,141.40	9,334.93	.00	67,340.60	41.2%
10430051 520000 REG OF DEEDS EMPLO	75,286	75,286	32,287.80	6,355.97	.00	42,998.20	42.9%
10430051 531060 REG OF DEEDS FIDLA	15,000	15,000	2,604.00	.00	.00	12,396.00	17.4%
10430051 552001 REG OF DEEDS TELEP	480	480	133.24	28.79	.00	346.76	27.8%
10430051 554001 PRINTING ALLOCATIO	2,500	2,500	569.30	.00	.00	1,930.70	22.8%
10430051 555000 REG OF DEEDS TRAVE	1,100	1,100	154.90	.00	.00	1,945.10	14.1%
10430051 561100 REG OF DEEDS OFFIC	6,000	6,000	1,557.41	100.00	.00	4,442.59	26.0%
TOTAL REGISTER OF DEEDS	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL REGISTER OF DEEDS	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL GENERAL FUND	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
TOTAL EXPENSES	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%
GRAND TOTAL	214,848	214,848	84,448.05	15,819.69	.00	130,399.95	39.3%

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

REGISTER OF DEEDS

FOR 2016 05

	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	-21,803.16	-4,938.30	-21,196.84	50.7%
10430051 461300 REGISTER OF DEED F	-154,000	-154,000	-57,941.97	-20,898.30	-96,058.03	37.6%*
10430051 461900 REG OF DEEDS MISC	-25	-25	-5.00	-5.00	-20.00	20.0%*
TOTAL NO PROJECT	-197,025	-197,025	-79,750.13	-25,841.60	-117,274.87	40.5%
TOTAL REGISTER OF DEEDS	-197,025	-197,025	-79,750.13	-25,841.60	-117,274.87	40.5%
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	-97,573.13	-25,841.60	-117,274.87	45.4%
TOTAL GENERAL FUND	-214,848	-214,848	-97,573.13	-25,841.60	-117,274.87	45.4%
TOTAL REVENUES	-214,848	-214,848	-97,573.13	-25,841.60	-117,274.87	45.4%
GRAND TOTAL	-214,848	-214,848	-97,573.13	-25,841.60	-117,274.87	45.4%

\*\* 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

## TRANSFER FEE RECEIPTS

January.....\$25,803.90  
February.....\$16,302.00  
March.....\$14,061.90  
April.....\$30,279.00  
May.....\$24,162.90

Real Estate Documents Recorded: 535  
Military Discharges Recorded: 6  
Recorded Plats: 0

Commercial Code Filings (UCC): 4  
Recorded Certified Survey Maps: 4  
Recorded DOT Plats: 0

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

## TOTAL CERTIFIED COPIES ISSUED FOR MAY

Births: 100  
Deaths: 212  
Marriages: 48  
Domestic Partnership: 0  
Termination of Domestic Partnership: 0

## VITAL RECORDS RECORDED FOR THE MONTH OF APRIL

Birth: 22  
Death: 23  
Marriages: 12

## FEES 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

### “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

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

January..... \$448.00  
 February.....\$424.00  
 March.....\$360.00  
 April.....\$408.00  
 May.....\$504.00

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

January..... \$312.00  
 February.....\$481.00  
 March.....\$468.00  
 April.....\$299.00  
 May.....\$351.00

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

January..... \$182.00  
 February.....\$273.00  
 March.....\$169.00  
 April.....\$286.00  
 May.....\$221.00

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

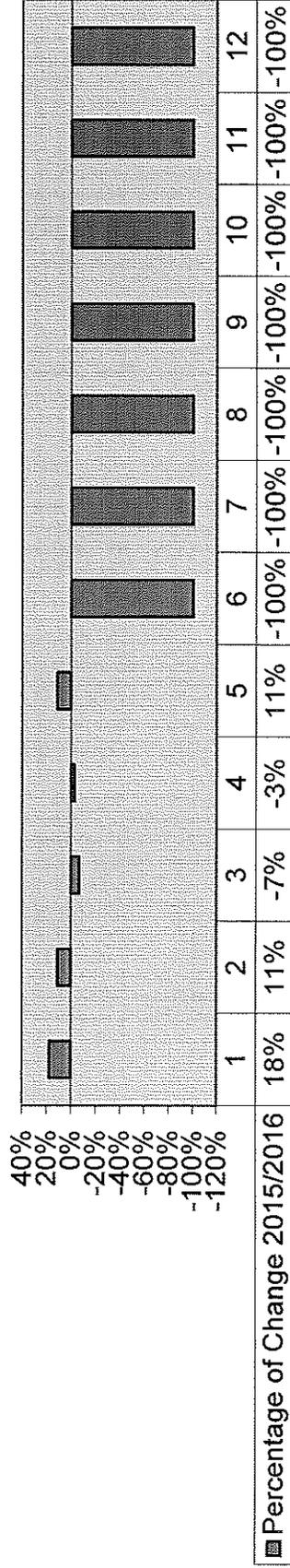
January-May.....\$0

**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			
JULY			
AUGUST			
SEPTEMBER			
OCTOBER			
NOVEMBER			
DECEMBER			
<b>TOTAL 2016 2201</b>	<b>\$15,407.00</b>	<b>\$17,608.00</b>	<b>\$33,015.00</b>

