

**Lincoln County Land Services Committee
Minutes of Thursday, February 12, 2015, 1:00 pm
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Hans Breitenmoser, Jeff Hetfeld, R. Wayne Plant, Curtis Powell & Greta Rusch.
Visitors: Diane Wessel; Land Services Administrator, Sarah Koss; Register of Deeds, Dan Bowers; Zoning Program Manager, June Winters; Zoning Program Assistant, Nancy Bergstrom; Corporation Counsel and 7 others.

1. Call Meeting order - Meeting was called to order by Chairman Powell at 1:00 p.m.
2. Approval of the January 8, 2015 Land Services Committee Minutes – M/S Baughan/Allen to approve the minutes. Motion carried all ayes.
3. Public Comment – There was no public comment. Powell read the Thank You card from the family of Walter Rusch for the expression of sympathy for their recent loss.

REGISTER OF DEEDS

4. Q&A on 2014 Annual Report – Sara Koss said that the monthly Munis report can sometimes be confusing so she included this report to clarify year end totals for 2014. She asked if the Committee had any questions on the Annual Report. Plant asked about the 22% drop in number of documents. She said that was the trend statewide. She said that they came in 14% lower overall than the previous year which was just about in the middle statewide for decreased numbers. Plant said that this is something they have no control over.
5. Q&A on December 2014 Munis Report – Koss included this on this month's meeting because they hadn't been available for last month's Committee meeting.
6. Q&A on 2014 Monthly Written Report – This report was also not available for last month's meeting either. Powell commented that he is always amazed at how much revenue this department generates and Koss agreed that even with their numbers being down there is still a good amount of revenue.
7. Q&A on January 2015 Munis Report – There were no questions.
8. Q&A on 2015 Written Report – There were no questions.

The Committee moved to item #10 on the agenda as it was too early to start the public hearing.

LAND SERVICES DEPARTMENT

9. 1:30 p.m. Public Hearing – Public Hearing was called to order at 1:30 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 Joe Henrichs and Concrete Investments LLC to construct mini storage units in a Crossroads Mixed Use zoning district. The property is located in the NE¼NE¼ of Section 03,T35N-R6E, in the Town of Bradley, with an address of N12014 County Road L. The tax parcel number is 04.033506.001.003.02.00. The request is being heard under section 17.3.08(1) of Lincoln County Ordinances.

Joe Henrichs was present to explain & support his request. He said that he had read through the staff report and stated that he has no problems with the conditions. He was initially concerned with the buffer depth required but after speaking with Dan Bowers he is comfortable with that condition. Plant asked about the home on the property and Henrichs said that the structure that is there now pretty much needs to be "demo-ed". Bowers commented that Henrichs currently has

another set of mini-storage units to the south of this location and Henrichs said that they are at capacity now and there is no more room to build more buildings. Bowers asked Henrichs why this request is just for one building and Henrichs said that he would come forward for additional Conditional Uses requests as the market dictates. Bowers spoke about an area on the plot plan identified as a future stormwater pond and he explained that this first building will not prompt that requirement at this time. Henrichs said that he is not planning on grading more than an acre at this time.

Harry Gladwin, Town of Bradley Plan Commission Chair, was present. He said that both the Plan Commission & Town Board gave their approval with the condition that any signage meets county requirements. Gladwin commented that Henrichs has always complied & cooperated with the Town of Bradley with his requests and the Town's requirements.

Chairman Powell summarized a letter of opposition date February 9, 2015, that the Committee had been given copies of received from Gerald Luedke who lives at N12011 County Rd L. Powell summarized that Luedke was asking the Committee to reconsider their previous decision to rezone to CMU & felt that the parcel should not have been rezoned to the Crossroad Mixed Use zoning district to allow the storage units as a Conditional Use. He felt that the area was too "residential" for this use and that particular segment of County Road L was known for motor vehicle accidents already because of the businesses. He doesn't feel that another commercial location should be added and is also concerned about signage for the business. Bowers did contact the Sheriff's Department regarding the accident issue and because it was on short notice he has not heard back from them yet. He said that by having this type of business at this location would not cause a significant increase in traffic. For Mr. Luedke's landscape buffering & signage concern, the recommended conditions may mitigate those concerns.

