Lincoln County Land Services Committee
Minutes of Thursday July 10, 2014 1:00 pm
Lincoln County Service Center, Room 156

Members Present: Julie Allen, John Bailey, Loretta Baughan, Jeff Hetfeld, R. Wayne Plant & Greta Rusch.
Visitors: Diane Wessel; Land Services Administrator, Dan Bowers; Zoning Program Manager, June Winters; Zoning Program Assistant, Terri Pankow; LICD Program Assistant, Robert Lussow; County Board Chair, David Kivela, Harry Gladwin & Earl Welker.
Breitenmoser was excused.

1. Call Meeting to Order - Meeting was called to order by Chairman Bailey at 1:00 p.m.

2. Tour site in the Town of Wilson that will be the subject of public hearing – at 1:00 p.m. the Committee Members, Wessel and Bowers left to tour the site. The Committee, Wessel & Bowers returned at 2:50 p.m. to reconvene the meeting.

3. Approval of the June 12, 2014 & June 30, 2014 Land Services Committee Minutes – M/S Plant/Baughan to approve the June 12, 2014 & June 30, 2014 LSC minutes. Motion carried all ayes.

4. Public Comment – There was no public comment.

LAND SERVICES DEPARTMENT

5. 2:30 p.m. Public Hearing – Public Hearing was called to order at 2:53 p.m. Hearings were held on the items listed in the notice. Chairman Bailey 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 Brantwood Co-op Park Association and David Kivela, lessee, to leave a camping unit on the property for more than 60 days a year in a Rural Residential 3 zoning district. The property is described as lots 47 and 48 of Brantwood Co-op Park, Section 16,T35N-R5E, in the Town of Wilson, on Co-op Park Road. The tax parcel number is 32.163505.005.001.00.00 and comprises approximately 22 acres. The request is being heard under section 17.3.03(9) of Lincoln County Ordinances.

   David Kivela was present to explain his request. He has leased lots in the Brantwood Co-op Park and wants to leave his camper on the lot longer than 60 days out of the year so he doesn't have to remove it all the time. There are no year round residents in the park. He believes that the park has been there since approximately 1934 and they have 99 year leases. Bowers asked what sort of restrictions the park board imposes on the lessees because the County doesn't have required internal setbacks. Kivela said that they have a 2' setback to the lot lines. Bowers asked where a Holding Tank would be located to serve the structure and Kivela said that it would be on his own lot not on park common area. Bowers asked what Kivela would be placing out there and he said a camping trailer that they would leave out there year round. Bowers explained that certain regulations were prompted after the 60 day timeframe. There was discussion on what the park expectations were in regards to the still vacant lots that are in the park. Bowers asked if the owners have an annual meeting and if they ever discussed the density of the camping unit and Kivela said they do have a meeting but he didn't know about the density issue. Kivela said that they cannot have any new permanent structures just camping units. There was discussion on who was notified of the request. Baughan questioned the safety issues in case emergency response was required. Kivela said that they haven't really discussed it but there had been pontoon boats on trailers and a 50' motor home driven through on the existing roads recently. There was discussion again between Bowers & Kivela about the vacant lots in the park and Kivela said that the park would not approve a camping unit unless you had at least 2 lots. He said that park rules are that even if you have 6 lots you are only allowed one residential unit. Hetfeld commented on the 8 similar units that had been grandfathered. Bowers asked about the "truck/camper" in the park. Kivela said that it was a complicated situation that they are working on resolving. Bowers was trying to get a feel as to how many future requests we may expect on the still vacant lots & Kivela said that there shouldn't be many more. Bowers asked about the buffer restoration that had been done and the problems that there are with it. Kivela said that they have been speaking to the lessees who are still mowing to remedy the situation.

Chairman Bailey closed the public hearing for the Conditional Use request. He then commented Town of Wilson approval from their 6/10/14 Board meeting had been received. He then asked Bowers if he had anything else as far as staff was concerned.

Bowers gave some of the history of previous requests including staff reports from 11/4/10, 11/10/10 & 1/5/11 & information from a "blanket" variance in 2004. This "co-op park" is unique situation and staff struggles with recommendations to the Committee, but suggests they consider imposing some type of limits. Possibly by limiting the number of camping units, timeframes limits of possibly more than 60 days but less than a year or limiting allowable camping units based on the number of leased lots. Allen asked about a CUP from 2011 in the park and the conditions put on that. Plant asked how the time limit of 60 days was determined. Bowers explained the previous conditions & reasoning for a time limit so that there were not campgrounds popping up unregulated in residential areas. Baughan asked about transfers of property leases within the park and Bowers said that we would probably not be aware of any changes in lessees as that is handled by the park association.

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

1. All camping units and structures must be authorized by the issuance of a land use permit.
2. Camping units are limited to 400 square feet.
3. The structures shall meet all required setbacks imposed by the Zoning Ordinance.
4. If a well is drilled on the lot, a proper septic system shall be installed as authorized by a sanitary permit.

