

**Lincoln County Land Services Committee
Minutes of Thursday, August 11, 2016, 1:00 pm
Lincoln County Service Center, Room #156**

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Kirby Crosby, Christopher Heller & Greta Rusch. Visitors: Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager, Sarah Koss; Register of Deeds and June Winters; Zoning Program Assistant. Supervisor Breitenmoser was excused from today's meeting to attend another meeting as a LSC representative.

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

Chair Baughan moved to item #5 on the agenda.

2. Tour sites in the towns of Scott, Bradley & King that will be the subjects of the 4:00 p.m. public hearing – Bremer, Huth & the Committee left for the tour at 1:02 p.m. They returned from the tour at 3:15 p.m. and decided to recess the meeting until 3:45 p.m. The Committee resumed the meeting at 3:45 p.m.

3. Approval of the July 14, 2016 & July 18, 2016 Land Services Committee Minutes – M/S Bialecki/Heller to approve both minutes. Motion carried all ayes.

4. Public Comment – There was none.

Chair Baughan moved to item #8 on the agenda.

REGISTER OF DEEDS

5. Q&A on Munis Report – Koss asked the Committee if they had any questions on the reports. Baughan asked what a particular line item was and Koss clarified that that line item referenced a software provider.

6. Q&A on Written Report – No questions.

Chair Baughan returned to item #2 on the agenda.

LAND SERVICES DEPARTMENT

Members Present: Julie Allen, Loretta Baughan, Bill Bialecki, Kirby Crosby, Christopher Heller & Greta Rusch. Visitors: Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager, June Winters; Zoning Program Assistant and 20 others.

7. 4:00 p.m. Public Hearing – Public Hearing was called to order at 4:05 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 Nathan Carr to amend the Lincoln County Comprehensive Plan Map from Rural Single Family Residential to Crossroads Mixed Use for part of tax parcel 04.023506.007.002.01.00, comprising approximately 5 acres of the 6.85 acre parcel. The property is located in the SW¼NW¼ of Section 02,T35N-R6E, in the Town of Bradley, with an address of W5698 County Rd N. (This would result in the entire parcel being Crossroads Mixed Use in the plan).

PETITION FOR REZONING

2. A request by Nathan Carr to rezone approximately 5 acres from Rural Residential 3 to Crossroads Mixed Use being part of tax parcel 04.023506.007.002.01.00, comprising approximately 5 acres of the 6.85 acre parcel. The property is located in the SW¼NW¼ of Section 02, T35N-R6E, in the Town of Bradley, with an address of W5698 County Rd N. (This would result in the entire parcel being zoned Crossroads Mixed Use-CMU)

Chair called for proponents of the request. Nathan Carr was present to explain & support the request. He explained that he had obtained 5 acres to the north of his existing parcel where his business (which is a bar & restaurant) & home are located. He obtained the additional land to have room for parking and special events use.

Dawn Tesch, a neighbor directly across the street was present and said she & her husband support Carr's request. They are fine with anything Carr wishes to do there.

Harry Gladwin, Bradley Plan Commission Chair, was present and explained that The Plan Commission & Town Board is in favor of the comprehensive plan change and rezone. He stated that there were several people in attendance at the town meetings questioning what Carr's plans were and they explained it would allow him to do outdoor assembly up to 749 people. This would be primarily for the Fall Ride weekend. Gladwin said that there was concerns that what Carr wanted to do down range. While Carr may have some other plans in the future that may require a Conditional Use Permit be obtained, the rezone would just allow him the outdoor assembly for special events at this time. Allen asked if the Town Board gives permits for special events or large assembly. Gladwin clarified it would just be for special events at this time. Anything beyond that may require a CUP. Allen asked for clarification and Huth said that her question may be answered when he reviews his staff report for the Committee.

Chair Baughan called for any opponents of the request. There were none present.