Chairman Powell called for any other proponents and/or opponents and there were none. Chairman Powell closed the public hearing for the Conditional Use request. There was brief discussion.

M/S Baughan/Breitenmoser to APPROVE ON CONDITION with the conditions as listed in the staff report.

Conditions:

- 1) This approval is for one, 50 unit storage building; additional storage units will require another conditional use permit.
- 2) Construction of impervious surfaces for the proposed development shall be done such that runoff from the development drains internally to the designated area for future stormwater retention. Grading and excavating in excess of 1 acre will require approval of a stormwater permit which meets state standards.
- 3) The regulations listed under 17.3.08(1) "personal storage facilities" shall be incorporated as conditions of approval.
- 4) A maximum building coverage of 40% shall apply.
- 5) A minimum landscaped area of 25% shall apply.
- 6) A "landscaped bufferyard" meeting the standards of 17.5.05(2) shall be maintained to a depth of 25 feet from all property lines with exception of the existing shared driveway.

There was lengthy discussion on the motion. Powell asked Gladwin if anyone was in opposition at the town level and he said that there was not. Gladwin explained their hearing request notification process. Hetfeld asked about the statement regarding the rezone not meeting the criteria for this zoning district. Bowers explained that because the definition referenced CMU in the Lincoln County Comprehensive Plan more as a "Gleason" setting it is confusing. After the Comprehensive Plan he said that many towns decided to use the CMU district for areas where business & residential uses exist and is a more "flexible" use district. Hetfeld said he just wanted to know if this particular request meets the criteria of the CMU zoning district. Powell clarified that this specific use in a CMU zoning district as defined meets the county zoning requirements and Bowers said that it did. Allen asked if the Town notifies individual surrounding property owners of their town meetings and Gladwin said that they do not. He again stated that they post in the Tomahawk Leader & on WJJQ per state requirements.

Motion carried all ayes.

At 1:57 Powell called for a break. They reconvened at 2:00 p.m. and moved to item #12 on the agenda.

10. Agency Updates –

- 1) Approval of 2014 Wildlife Damage Claims – Jeremy Irish was present and explained the 2 claims for Lincoln County. Irish briefly explained the process. Baughan asked what the criteria was for a claim. Irish explained what is included and what is excluded. There was discussion on the process for claiming damage. Hetfeld questioned the process as far as allowing hunter access. Irish explained the process. Irish said he would need Chairman Powell's signature on the claims.

M/S Plant/Rusch to approve the claims and have Chairman Powell sign. Motion passed on a 6-1 vote with Hetfeld voting nay. Chairman Powell signed the claims.

11. Real Property Listing – Marge Johnson, Lincoln County Real Property Lister, said that it has been brought to her attention by the Wisconsin Real Property Listers Association that there will be the following state budget proposals that will impact the County.

- 1) State Budget proposal related to county assessing – Johnson explained the current proposal for Assessment Reform and what it would mean to the counties if passed. Each county would be required to appoint an Assessing Administrator. This person would be responsible for valuing all properties in Lincoln County for tax purposes or contracting with assessors to do this work. This would no longer be a local government function. A similar restructuring was proposed from our last governor, but did not pass. Powell asked what the impact would be and Johnson said the assessment process would be shifted from the municipality to the county which would require additional personnel at the county level. All Board of Review would be held at the county level. There was discussion on potential problems. Powell asked if Johnson thought this would pass. Johnson believes there is a good chance that this could pass since the Dept. of Revenue is better prepared and more organized for this reform than the last time a similar change was proposed.

Breitenmoser asked if there are any "positives" to this change and if it is all negatives, should this body submit opposition to this proposal. Johnson said she saw few positives. Breitenmoser wondered if the Wisconsin Counties Association has an opinion on this and Johnson said that the WCA have published their summary of the proposed budget, but there was no opinion that she saw. Bowers asked about complying with the 100% fair market value criteria and Johnson explained that Lincoln County is mostly in compliance with one town just under 95% and four towns over 105%. There was discussion on the fiscal impact on the county and the process. Powell asked if it may be beneficial to submit a letter of concern or opposition to the County Board to be passed on to the state. There was discussion on the process and how to oppose it.

