

**Lincoln County Land Services Committee  
Minutes of Thursday, January 14, 2016, 1:00 pm  
Lincoln County Service Center, Room #255**

Members Present: Julie Allen, Loretta Baughan, Hans Breitenmoser, R. Wayne Plant, Curtis Powell & Greta Rusch. Visitors: Matthew Bremer; Land Services Administrator, Sarah Koss; Register of Deeds, Nancy Bergstrom; Corporation Counsel, Randy Scholz; Administrative Coordinator, Mike Huth; Zoning Program Manager, June Winters; Zoning Program Assistant and 18 others.

1. Call Meeting order - Meeting was called to order by Chairman Powell at 1:00 p.m. Powell noted that Supervisor Hetfeld will no longer be serving on the Land Services Committee as he has resigned from the Lincoln County Board. It is unclear when we will have a replacement on our Committee for Hetfeld. That will probably be discussed at the next County Board meeting.
2. Approve Land Services Department updated organizational chart – reducing GIS Specialist-Surveying Technician from Grade 8 to Grade 6 – Powell said that this was passed at Personnel pending approval of the Land Services Committee. It had been discussed at the December 28, 2015 Committee meeting but there had been no formal action and the Personnel Committee wasn't aware that the LSC had discussed it.

M/S Plant/Rusch to approve that change in staffing. Powell asked for discussion and Allen said that she has reviewed both of the job descriptions and had some questions about duties being reassigned. She wanted it noted that she doesn't like to see a position downgraded. Bremer explained that he felt that the existing job descriptions were inadequate for what the position actually entailed and because this position is vacant this was a good time to bring them into line with the duties and the possibility of an intern at busy times would be a plus. Baughan asked if this structure of organization is working for the department. Bremer said that in the short time that he has been here, he believes it was and with this adjustment would make it even better. Motion carried 5-1 with Allen voting nay.

Powell moved to item #6 on the agenda.

3. Tour site in the towns of Bradley & Corning that will be the subjects of the 3:00 p.m. public hearing - Huth & the Committee, except for Chairman Powell, left for the tour at 1:10 p.m.

The Committee returned from the tour at 2:50 p.m. and took a short break. Chairman Powell reconvened the meeting at 3:00 p.m. and moved to item #8 on the agenda.

4. Approval of the December 28, 2015 Land Services Committee Minutes – M/S Baughan/Rusch to approve the minutes. Allen believed that there was an error with the meeting date on the minutes. On the minutes of the 12/28/15 meeting it said the Committee approved the previous meeting minutes listed as 12/28/15. It should have said 12/7/15 which was the actual previous meeting date. Motion carried all ayes with that correction.
5. Public Comment – Before the Committee left for the tours, Powell requested public comment, but since no public was present he asked again for public comment after the public hearings were concluded.

Powell moved to item #3 on the agenda.

**REGISTER OF DEEDS**

6. Q&A on Monthly Munis Report – Koss explained that this is the December 2015 Munis report but clarified that this report was not the year-end report as there are still items for 2015 that are not included. She will probably have one for next month's meeting.
7. Q&A on Monthly Written Report – Koss asked if there were any questions on the report. Koss commented that there was an entry on the front page – November 2015 DOR adjustment. This was an adjustment from a previously recorded document for a transfer fee that the audit revealed that a transfer fee was owed.

Powell returned to item #4 on the agenda.

**LAND SERVICES DEPARTMENT**

8. 3:00 p.m. Public Hearing – Public Hearing was called to order at 3:00 p.m.

Hearings were held on the items listed in the notice. Chairman Powell explained the rules of conduct for public hearings and introduced the Committee members. He called the first hearing.

**CONDITIONAL USE REQUEST**

1. A request by Tim & Vicki Baumann to construct a private Recreational Vehicle Course in a Rural Lands 4 zoning district. The property is located in part of the SW¼ of Section 32, T31N-R6E, in the Town of Corning, with an address of W6850 County Road FF. The tax parcel number is 06.323106.010.001.00.00. The request is being heard under section 17.3.05(10) of the Lincoln County Zoning Code.

