

**Lincoln County Land Services Committee
Minutes of Thursday August 14, 2014 1:00 pm
Lincoln County Service Center, Room 156**

Members Present: Julie Allen, Loretta Baughan, Hans Breitenmoser Jr, Jeff Hetfeld, R. Wayne Plant & Greta Rusch.

Visitors: Diane Wessel; Land Services Administrator, Dan Bowers; Zoning Program Manager, Sara Koss; Register of Deeds, Randy Scholz; Administrative Coordinator, June Winters; Zoning Program Assistant and 13 others.

1. Call Meeting to Order - Meeting was called to order by Vice- Chairman Plant at 1:00 p.m.
2. Tour sites in the Towns of Bradley & King that will be subjects of public hearing – at 1:00 p.m. the Committee Members, Wessel and Bowers left to tour the sites. The Committee, Wessel & Bowers returned at 3:07 p.m. to reconvene the meeting.
3. Approval of the July 10, 2014 Land Services Committee Minutes – M/S Rusch/Baughan to approve the minutes. Motion carried all ayes.
4. Minute of silence for John Bailey – John Bailey, County Board Supervisor & Chairman of the Land Services Committee, passed away July 19, 2014. The Committee and attendees at today’s meeting observed a moment of silence in John Bailey’s honor.
5. Public Comment – There was no public comment.

REGISTER OF DEEDS

6. Q&A on ROD Monthly Munis Report – Sara Koss asked if the Committee had any questions on the report. Allen asked for clarification on a line item because the description was cut off. Koss explained the line item. Koss added that on the front page the carryover had been added to the redaction fund.
7. Q&A on ROD Monthly Written Report – Koss pointed out that on the 3rd page there were changes brought about by Act 20 and that accounts were combined not increased. Also on the last page the comparison for 2013/2014 the recordings are still down but was an improvement over April/May. Allen asked where the fees distributed for “Vital Records Online” went to. Koss said that office of State Vital Records receives that money.

LAND SERVICES DEPARTMENT

8. 3:00 p.m. Public Hearing – Public Hearing was called to order at 3:15 p.m. Hearings were held on the items listed in the notice. Vice-Chairman Plant explained the rules of conduct for public hearings and introduced the Committee members & staff. He called the first hearing.

Because items 1 & 2 are for the same property Plant explained that testimony will be taken for both concurrently.

COMPREHENSIVE PLAN AMENDMENT

1. A request by Bryan McCarthy (owner) and Joe Henrichs (buyer) to amend the Lincoln County Comprehensive Plan Map from Rural Single Family Residential to Crossroads Mixed Use to allow for mini storage units. 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.

PETITION FOR REZONING

2. A request by Bryan McCarthy (owner) and Joe Henrichs (buyer) to rezone approximately 5 acres from Rural Residential 1 to a Crossroads Mixed Use zoning district to allow for mini storage units. 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

Andrea Krueger was present to explain the request. She is a realtor for Century 21 in Tomahawk/Merrill and is representing both the seller & buyer for this request. Mr. Henrich has other storage units in the area, his properties are maintained very well and he is looking at buying this property to expand his business. There are already business properties in the area as it is right across from Billy Bob's and a furnace shop.

Gerald Luedke was present. He lives across the road from the subject parcel. He has reviewed the permitted uses in the CMU district and that concerns him. He said that there is a number of existing storage units in the areas but most of them are in more commercial settings. He has concerns about signage and having to look at storage units that are right across from his home. He hopes that there is a buffer that is left to disguise the buildings. Hetfeld asked Dan Bowers what is allowed in CMU. He clarified that it is a mix between residential and low intensity commercial uses. He said many of the business type uses would require a Conditional Use Permit and storage units would be one of them. Even if the rezone is approved it doesn't mean that the Conditional Use is automatically granted. Typically the concerns such as signage & buffer to road would be addressed in the Conditional Use hearing. Luedke had questions about the difference between "Permitted" and "Conditional Use" and had concerns. Bowers clarified that a permitted use most times still requires a Land Use Permit but the Conditional Use requires a public hearing. Luedke feels that it would change the structure of the neighborhood. Baughan commented that there is a setback from the road that would be required.

