

**Lincoln County Land Services Committee
Minutes of Thursday September 11, 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, Sara Koss; Register of Deeds, June Winters; Zoning Program Assistant and 15 others.

1. Call Meeting to Order - Meeting was called to order by Vice- Chairman Plant at 1:00 p.m.
2. Election of Chair and vacancy (if any) created by election of Chair - Vice-Chairman called for nominations for Chair. (N/S) Nomination for Curtis Powell by Plant/Allen. No other nominations. Nominations were closed. (M/S) Unanimous vote for Powell by Rusch/Plant. Motion carried all ayes. No other vacancies created.
3. Approval of the August 14, 2014 Land Services Committee Minutes – M/S Allen/Baughan to approve the minutes. Motion carried all ayes.
4. Public Comment – There was no public comment.

REGISTER OF DEEDS

5. Q&A on ROD Monthly Munis Report – Sara Koss asked if there were any questions on the report. Allen asked a question about the budgeted redaction fund revenue. Koss said that their budgeted amount is based on an estimate and they are down in the number of recorded documents as is the rest of the state. Koss said that she currently has no concerns for meeting the budget.
6. Q&A on ROD Monthly Written Report – Koss called attention to and explained that on the front of the report, “August DOR adjustment” is for recording fees that was initially thought to be exempt. Baughan asked for clarification on the breakdown on documents that had been issued/sold.

LAND SERVICES DEPARTMENT

7. 1:00 p.m. Public Hearing – Public Hearing was called to order at 1:06 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.

PETITION FOR REZONING

1. A request by Gary Loesel to rezone approximately 40 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 SW¼SW¼ of Section 25,T32N-R7E, in the Town of Schley, with an address of W2874 Sunrise Road and W2872 Sunrise Road. The tax parcel numbers are 22.253207.011.001.00.00 and 22.253207.011.002.00.00.

Bob Loesel was present to represent his brother Gary Loesel and to explain the request. He is trying to sell the property and they were looking for a little bit more flexibility in parcel sizes to sell. Bowers asked Loesel if the land was to be auctioned and Loesel said that they would not be going that route at this time.

Earl Welker, Town of Schley Plan Commission, was present and noted that the Plan Commission & Town Board had recommended approval.

Chairman Powell closed the public hearing for the request. Allen asked for clarification on potential density issues citing that here could be 5 potential dwellings on the 40 acres. Bowers explained how the density is figured when there are additional existing parcels in a 40. Powell read the Town of Schley’s recommendation of approval into the record. It was unanimously approved by the Plan Commission on 8/21/14 & a vote on 9/2/14 by the Town Board to approve.

M/S Plant/Rusch to APPROVE the Rezone from Agriculture to Rural Lands 4. Motion carried 7-0. The request will be forwarded to the County Board for the September 16, 2014 meeting.

CONDITIONAL USE REQUEST

2. A request by Todd Kahle to construct a storage building greater than 1,500 square feet in a Rural Residential 1 zoning district. The property is located in Section 14, T34N-R6E, in the Town of Bradley, with an address of W5305 Road Lake Road. The tax parcel number is 04.143406.004.011.00.00. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Todd Kahle was present to explain the request. They wish to have a storage building large enough to store recreational vehicles & items for his family. He said that the staff recommendation was favorable and the Town of Bradley also gave their recommendation for approval.

Chairman Powell read the Town of Bradley recommendation into the record. It was approved by the Plan Commission on 8/25/14 on a 5-0 vote. The request was approved by the Town Board on 9/8/14 on a 4-0 vote. No conditions listed.

Chairman Powell closed the public hearing for the Conditional Use request.

M/S Hetfeld/Baughan to APPROVE the Conditional Use request. Motion carried on a 7-0 vote.

3. A request by Jason Schulz to allow for automobile repair as an expanded home occupation in a Rural Lands 4 zoning district. The property is located in Section 16, T34N-R6E, in the Town of Bradley, with an address of N8773 Flynn Rd. The tax parcel number is 04.163406.008.000.01.01. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Jason Schulz was present to explain the request. He would like to have an auto repair business on his parcel. He gave some pictures to the Committee. He wanted to address some issues/complaints that have been brought forward by neighbors. He addressed the issues of: Degradation of the private road; he is the one who maintains the private road most of the time. Turning into a full-time business; he already has full time employment. Number of vehicles on premises; no more than 5. Parts storage; none would be outdoors. Disposing of fluids; would be done according to regulations. Noise; none, he would be working in a heated insulated garage. Heavy equipment; he only has a bobcat to grade the road. Signs; he would have no signs. Junk vehicles; he said there are none.

