

**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 19th 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