

**Lincoln County Land Services Committee
Minutes of Thursday October 9, 2014 1:00 pm
Lincoln County Service Center, Room 156**

Members Present: Julie Allen, Loretta Baughan, Hans Breitenmoser Jr, Jeff Hetfeld, R. Wayne Plant, Curtis Powell & Greta Rusch.
Visitors: Diane Wessel; Land Services Administrator, Dan Bowers; Zoning Program Manager, June Winters; Zoning Program Assistant and 5 others.

1. Call Meeting to Order - Meeting was called to order by Chairman Powell at 1:00 p.m.
2. Tour site in the Town of Harrison that will be subject 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 2:31 p.m. to reconvene the meeting.
3. Approval of the September 11, 2014 Land Services Committee Minutes – M/S Plant/Rusch to approve the minutes. Motion carried all ayes.
4. Public Comment – Earl Welker, Town of Schley Plan Commission, was present. He had some comments about research he had done on the Orthophotography. He shared with the Committee that there are some residents of his town that believe that the Town of Schley should opt out of county zoning. He wondered if this review that the county is currently going through would provide an opportunity to do that. He just wants to check out what it would involve at the town level before they decide if/how they want to proceed with any changes.

REGISTER OF DEEDS

5. Q&A on ROD Monthly Munis Report – Wessel said that Koss was unable to attend so there were no questions.
6. Q&A on ROD Monthly Written Report – No questions.

LAND SERVICES DEPARTMENT

7. 2:30 p.m. Public Hearing – Public Hearing was called to order at 2:37 p.m. Hearings were held on the items listed in the notice. Chairman Powell explained the rules of conduct for public hearings and introduced the Committee members & staff. He called the first hearing.

CONDITIONAL USE REQUEST

1. A request by Ralph and Karen Weeks and co-applicant David Bouyear to combine allowable view and access corridors such that a single view corridor is approximately 90 feet wide. The property is located in Section 22, T34N-R8E, in the Town of Harrison, with an address of N8226 Turtle Lake Rd. The tax parcel number is 10.223408.010.002.00.00. The request is being heard under section 21.09(3)(i) of Lincoln County Ordinances

David Bouyear was present to support the request. He is the co-applicant. He is hoping that the staff recommendation means that he would just need to leave the buffer as is and not need to do any restoration. Bowers confirmed that the affidavit was requiring leaving the buffer in its current state. He asked Bouyear if he understood that if the parcel was ever subdivided it would void the Conditional Use Permit and the buffer would need to be restored and he said that he understood that.

Plant asked what interest Bouyear had as co-applicant and Bouyear said that he lives at the property and that Ralph & Karen Weeks are his parents. Hetfeld had some questions about the recommendation exception of the view corridor and Bowers explained what the exception of the view corridor would mean.

Chairman Powell called for any other proponents and/or opponents and there were none. Chairman Powell closed the public hearing for the Conditional Use request.

M/S Baughan/Plant to APPROVE ON CONDITION, the Conditional Use request with the conditions as listed in the staff report.

Conditions:

- 1) Maintain the shoreland buffer to a depth of 60 feet from the ordinary high water mark for the entire shoreline frontage (approximately 1,200 feet), with exception for one clear cut 45 foot wide view and access corridor and 85 feet of frontage with a 30 foot deep buffer. No other view corridors shall be allowed.
- 2) If the 20 acre parcel is subdivided this conditional use shall be null and void. The shoreland buffer must then be restored to meet current ordinance standards at the time of the subdivision.
- 3) An affidavit is recorded outlining the above recommendations.

Motion carried all ayes.

8. Approval of 2015 Wildlife Damage Program Budget (USDA – Jeremy Irish) – Jeremy Irish (USDA-Wildlife Services) was present to explain the budget. He distributed a copy of the budget to the Committee. He said that the forms have changed a little bit because of the difference in state and federal requirements. He said that the bottom line for the budget is \$23,138.70. Irish explained that he deals with the wildlife damage in Lincoln County affecting agricultural producers. He reviewed/explained the budget and asked if there were any questions. Baughan asked about the \$55 deer donation processing fee. Irish said that was an agreed upon fee. Powell asked if this fluctuates and Irish said that he believes that it's about a 1% increase over last year but he believes that it has decreased from previous years.

M/S Rusch/Allen to approve the budget. Motion carried all ayes. Budget was signed.

Wessel asked if they could skip to agenda Item #13 Agency Updates in case Irish had anything else for the Committee. Irish had nothing else at this time.

9. LiDAR – USGS 3-D Elevation Program Pre-Proposal - Wessel said that she had given the Committee a memo and attached a pre-proposal for entering into a contract with the USGS. We have discovered that there are problems with our previous LiDAR data but do not have any recourse to go back on the original vendor for the bad data. We are looking at moving forward and proposing to re-do the LiDAR instead of correcting the current information. Wessel feels that having "bad data" out there for the public is worse than having no data out there. The pre-proposal to the USGS is for "new" LiDAR. The estimated cost \$225K. The program with USGS may cover up to half of the cost. We are thinking of having the USGS be the "managing" agency to be responsible for the RFP, the contracts & the quality control. The pre-proposal is due tomorrow. There will be another Committee meeting before the actual proposal is due so that would be discussed at that meeting. Wessel has spoken about this with the Land Services Group that meets also. Powell asked the steps in the process. There was discussion on where the funds would come from. Some would come from "retained fees" & "WLIP" within the Land Services Department. There would possibly be up to \$60K that the county would need to fund through CIP and that would require County Board approval. Breitenmoser asked about not having recourse on the previous data. After speaking with Corporation Counsel it didn't sound like we would have any recourse because we accepted the data in 2008 as correct by making full payment and not claiming anything while the performance bond was in effect, it is too far after-the-fact to have any recourse on the vendor. Breitenmoser wanted to make sure that we would not have that happen again and Wessel said that's why she would like the USGS to take the lead for that quality control purpose. Powell concurred that it may be better to have the USGS as the watchdog. Bowers explained it was his understanding that the county went with a company that was somewhat new to our area which submitted the lowest bid at that time.