Mike Huth came to the podium to review his staff report. He reminded the Committee that this is a "category" change in the Land Use Plan but it will make Carr's entire parcel the same in the plan and zoned the same. There are different things that are permitted by right under the different categories. He said that "Outdoor Assembly up to 749 persons" is a permitted use in Crossroads Mixed Use district. He clarified that the special events like the Fall Ride require licenses through the Health Department. There was discussion about what agency in the county regulates or oversees the large group assembly and special events. He said that the Town Board indicated on August 8, 2016 they supported the request with their town Resolution 2016-2.

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

M/S Bialecki/Crosby to APPROVE the Comprehensive Plan Amendment and forward to the August 16, 2016 County Board. Motion carried all ayes.

M/S Bialecki/Allen to APPROVE the Petition for Rezoning and forward to the August 16, 2016 County Board. Motion carried all ayes.

CONDITIONAL USE REQUEST

3. A request by Daniel Seehafer to use the property as tourist lodging allowing for overnight and weekly rental of the residence in a Rural Residential 2 (RR2) zoning district. The property is located in the SE¼SW¼ of Section 10, T35N-R6E, in the Town of Bradley, with an address of N11466 Corbin Road. The tax parcel number is 04.103506.009.002.02.02. The request is being heard under section 17.3.04(12) of Lincoln County Ordinance.

Chair Baughan called for proponents of the request. Daniel Seehafer was present to explain & support the request. They have 2 summer homes side by side on Corbin Rd. They would like to rent one of the dwellings. Baughan asked if Seehafer received the staff report and he said that he had. Seehafer said that he has missed the Town of Bradley meetings so they still need to go to their meetings to get approval from them. Heller & Allen asked for clarification on how much he would be renting it and he said typically just to friends and then probably on Harley weekend. They close up the cottage for the winter.

Pat Corbin, an adjoining neighbor, has no objection to the Seehafers renting out the property stating that they take very good care of the property.

Harry Gladwin, Town of Bradley Plan Commission, came to the podium and said that at this time the town does not have a recommendation as they are waiting to receive some documents from Seehafer that they have requested. (Rental rules list for potential renters & and local contact number for emergencies). The Plan Commission recommended approval to the Board pending receipt of this information. He noted that Seehafer has not attended either the Plan Commission or the Town Board meeting so the Board tabled the request. Gladwin said the next town board meeting is September 12, 2016.

Baughan asked for opponents to the request. There were none.

Mike Huth came to the podium and Huth reviewed the conditions he recommended (occupancy, camping units & all appropriate licenses) should the Committee decide to approve the request but also noted that we do not have the Town of Bradley recommendation. Baughan asked if the applicant had any problems with the recommendations in the staff report. The only comment was that Seehafer said it is a 3 bedroom cabin. Huth explained that the septic systems are based on number of bedrooms and the permit issued in 1970 was for a 2 bedroom system which limits occupancy to 4 persons. If Seehafer wanted to have it be 3 bedrooms the septic would need to be upgraded. Chair Baughan closed the public hearing for the Conditional Use request.

M/S Baughan/Heller to LAYOVER the request until the Committee has Town of Bradley recommendations. The request will come back as old business on the October meeting. Motion carried all ayes.

4. A request by Richard and Judith Ashbrenner (Brian Bauer-Co applicant/potential buyer) to allow for a mini storage building in a Crossroads Mixed Use (CMU) zoning district. The property is located in the NE¼NE¼ of Section 26,T31N-R6E, in the Town of Scott. The tax parcel number is 24.263106.001.006.00.00. The request is being heard under section 17.3.08(1) of Lincoln County Ordinance.

Chair Baughan called for proponents of the request. Brian Bauer was present to explain & support the request. He is purchasing the property. He would like to build a 120'x40' storage unit on the south end of the parcel. He explained the layout and the landscape buffer of his project. He said that they have obtained the driveway permit from the Lincoln County Highway Department. He is proposing 24 – 10'x20' units. He commented on the lighting requirements indicating that he would comply with those. He will also be installing security cameras on site for safety. He mentioned that the neighbor across the street is in support of the request although he was not at today's meeting. If the market warrants he would probably like to build more. He understands that additional units would require him return for another CUP. Allen asked about signage. Bauer said that he plans on putting up a sign and he discussed that.