# **MONTHLY DOCUMENT COMPARISON**

Monthly Recorded Documents 2015	Monthly Recorded Documents 2016	% of Change
January	403	18%
February	406	11%
March	431	-7%
April	426	-3%
May	535	11%
June	0	-100%
July	0	-100%
August	0	-100%
September	0	-100%
October	0	-100%
November	0	-100%
December	0	-100%
<b>Total</b>	<b>2,201.00</b>	<b>-60%</b>



RECEIVED 350.00

MAY 10 2016

Receipt Number 11626

# CUP - 16 - 009

### 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 NW 1/4, NE 1/4, Sec 27, T. 33 N - R. 08 E  
and/or Lot Number \_\_\_\_\_, Subdivision Name \_\_\_\_\_

Property Address N5696 State Rd 17

Tax Parcel Number 20-273308-002-001-01-00 PIN 020-3308-271-9991

Zoning district RL-4 Lot size 21.5

Ordinance section relating to the request 17.3.09(g)

Proposed use: TO install and operate a bakery with minimal employees, wholesale & retail

Use of adjoining property: \_\_\_\_\_

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

Owner(s) Name: Mervin + Tonya Brubaker

Mailing Address: N5696 State Rd 17  
Gleason WI 54435

Daytime Phone: (715) 873-3338

Signature: Mervin Brubaker  
Tonya Brubaker

Date: 5-10-16

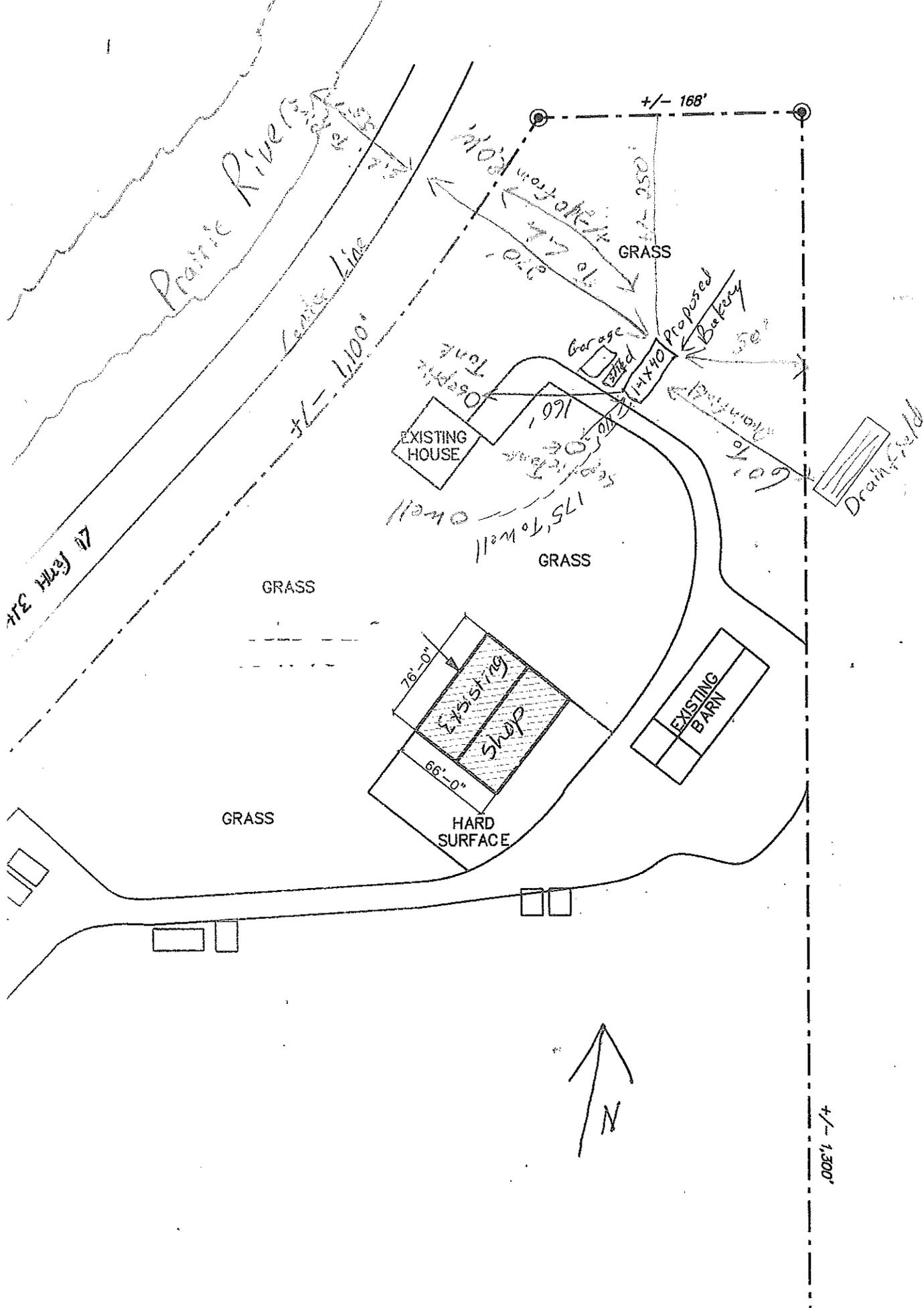
CO-APPLICANT (other than owner)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Note: All owners must sign

