

**Lincoln County Land Services Committee  
Minutes of Thursday, July 14, 2016, 11:00 am  
Lincoln County Service Center, Room #257**

Members Present: Loretta Baughan, Bill Bialecki, Hans Breitenmoser, Christopher Heller & Greta Rusch. Visitors: Mike Huth; Zoning Program Manager & June Winters; Zoning Program Assistant. Supervisors Allen & Crosby were excused from the tours but will be present for the hearings.

1. Call Meeting order - Meeting was called to order by Chair Baughan at 11:00 a.m.
2. Tour sites in the towns of Scott, Schley, Corning & Bradley that will be the subjects of the 2:00 p.m. public hearing – Huth & the Committee left for the tour at 11:02 a.m. They returned from the tour at 1:57 p.m. and resumed the meeting.

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Hans Breitenmoser, Kirby Crosby, Christopher Heller & Greta Rusch. Visitors: Mike Huth; Zoning Program Manager, June Winters; Zoning Program Assistant and 10 others.

3. Approval of the June 9, 2016 Land Services Committee Minutes – M/S Bialecki/Rusch to approve the minutes. Motion carried all ayes.
4. Public Comment – There was none.

Chair Baughan moved to item #10 on the agenda.

**REGISTER OF DEEDS**

5. Munis Report – Koss was excused from the meeting. Reports were put on file.
6. Written Report –

**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.

Baughan explained that because items #1 & #2 are for the same parcel the testimony would be concurrently and then will be voted on individually.

**COMPREHENSIVE PLAN AMENDMENT**

1. A request by Jonathan and Frieda Showalter to amend the Lincoln County Comprehensive Plan Map from Rural Single Family Residential to Rural Lands for tax parcel 22.273208.005.001.01.03, comprising approximately 13.69 acres. The property is located in the NE¼NW¼ of Section 27, T32N-R8E, in the Town of Schley, with an address of W1139 County Rd C.

**PETITION FOR REZONING**

2. A request by Jonathan and Frieda Showalter to rezone approximately 13.69 acres from Rural Residential 5 (RR5) to a Rural Lands 4 (RL4) zoning district for tax parcel 22.273208.005.001.01.03. The property is located in the NE¼NW¼ of Section 27, T32N-R8E, in the Town of Schley, with an address of W1139 County Rd C

Chair called for proponents of the request. Jonathan Showalter was present to explain & support their request. He explained that they have a furniture business.

Earl Welker, Schley Plan Commission Chair, was present and explained that Showalter bought the property right in the middle of the recodification process. The current zoning prevents him from enlarging his existing building. The Plan Commission & Town Board is in favor of the comprehensive plan change and rezone.

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 July 5, 2016 they supported the request with their town Resolution 2016-7.5. Huth did note that there still is a next step in regard to the addition to the existing business would still require a Conditional Use Permit.

Chair Baughan closed the public hearing for the Comprehensive Plan Amendment & the Rezone request.

M/S Bialecki/Heller to APPROVE the Comprehensive Plan Amendment and forward to the July 19, 2016 County Board. Motion carried all ayes.

M/S Rusch/Heller to APPROVE the Petition for Rezoning and forward to the July 19, 2016 County Board. Motion carried all ayes.

3. A request by Kevin and Cynthia Baumann to rezone approximately 4.02 acres from Rural Residential 2 (RR2) to a Rural Residential 1 (RR1) zoning district for tax parcels 04.103506.015.009.02.00, 04.103506.015.009.03.00, and 04.103506.015.009.04.00. The property is located in the SW¼SE¼ of Section 10, T35N-R6E, in the Town of Bradley, with addresses of W5858 and W5868 Clear Lake Road.

Chair called for proponents of the request. Kevin Baumann was present to explain & support their request. He said that he is across from RR1 & in close proximity to other RR1 zoning.

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 explained that Baumann currently has 3 lots but wishes to configure them so that 2 of them have water frontage and 1 does not where as currently 1 has water frontage and 2 do not. There will still be 3 lots. He explained that this will still require an approved Certified Survey Map be recorded to reconfigure the lots. He said that the form received in zoning indicated that the Plan Commission recommended approval and then the Town Board on June 13, 2016 recommended approval. On July 11, 2016 they supported the request with their town Resolution 2016-1.

Chair Baughan closed the public hearing for the rezone request.

M/S Breitenmoser/Allen to APPROVE the request and forward to the July 19, 2016 County Board. Motion carried all ayes.

4. A request by Gassners Oak Park LLC (John Gassner) to rezone approximately 8.36 acres from Forestry (F) to a Rural Lands 4 (RL4) zoning district for tax parcel 06.113104.004.002.00.00. The property is located in the SE¼NE¼ of Section 11, T31N-R4E, in the Town of Corning, along County Road M.

Chair called for proponents of the request. Mark Gassner, the applicant's brother, was present to explain & support the request.

Chair Baughan called for any opponents of the request.

Robert Hartson, an adjoining landowner, came to the podium and said that he was opposed to the rezoning. He said that it will cut off access to the 120 acres of forest land to the south. Allen asked for clarification on the opposition. He is opposed to someone building there in the future. Baughan questioned the fact that he against someone building. He said that this has always been forest land and is such a small parcel he doesn't believe it should be changed to allow building. Breitenmoser questioned access to the parcels to the south. Huth said that that would the access issue would be subject to any type of easement in place.

Winters read a note of opposition from Allan Woller, another adjoining landowner, stating that he is “strongly opposed” to the request and doesn’t believe it should be changed to allow for building a home because there is other land available in the area. Woller was unable to attend the hearing. Baughan asked if there was any one else in attendance who was opposed to the request.