Baughan noted that the Town Board recommendation indicated on July 12, 2016 they supported the request on a 3-0 vote and asked that be entered into the record.

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

Mike Huth came to the podium. Staff is recommending approval with conditions as listed in his staff report. Huth reviewed those recommended conditions. Baughan asked Bauer if he had reviewed the conditions and had any questions he did not. Chair Baughan closed the public hearing for the Conditional Use request.

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

1. Storage building must be authorized by the issuance of land use permit within the next two (2) year timeframe from this approval date and follow additional regulations contained in 17.3.08(1). Each land use permit will have a time limit associated with commencement of work pursuant to section 17.8.50(4).
2. Screening and Landscaping standards located in section 17.5.05 shall be met.
3. A minimum landscaped area of twenty five (25) percent maintained for the entire parcel.
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. All other applicable regulations shall be met.

5. A request by Joseph and Claudette Wagner to leave a camping unit on the property for more than 60 days a year in a Rural Residential 2 (RR2) zoning district. The property is located in Government Lot 4 of Section 28, T35N-R7E, in the Town of King, with an address of N10168 S Pine Rd. The tax parcel number is 12.283507.011.004.00.00. The request is being heard under section 17.3.03(9) of Lincoln County Ordinance.

Chair Baughan called for proponents of the request. Joseph & Claudette Wagner came to the podium. They were present to explain & support the request. He said that they have owned the property for several years. He gave the history of the parcel since they have owned it. They have found a travel trailer that they would like to hook up to the existing septic system. Baughan asked about the additional motor home on the property. Mrs. Wagner said the motorhome belongs to her sister & brother-in-law comes and goes from the property but is not constantly used. She stated that in the future they would like to put something more permanent on the property but not at this time.

David Schacht, owner of the motor home, came to the podium. He explained why the motor home is on the property for extended lengths of time. He said that it is not left there over the winter because they go to Florida. Schacht had a question about the length of time that it could be left there. Huth said that he would clarify in his testimony. Typically Mid-Oct thru April/May it is removed from the property. They occupy the motorhome when they are up here in the summer.

Chair Baughan called for opposition to the request. Robert Dompke was present in opposition. He owns the property on the south side of the property under the request. He said that Wagner's property is beginning to look like a campground. He said that Lincoln County ordinances states no more than one occupied camping unit is allowed on a lot in a Residential zoning district. He said that it is set up as more or less a permanent site. Baughan noted the written opposition & pictures that had been submitted by Dompke also.

Terry Weise, Town of King Chairman, was present and stated that the town could not come to a conclusion because they had questions on the difference between a camper & a motorhome. Huth said that he will clarify in his testimony.

Mike Huth came to the podium and clarified that the camping unit required a CUP if on the property more than 60 days out of a calendar year. The definition of "camping unit" includes; campers, motorhome, RV & tents. He said that if there is a permanent dwelling on the property they could have a camping unit stored on the property. The ordinance states that there will be no more than one camping unit per residential lot. Staff is recommending approval with conditions as listed in his staff report adding the condition that the 2nd camping unit (motorhome) be removed. Huth reviewed those recommended conditions. He said that the Town Board recommendation indicated on August 8, 2016 they waived their right to make a recommendation. Baughan questioned the 2nd unit and Huth said that technically there should be no more than 1 unit but tracking it is difficult if someone is just there for the day or weekend. There was lengthy discussion on number of camping units allowed and consensus was that maybe this is an issue that should be looked at in the ordinance when updating but today we have to go under the current code. Bialecki said that it definitely needs to be review and Bremer added that when we do, the Committee should be aware that there are other codes (i.e. Dept. of Health codes) that may come into consideration depending on number of "camping units".