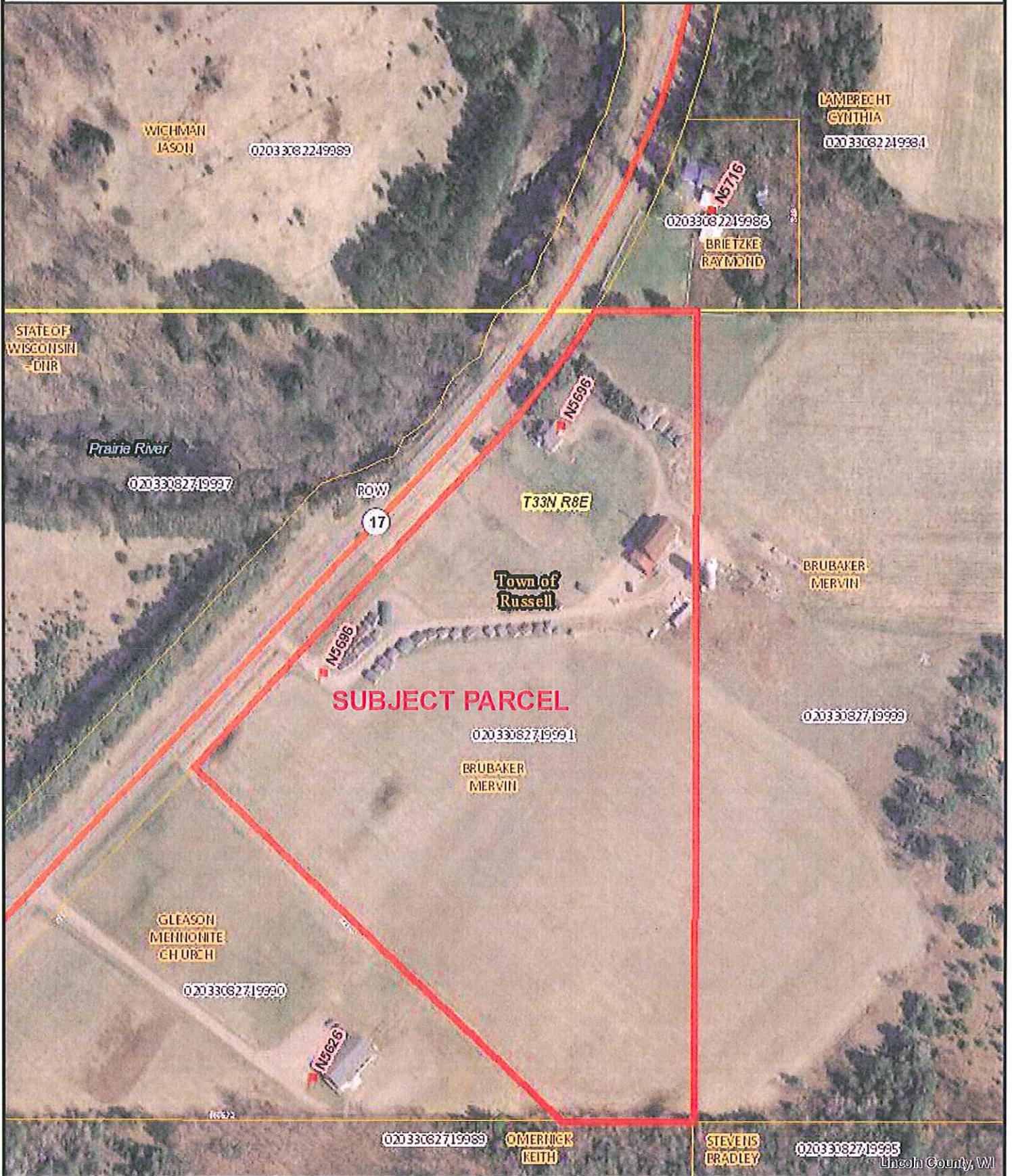
**FOR OFFICE USE ONLY**  
Date Application Received: 5/10, 20 16 By (Staff) J. Winters  
Date of Hearing: 6/9, 20 16

Owner Brubaker, Mervin + Tonya First Name  
Property Desc 21.5 Acre Last Name  
Tax Parcel # 20-273308-002-001-01-00 Town Russell  
Subdiv. \_\_\_\_\_  
Block \_\_\_\_\_  
Lot \_\_\_\_\_  
N, R 08 E  
T 33, Sec. 27, NW 1/4, NE 1/4, GL

# WISCONSIN COUNTY



# Lincoln County Public Access Land Records Viewer



Author: Public  
Date Printed: 5/20/2016



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.

RECEIVED

MAY 17 2016

Lincoln Co. Zoning

Town Recommendation Form

Conditional Use Request, Petition for Modification of Subdivision Ord., Plat Approval

Town of Russel  
Lincoln County

Name of Applicant Mervin + Tanya Brubaker Gleason, WI 54435 N.5696 5TRd 17

Request: To install and operate a Bakery with Minimal Employees, whole sale, and retail.

The **Town Planning Commission** has made a recommendation on this date \_\_\_\_\_ to:

\_\_\_ Approve the Request: by a vote of \_\_\_ For and \_\_\_ 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 5/11/2016 to:

Approve the Request: by a vote of 2 For and 0 Against

Conditions: To go with county zoning regulation  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 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.

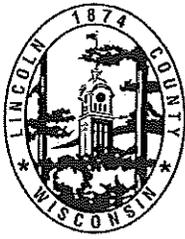
Dated this 11<sup>th</sup> day of May, 20 16.