Krueger said that Henrichs was, from a previous discussion with Bowers, open to increased setbacks from the road. The back end of the property abuts the Hiawatha Trail. She said Henrichs has a home on Lake Nokomis so he wants the area to look good. Henrichs feels there is a need for more storage in the area because he is over full with his existing units and constantly getting calls looking for storage units.

Vice-Chairman Plant closed the public hearing for the Comprehensive Plan Amendment & Petition for Rezoning requests. Plant did comment that staff had recommended approval

M/S Baughan/Hetfeld to APPROVE the Comprehensive Plan Map from Rural Single Family Residential & the Rezone from Rural Residential 1 to Crossroads Mixed Use. Motion carried 6-0. The request will be forwarded to the County Board for the August 19, 2014 meeting.

3. A request by Mary Leder to rezone approximately 39 acres from Agriculture to a Rural Lands 4 zoning district to allow for the property to be further subdivided. The property is located in the NW¼NE¼ of Section 36, T33N-R8E, in the Town of Russell, with an address of W283 1st Ave. The tax parcel number is 20.363308.002.001.00.00

Charley Brinkmeier was present to explain the request. He is a surveyor representing Mrs. Leder. The Leders have a family maple syrup business and she would like to have the opportunity to split the property amongst family.

Plant commented that the staff had recommended approval of this request. Dan Bowers said that there were minutes submitted from the Russell Town Board with no opposition to the request also. Vice-Chairman Plant closed the public hearing for the Rezone request.

M/S Rusch/Hetfeld to APPROVE the Rezone request. Motion carried on a 6-0 vote. The request will be forwarded to the County Board for the August 19, 2014 meeting.

Motion carried 6-0.

CONDITIONAL USE REQUEST

4. A request by Lonni and Shirley Lamer to use the property as tourist lodging allowing for daily or weekly rental of a portion of the residence in a Rural Residential 2 zoning district. The property is located in Section 02, T35N-R6E, in the Town of Bradley, with an address of N11751 Deer Lake Road. The tax parcel number is 04.023506.015.026.17.01. The request is being heard under section 17.3.04(12) of Lincoln County Ordinances.

Shirley Lamer was present to explain the request. She said that they would like to be able to rent nightly, May-September with there being a minimum 2 night stay & maximum 29 day stay. It would not be rented in the winter. She went through the rules that they would impose to any occupants. Lamer doesn't feel that this would cause any disturbance for the neighborhood. Bowers clarified that for the most part, Shirley or her husband would be there or her in-laws are only ½

mile away. Lamer said that they had previously done this in Alaska with 6 cabins with no problems. She said that they had no concerns with the conditions recommended.

Allen asked about the buffer. Bowers clarified that the buffer would need to be maintained to ordinance standards and an affidavit be recorded.

Vice-Chairman Plant read the Town of Bradley recommendation into the record. It was approved on 8/11/14 by the Town Board on a 4-0 vote listing conditions "as suggested by Zoning".

Vice-Chairman Plant closed the public hearing for the Conditional Use request.

M/S Breitenmoser/Rusch to APPROVE ON CONDITION the Conditional Use request per conditions as listed in the staff report.

Conditions:

1. The occupancy of the rental is limited to 2 people.
2. Camping units are not allowed for rental purposes.
3. The shoreland buffer shall be maintained and preserved according to ordinance standards and an affidavit be recorded as such.
4. A property manager, owner, or similar responsible party must be made available during times of rental and located within 30 miles of the property.
5. Must adhere to all applicable federal, state or local licensure and regulations.

Motion carried on a 6-0 vote.

5. A request by Jon and Shari Wendland to allow for horses on approximately 3.79 acres in a Rural Residential 2 zoning district. The property is located in Section 32, T35N-R7E, in the Town of King, on Steep Drive. The tax parcel number is 12.323507.003.003.08.00. The request is being heard under section 17.3.02(1) of Lincoln County Ordinances.

Shari Wendland was present to explain their request. They are proposing a sunset clause and just be able to keep the horses there as they have for the last 6 years. The property is not used for a feed source & they purchase feed & bring in hay. She has a document from a vet that states the animals have no health problems. They clean the pasture & stalls regularly and the pasture is level ground. They would like to leave the pasture size as is unless the Committee requires they increase it as a condition of the approval. Plant commented that staff recommends that the pasture stays the same size.