Chairman Powell called for proponents of the request. Tim Baumann was present to explain & support their request. They have 80 acres of land, their son competes in moto-cross and they wanted to have an area for him to practice. They feel it is very important that he practice to remain competitive and avoid injury. He explained what has been discussed with the town and the neighbors. Baumann said that they had come to an agreement with the neighbor that he would only practice 3 days a week, only between 8 a.m. & 7 p.m. & not on Sunday.

Chairman Powell called for any opponents of the request. There were none present. Chairman Powell closed the public hearing for the Conditional Use request.

Chairman Powell noted that the Town Board recommendation indicated on October 12, 2015 it was approved on a 3-0 vote (The Town Board recommendation form asked for these conditions: That the track be used no more than 3 days per week, starting at 8:00 a.m. and ending at 7:00 p.m. The Town also requested that the permit be for the current landowner only and not transferrable to future owners).

M/S Breitenmoser/Baughan to APPROVE the request with conditions.

There was discussion. Plant asked if private meant only family and asked for clarification. Powell said he believed that it was supposed to be used by the family or “by invitation” but not open to the general public. Bremer said that the request was for a “recreational vehicle course moto-cross track for practice” and that the Committee could make that a condition along with the other conditions that the town requested as they were not all included in the staff recommended conditions. Plant asked the applicant what their understanding was. Baumann said at the town board discussed that topic and the course would be used for family & friends. Not to be used by the general public, charge a fee or hold races. Their understanding was their son & his friends were allowed to practice on the track.

Motion carried all ayes.

Conditions:

1. Facilities shall not be permitted to use night lighting nor operate between 8:00 p.m. and 8:00 a.m.
2. All facilities shall be located a minimum of 200 feet from any residentially zoned property.
3. All facilities shall be located a minimum of 75 feet from County Road FF centerline.
4. Expansion of course shall require amendment of Conditional Use Permit.
5. All other applicable regulations shall be met.

Town recommendation/agreed upon conditions:

6. No more than 3 days per week & not on Sunday. (to aid in enforcement week will run Monday-Saturday)
7. May use from 8:00 a.m. to 7:00 p.m.
8. Permit for current landowner only, not transferrable to future owners.
9. Private track for practice use, not for general public or races. Family & friends through invitation only.

**CONDITIONAL USE REQUEST**

2. A request by Paul & Kathy Sandry to construct an accessory residential structure in excess of 1500 sq. ft. in an Rural Residential 1 zoning district. The property is located in part of the NW¼ SW¼, Section 9, T34N-R6E, in the Town of Bradley with an address of W6407 W. Kraft Rd. The parcel number is 04.093406.010.003.01.00. The request is being heard under section 17.3.09(1) of the Lincoln County Zoning Code.

Chairman Powell called for proponents of the request. Steve Sandry was present to explain & support the request for his parents as they are unavailable. They need a storage building for their own recreational equipment (boats, camper, etc.) They have spoken to their neighbors and no one had an objection. The building will be 14' high.

Harry Gladwin, Town of Bradley Plan Commission was present. He said the request was reviewed by the Plan Commission & Town Board and approved unanimously with no conditions listed. No one was present in opposition to the request.

Chairman Powell noted that the Plan Commission indicated on 12/28/15 it was approved on a 4-0 vote with no conditions & Town Board recommendation indicated on 1/11/16 it was approved on a 4-0 vote.

Chairman Powell called for any opponents of the request. There were none. Chairman Powell closed the public hearing for the Conditional Use request.

M/S Plant/Rusch to APPROVE the request with recommendations as listed in the staff report. Motion carried all ayes.  
Conditions:

1. Building be utilized for storage of personal property.
2. Side lot line setback must be at least 10'.
3. All other applicable regulations shall be met.

**CONDITIONAL USE REQUEST**

3. A request by Bill Smith to allow the expansion of an existing contractor's shop in a Crossroads Mixed Use zoning district. The property is located in part of the NE¼ NE¼, Section 3, T35N-R6E, in the Town of Bradley, with an address of N12012 County Road L. The tax parcel number is 04.033506.001.003.01.02. The request is being heard under section 17.3.08(6) and 17.7.01(3) of the Lincoln County Zoning Code.