Donald Brubaker  
Town Chairman Signature

\_\_\_\_\_  
Town Board Supervisor Signature

David Heller  
Town Board Supervisor Signature

\_\_\_\_\_  
Town Board Supervisor Signature



**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: June 1, 2016  
Hearing Date: June 9, 2016  
Property Owner: Mervin and Tonya Brubaker  
Property Address: N5696 State Road 17  
Town of: Russell  
Tax Parcel Number: 20.273308.002.001.01.00  
PIN: 020-3308-271-9991  
Staff Reviewer: Mike Huth – Zoning Program Manager  
Zoning District: RL4-Rural Lands  
Overlay Zoning District: S-Shoreland (See staff report for further details)  
Submitted Materials: CUP Application, Site Drawing, Town Recommendation Form

### **OVERVIEW**

#### **REQUEST**

The applicant seeks a Conditional Use Permit (CUP) to operate an expanded home occupation business for a bakery (wholesale and retail sales) pursuant to Chapter 17.3.09(8) and being heard under section 17.8.30 of the Lincoln County Zoning Ordinance.

#### **SUMMARY OF NOTEWORTHY TOPICS**

The applicant is proposing to operate a bakery as an expanded home occupation on a parcel of land that has principle use as a single family residential dwelling. The parcel also has another existing home occupation for the construction of storage structures (Brubaker Barns). The applicant has indicated that the bakery would provide baked goods to the Prairie Pines store, located nearby in Gleason. Staff has contacted the WIDNR and also the Lincoln County Health Department to obtain comments regarding the necessary permitting and regulations pertaining to an approved method of disposing of wastewater used in the baking process and any other regulations that would need to be followed for the proposed land use. The Health Department has outlined (see attached email) the multiple levels of licensing that are required by the county and the State of WI. The WIDNR has provided two options for handling/disposal of the non-domestic wastewater generated from the proposed bakery operation (see attached email). The applicant has stated that at this time the bakery would primarily be baking goods as a wholesale service to the Prairie Pines store (located on State Road 17 near Gleason) and that future onsite retail sales may occur at the bakery. At this time the applicants have not indicated if signage would be installed at the site or upon the proposed structure.

### **SITE CHARACTERISTICS**

The approximate fifteen (15) acre parcel is located southeast of State Highway 17, a State of Wisconsin roadway. It should be noted that the applicants own the forty (40) acre parcel to the east of the proposed bakery parcel as well. The following list provides the permitting history occurring at the parcel:

- 2003 Conditional Use Permit#31-03 issued to operate expanded home occupation business for the construction and sale of storage sheds and gazebo type structures.
- 2003 Change of Use Permit L-03-563 to change the use of the existing agriculture barn to use for the storage shed business.
- 2004 Land Use Permit L-04-514 to allow for construction of additions onto building for storage.
- 2007 Land Use Permit L-07-172 to allow for construction of a milking parlor.
- 2010 Land Use Permit L-10-078 to allow for construction of a storage building.
- 2015 Land Use Permit L-15-073 to allow for construction of pole building to operate/build storage shed business.
- 2015 Private Onsite Wastewater Treatment System (POWTS) S-15-041 installed to serve domestic sewage waste generated by the 3 bdrm house.
- 2015 Private Onsite Wastewater Treatment System (POWTS) S-15-042 installed to serve domestic sewage waste generated by storage shed business.

### **SURROUNDING LAND USE AND ZONING**

*NORTH* of the property is zoned RL4-Rural Lands and contains a single family dwelling. *EAST* of the property is zoned RL4-Rural Lands and the partially wooded parcel of land is used for agricultural and forestry purposes. *SOUTH* of the property is zoned RL4-Rural Lands and contains the Gleason Mennonite Church/School. *WEST* of the property, State Road 17 borders the property. West of the roadway is zoned F-Forestry and the unimproved property is owned by the State of Wisconsin DNR. The Prairie River is located west of the roadway as well. With the close proximity of the parcel to the Prairie River, a portion of the northwestern corner of the applicants parcel is within the S-Shoreland overlay zoning district. However, the location of the proposed bakery structure will be located outside of the Shoreland overlay zoning district.

### **PUBLIC NOTIFICATION**

The applicant has made contact with the Town of Russel and the Town Recommendation Form has been included in the packet for the committee to 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 petition was published in the *Merrill Courier* (5/20 and 5/24 editions) and the *Tomahawk Leader* (5/17 and 5/24 editions). Staff mailed ten (10) notices of the petitioner's request to neighboring property owners within 300' from the property boundary, the WIDNR and also the Town of Russell. 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. <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 area that has a variety of sized lots and a scattering of dwellings with accessory detached and attached accessory structures. Staff has visited the proposed bakery location and has not identified area(s) of concern regarding the potential impact on the character of the neighborhood that would be different than how the property is currently being used as a single family residential dwelling and expanded home occupation –construction of storage sheds. Stating as much, should the petitioners decide to conduct onsite retail sales of baked goods in the future at the bakery site, compliance with Zoning Ordinance standards is imperative. Standards such as parking, signage, and lighting are items to consider when providing onsite retail sales. The applicants have indicated that no new vehicular access or the need for public improvement is being proposed and that they would utilize the existing access to the property.