Bowers reviewed the issues that Schulz addressed that came up at the Town Board meeting and asked him to clarify a couple of issues. Bowers explained the definition of junkyard in the ordinance. Schulz said the road is a private road and everyone chips in for maintenance costs and he and another man usually do the maintenance. Allen asked for clarification on where the extra traffic would be and it would only be on Cody Rd to Schulz's driveway. Bowers asked if Schulz had issues with any of the conditions listed in the staff report and Schulz said he did not. Bowers asked for hours of working on autos and Schulz said he would be doing work evenings & weekends. Plant asked the extent of the auto repairs and Schulz said that it would be engine & transmission work, not body work and no paint booth. Hetfeld clarified that this would not be visible from the road.

Mike Flynn was present in opposition to the request. He is an adjoining land owner. He is strongly opposed to having an auto repair business right next to his property. He attended the Town of Bradley meeting also and shared his objection. Flynn stated that Schulz's property is visible from the road and recently some of the junk has been cleaned up. He believes that if this request is granted the junk will accumulate again. Flynn said that there is noise that is being generated from the work that is going on already. He said that Schulz has already been operating a repair business without obtaining the proper permits. Schulz does maintain the road and Flynn does most of the snow plowing. He fears that additional traffic from a business being on the road will impact the road. He has a nice home and pays substantial property taxes and doesn't feel that his neighborhood should have a business in it that may affect their property value. He doesn't want the noise in the evenings and weekends when he is home from his job. Bowers asked if Flynn had seen the staff report and Flynn said that he had and he said that yes conditions could be imposed but he doesn't want to have to worry about being a watchdog to monitor the conditions. Bowers asked if the request should be granted is there any additional conditions that Flynn would like to see imposed. Flynn said that no, he would take any steps necessary to have this request denied. Baughan said that for the minimal work that Schulz is proposing is no different than someone working on cars as a hobby. Flynn said that this is not a hobby and that Schulz is already doing this work in violation of the ordinance.

Nancy Langeberg was present as an adjoining land owner, and she is concerned about the wear on their private road. While Schulz does do maintenance on the road this would affect all who live on it.

A letter of opposition from Tom Powers, an adjoining landowner, was read into the record. He doesn't feel that a business belongs in this secluded residential area creating additional traffic, possibly causing damage to the private road, being a safety issue for children playing, possible runoff from toxic products that may be used and general security of this neighborhood.

Chairman Powell read the Town of Bradley recommendation into the record. It was approved by the Plan Commission on 8/25/14 on 5-0 vote. The request was denied by the Town Board on 9/8/14 on a 2-1 vote with 1 person abstaining.

Chairman Powell closed the public hearing for the Conditional Use request.

M/S Hetfeld/Breitenmoser to DENY the request. Hetfeld asked for clarification on the fact that the business may already be in operation. Bowers said that he was unaware that the business existed before the request was filed. There was discussion on, and Bowers clarified, the definition of Home Occupation & Expanded Home Occupation. Breitenmoser said while he believed in having your own small business, he hesitated going against the Town Board. Baughan asked for clarification on the Town Board vote. Ann Eckman, Town of Bradley Clerk, said that there were 2 for denial, 1 for approval & 1 member abstaining. She said that the approval by the Plan Commission was before they knew that there was opposition from the neighbors. Powell said that he agreed with Breitenmoser in the view that he doesn't believe that their decision should contradict the Town Board's wishes. Rusch agreed.

Chairman Powell asked for a roll call vote. Hetfeld – Y, Breitenmoser –Y, Allen-Y, Baughan-N, Plant-Y, Rusch-Y, Powell-Y.

Motion to DENY the request passed on a vote of 6-1

Chairman Powell called for a break at 2:00 p.m. Meeting was called back to order at 2:06 p.m.

