

**Lincoln County Land Services Committee
Minutes of Monday, December 7, 2015, 9:00 a.m.
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Hans Breitenmoser, R. Wayne Plant, Curtis Powell & Greta Rusch. Visitors: Matthew Bremer; Land Services Administrator, Nancy Bergstrom; Corporation Counsel, Laura Boquist; Shoreland Specialist, June Winters; Zoning Program Assistant and 2 others. Supervisor Hetfeld was excused from today's meeting.

1. Call Meeting order - Meeting was called to order by Chairman Powell at 9:13 a.m. when there was a quorum present.
2. Approval of the November 12, 2015 Land Services Committee Minutes – M/S Baughan/Plant to approve the minutes. Motion carried all ayes.

LAND SERVICES DEPARTMENT

3. Approval of the Tri-County Aquatic Invasives Species Program Manager Agreement (in cooperation with Langlade and Forest Counties) – Bremer explained the agreement. There was brief discussion on the position/agreement.

M/S Breitenmoser/Allen to approve the agreement. Motion carried all ayes. Agreement will be signed by Curtis Powell & Matthew Bremer for Lincoln County.

4. Request to fill authorized position – Land Services – GIS Surveying Specialist – Bremer explained to the Committee that Jonathan (Jay) Dick who had been in the GIS Surveying Specialist position is moving into the Real Property Tax Lister position. Authorization to refill the GIS Surveying Specialist position was also discussed and approved at the Personnel Committee meeting just previous to this meeting.

M/S Allen/Rausch to approve refilling the position. Motion carried all ayes.

5. Public Comment – Earl Welker, Town of Schley Plan Commission Chair, was present and wanted to communicate to the Committee that he had a discussion with Bremer recently regarding Accessory Structures requirement changes that were being discussed earlier this year. Along that line, he said that they recently had a 14x70 old mobile home moved onto a property to be used as a storage building. He shared the concerns that the Town of Schley has with this type of situation. He wanted to make sure that when the Committee gets back to the discussion that this may be addressed. He also brought up about shipping containers being used as storage & he would like to see some regulations for those. Welker also commented that the wording proposed for the new Shoreland Zoning ordinance seems to be anything but “simplistic”. Welker questioned how some of the proposed wording for lot size would mesh with the Town of Schley's subdivision ordinance. He had one question about 21.05(5)(a) and wondered if it was not in the red print (indicating mandated), but in black, was this just something that Lincoln County was requiring?
6. Preliminary review & discussion of proposed Chapter 21 (Shoreland Zoning Ordinance) changes – Bremer started the discussion by saying all staff present has been to a training session with the DNR regarding these changes. He credited Boquist with doing the task of meshing the model ordinance with our existing shoreland ordinance. Bremer asked Powell how he wanted to proceed. Powell said that he wished to discuss only the items where we may have options. The Committee proceeded with the review.

21.05(2) Shoreland Zoning Maps & Reports. (c) Bremer said that we will have Lidar data soon for floodplain information, & (d) Lake & River Classification. Baughan felt that it should be removed to avoid confusion. Bergstrom said that we may want to retain some mention of lake class. Powell said that there may be other issues that may have ties to lake class (grants, lake associations, etc.) Bergstrom said that it retains the historic reference. Consensus was that the “suggested revision” should be used and he noted Baughan's objection.

21.05 (5)(b) Abrogation and greater restrictions. Bremer just explained that in the zoned towns, the base zoning district will still trump DNR minimum so the most affected by this change will be the un-zoned town. He gave the example regarding lot size allowed.

21.07 Requirements for Shoreland development. Boquist explained that standards not addressed in NR115 could be regulated at a higher standard. Bergstrom asked the impact. Bremer explained lot size, frontage & OHWM setback are to be standard not affected. Boquist & Bremer clarified that the only issue that may be regulated more strictly is side yard setback. There was discussion. They will get a consensus when "side yard setback" is more specifically discussed next.

21.07 (4)(b) – Side yard setback. The Committee discussed if the setback was from the foundation or eave. There was discussion. Consensus was that it be from the foundation and that it may be a minimum of 10'. There was discussion. (d) Consensus was that it will be consistent with chapter 17 but measurement should be from foundation.

21.07 (5) Existing pattern of development – Bremer explained his issues with the definition. This was just a note not an option but it should help standardize how counties do "setback averaging"

21.07 (8) Exempt structures (a) & (b) that will be discussed later with the boathouse & open-sided structures sections but Bremer wanted them to know that standards (Size, shape, dimension, roof pitch, etc.) can be regulated for boathouses as long as they are not unreasonable. No discussion, moved on.

21.07 (9) Boathouses. (a)(4) was not addressed in old ordinance & (b)(3) should be left regarding roof pitch. What was previously in the ordinance should remain as is. Consensus is to restore, staff clarify wording & bring back. (4) Suggested to omit because it doesn't really apply. Consensus was to omit. (10) Powell said omit suggestion because it is covered under floodplain zoning therefore not necessary. (11) Bremer said they were suggested regulatory options. There was discussion Powell said it should be omitted up to and start with "features inconsistent with...." (12) Powell said he had a problem with defining allowed colors. Boquist said that by state statute we are required to "preserve scenic beauty". Bremer stated that "scenic beauty" may be impacted if we do not have standards regulating the color. There was a suggestion to work on defining what would be consistent with maintaining "scenic beauty" and keep it as simple as possible. Bremer said that we would come up with wording.