Motion carried all ayes

6. <u>Resolution presented by Robert Lussow – Revising Lincoln County Zoning Ordinances to comply with only Minimum State Requirements</u> – Bob Lussow came to the podium. He wants to make it clear that he doesn't wish to get rid of all regulations, but rather more flexible use of the rules. He said that he wants to move forward with his resolution to the August County Board for open discussion. Bailey commented that he's not opposed to flexible but we have to have something that is consistent. Lussow said that he's not just picking on "shoreland" zoning because he feels that other restrictions are in place that infringe on property rights. Allen asked if this was just going to be a discussion at the August meeting and Lussow said he would actually like is to move forward with the resolution. Lussow feels that by decreasing people's rights is keeping people from moving to Lincoln County.

Allen commented that she didn't want Chapter 17 to be completely eliminated. Lussow said that his is intent to make it more "user friendly" not to do away with it completely. The resolution can be modified on the floor at the County Board meeting if need be. Bailey commented that he doesn't want to go from one extreme to the other without thinking it through. Baughan thanked Lussow for bringing this before the Committee and agrees that simplification would maybe be better and possibly an opportunity for more local control from the individual towns. Each town is different and has different priorities in their own towns. Allen said that it may be more costly to the towns if they had to take on their own zoning and enforcement. Hetfeld said that it appears that most of the residents in Lincoln County embraced the shoreland regulations and noted that only 4% of landowners that have been required to restore the shoreland buffer are in active violation. Hetfeld feels that Lincoln County is already "flexible" with regards to violations. He feels that if we approve this resolution we are exalting the environmental abuse of a handful of land owners over the public interest and he has a problem with that. He feels that good stewardship of the land is our responsibility and that is why there are regulations. He feels that in northern Wisconsin you would want as much protection for the environment as possible. Lussow said that he does not want anyone telling him what he can do on his own property. Hetfeld argued that these rules are what the state legislators and our County Board have put in place. Lussow said that he did not vote in favor of this. There was more discussion on protection of the environment vs. property owner rights.

Again Allen commented that if Chapter 17 is eliminated it would allow for unfavorable land uses such as junkyards & agriculture right next to residential. Lussow said that it is just his intent to eliminate some of the bureaucracy. Allen commented that Oneida County in the last few years has backed off on their shoreland regulations and she wouldn't have a problem with that in Lincoln County. Baughan agreed with Lussow that this is not just a shoreland regulation issue that there are other areas that need to be simplified. Because of too much regulation, there is a trickle-down effect of negative impact, and said that the minimum requirements as set by the state should be adequate. Bailey asked Lussow, because Lussow is Chairman of North Central Wisconsin Regional Planning Commission, how NCWRPC feels about this issue. Lussow said that NCWRPC wasn't

contacted about the Shoreland Ordinance rewrite. Wessel clarified that the contract discussed in December was just for Chapter 17 because the Shoreland Ordinance was already in the process of being approved at that time. Plant said he agreed that the County Board should discuss it and decide how to proceed but also agree that the state minimum for shoreland requirements may be enough. He feels that Lussow is just asking for the discussion before the full County Board. Hetfeld wanted clarification on what was being asked. There was discussion on what was passed in December. Lussow said that he wants Lincoln County's requirements down to match the minimum the state requires. Rusch said that there will always be regulations so you can't get away with doing just anything you want to. She gave an example in the City of Merrill and Lussow said again, that was too much government. She said that we can't do away with all rules and regulations. Bailey said that the state is not clear on what is required and what is required is constantly changing. There was discussion that when "smart growth" came about we jumped into it too quickly.

Harry Gladwin, Chairman of the Bradley Plan Commission spoke to the Committee. He gave the process & timeline history of the "smart growth". The towns worked hard on implementing their Town Land Use Plan. He said that according to surveys a huge priority was to maintain the natural beauty of the northwoods. He said that the Land Use Plan is a living document that may be changed if necessary. He read from Lussow memo and that if we do away with Chapter 17 it would be very detrimental to the Towns. He said that we need this process in order to protect the majority of the land owners. He said there has been a lot of time and money, by both the Towns & the County, put into this protection and it wouldn't be right to do away with all of it. He said that it will be costly to the towns to enforce what the county is now enforcing. He wondered if there would be any compensation to the Towns from the County for eliminating this service. He asked Lussow to reconsider what he was suggesting. He agreed that some changes may need to be made but not to throw out Chapter 17 completely. He said that to enforce absolutely only the "state minimums" scares him and that's what he takes issue with. Baughan commented on what Gladwin was suggesting and that there is no way that we could throw out shoreland zoning. It would still exist and, according to the comparison chart between state minimums vs. what Lincoln County enforces, not all of the regulations would go away just some of the rules that go above and beyond what the state requires. It's not only shoreland zoning but would apply to everything else. We would still be doing zoning. Gladwin said that the way the resolution was worded; yes there are minimums standards in shoreland regulation and that shoreland regulation would not go away completely but pointed out that going back to absolute state minimums, general zoning (Chapter 17) would go away. Gladwin gave examples and there was lengthy discussion of possible problems.

