

**Lincoln County Land Services Committee
Minutes of Thursday, June 9, 2016, 1:00 pm
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser, Kirby Crosby, Christopher Heller & Greta Rusch.
Visitors: Matthew Bremer; Land Services Administrator, Sarah Koss; Register of Deeds, Mike Huth; Zoning Program Manager, Nancy Bergstrom; Corporation Counsel, June Winters; Zoning Program Assistant and 7 others.

1. Call Meeting order - Meeting was called to order by Chair Baughan at 1:00 p.m.

Baughan moved to item #5.

2. Tour site in the town of Russell that will be the subject of the 2:00 p.m. public hearing – Bremer, Huth & the Committee left for the tour at 1:03 p.m. They returned from the tour at 1:51 p.m. and resumed the meeting.
3. Approval of the May 12, 2016 Land Services Committee Minutes – Winters noted that on the agenda it said May 14, 2016 minutes but the minutes were dated correctly as May 12, 2016. M/S Bialecki/Heller to approve the minutes. Motion carried all ayes.
4. Public Comment – There was none.

Baughan moved to item #15 on the agenda.

REGISTER OF DEEDS

5. Q&A on Munis Report – Koss asked if there were any questions on the report. She said that they were up 11% from last year for recording revenue. She noted that there was an entry on the report that needed to be changed because it was in the wrong account and that had been done.
6. Q&A on Written Report – There were no questions on the report.

Baughan returned to item #2 on the agenda.

LAND SERVICES DEPARTMENT

7. 2:00 p.m. Public Hearing – Public Hearing was called to order at 2:05 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 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 N5696 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.

Chair called for proponents of the request. Mervin Brubaker was present to explain & support their request. Their intention is to have a bakery in a separate building on their property to make baked goods retail & commercial sales.

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 11, 2016 they supported the request on a 2-0 vote. Huth said that zoning is working

with the Lincoln County Health Department and the DSPS for requirements for that type of business. Staff is recommending approval with conditions. Chair Baughan closed the public hearing for the Conditional Use request.

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

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) – Huth explained to the Committee that staff had been incorrect in saying that the setback to all lots lines needed to be 25’. The rear lot line needs to be 25’ but the side lot line may be a minimum of a 10’ setback.

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

1. Detached storage building shall have twenty five (25) foot rear and ten (10) foot side setbacks from property lines.
2. All other applicable regulations shall be met.

9. Discussion on “complaint” protocol – Bremer discussed with the Committee to set a policy for following up on complaints. He wants to work with Corporation Counsel to draft that policy. Bremer cited the different ways that complaints are received or violations are discovered. Anonymous complaints are common and policy has been to not follow up on those but sometimes the nature of the complaint (regarding health & safety) should not be ignored even if they are anonymous. There was brief discussion. Huth explained how our “After-the-fact” fees are imposed. After more discussion the consensus was to leave how complaints are handled up to Bremer’s discretion.

- a. Complaint of a “junkyard” in the Town of Skanawan – Bremer wanted to make the Committee aware of an ongoing compliance issue. He reviewed the history and current status of the complaint. There was discussion on this issue and definition of a “junkyard”. Nancy Bergstrom, Corporation Counsel, said that it’s difficult to explain to complainants the threshold that puts someone actually in violation of the code. There was lengthy discussion on the problems & the process of dealing with them.
- b. Town of Merrill discussion of zoning issue in Moritzville neighborhood – Bremer explained that Mike Matushak, Town of Merrill Chair, asked to be added to the agenda today. Bremer gave the background & history of a specific violation. Matushak said that this has been a longstanding issue and the neighbors are very concerned. Most complaints that the Town deals with have been taken care of by the town but this one is not getting resolved. This area in the town has this and similar issues on other properties. He said that it is difficult to do enforcement and hold people accountable when they see that there are no consequences. Mike Matushak came to the podium as Chair of Town of Merrill. Matushak explained to the Committee all of the issues that they are dealing with on the property. He said that it is very frustrating and they are looking for support from the county to get the landowners to comply. Matushak said he doesn’t understand why the property has not been taken for delinquent taxes because they are 5 years behind on the property taxes. Baughan asked if the Town couldn’t take the landowner to court and Matushak said that is a very lengthy & expensive process. Bergstrom explained that the notification process itself is a lengthy one and when the owner will not accept mail or can’t be contacted it makes it very difficult. Huth explained the notification process. Bergstrom explained the legal process. The timeline was discussed for dealing with violations. Bialecki had questions about taking the property for delinquent taxes. Bergstrom said that process is through the County Clerk’s office. There was discussion. Matushak will report to residents that Zoning is in the process of dealing with the problem.