M/S Allen/Breitenmoser for Wessel to draft a position letter for this Committees' approval requesting Lincoln County Board to submit to the state indicating Lincoln County's displeasure with the proposed changes and opposition to Senate Bill 21 - pages 797-831 regarding the assessment process because of the increased layers of personnel and financial responsibility that would be placed on the County Boards. Wessel will draft that letter of opposition and draft a resolution for review at the March Land Services Committee meeting to be presented at the March Lincoln County Board meeting.

Motion carried all ayes.

- 2) State budget proposal related to tax bill change – Johnson explained that there would be changes made to the tax bill that could be very confusing to the public. Allen was aware of the changes and agreed it would be very confusing. Johnson said that this would be a major program change to create the new tax bill and there would be a definite financial impact on the county. Baughan said that she feels that it would be better to have more explanation on the tax bill than less. She said that information should definitely be clarified on the tax bill so people know where the money is going. Allen said that this change would definitely have a financial impact on the county.

M/S Hetfeld/Allen to send a letter of opposition to the proposed changes because of the negative financial impact to the county. Vote passed 6-1 with Baughan voting no. Wessel will draft that letter and resolution for next month's meeting.

12. Discussion of possible text amendment for on-premises advertising signs – Bowers said that zoning has recently received an inquiry for a digital sign/billboard. It is currently prohibited by our ordinance and historically Lincoln County has been very conservative as far as signage. With the digital signs becoming more popular he wanted to know if the Committee wanted to re-affirm what we have in place or think about a text amendment to update the ordinance. If we consider a text amendment the areas that he feels should be under discussion are: Illumination & brightness, message duration and transition & location of signs. Tim Cullen from TLC sign was present and the Committee & Bowers asked him questions regarding digital signs. Bowers asked Cullen about how they “measure” brightness. Cullen said that brightness is difficult to measure & enforce. He said some signs have dimmable photo cells on the signs that adjust the brightness of the sign to the current natural light. Not all signs have that capability. Bowers asked if there was an industry standard for the duration of the message. Cullen explained what is common for duration on a message center and said that a “flashing” message is typically not allowed. Bergstrom commented that color may be addressed if we do have a text amendment. Baughan asked if there were state regulations in place for digital signs. Cullen said that there are but they are a lot more lenient than most municipalities. Baughan questioned the light pollution created by the signs. Cullen said that up-lighted billboards cause more light pollution than the digital signs. Bergstrom had a question of how to regulate the brightness of the message center and Cullen said that most ordinances require the dim ability.

Powell said that he sees 3 options: re-affirm what we have, direct staff to draft a text amendment or do nothing until it is included in a formal review. Baughan said she sees no reason to not move forward at this time with a text amendment to keep up with the times and cut down on light pollution. She said she did like the example from the Oneida County Ordinance & Weston’s Ordinance that Bowers had provided.

M/S Baughan/Breitenmoser to direct Zoning staff to compile language for text amendment including the dimmable clause. There was discussion on the motion. Motion carried all ayes.

13. NCWRPC Ordinance Review – Wessel reminded the Committee of what the current contract with NCWRPC included and that she is really trying to get through that scope of work before we move on to other issues and changes so that this current contract is finished and then enter into another contract for the rest of the ordinance updates. Wessel quickly reviewed the areas already discussed then moved on to the “Permitted Uses” portion of the review. Wessel briefly explained the difference between “permitted by right” uses and “conditional” uses. The following require a Conditional Use.

She went through the following 5 areas that are included under the current contract with NCWRPC for review:

Tourist Lodging – Wessel explained what was allowed under our current ordinance. She explained the common conditions that are imposed on the requests. The only thing that NCWRPC recommends and staff concurs be added is requiring all applicable licenses, etc. Bergstrom asked why this category doesn’t include Bed & Breakfast & Rooming Houses. She feels that the same regulations should apply to all. There was lengthy discussion on this topic.

Accessory residential structures >1500 sq.ft. – Wessel told the Committee that while these structures have been a Conditional Use in some zoning districts since 2006 and there have been numerous Conditional Use Permits applied for, none have ever been denied. It is recommended that this no longer be a conditional use but a permitted by right use. There was discussion. Bergstrom said that her only concern is that a principal structure may never be built and wondered if that may be an issue. Bowers said that actually is addressed because an accessory structure built before a principal structure requires locating a potential principal structure and septic.