Earl Welker, Town of Schley Plan Commission, spoke to the Committee. While Schley doesn't have much "shoreland" in their town and he said that they rely on the County for enforcement in other areas. He said that the minimums that the state has in place may be a good starting point but one size does not fit all for each of the different towns. He hopes that if there is another review that the Towns are involved in the review process and have a say in the decisions being made. He said that if there is another review & major changes, that towns would be able to "opt out" of county zoning at that time. He said there were rumors sometime back of the county taking a look at getting out of zoning. He said that Schley at one time had discussed opting out of county zoning but the consensus in the town is mixed. He wondered if the towns that have already opted out of County Zoning were having any problems. He added that in speaking with Pine River residents, they seem to be happy having their own zoning. He said that even in Schley's discussion of opting out, they agreed that there needs to be some regulations. They do not want to abandon all of it. He would support a review of it though. Hetfeld asked if the towns that opted out don't have to deal with any of this. Bailey clarified that shoreland & sanitary zoning are still enforced by the county in those towns. Welker said that to the Town it means money & responsibility to enforce their own zoning regulations. Lussow discussed changes of the wording of the resolution.

There was discussion on what project NCWRPC is working on for Lincoln County. Wessel reiterated that there are state minimums for certain types of zoning but there is no state minimum for Chapter 17 (General Zoning) or Chapter 18 (Land Division) regulations, so going by the letter of the proposed resolution, these chapters would go away. There was discussion about what the state minimums actually are and the comparison table that staff compiled. Lussow said that his "intent" is to be more flexible, not throw everything out, but he wasn't sure how to word that. He again said that protecting property owner's rights are every bit as important as protecting the other issues. Allen talked about modifications that could be made to the wording of the resolution. There was discussion about the review & revision process.

M/ Baughan to support the resolution with the changes discussed which were: in the last paragraph of the resolution; remove the word "(only)" & remove the words "with haste". Motion died for lack of a second. Bailey said that he would just like to see it discussed at County Board. Lussow suggested that we contact NCWRPC to re-negotiate the current contract to include "simplifying" the Shoreland Ordinance. Hetfeld asked for specific direction for staff to pursue what Lussow is asking for. Allen asked for the process when the Shoreland ordinance was revised. Bowers said that NCWRPC was not involved in

that ordinance revision. It was discussed during 2013 as proposed by staff, reviewed by the Zoning Committee & passed by County Board in December of 2013.

7. Discussion on 2015 preliminary Land Services budget – There was brief discussion on the budget with no specific questions.

8. Agency Updates – There were no agency updates discussed.

9. Department Report - Wessel spoke about the $30,000 Farmland Preservation Planning Grant that we were awarded. Baughan asked if we were required by the state to participate in the Farmland Preservation Planning and Wessel said that we were. She explained about the process and the minimums.

Baughan asked about the nine elements of the EPA standards in the Clean Water Act that is part of the Land & Water Resource Management Plan. The 9 elements of the EPA standards are optional so we are looking into whether or not we wish to include them. There was discussion on the subject & the process.

Baughan then brought the discussion back to the Farmland Preservation Planning, the process and how many Lincoln County landowners would benefit from this program. Wessel said the interest in this plan is dropping off but may be higher if the benefit to landowners would be more accessible. The former Farmland Preservation Program contracts have been expiring and cannot be renewed until we finish our part of the process.

There was some discussion on the financial reports for the offices. Baughan asked if there was any way that the financial reports could be more "user friendly" to be able to be easier to read & comprehend. Wessel said that they will work on that issue.

There was a little discussion on a couple of items on the compliance report. It was discussed which violations were at the citation point. The Committee asked Bowers about a couple of junkyard compliance issues. Hetfeld suggested moving forward with citations of long outstanding compliance issues. Bowers said he had been waiting to see what the discussion on zoning resolutions before he proceeded with issuing any citations. Plant asked if any of the junkyard violations are health department issues also. Bowers said that the Health Department typically just deals with household type issues. Gladwin thanked Bowers for following up on a couple of violations in the Town of Bradley and again reiterated that if zoning is relaxed, the towns would struggle with enforcement on their own. Plant asked for clarification of the citation process and what Corporation Counsel's role in that process was. Wessel explained the process and how a decision is reached on how to proceed with enforcement.

REGISTER OF DEEDS

There were no items for the Register of Deeds for this month's Committee meeting.

10. Confirm next meeting/public hearing date – August 14, 2014 - Date confirmed. Meeting tentatively to start at 1:00 p.m.

11. Adjourn – M/S Allen/Hetfeld to adjourn at 5:02 p.m. Motion carried all ayes.

Minutes prepared by June Winters