10. Grazing Program discussion – Bremer said that the Committee had a memo in their packet regarding where the grazing program was left with his predecessor. Bremer asked for direction on if the Committee wants him to move forward with the program or not. He gave his opinion on the program and erosion solutions. Bialecki asked Breitenmoser to explain a little about the program. Breitenmoser gave a brief explanation of grazing and its impact on groundwater. He said that this Committee is supposed to encourage conservation in the county. He said that we can create growth & wealth for the county and promote conservation at the same time. He said that having a relationship with another county to accomplish that was economical for Lincoln County.

A memo was given to the Committee from Dan Marzu, UW Ext. Agricultural Development Educator. He could not attend today's meeting but the memo explained the benefits of a grazing program in Lincoln County. He also wrote about the need for access to a "no-till drill" for landowners and finished with information about the educational part of his position and workshops that he has held and others that he hopes to schedule.

Baughan said that she had asked Bergstrom to be here today to discuss, given the history, whether it was a benefit to be in a relationship with Marathon County for a grazing program. Bergstrom said that it was up to the Committee how to move forward and if we once again enter into a relationship with Marathon County she would be involved with those contracts. There was discussion on the resources available. Bergstrom said that budget complications will also come into play. Baughan said that this program benefits so few landowners, she didn't see it as a priority. Breitenmoser said that the conservation aspect is important. Mark Kaczorowski, Lincoln County Conservation Specialist, said that there is interest in the county for these programs. Baughan gave some landowner participation statistics & information that she had from last year and it didn't appear that the program was being monitored or run properly and she was basing her opinion on that. She felt it did not benefit enough people to warrant continuing the relationship or even the program. Baughan said that she is against continuing a relationship with Marathon County for grazing and wants to know how the other Committee members feel. Bialecki said that there was value in the program from the conservation aspect but maybe needed to be monitored better. Heller said he would like to see Bremer's options. Allen said that conservation is important and while a lot of land owners may not benefit, the environment will. Breitenmoser said that viewing it as benefiting only few people is deceiving because it benefits the county's groundwater which benefits everyone. Rusch agrees that the conservation is important. Baughan said that the range for options they were given last year were from no cost to reduced cost so she hopes that we keep any cost to the county low. She hopes that the option chosen does not include Marathon County. Crosby said that he didn't think that the county should be involved in the farmer's business and the DNR has regulations to protect the groundwater.

Consensus was for Bremer to bring options to the next meeting. Bremer said that he would work on that.

11. Agency updates – There were none.
12. Residential and Non-residential accessory structure discussion – Huth shared with the Committee that there are several zoning ordinance topics that this Committee has been going to review for some time. Huth said that in the past, staff had done a memo for the Committee to decide on priorities. One of those topics was accessory structures. We have had a lot of Conditional Use Permits/Hearings for accessory structures >1500 sq. ft. in size in Rural Residential zoning districts. Allen said that she knows that people are holding off applying for permits until we have this resolved. Bremer would like to re-define accessory structure to eliminate the "residential" or "non-residential", and possibly limit wall height instead of cubic feet. Consensus of the Committee was to move forward and draft options to the accessory structure portion of the ordinance & discuss at the July meeting and hopefully to public hearing in August.
13. Discuss proposed ordinance amendments to Chapter 21 (Shoreland Ordinance) to proceed to public hearing – Laura Boquist, Lincoln County Shoreland Specialist, explained to the Committee that due to more state legislation there is a need for amending the Shoreland Ordinance again. She reviewed those proposed changes, indicating that county has little say in this matter. M/S Rusch/Breitenmoser to take to public hearing on the July 14, 2016 with the changes as drafted. Motion carried all ayes.
14. Discuss/Approve changes to the Mitigation Guidebook – Boquist, explained the changes to the guidebook that is given to landowners. The information is actually correct in the current ordinance but there was an error in the Mitigation Guidebook. M/S Allen/Bialecki to approve the changes. Motion carried all ayes.

Baughan moved to item #17 on the agenda.

15. Approve 2016 Budget Modification – WLIP Strategic Initiative Grant Award – Bremer explained that this was regarding the grant amendments approved at last month's meeting. M/S Allen/Breitenmoser to approve the Budget Modification and forward to Finance. Motion carried all ayes. The Committee signed the Budget Modification.
16. Discussion on department 10 year long range plan – Bremer briefly explained what he had submitted to the Committee. M/S Breitenmoser/Heller to adopt and forward to the appropriate Committee. Motion carries all ayes.

Baughan returned to item #7 on the agenda.

17. Department written reports & Correspondence – There were no comments on the Financial report. Bremer said that he had asked last month about a Committee to meet with North Central Wisconsin Regional Planning Commission to discuss the Land & Water Resource Management Plan & Farmland Preservation Plan. There was discussion. Bremer will establish the Committee with Corp Counsel's help.
18. Confirm next meeting/public hearing date – July 14, 2016 – confirmed date. Time to be determined.
19. Adjourn – M/S Heller/Breitenmoser to adjourn at 4:12 p.m. Motion carried all ayes.

Minutes prepared by June Winters