Dan Bowers clarified the pasture size is about 1 acre. He asked what if any exercise the animals get. Wendland said that they are ridden and trailered to other locations and ridden frequently. She said that they have a hose in the summer but haul water by hand in the winter for the animals. They clean the pasture almost daily and it is put in a compost pile.

Ken Mittelsteadt was present as an adjoining property owner. He questioned why the Wendland's didn't obtain a Conditional Use Permit 7 years ago when they started having the horses. He said that the long time neighbors are opposed to having the horses there because of the smell. He had other issues such as junk accumulating on the hill side, loud music & loose dogs. He feels they pay a premium in property taxes and doesn't feel that they should be subjected to these issues. He urges the Committee to deny this request.

Lonn Roesel was present as an adjoining property owner. He explained that he has issues with the Wendlands because of the junk & debris lying around & the amount of trees that they have cut down have caused an erosion/water problem for Roesel. He said he also has issue with the loose dogs & general disrespect that the Wendlands have for their neighbors. Roesel feels that it decreases their property value and makes the area unappealing.

Bowers reviewed the staff report and his recommendations. Staff is recommending approval with 4 conditions. Plant noted that the Town of King has submitted their recommendation form with approval with no conditions. Allen asked about the letter from Dan Marzu, UW Ag Agent & Mark Kaczorowski, Land Conservation Specialist. Bowers said that the three of them had been at the site and after their observation and evaluation of the site they did not feel that this request was detrimental to the environment.

Plant stated that there were 3 letters of opposition to the request. Lonn Roesel (present), Ken Mittelsteadt (present) & Robert Hall.

Vice-Chairman Plant closed the public hearing for the request.

M/S Hetfeld/Baughan to APPROVE ON CONDITION the Conditional Use request per conditions as listed in the staff report. Conditions:

1. A maximum of 2 horses are allowed on the property.
2. The pasture area remains in the same location and size as it is currently.
3. The conditional use permit for the horses shall expire after 15 years.
4. All other applicable regulations are met.

Allen had comments about the other issues that the neighbors had. It's a bad situation when neighbors do not get along. Wessel clarified that the junk issues has not reached the limit to make it a zoning violation and the soil disturbance issue also is under the threshold for requiring a zoning permit. Allen said that the run off issue may be a town issue but Bowers clarified that Steep Drive is a private road.

Plant called for a roll call vote. Motion carried with all members voting aye.

9. Resolution "Directing a Review & Simplification of Zoning Regulations" - Robert Lussow – Robert Lussow was not present. Vice-Chairman Plant said that this Committee needs to either support or not support the resolution as it will be on the September 16, 2014 County Board meeting. Plant said that Wessel has concerns about the last "Where as" because it is directing the department to not enforce the current zoning rules and she believes that until it is changed by means of an ordinance, she believes that legally they must enforce the regulations that are in place.

Allen has several comments/concerns about eliminating the non-state mandated ordinances. She reads it to be that Chapters 17 & 18 will be completely gone. The towns rely on these regulations being enforced by the county and it would burden the towns greatly if they had to resort to town zoning. Allen had questions about the contract with NCWRPC. Wessel explained the timeline with NCWRPC and then said that that would be discussed more under #10 on the agenda. Plant wondered if this issued shouldn't be tabled. There was discussion on the timing before September County Board. Plant questioned where the \$20,000 listed as the fiscal impact is coming from. Hetfeld said that he doesn't feel that the current regulations bring any undue burdens on landowners. He said that the laws were created to protect the public interest. Rusch agreed with what Hetfeld said about the majority of the public being protected by the current regulations. Breitenmoser said that just going to the "bare minimum" is not a good idea. Baughan disagreed saying that the requirements that we have in place have gone so far above and beyond, not only with the shoreland requirements but all of them, that some of them need to be revised. She urged this Committee to support this resolution in order to just go through the process of reviewing what needs to be changed. Rusch said that reviewing the process would not be a bad thing but this resolution, as she reads it, says that the result is already determined and that it is to eliminate regulations except those state mandated. Breitenmoser said that he doesn't have a problem with reviewing things but this resolution is not what that is requesting. Allen agreed. Hetfeld believes that this has all been blown out of proportion by a handful of people complaining about the shoreland ordinance. He doesn't believe this Committee should support this resolution as written. There was discussion on how the resolution is worded and Baughan didn't believe that all of Chapter 17 was to be eliminated but Allen & Hetfeld pointed out that they believe that it would eliminate Chapter 17.