Baughan asked Gassner to return to the podium. He said that this parcel was left over after a land sale that Potlatch had done. This parcel has a permanent easement to give the land owner to the south to access their land. Gassner said that this parcel is now too small to be eligible to be in forest Crop so they have to pull it out of forest crop and pay the back taxes. He said that the owners on both sides would still have access to the forest land south of the subject parcel just by entering from their own land. He said that this zoning change would just make this parcel eligible for the same options that the neighboring properties on both sides have now. Bialecki questioned the existing easement. Gassner said that he believes the easement is only for the benefit of the land owner the south, not the general public. Breitenmoser clarified that the easement issue is moot as the easement wouldn’t change because of the zoning change.

Mike Huth came to the podium and said that he had no update to his staff report. He said that the Corning Town Board supported the request and is reflected in the July 11, 2016 meeting minutes received by Land Services July 14, 2016. This request is an extension of an existing district on either side of this parcel. The Committee & Huth discussed the parcel.

Chair Baughan closed the public hearing for the rezone request.

M/S Bialecki/Heller to APPROVE the request and forward to the July 19, 2016 County Board. Motion carried all ayes.

#### **CONDITIONAL USE REQUEST**

5. A request by S&P Premier Investments LLC to allow for construction of two (2) additional personal storage facility buildings in a Planned Business (PB) zoning district. The property is located in the NW¼SE¼ of Section 32, T31N-R7E, in the Town of Scott, with an address of N187 Brandenburg Ave. The tax parcel number is 24.323107.015.001.02.20. The request is being heard under section 17.3.08(1) of Lincoln County Ordinance.

Chair called for proponents of the request. Curt Semenas was present to explain & support their request. He is one of the owners. This location is a satellite office for their Pinno Building business based in Fond du Lac. Semenas shared that purchased the property with existing mini-storage and would like to add more. They have cleaned up the property and, like their other properties in the state, like to keep them clean & well lit. They have installed an asphalt driveway. They have an office on-site with staff that oversees the mini-storage units.

Chair Baughan called for opposition to the request. There was none.

Mike Huth came to the podium and gave a little bit of history of the parcel. Staff is recommending approval with conditions as listed in his staff report. Huth reviewed those recommended conditions. He said that the Town Board recommendation indicated on July 12, 2016 they supported the request on a 2-0 vote. Chair Baughan closed the public hearing for the Conditional Use request.

M/S Bialecki/Breitenmoser to APPROVE the request. No mention of staff recommendations. Motion carried all ayes.

#### **ORDINANCE TEXT AMENDMENT**

6. Portions of Lincoln County Ordinance – Chapter 21 relating to Shoreland Zoning are proposed to be amended to comply with requirements of WI Act 167 and 391.

Huth deferred to Laura Boquist, Shoreland Specialist, to explain the proposed amendments. She reviewed the changes for the Committee. She explained that these are the “clean-up” bills after Act 55 and should make things more consistent throughout the state but the rules are still remain confusing.

Chair Baughan asked if there was any public comment on the changes. Earl Welker, Plan of Schley Plan Commission said that they have submitted a resolution of support. Baughan asked if there was any other comments either in support or opposition. Huth had no comments. Baughan closed the public hearing for the Chapter 21 Text Amendments.

M/S Breitenmoser/Bialecki to approve amendments as drafted and forward to the July 19, 2016 County Board. Motion carried all ayes.

8. Agency updates – There were none.
9. Discuss proposed ordinance amendment to Chapter 17 (Regarding Accessory Structures) to proceed to public hearing – Huth shared with the Committee that as has been discussed previously we have had a lot of Conditional Use Permits/Hearings for accessory structures >1500 sq. ft. in size in Rural Residential zoning districts. He reviewed the history of this issue. He cited some of the confusing parts of the code that we are attempting to simplify. He discussed information and options that staff offered. Huth reviewed the list of CUP requests since this language had been in place. Baughan commented that by raising the limit to 2000 sq.ft. it doesn't appear it would eliminate that many requests and wondered if it should be raised to 2500 or 3000 sq.ft. Allen asked Huth if staff would like the limit raised to only 2000 sq. ft. Huth said that it was a starting point. It would be up to the Committee if they wanted to go larger. There was discussion. Huth added that going larger may necessitate different standards to mitigate the larger structures. There was discussion. Allen questioned town input.

Baughan asked Welker to come to the podium with any comments that he may have on this issue. He said last year when this was brought up in discussion there was a lot of confusion between accessory residential structures & accessory non-residential structures. He feels that this is movement forward to simplify the regulations.

M/S Allen/Rusch to approve the draft text and proceed to public hearing. There was discussion on the size limitation again. Huth said that could be changed at the Public Hearing. Motion carried all aye.

Chair Baughan moved to item #11 on the agenda.

10. Authorization to purchase GPS equipment based on RFP results – Tony Dallman & Norm Bushor – Bushor shared with the Committee the bid that he has received. He said that he just needs a motion to approve the quote. The quote was discussed. M/S Bialecki/Breitenmoser to accept the bid. Motion carried all ayes.

Dallman shared with the Committee the bids that he has received on the equipment. He explained the proposals. He said that only one met all of the specifications. M/S Bialecki/Heller to accept the bid suggested by Dallman. Motion carried all ayes.

Chair Baughan returned to item #5 on the agenda.

11. Department written reports & Correspondence – Huth reported that staff & Corporation Counsel are currently proceeding with citations for 2 violations. Financial report was put on file.
12. Confirm next meeting/public hearing date – August 11, 2016 – confirmed date. There was lengthy discussion about the time. Determined to have tours at 1:00 p.m. and begin the Public Hearing at 4:00 p.m.
13. Adjourn – M/S Bialecki/Breitenmoser to adjourn at 3:42 p.m. Motion carried all ayes.