As indicated in other sections of this staff report, the applicant must comply with the State of Wisconsin through the Lincoln County Health Department regarding health and safety issues that are applicable as a proposed bakery and also compliance with the State of Wisconsin and the Land Services Department regarding an approved plan to handle non-domestic wastewater generated at the 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 RL4- Rural Lands 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. Will it place an undue burden on infrastructure or services? X

The applicant is proposing to utilize the property as an expanded home occupation that is very comparable to other home occupations located at residential dwellings in the area with similar number of occupants and vehicles accessing the property via State Road 17, a public roadway. As such, staff does not anticipate any additional impacts on existing or planned roads for the proposed use as an expanded home occupation.

- (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. Do the benefits outweigh the impacts? | X          |           |

It appears that the potential public benefits (economic, social, and environmental) of an expanded home occupation 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 17.3.09(8) of the Zoning Ordinance defines and regulates expanded home occupation land uses. The property owner is proposing an expanded home occupation land use that meets the definition as stated below. The applicants are proposing to construct a structure that would house the proposed bakery. No modifications to the existing single family dwelling are being proposed in relation to the proposed expanded home occupation.

*HOME OCCUPATION, EXPANDED. Provides a means to accommodate home-based family or professional businesses as an accessory use on a residential parcel without the necessity of a rezoning to a commercial zoning district. The regulations for expanded home occupations are more flexible than for standard home occupations; as such, expanded home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair.*

*Regulations:*

- a) No exterior alterations that change the character as a dwelling or provide significant exterior evidence of the expanded home occupation, other than those signs permitted in the district and for expanded home occupations per Division 17.6.*
- (b) No expanded home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance that is incompatible with the intent of the district.*
- (c) Persons employed by an expanded home occupation shall be limited to the resident family members and no more than 3 nonresident employees.*
- (d) The Planning and Zoning Committee may establish a maximum percentage of the property that may be devoted to the business, restrict the number and types of machinery and equipment, limit hours of operation, or establish other conditions on the approval to meet the standards for granting a conditional use permit in Section 17.8.30.*

## **ASSESSMENT**

### **CONCLUSION**

Staff considers the petition satisfies the approval criteria found in section 17.8.30 (7) of the Lincoln County Zoning Ordinance. The proposed land use for expanded home occupation businesses may be conditionally permitted by the Zoning Ordinance in the rural residential zoning district, however the Land Services Committee still has an obligation to weigh the current request against the criteria in order to support their decision.

### **RECOMMENDATION**

Staff recommends approval of the Conditional Use Permit request to Mervin and Tonya Brubaker to operate an expanded home occupation business for a bakery (wholesale and retail) on property located at N5696 State Road 17, pursuant to section 17.8.30 and relating to section 17.3.09(8) of the Lincoln County Zoning Ordinance, subject to the following conditions:

1. Expanded Home Occupation standards located in section 17.3.09(8) shall be met.
2. Land Use Permit shall be obtained for proposed structure.
3. Off-Street Parking and Loading standards located in section 17.5.03 shall be met.
4. Exterior Lighting standards located in section 17.5.04 shall be met.
5. Signage standards located in section 17.6 shall be met.
6. Handling/Disposal of non-domestic wastewater be designed, installed, managed, and disposed of in compliance with Chapter 22 of Lincoln County Code and WI SPS code.
7. All other applicable regulations shall be met, including appropriate license from Lincoln County Health Department and obtaining building permits from the appropriate authority.



Lincoln County - Zoning Program Manager

6/1/2016

Date

June Winters

---

**From:** Smith, Stephen J - DNR <Stephen.Smith@wisconsin.gov>  
**Sent:** Friday, May 27, 2016 6:41 PM  
**To:** Mike Huth  
**Subject:** RE: Brubaker - Proposed Bakery CUP in Lincoln Co.

Mike; In response to your email message below and follow-up to my voice message to you this afternoon, please note that there are basically two potential options for handling / disposal of the non-domestic wastewater generated from the referenced home business bakery operation:

1. Use of a straight non-domestic wastewater or mixed (non-domestic / domestic) wastewater holding tank (see attached DNR web link for further info). Stored wastewater in the holding tank should be hauled to a municipal wastewater treatment facility for disposal, or may potentially be land applied (for straight non-domestic wastewater case only).

<http://dnr.wi.gov/topic/wastewater/holdingtanks.html>

2. Connection to a mixed wastewater or straight non-domestic only on-site POWTS with subsurface discharge of the effluent and disposal of solids via land application or hauling to a municipal wastewater treatment facility (see attached DNR web link for further info)

<http://dnr.wi.gov/topic/wastewater/nondomestic.html>

If you need additional information or would like to further discuss directly, feel free to contact me.

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Stephen J. Smith  
Wastewater Section, Bureau of Water Quality – WQ/3  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921  
Phone: (608) 266-7580  
Fax: (608) 267-2800  
stephen.smith@wisconsin.gov



---

**From:** Mike Huth [mailto:MHuth@co.lincoln.wi.us]  
**Sent:** Friday, May 27, 2016 9:27 AM  
**To:** Smith, Stephen J - DNR  
**Subject:** Brubaker - Proposed Bakery CUP in Lincoln Co.

Stephen,

Thanks for responding to my call to you the other day regarding a proposed bakery the Lincoln County Land Services Committee will be reviewing through the a conditional use permit process for Mervin and Tonya Brubaker to operate an expanded home occupation business at W5696 State Road 17, Gleason. In the staff report for the request I would like to briefly outline the options the applicants have regarding approved disposal of wastewater generated from the bakery. Would you be able to provide me an email regarding what the state would allow for wastewater disposal (holding tank or drainfield) as you stated in the phone message?