21.07 (11) Development of islands. Bremer said this was just a note because almost all of (11) may be on hold until DNR clarification.

Boquist said that she is still working on Planned Unit Development with the DNR training last week and will be bringing wording forward for next meeting and that it may require a separate section.

21.07 (12) Development of back lots. (d) Bremer said that some of this wording is waiting for clarification from the DNR. Boquist explained the definition of back lots to the Committee. Baughan questioned why we restrict the number of lots utilizing the same access. There was discussion. Powell noted that Baughan was not in agreement. (f) Boquist explained the purpose of the affidavits in these cases. Powell agreed that it is beneficial to have something recorded with restrictions.

21.08 Accessibility – (1) Bremer commented that statutory language changed "essential" to "necessary". (e) was struck.

21.09 Preservation and removal of shoreland vegetative cover. (2)(a)(3) Buffer Standards – Bremer explained that defines what we may use for a measurable "tool" in which to determine distance. Consensus was to add the sentence. (e)(1)&(2) adds definitions of routine maintenance. Consensus was to include.

21.09(3) Consensus was to add suggested wording regarding protection of buffer vegetation during construction.

21.09(4) Bremer asked if we wanted to have regulations for cutting between 35 & 75'. Bergstrom recommended accepting this as it at least defined a minimum standard. Baughan asked for clarification on what those standards are. Baughan & Allen said that they may both have issues with regulating beyond the 35'. There was discussion and consensus was to think about this further.

21.09(5) Boquist said that (b) is required but (a), (c) & (d) are optional. Consensus was that these 3 options be included with wording after lot splits omitted. There was further discussion on the pros or cons.

21.10(f) Shoreland Restoration as Mitigation - Boquist said that this will actually be moved to the impervious surface section.

21.11 Soil Disturbing Activities - (4)(a) Permit conditions – consensus was to include the mitigation schedule.

21.13 Non-conforming Uses & Structures (2) – Boquist wanted the Committee to be clear on the fact that, because of the mandated wording in this section, we may not impose a permit or fee if the work being done is a repair, replacement (in the exact footprint) or a vertical expansion of the structure. This means in the towns that are un-zoned and Chapter 17 does not apply we may not even require a permit. Bremer clarified that in the un-zoned towns this means that we may be not notified even though a sanitary permit or a UDC permit would still be required. The Land Use Permit previously triggered those other permits.

21.14 Impervious surfaces – Bremer tried to explain that the notes were regarding condominium situations and special consideration in our county where WVIC owns the first 30' back from the OHWM on Nokomis, Bridge & Deer Lakes. We don't know as yet if this area will be figured into lot area for impervious surface calculations.

21.15 Mitigation (1) Mitigation schedule – Bremer said that we would like to develop more opportunities to earn mitigation points for the landowner. Powell said he'd like to discuss that at a future meeting after staff has determined all options for the Committee to see. Baughan said that she doesn't agree with the idea of mitigation. She doesn't agree that earning points by doing something offsets something else that you are doing. Bremer explained that the mitigation is mandated with Act 55.

21.15 (4)(b) – Bremer asked that a timeline be included for mitigation activities to begin & be completed. Consensus was that a timeline should be indicated.

21.19 Definitions –

Development – There was discussion on how this should be designed. Bremer read the suggestion. There was discussion & Powell asked Boquist to work on more of a definition. Committee agreed to strike the words "substantial alteration".

Minimum average lot width – Bremer explained the need for this. There are several options on how to calculate this and he feels that the definition we are proposing makes the most sense. There was discussion on "flag lots".

Routine maintenance of shoreland vegetation – Consensus was to leave as previously discussed with Boquist's definition.

Shoreland Buffer zone – Consensus was to leave as the current ordinance wording.

Vegetative Buffer – Is not in the list but Bremer said that there needs to be at least minimum requirements be defined. Powell said that he is hesitant to go that direction. Bremer said that it may be important in compliance & violation situations. Powell disagreed but Breitenmoser said that it would just be clarifying by a definition. Powell said go ahead but he may not be in agreement with this. Breitenmoser said that it was just clarification that the goal was to maintain water quality. There was more discussion.

Powell directed staff to make these text updates as discussed today and bring to the next Committee meeting for review.

7. Confirm next meeting/public hearing date – January 14, 2016 – There was discussion that the next public hearing date will be January 14, 2016. However, after some discussion, Monday December 28, 2015 at 3:00 p.m. was set for the next Committee discussion on the proposed Shoreland Zoning Ordinance with the intent of having a public informational meeting the first week in January and then having the revised Shoreland Zoning Ordinance on the January 14, 2016 public hearing immediately after any other hearing requests. Bergstrom suggested that a report on this issue be shared with the County Board at their December meeting to prepare for them to make a decision in February. There was lengthy discussion on the timeline and everything that factors into making a decision on these amendments. They are optimistically hoping to have the changes ready for the February 16, 2016 County Board meeting.
8. Adjourn – M/S Breitenmoser/Allen to adjourn at 11:17 a.m. Motion carried all ayes.