Mrs. Wagner asked for clarification on leaving the 2nd camping unit on the parcel. Baughan asked if they had received the staff report & Wagner said yes but they were confused by it. There was discussion. Schacht asked for clarification that the motorhome could not be used at all on the property. Bremer said that technically that was correct.

Chair Baughan closed the public hearing for the Conditional Use request.

M/S Bialecki/Heller to APPROVE the request with conditions as listed on the staff report adding that the 2nd camper on the property be removed. Motion carried all ayes.

Conditions:

1. The camping unit must be authorized by the issuance of a Land Use Permit.
2. Camping unit limited to 400 square feet in overall size.
3. The camping unit shall meet all required setbacks imposed by the Zoning Ordinance.
4. Connection of camping unit to existing Private Onsite Wastewater Treatment System (POWTS) required.
5. The 2nd camping unit (motorhome) on the property be removed within 30 days from approval date (8/11/16).

Bialecki again commented that this part of the ordinance needs to be reviewed but these are the rules today.

6. A request by Ross and Mary Nelson to use the property as tourist lodging allowing for overnight and weekly rental of the residence in a Rural Residential 1 (RR1) zoning district. The property is located in Government Lot 3 of Section 13, T34N-R6E, in the Town of Bradley, with an address of N8794 Lakeview Drive. The tax parcel number is 04.133406.005.027.01.00. The request is being heard under section 17.3.04(12) of Lincoln County Ordinance.

Chair Baughan called for proponents of the request. Mary Nelson was present to explain & support the request. They built a 5 bedroom home in 2003. They have an adult son who lives with them and her husband has recently had some health issues. She decided in order to facilitate some additional income by renting their additional rooms out. Baughan asked for the frequency of the rentals. Nelson said they have a minimum of 4 day rentals at least 3 months out of the year but scarcely in the other months. Baughan clarified that the Nelson's live in the downstairs of the same structure and Nelson said that they live there year 'round. Allen questioned the size of the septic. Nelson said that she believed that when they built the home the septic was approved by the state to be adequate for 5 bedrooms and she has since found out it is not. They are currently working on upgrading the septic to accommodate more guests. They are checking into tree removal but between the cost of that and upgrading the septic she's not sure when they will have money to move forward with the actual septic upgrade.

Harry Gladwin, Town of Bradley Plan Commission, was in attendance. He said that it was agreed upon at the town meeting that this would be tabled until the septic issues be resolved. It will be on the August 22, 2016 Plan Commission meeting. He said that they have received the list of rental rules from the Nelsons. He expects that the Plan Commission would then forward it to the Town Board meeting on September 12, 2016. Chair Baughan called for opposition to the request. There were none.

Mike Huth came to the podium. Staff is recommending laying over the request until town recommendation is obtained. When the requested information is received and issues resolved he is recommending approval. As long as the applicant is working towards Zoning compliance we would not prevent them from renting it out to appropriate number of guests. However the Health Dept. may have a different opinion Huth added. The septic upgrade is currently being reviewed in our office. There was discussion on whether to render a decision or table the request. Bremer recommended tabling the request until town recommendation is received. Chair Baughan closed the public hearing for the Conditional Use request.

M/S Bialecki/Allen to LAYOVER the request until the Committee has Town of Bradley recommendation. Likely to be on the October Land Services Committee meeting. Motion carried all ayes.

7. A request Jonathan and Frieda Showalter to allow for an addition to an existing accessory structure, resulting in a structure that would be larger than 25,000 cubic feet in a Rural Lands 4 (RL4) zoning district. The 13.69 acre property is located in the NE¼NW¼ of Section 27, T32N-R8E, in the Town of Schley, with an address of W1139 County Rd C. The request is being heard under section 17.2.100 of Lincoln County Ordinance.

Chair Baughan called for proponents of the request. Jonathan Showalter was present to explain & support the request. They are doing an addition to their business that they started in 2005.