Motion by Baughan to support the resolution and send to the full County Board. Motion died for lack of second. There was some discussion about procedure and whether or not the Committee could make a negative motion opposing the resolution according to Roberts Rules of Order. M/S by Allen/Plant to oppose the resolution. There was some discussion on procedure and Allen withdrew the motion. The Committee felt that because the 1st motion to support the resolution wasn't passed, that and the Committee's discussion said enough. There would be more discussion at the County Board.

10. Chapter 17 work agreement with North Central Wisconsin Regional Planning Commission - Dennis Lawrence – Dennis Lawrence was not available for today's meeting so Darry Landeau from NCWRPC was present to discuss the scope of work for the agreement. Wessel reviewed for the Committee that the contract was put into motion in 2013. This was all initiated prior to Supervisor Lussow's proposed resolution. The intent was to finish the updates to Chapter 21 and then continue on with

Chapter 17. Landeau reviewed the areas to be reviewed. He said that NCWPRC is proposed to be finished with the original scope of work by the end of the year with their part of the process (recommendations). Wessel said that when NCWRPC is working on the changes the recommendations will be periodically brought to this Committee, then a public hearing then to County Board. Wessel also said that, if passed, Lussow's proposed resolution may alter the process and timeframe for work to be completed. Bowers asked how these changes would affect the work agreement with NCWRPC. Landeau said that it would depend on the complexity of the changes and may require a complete new work agreement. Baughan asked for clarification on the cost of the estimated fiscal impact and Landeau said that Chapter 17 & Chapter 21 are separate issues and that the resolution is confusing and a major rewrite of a county zoning ordinance could be \$30-75K just for chapter 17. Baughan asked about the process for bringing the county into compliance with state mandates. Landeau & Bowers explained that there are periodically changes in state law and when that happens the county has to go through the process to bring the ordinance in in line with state mandates. There was more discussion on the process. Land Services will continue to move forward with the revision process.

11. Farmland Preservation Planning – program and grant – Wessel said that the Farmland Preservation grant that we applied for, because it has “in kind” funds, requires County Board approval so she will be bringing a resolution to the Committee next month to forward to the County Board. Baughan explained some of the research she has done and she said that it doesn't seem to be a beneficial program for the cost. The conditions placed upon the 15 year contracts are too stringent. She feels that just not accepting the plan (or letting it expire) would be more beneficial to the county. Allen asked about the decline in enrollment and Wessel explained her understanding of the decrease. She then explained the steps that need to fall into place for a landowner to apply for the credits. There was more discussion on the process.

Breitenmoser explained the purpose of the program from his perspective as an active farmer. He feels that it is necessary to preserve the farmland. He doesn't feel that the conditions are unduly burdensome. Wessel would like to see the landowners have the opportunity to participate in the program and to do that the program must be available and to have it available we must follow the requirements. She did say that the process is a costly one and we should just do the bare minimum required but we should not throw out planning. Baughan said that it is a reimbursable matching grant and that concerns her. She doesn't feel that this program is in the county's best interest.

12. Land and Water Resource Management Plan – Wessel explained that in order to continue receiving a staffing grant funds we must update our LWRM Plan. Lincoln County's is due to be updated by the end of 2015. She wanted the Committee to understand the process. She said that the DNR is urging counties to meet the EPA's 9 key elements of watershed based planning of the plan and she shared her concerns with meeting those. She said that a portion of the plan could be updated to get us through to 2018. This issue will be an agenda item on the September meeting for further discussion.
13. Department Report - Wessel reviewed the Department Report she had given the Committee. Jared Hass explained the parcel mapping to the Committee. He said that there are 3 towns yet to be parcel mapped. Some of the “retained fees” from documents recorded in the Register of Deeds goes to fund the parcel mapping process. The Land Services Group will be meeting to update their goals in the very near future.

Bowers gave an update on the recent citations that have been written and how a couple of them were resolved. Bowers discussed a couple of the other compliance issues. There was discussion on compromises that may resolve some of the issues and citations that may be issued for other violations.

14. Agency updates – There were no agency updates at this time.
15. Confirm next meeting/public hearing date – September 11, 2014 - Date confirmed. Meeting tentatively to start at 1:00 p.m.
16. Adjourn – M/S Allen/Rusch to adjourn at 5:24 p.m. Motion carried all ayes.