Accessory non-residential structures >25,000 cu. ft. – Wessel said that it is hard to review this one because we have not had any requests for a Conditional Use where required since the change in the ordinance in 2006. The change that is being recommended is that it be added that these structures be a permitted by right use in the Planned Business & General Business zoning districts also.

Outdoor wood furnace – Wessel explained the current restrictions for outdoor wood furnaces. CMU is not currently identified as one of the districts with the restrictions and RPC & staff believes that the 5 acre minimum should be included.

Freight/Bus terminal - Wessel said that this is currently defined as any operation with 1 or more operational trucks and as such are all treated the same. The recommendation is changing requirements to break the current regulations in to 3 categories. 1) Single Truck - When in the case of an Owner/Operator it may be allowed as a Home Occupation in certain districts with conditions; 2) One or two trucks - When in the case of an Owner/Operator it may be allowed as an Expanded Home Occupation in Ag, Rural Lands, Rural Residential 5, Recreation & Crossroad Mixed Use districts with conditions; 3) Add a category for "Intermediate Freight Terminal Facilities as a Conditional Use in the Recreation, Planned Business, General Business & Crossroads Mixed districts and as a permitted by right use in Planned Industrial & General Industrial districts where up to 15 trucks for the business would be allowed; and 4) Leave more intensive uses (more than 15 trucks) as a Conditional Use in the Planned Industrial & General Industrial zoning districts.

Powell directed staff to work with Corporation Counsel to draft language to incorporate these recommendations. Baughan brought up some questions about definition of accessory structures. There was discussion.

Wessel gave the Committee an idea what would they be covering at next month's meeting.

14. Managed Grazing – Marathon/Lincoln County Managed Grazing Agreement Resolution 2015-02-05 – Wessel explained the information that had been included in the packets. In researching this agreement Wessel could not identify where it had ever gone through County Board. Breitenmoser abstained from discussion & voting because he has been involved in this program.

M/S Plant/Hetfeld to approve the Resolution and forward to County Board for the February 17, 2015 meeting. Baughan questioned the portions that each Marathon County & Lincoln County contributed financially and Wessel explained that Marathon County also contributes "in-kind" time. Baughan commented that it benefits so few people.

Motion carried on a 5-1 vote with Baughan voting nay and Breitenmoser abstaining.

15. Memorandum of Understanding Regarding ESRI ArcGIS Server software sharing w/City of Merrill – Wessel explained that this is an extension of an existing inter-governmental agreement. She said that this agreement benefits both parties.

M/S Breitenmoser/Allen to approve the agreement as worded and forward to the City of Merrill. Powell signed the agreement.

16. Lidar –

- 1) CIP Fund request – Wessel explained the CIP request. There was discussion

M/S Breitenmoser/Rusch to approve the CIP request and forward to Finance Committee. Allen asked for clarification on the funds. Motion carried on a 7-0 vote and the Committee signed the CIP request. It will be on the agenda for the March 6, 2015 Finance Committee meeting.

- 2) Resolution 2015-03-XX: Participation in the USGS 3D Elevation Partnership Program – Wessel then explained that the approved CIP request would need to be forwarded to Finance with the resolution to go to County Board for participation in the program. There was brief discussion.

M/S Plant/Allen to approve the resolution as worded, if the CIP request is approved by Finance the resolution is to be forwarded for the March 17, 2015 County Board. Motion carried all ayes.

17. Land Information training – ESRI – In order for any out-of-state training it requires Committee approval. Wessel would like Jared Haas, Land Information Program Manager, to attend ESRI training in Minnesota. The training itself will actually be covered by funds from an existing grant. M/S Rusch/Plant to approve the request. Motion carried all ayes.

18. Department Report - There were no questions on the Department report.

19. Confirm next meeting/public hearing date – March 12, 2015 - Date confirmed. Meeting tentatively to start at 1:00 p.m.

20. Adjourn – M/S Allen/Breitenmoser to adjourn at 3:21 p.m. Motion carried all ayes.