Please provide any comments you or the WIDNR would have regarding the proposed operation by noon, Wednesday June 1<sup>st</sup>.

Thanks for taking a few minutes to review the proposed land use.

**Mike Huth**

Zoning Program Manager  
Lincoln County Land Services Department  
Office of Zoning and Conservation  
801 N. Sales Street, suite 103  
Merrill, WI 54452  
(715) 539-1087  
[mhuth@co.lincoln.wi.us](mailto:mhuth@co.lincoln.wi.us)

**June Winters**

---

**From:** Meghan Williams  
**Sent:** Wednesday, June 01, 2016 10:52 AM  
**To:** Mike Huth  
**Subject:** RE: Brubaker - Proposed Bakery CUP

Hi Mike,  
Thanks for the notice.

In regards to the proposed bakery.  
If the bakery is going to retail sale directly to consumer the licensing for a retail food establishment would fall under Lincoln County Health Department. Under this license they could wholesale 25% of their product but most sales need to be direct retail sales. They would be required to follow rules set forth in ATCP 75 Retail Food Sales and the Wisconsin Food Code-ATCP 75 Appendix.

If the bakery is going to wholesale product the licensing for a food processing plan would fall under Department of Agriculture Trade & Consumer Protection. They would be required to follow rules set forth in ATCP 70.  
Either way they would need to obtain a license. Depending on where the product is going will determine who the licensing will fall under.

Hope that helps a bit.  
Thanks,  
Meghan

*Celebrating 100 years in Public Health 1916-2016.*

**Meghan Williams**  
Environmental Health Specialist  
Lincoln County Health Department  
607 N. Sales Street Suite 101  
Merrill WI 54452  
Direct: 715-539-1364  
Main: 715-536-0307  
Fax: 715-536-2011  
[mwilliams@co.lincoln.wi.us](mailto:mwilliams@co.lincoln.wi.us)

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---

**From:** Mike Huth  
**Sent:** Friday, May 27, 2016 9:05 AM  
**To:** Meghan Williams  
**Subject:** Brubaker - Proposed Bakery CUP

Meghan,

The Land Services Committee will be hearing a conditional use permit request for Mervin and Tonya Brubaker to operate an expanded home occupation business for a bakery (wholesale and retail sales) at W5696 State Road 17, Gleason. They are proposing to construct a standalone building to operate the bakery. I believe they are going to be providing baked goods to the Prairie Pines store. I have discussed how waste water will be handled and the applicants are deciding on a dedicated holding tank/system or if they will tie into the existing drainfield for the dwelling. I did a quick call to the WIDNR regarding if the waste will be considered high strength, they said they have permitted waste of this nature to be treated by combined and standalone systems.

Please provide any comments you or the Health Department would have regarding the proposed operation by noon, Wednesday June 1<sup>st</sup>.

Thanks for taking a few minutes to review the proposed CUP.

**Mike Huth**

Zoning Program Manager  
Lincoln County Land Services Department  
Office of Zoning and Conservation  
801 N. Sales Street, suite 103  
Merrill, WI 54452  
(715) 539-1087  
[mhuth@co.lincoln.wi.us](mailto:mhuth@co.lincoln.wi.us)



**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 - CORRECTION**

### **STAFF REPORT**

Report Date: May 25, 2016  
Hearing Date: June 9, 2016  
Property Owner: Kelly Schattl  
Property Address: N2811 Alexander Lake Road  
Town of: Harding  
Tax Parcel Number: 08.313206.009.010.00.00  
PIN: 008-3206-313-9995  
Staff Reviewer: Mike Huth – Zoning Program Manager  
Zoning District: RR2-Rural Residential  
Overlay Zoning District: S-Shoreland (See past staff report for further details)  
Submitted Materials: None

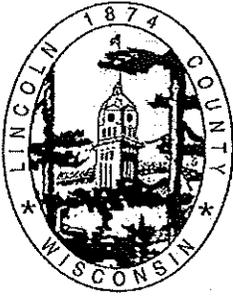
### **OVERVIEW**

On 5/12/16, Kelly Schattl was granted a CUP (with conditions) for a detached storage building larger than 1500 sq. feet in a Rural Residential 2 zoning district. Based on a staff recommendation, among the CUP conditions was a 25' side yard setback requirement. The ordinance standard is 10' (not 25'); therefore, staff requests that the CUP conditions be amended to the 10' allowed side yard setback.

*Mike B. Huth*

Lincoln County - Zoning Program Manager

5/25/2016  
Date



**LINCOLN COUNTY**  
**LAND SERVICES DEPARTMENT**  
**Office of Land Information & Conservation**  
**Lincoln County Service Center**  
**801 N Sales Street-Suite 105**  
**Merrill, WI 54452**  
**Phone (715) 539-1049**  
**Fax (715) 539-8093**

June 1, 2016

To: Land Services Committee Members

From: Matthew Bremer, Land Services Administrator

RE: Future of Grazing Programming in Lincoln County

Lincoln County has contracted with Marathon County for grazing services since 1998 and there seems to be a record of success dating back to the early days of the program. I have included Diane Wessel's memo of last spring for your record of her suggested courses of action. My desire is to establish a Committee approved approach to grazing in Lincoln County.

Economically, the cost of maintaining land in permanent cover as erosion prevention is one of the least expensive approaches available. As with any practice there is some maintenance involved, which in this case involves overseeding.