Earl Welker, Town of Schley Plan Commission, was present and explained that on July 21, 2016 the Plan Commission approved the request on a 4-0 vote asking that the condition be to follow all Town and County conditions on the original Conditional Use Permit for his business (CUP-05-14) and to follow all Federal and State regulations. The Town Board recommended approval on a vote of 2-0 at their August 2, 2016 meeting.

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

Mike Huth came to the podium. Staff is recommending approval with conditions as listed in his staff report. Huth reviewed those recommended conditions. He noted the Town Recommendation. Chair Baughan closed the public hearing for the Conditional Use request.

M/S Rusch/Allen to APPROVE the request per the staff report conditions. Motion carried all ayes.

Conditions:

1. All other applicable regulations shall be met.

ORDINANCE TEXT AMENDMENT

8. Portions of Lincoln County Ordinance – section 17.3.09 (1) and (2) relating to Accessory Residential and Nonresidential Structures are proposed to be amended.

Bremer reviewed the proposed changes. He noted that the Towns of King, Schley, Wilson & Merrill have submitted resolutions of support. Bremer noted that the Town of Russell had some concerns regarding limiting the height of the building to 25'. In their rural area that would not suffice for farm buildings. Bremer said that there are exemptions for "farm & forestry buildings" from the size requirements. Chair Baughan asked if there was any public comment on the proposed changes.

Harry Gladwin said that the Town of Bradley didn't submit a resolution because they had questions. Earl Welker said that the Town of Schley had submitted a resolution of support because they were glad that the difference between Accessory Residential & Non-Residential has been eliminated because it was too confusing. Schley would not have a problem with even larger structures but he realizes that that may not be consistent with what other towns want.

Bremer said that they had tried to address the different issues and find a compromise that would fit the majority. He said that Russell's concerns aren't an issue with farm & forestry buildings being exempt from the size & height limitations provided that is the actual use of the structure. Crosby asked why other zoning limits have 35' or 45' maximum building height why is this more restrictive. Huth explained that while that is true this would make detached "accessory" structures limited to the 25' not homes. Baughan closed the public hearing for the Chapter 17 Text Amendments.

M/S Bialecki/Rusch to approve amendments as drafted and forward to the August 16, 2016 County Board. Motion carried all ayes.

Chair Baughan moved to item #12 on the agenda.

8. Request to fill authorized position – Land Services – Conservation Specialist – Bremer explained that Mark Kaczorowski has taken another position with the DNR in Wausau. Bremer said that this is a necessary position with the county. Refilling the position has already gone before the Personnel Committee for approval. It was approved contingent upon the Land Services Committee approval also.

M/S Allen/Rusch to approve refilling the position. Motion carried all aye.

9. Prepare/Approve a resolution to forward to Lincoln County Board for Public Participation Plan for Farmland Preservation Planning – Bremer explained that this is a formality but it does need to have a resolution by this Committee forwarded to County Board for approval. Baughan asked for clarification on wording.

M/S Rusch/Heller approve a resolution and forward to County Board for the September 20, 2016 meeting. Motion carried all ayes. Bremer shared that the Advisory Committee working on the Farmland Preservation Plan would be determined by e-mail and the members notified of the next meeting.

10. Department written reports & Correspondence – Financial report was put on file. Bremer reviewed his department report and asked if anyone had questions. There was brief discussion on process to move forward with Chapter 17 updating. Bremer updated the Committee on the ongoing Land Records software search with Marathon County. He shared that the GIS equipment that the Committee had approved has arrived and staff is getting familiar with it. The County Surveyor's old equipment will be sold and, per Finance, those monies will be reserved for a future equipment purchase.

11. Confirm next meeting/public hearing date – September 8, 2016 – confirmed date. There was discussion on the meeting times. Tour at 2:30. Public Hearing at 4:00 p.m.

Chair Baughan returned to item #7 on the agenda.

12. Adjourn – M/S Heller/Bialecki to adjourn at 5:51 p.m. Motion carried all ayes.