8. 2015 Wisconsin Regional Orthophotography Consortium Participation – Wessel explained what the consortium entailed. Lincoln County participated in 2005 & 2010. By participating in the consortium the county is able to get the orthophotography done at a cost lower than doing it on our own. Baughan had questions of the need for the orthophotography. Jared Haas, Land Information Program Manager, was present and explained why & how helpful the digital orthophotography is to Land Services. Use of it cuts down on staff time in the field. Baughan was concerned that this is being used as an enforcement tool. Wessel clarified that it is not used in initiating enforcement but may be used in follow up for a complaint. Breitenmoser asked if this helped any other departments. Haas & Wessel said that it is used by Sheriff's Department, Fire Departments, Emergency Services, Forestry and the information is available to the public on the website.

M/S Plant/Rusch to move forward with the proposal. Motion carried all ayes.

9. Update on Chapter 17 work agreement with North Central Wisconsin Regional Planning Commission - Bowers said that they are meeting with NCWRPC this week to discuss moving forward. He gave a couple of examples of changes that are being proposed. Wessel reviewed what the cost would include. There was discussion by the Committee.
10. Farmland Preservation Planning – program and grant – discussion on resolution 2014-09-40 to forward to County Board – Wessel said that the Committee earlier this year had approved the Farmland Preservation Grant and she did not realize at that time that it needed the approval of the County Board and this is to bring a resolution to the County Board to accept the grant. Wessel briefly reviewed the grant details. There was discussion on data of the different types of farming in Lincoln County. Dan Marzu, UW Extension, shared some data regarding farming in Lincoln County. Baughan shared that she had done extensive research on the Farmland Preservation Plan process and has serious concerns about participating in it. She is concerned that there are restrictions and penalties imposed on farmers and there is no "hardship" provision in the program. She said that could decrease the value of property in a hardship situation. She also had concerns that the number of participants in Lincoln County may not warrant going through this process if it benefits so few landowners and not the majority of the county.

Breitenmoser said that he doesn't believe that the price of farmland would be affected by the Farmland Preservation as much as it is affected by the price of the commodities. He said that he would hate to see fewer family farms changing to more

corporate farms. He tried to explain simply how the program works. He will abstain from the vote for this because he participates in the program.

Marzu shared some information on the economic impact of farming in Lincoln County and how important it is that the "family" farms continue in Lincoln County. Wessel explained that she wants to do an independent survey to see what the consensus is of landowners in the county. There was more discussion by the Committee on how/if to proceed.

M/S Hetfeld/Allen to forward the resolution to County Board for approval. Motion carried on a 5-1 vote with Baughan voting nay and Breitenmoser abstaining.

11. Land and Water Resource Management Plan – Wessel explained that this is another plan that is required by the state. Lincoln County's is due to be updated in 2015. It expires at the end of 2015 so to remain in compliance with state statutes and to continue to receive funding we need to update the plan. Wessel commented that DATCP has been requesting counties that are updating their plans to include the 9 key elements of the EPA's watershed based plans. She feels that it is too much for this department & this Committee to do. She referred to the 4 options for how to proceed that she had given in her memo. Wessel believes that we can utilize the data that the DNR will collect during the Wisconsin River Total Maximum Daily Load. Wessel said that she just needs direction from the Committee. She feels that asking for an extension on the requirement may be the best way to go and in the best interest of the county. She feels that we have a good chance of getting the extension. She would then bring her proposal back to this Committee as an action item before submitting it to DATCP.

At 3:00 p.m. Hetfeld asked to be excused from the meeting as he has another meeting.

12. Clean Sweep Grant - Wessel explained what the Clean Sweep Grant entailed. UW Extension & Solid Waste are asking for support for a grant for disposing of agricultural chemicals & household hazardous chemicals. Solid Waste would be taking the lead on the grant and they were just looking for support from this Committee in taking their resolution to County Board. It would mean minimal participation from Land Services staff. The consensus of the Committee was to support the project.
13. Department Report - Wessel reviewed the Department Report she had given the Committee. Bowers reviewed a few of the issues on the Compliance Report. There was discussion by the Committee.
14. Agency updates – There were no agency updates at this time.
15. Confirm next meeting/public hearing date – October 9, 2014 - Date confirmed. Meeting tentatively to start at 1:00 p.m.
16. Adjourn – M/S Plant/Rusch to adjourn at 3:10 p.m. Motion carried all ayes.