Environmentally, grazing as a practice can assist landowners to continue to utilize areas of their property that are not well suited to cropping but can still be available as forage if properly managed.

I believe that Ms. Wessel saw that these advantages were worthwhile as well, but wanted to explore other funding avenues to meet the same goals. To that end and with no preconceived notions I would like to look into each of the options that she presented as I am not finding any record of a decision having been made.

1. No cost/shift of provider/potential decreased level of service
  - a. Planning and implementation assistance: NRCS
  - b. Financial assistance to landowners: No change
  - c. Education and outreach: State-wide resources and UW-Extension Agricultural Agent
2. Reduced cost/shift of provider/same level of service
  - a. Planning and implementation assistance: NRCS and Lumberjack RC&D
  - b. Financial assistance to landowners: No change
  - c. Education and outreach: State-wide resources and UW-Extension Agricultural Agent
3. Reduced cost/same provider/potential decreased level of service/pay hourly rate with a not to exceed amount
  - a. Planning and implementation assistance: NRCS and Marathon County
  - b. Financial assistance to landowners: No change
  - c. Education and outreach: State-wide resources and UW-Extension Agricultural Agent
  - d. Pay as we go: hourly rate, not to exceed amount, accountability tracking
4. No change

**At the June 2016 Land Services Committee meeting, I will be asking committee to discuss grazing programming in Lincoln County for 2017.**



## LINCOLN COUNTY LAND SERVICES

801 N. Sales Street

Merrill, WI 54452

Telephone - (715) 539-1087 or (715) 539-1049

COPY

March 2, 2015

To: Land Services Committee Members

From: Diane Wessel, Land Services Administrator

RE: Committee Action Report – Future Grazing Programming in Lincoln County

In the past, Lincoln County has contracted with Marathon County for grazing services. Because Land Services Committee is considering whether or not to continue with the joint grazing agreement, I have summarized the options for grazing programming available in Lincoln County.

1. No cost/shift of provider/potential decreased level of service
  - a. Planning and implementation assistance: NRCS
  - b. Financial assistance to landowners: No change
  - c. Education and outreach: State-wide resources and UW-Extension Agricultural Agent
2. Reduced cost/shift of provider/same level of service
  - a. Planning and implementation assistance: NRCS and Lumberjack RC&D
  - b. Financial assistance to landowners: No change
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  - d. Pay as we go: hourly rate, not to exceed amount, accountability tracking
4. No change

I recommend the committee chose option 1 for fiscal year 2015 for the following reasons:

- Planning and implementation services are within the scope of work of the Lincoln County district conservationist with USDA Natural Resources Conservation Service (NRCS);
- The Lincoln County district conservationist already provides these services to some landowners;
- Plans developed by Marathon County that utilize federal funds are required to be approved and reviewed by NRCS;
- Education and outreach are within the scope of work of the Lincoln County UW-Extension Agricultural Agent.
- 2 - 8 plans are developed per year, with approximately half the acreage implemented.
- There is an opportunity to utilize other options in the future if demand warrants higher service levels.

**At the March 12, 2015 Land Services Committee meeting, I will be asking committee to decide grazing programming in Lincoln County for 2015.**



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June 1, 2016

To: Land Services Committee Members

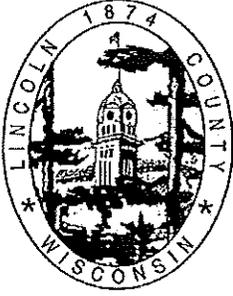
From: Mike Huth, Zoning Program Manager

RE: Residential and Non-Residential Accessory Structures

In the past year the Land Services Committee, Township Officials, and staff have conducted discussions regarding the regulation of accessory structures, specifically with regards to a size of structure that would not require a Conditional Use Permit. With the recent staff changes to the office and the importance of addressing lingering zoning ordinance items/clarifications, current staff has reviewed the most recent proposal(s) and township comments regarding the regulation and land use implications of accessory residential and non-residential accessory structures.

Staff would like to take a step back and discuss with the LSC committee the overall goal of the regulations and potentially standardization of the definition of an 'accessory structure'. This would also allow time for Townships and property owners to discuss the modified discussion direction and comment on specific standards that could be developed to aid in the overall land use decisions within the zoning districts. Overall, staff believes that the shift in the overall discussion is necessary to address overarching ordinance concerns and allows for clarification to the public, townships, committee, and staff before formal decisions are made regarding this topic.

**At the June 2016 Land Services Committee meeting, staff will be asking that they be given approval to develop options regarding the standardization of a 'accessory structure' definition and also draft performance standards relating to the zoning districts for the July 2016 Land Services Committee meeting.**



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June 1, 2016

To: Land Services Committee Members

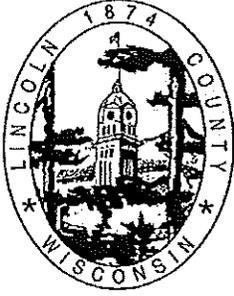
From: Matthew Bremer, Land Services Administrator

RE: Complaints

Complaints have come into the Zoning side of the office from a variety of sources. In the past the office has been directed not to accept complaints from anonymous sources. While I agree with this in principle because I believe a person should know their accuser and this policy deters complaints that are unwarranted, I would like to suggest some discretion be granted to the office to pursue complaints that present health and safety dangers as well as those which are discovered in the course of performing normal duties. Examples are given below with the policy action that I am proposing.