M/S Breitenmoser/Baughan to approve the pre-proposal & move forward. Vote carried all ayes.

10. Zoning Ordinance Review – Powell explained that with the resolution approved at County Board last month he contacted Wessel and discussed how to carefully and methodically review the current code and see what areas may be changed and what areas are dictated by state statutes. He doesn't feel that we need to race into this but to think it through carefully and not a rush to judgment. Hetfeld wanted clarification that it asked for the entire review. He had concerns and he wanted it made clear that we need to determine the cost of what this entire review with NCRPC would be. He wanted to make sure that the cost would justify the process. Powell said that regardless of views, we are still charged by the County Board to follow through with the review.

Wessel reviewed the memo she had written for the Committee. Chapters 20 & 22 currently more cut and dried and we are closer to current state minimums and maybe easier to start with. For Chapter 20 (Floodplain) Bowers explained how confusing floodplain zoning is as almost every time he gets a question he ends up calling the DNR and getting an interpretation. The DNR is using a new model floodplain ordinance and he is hoping that the new one is more straight forward and clear. He

will be looking into that. Wessel mentioned that we also have to address a reference to violations of floodplain ordinance referencing Chapter 25. Hetfeld asked for clarification that even without the recent resolution being passed some of these reviews and revisions would already be taking place and Wessel confirmed that. Wessel said that the floodplain ordinance update should possibly be dependent on the new LiDAR information that is proposed. There was discussion on the cost for this review.

Wessel spoke about Chapter 22 (Private Sewage Systems) and the updates and deadlines for the updates to this Chapter regarding POWTS inventory and retroactive septic maintenance. Hetfeld again commented that these chapters would have been reviewed regardless of the resolution or not and Powell said that they would have. There was discussion of creating a timeline and order for reviewing all of the chapters of the ordinance. Powell asked Earl Welker to come to the podium and share his views.

Earl Welker spoke to the Committee and reviewed the county going through the re-codification process in the early 2000s. When the recodification took place, while the Town of Schley believed in having local control, it was not prepared to deal with town zoning at that time and relied on the county zoning. Schley currently has a good relationship with the county but may want to explore town zoning if the opportunity to opt out may be a possibility. Powell commented that the town participation was important at that time. Since that time Welker also said that the towns have been required to employ their own building inspector. He explained that there would be a cost to the town to take over their own zoning. He just wanted the Committee to know where Schley stood on zoning issues. It has not been determined for sure if the town would opt out so if there are revisions and Schley is still under county zoning they would also like to have input for the changes. There was discussion on town participation in the process.

Wessel said that when we get to reviewing Chapter 17 (General Zoning) the towns would be asked to appoint a representative to be involved in the process of the review. She is planning on going to the Towns Association meeting and speaking to them. Powell said that he agrees with Hetfeld that the Committee needs to have a plan on how to proceed and then get the towns involved. There was discussion on that plan and the timeframe. Hetfeld asked Wessel & Bowers to come up with an outline & timeline. Baughan said that she doesn't want the Committee to be seen as dragging their feet on what the resolution requires. She said that this is not reinventing the wheel and she believes that reviewing the current code could be done simply by reviewing what's in place. She believes that this would be a comprehensive review and that may give the towns a chance to opt out. Hetfeld & Powell said that they just want to have an accurate estimate as to the timeframe and what would be involved. Wessel said that she wanted to be clear that with the current contract (for 2014) with NCWRPC is for a certain limited scope review of Chapter 17 & including the towns in that review. There was more discussion on the process/plan.

M/S Hetfeld/Allen to direct staff to propose a draft plan that delineates the review process. Motion carried all ayes.

Bowers clarified that the current scope of work & contract with NCWRPC is for a limited review and not a comprehensive revision so the towns would not have an opportunity to opt out from this current review. There was lengthy discussion on the difference between a limited review versus a comprehensive review and on when towns have an opportunity to opt out. Baughan commented that Town Pine River opted out in 2006 and their town zoning works quite well. Wessel had a document that she just wished the Committee to review to be discussed at the next meeting regarding current NCWRPC contract.

11. Zoning Vehicle purchase – Wessel shared that we had not received any bids from the ads that we placed. She discussed some other options. It will be on next meeting's agenda to discuss how to proceed.
12. Department Report - Wessel reviewed the Department Report she had given the Committee. There was discussion on the nutrient management plan. Allen asked where the money for the parcel mapping would come from. Wessel explained that it would be internal from retained fees.
13. Agency updates – Discussed between items #8 & #9. There were no agency updates at this time.
14. Confirm next meeting/public hearing date – November 13, 2014 - Date confirmed. Meeting tentatively to start at 1:00 p.m.
15. Adjourn – M/S Breitenmoser/Hetfeld to adjourn at 3:46 p.m. Motion carried all ayes.