Chairman Powell called for proponents of the request. Bill Smith was present to explain & support the request. He is looking to expand an existing contractor's shop in this zoning district. He has already completed the rezone process to make this possible.

Harry Gladwin, Town of Bradley Plan Commission was present. He said the request was reviewed by the Plan Commission & Town Board and approved unanimously with no conditions listed.

Chairman Powell noted that the Plan Commission indicated on 12/28/15 it was approved on a 4-0 vote with no conditions & Town Board recommendation indicated on 1/11/16 it was approved on a 4-0 vote.

Chairman Powell called for any opponents of the request. There were none. Chairman Powell closed the public hearing for the Conditional Use request.

M/S Baughan/Allen to APPROVE the request with recommendations as listed in the staff report. Motion carried all ayes.  
Conditions:

1. Side lot line setback must be at least 10'.
2. Screening and Landscaping standards located in section 17.5.05
3. Exterior Lighting standards located in section 17.5.04
4. Signage standards located in section 17.6
5. All other applicable regulations shall be met.

**ORDINANCE AMENDMENT – CHAPTER 21 - SHORELAND ZONING ORDINANCE**

4. Chapter 21 of the Lincoln County Ordinances related to Shoreland Zoning is proposed to be amended to comply with requirements of WI Act 55 and to meet the required minimum standards of NR115.

Powell explained that we have already had the public informational meeting so we would only be taking public testimony today and called for any proponents. There were none so Powell called for opponents.

Chuck Schaar was present in opposition. He was opposed to this because he believes that regulation of all land should be consistent. He wanted to know if the definitions in other chapters were consistent with shoreland areas such items as “non-conforming” or “structures”. Why are there no such requirements like when roads are done close to the water and the state/county is not required to abide by the same standards. He feels that these restrictions are only aimed at the private land owners so he is opposed.

Ron Ruechel was present and had a question regarding an existing affidavit that is inconsistent with the new laws. He wants to know how that affidavit can be amended or removed. His project originally began before the increased setbacks but some construction was after the increased setbacks were put in place but now that has changed. Powell said that his comment is noted and that he should speak to staff after the testimony to discuss that issue.

Adam Senoraske was present and he also had a question about an existing affidavit. Powell again said that this would be addressed after the testimony.

Powell asked for any other opponents. None came forward. Powell closed the hearing for the Ordinance Amendments. He then said that after lengthy discussion with corporation counsel & Bremer they decided that previous affidavits will be handled on an individual basis. He said that Ruechel & Senoraske should speak with staff to see what may be done regarding previous affidavits.

Baughan said that there were a few clarifications/possible typos on the most recent draft that she wanted corrected. Page 9 (boathouse section) – numbering needs correcting. Page 22 (shoreland/wetland district). (1)(a) typo-should be “an” instead of “and”, also “reasonable period of time” has no definition nor whom determines that. Page 31 – (Mitigation Schedule) Impervious surfaces should be from 20-30% - Boquist explained her terminology on the %.

M/S Baughan/Breitenmoser to APPROVE the ordinance revisions with the corrections noted today subject to final DNR and Corporation Counsel’s approval.

Powell asked for discussion and commented himself that he is not against the new regulations but has a problem of how this was pushed down the counties’ throats. He feels that today’s hearing is for nothing more than for the Committee to hear some complaints then have to vote yes because they have no control over it anyway. Breitenmoser said he would echo Powell’s comments. Baughan said that she would like to be on record as being in total opposition to the required restrictions on shoreland property. She will support this change but only for the reason that it reduces the burdens on land owners and she wishes that the shoreland regulations would disappear altogether. Allen commented that she feels that this is a loss of local control and doesn’t feel that one size fits all for the entire state. Allen complimented zoning staff on the work that has been put in for making these changes and trying to have them in place before the construction season.

Motion carried all ayes. It will be forwarded to the February 16, 2016 Lincoln County Board for their approval.

Powell once again asked for public comment as he had before the Committee left for the tours. There was none.

9. Agency Updates – There were none.
10. Department written report – There were no questions on the Munis report.
11. Confirm next meeting/public hearing date – February 11, 2016 – confirmed date. Time to be determined.
12. Adjourn – M/S Plant /Rusch to adjourn at 3:33 p.m. Motion carried all ayes.