- 1) In the course of performing a site visit for a permitting, it is noticed that a garage is being constructed. No permit is visibly posted. Staff, upon return to the office, checks and discovers that no permit was applied for. **I am recommending a letter of correction be sent with enforcement options as appropriate.**
- 2) A call is left on the machine that claims a septic tank is running over. No name is given, but the address of the tank is provided. **I recommend a site visit follow-up as soon as possible with appropriate enforcement to follow.**
- 3) A person calls (who wants to remain anonymous) complains that their neighbor is building a garage without permits. No health concerns are apparent. Research shows that no permits have been taken out. **In this case I am recommending that they contact the Town to have a complaint registered with some degree of anonymity preserved.**

**At the June 2016 Land Services Committee meeting, I will be willing asking that I be given the discretion to develop a policy to deal with complaints such that some complaints may anonymous and others be staff-driven.**



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June 1, 2016

To: Land Services Committee Members  
From: Matthew Bremer, Land Services Administrator  
RE: Town of Skanawan – recent complaint

A landowner in the Town of Skanawan has recently filed a formal complaint of an unauthorized junkyard on his neighbor's property. This is not the first complaint that has been filed. There is a history of complaints going back to May of 2014. Enforcement action was taken on the complaint between the initial complaint and the time that I was hired on as Zoning Program Manager. Compliance was not a result but daily fines based on citations issued mounted. Therefore the initial complaint has been considered resolved.

I began taking on this violation in August of 2015. I established communications with the landowners in question. Through a series of court dates and follow-up conversations, the violation was brought into compliance per our ordinance. Accumulated fines were in excess of \$100K and the Clerk of Courts set up a payment plan for the resolution of those fines.

Though the landowner met the basest of compliance standards with his actions, the property owner who filed the complaint was still not happy with the unsightly appearance of his neighbor's property. A new complaint was received May 19, 2016. My Zoning Program Manager, Mike Huth, and I conducted a site visit and it appears that while most of the vehicles visible from public access points are currently licensed, there are more than 2 that are not. So a new letter of correction has been sent and the process begins anew.

Lincoln county doesn't have, nor am I proposing that we do, an ordinance relative to nuisance/trash/and the like. Mike and I took a brief circuit (6 mile round trip) from the property in question and found several other properties that would likely be violations of the current ordinance if complaints were filed.

**At the June 2016 Land Services Committee meeting, I will be willing to answer any additional questions however this memo is intended to keep you abreast of the situation as it has had broad distribution as a complaint.**

# Lincoln County Shoreland Zoning Ordinance – CHAPTER 21

## 2015 Wisconsin Act 167 and Wisconsin Act 391

Blue indicates mandated Act 391 changes

Red indicates mandated Act 167 changes

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**Section 21.05 (c)** - The Land Services Department shall initially make determinations of navigability and ordinary high water mark location. When questions arise, the Land Services Department shall contact the appropriate local office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to s.59.692 (1h).

**21.05(5)(h)** -The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if The Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283. *Facility defined below*

**21.07(6)(a)(1)(e)** -The roof of an existing boathouse may be used as a deck provided that:

- i. The existing boathouse roof is flat
- ii. The existing boathouse roof has no side walls or screens
- iii. The roof may have railing that meets the Department of Safety and Professional Services

**21.07(6)(g)**-Devices or systems used to treat runoff from impervious surfaces (*These are now included in structures exempt from 75' shoreland set-back.*)

**21.07(7) EXISTING EXEMPT STRUCTURES.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. (*Example: Existing 7 foot wide stairway to lake may be replaced in same footprint instead of state limit of 5 feet wide.*) *Note: Addition of 21.07(7) will renumber the following sections 21.07(8)-21.07(8)(13)*

**21.12(6) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.** A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**21.18 Added definition of "Facility"** - *Facility* means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch.185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

**21.18 Impervious surfaces** means an area that releases as runoff all or a majority of precipitation that falls on it. Impervious surfaces include: roofs, decks and slotted decks, concrete, blacktop/asphalt, mill felt that is laid to impede ground cover, paver block or landscape rock, patios and walkways, brick walkways, sidewalks and driveways (unless specifically designed, constructed, and maintained to be pervious), but excludes frozen soils. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s.340.01(58), Wis. Adm. Code, are not considered impervious surfaces. (*This is to allow **Public roads and public sidewalks** to be exempt from calculations on a lot Sidewalk from state statute means – "that portion of a highway between the curb lines, or the lateral lines"*).

# Lincoln County Shoreland Mitigation Guidebook – Proposed Change

Presented to Land Services Committee June 9, 2016

Laura Boquist – Shoreland Specialist

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## Opportunities for Mitigation

11. Increasing shoreland setback of a proposed principal structure – 1 point for every 15 foot increase (maximum of 3 points).

### Suggested Changes:

Allow both principal and accessory structures to be used for the purpose of meeting this mitigation requirement. This provides landowners with additional opportunities while accomplishing the purpose and intent of shoreland mitigation.

### Suggested Language Change:

11. Increasing shoreland setback of a proposed structure (excludes exempt structures in 21.07(6)) – 1 point for every 15 foot increase (maximum of 3 points).

**Standards:** The required shoreland set-back for a structure is listed in 21.07 (4) or if applicable, 21.07(5)

Note: Changes are not needed to the actual ordinance, Chapter 21, as the language in 21.14 does not specify principal and would currently allow for both principal and accessory structures to be used for this opportunity.