

**Lincoln County Planning and Zoning Committee
Thursday, January 11, 2006 at 8:30 a.m.
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in the Land resource Center Meeting Room. Members present: Saal, Mittelsteadt, Meyer, Rusch and Short along with Dan Miller; zoning Administrator and Dan Bowers; Zoning Specialist.
2. Toured site that will be the subject of the public hearing that will be held at 1:00 p.m Returned from tours at 11:00 a.m and proceeded with the business part of their meeting and moved to items # 8, #9 & #6 on the agenda.
3. Recessed for lunch at 11:30 a.m. to meet at 3's Company, 3201 E. Main, Merrill, WI.
4. 1:00 p.m. Public Hearings (See public hearing notice) – Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Meyer, Rusch and Short along with Dan Miller; zoning Administrator, Dan Bowers, Zoning Specialist, June Winters; Program Assistant, and approximately 11 others were present.
5. Discussion by the Planning and Zoning Committee and Decision on the Rezones which were the subject of the Public Hearing

PETITION FOR REZONING

1. A request by William and Dorothy Wickman to rezone 100 acres from a Rural Lands 4 district to a Rural Residential 3 district to allow for a subdivision. The property is located in part of Section 25, T35N, R6E, in the Town of Bradley; having tax parcel numbers 04.253506.005.000.00.00, 04.253506.008.000.00.00 and 04.253506.014.001.00.00 off of Echo Valley Road and County Road A. The request is being heard under section 17.8.25 of the zoning ordinance.

William Wickman was present to support their request. He stated that they would like to have the property rezoned for subdividing in the future. Dan Miller asked what size parcels they would be proposing. Wickman stated that they would be a minimum of 2 acres. They are looking at developing the 21 acre parcel into 6 lots + 1 lot for the existing home in the near future. Miller asked if there was proposed common access to the water. Wickman said that there is a small parcel of land across Echo Valley Rd that would be the common access to Lake Alice. Miller asked if he would convey common ownership to all of the lot owners. Wickman guessed that he has approximately 400 ft. of water frontage. He wouldn't divide it up but the access would be about 80' maybe that the owners could dock their boat at.

Miller asked what his plans were for the other 80 acres in the rezone request. Wickman stated it would probably not be developed for at least 10 years. Dan Bowers asked if they had done any preliminary soil testing. Wickman stated that they had not. Bowers asked if he had it surveyed. Wickman said that Lester Schmidt has started the surveying. Saal stated that the Town of Bradley has not given us their opinion. Bowers said that they may have problems with the access across Echo Valley Rd because it would be considered "key holing" and as part of the Subdivision process may not be allowed without a Conditional Use. Wickman stated that the land was supposed to be zoned Rural Residential to begin with. Miller stated that there is a conflict with the town's Land Use Plan for at least the 80 acre portion of the request.

Dorothy Wickman was present to support their request. She stated that when the town of Bradley was changing the maps they requested that it be zoned to Rural Residential. She stated that it's only 2 miles from the city so it should be residential. Erickson's property next door is zoned Agriculture but is not actively farmed.

Glenn Mott was present and spoke. He is not opposed to the rezone and creating the lots, but he is opposed to putting a dock on the small parcel on Echo Valley Rd as an access for all of the lots. He stated that a lot of boat traffic in the corner of the lake would have negative impact on the lake environmentally.

Dave Duranceau was present and spoke and he works at the dam and is not opposed to the subdivision but is also opposed to the water access.

Rose L. Lynd was present and spoke concerning the 21 acre portion of the request. She says she lives on the adjoining property and is concerned about the ground water and environmental impact from septic and wells that she thought up to 15-18 possible lots could create. She is also is concerned that if there is ever a dam failure that the overflow would be over Echo Valley Rd and into the marsh on that property and some of this property is lower and may be in danger should this happen. She is also concerned about a boat landing having a negative impact on the lake. Lynd presented the committee with a written list of concerns.

Harry Gladwin was present representing the Town of Bradley Plan Commission. This issue is scheduled to be before the January 29th Plan Commission meeting. The next town board meeting is Feb 12th but if it requires a public hearing at the township level it probably won't be on the town board until March 12th meeting. It may not be ready to come back to the county until the April meeting. Miller discussed the timeframe of the required meetings. Gladwin stated that Miller and Bowers have agreed to attend the next town Plan Commission meeting and thanked the Zoning staff in being so cooperative with dealing with the town and trying to work on coordinating approvals.

Chairman Saal closed the public hearing for the rezone.

Motion by Mittelsteadt, seconded by Short to LAY OVER the Rezone request until such time we have received Township opinion. Motion carried all ayes.

2. A request by Larry Hurtis and the Muskellunge Lake Condominium Association to rezone the Muskellunge Lake Condominium, including units 1-11, from a Recreation district to a Rural Residential 2 district to allow for year round homes. The property is located in part of Section 12, T35N, R6E, in the Town of Bradley; off of Dereg Road and Dereg Road East. The request is being heard under section 17.8.25 of the zoning ordinance.

Larry Hurtis was present to support his request. He explained the reason for the rezone. He has been trying to sell an existing business and wants to make it so that once this business is sold and removed it would only allow for homes and not businesses. Miller asked if there were any year round residents at this time. Hurtis stated that currently there was not but that there may be within a couple of years. Miller asked what the use of the structure containing the existing business was going to be in the future. Hurtis stated that one of the condo owners has inquired about purchasing it. Miller stated that because the request is going from one major category of zoning to another it will have to go through a public hearing at the town level first also.

Chairman Saal closed the public hearing for the rezone.

Short asked if there needs to be approval from each owner of the Condominium. Hurtis stated that they are working on getting a document with each of the owners' signatures.

Motion by Saal, seconded by Rusch, to LAY OVER the Rezone request until the committee receives input from the Town of Bradley on this issue. Motion carried all ayes.

3. A request by Bruce Hobright, Midwest Land Company, Debra Obermeier and Raymond Drotos to rezone 65.92 acres from a Rural Lands 2 district to a Rural Lands 4 district to allow for the development of 6 lots. The property is located in part of Section 26, T34N, R6E, in the Town of Bradley; having tax parcel numbers 04.263406.003.001.01.01, 04.263406.003.001.01.02, 04.263406.003.001.01.03, 04.263406.003.001.01.04, 04.263406.014.001.01.03, and 04.263406.014.001.02.03 off of Behling Road and Hillcrest Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Bruce Hobright, representing Midwest Land, was present to support their request. He presented the committee with soils information for their parcels. The parcels have been recorded as 10 acre parcels and they just came to find out that the building opportunities are insufficient under the current zoning and that is the reason for the request to rezone to RL4. Miller asked when the CSM had been recorded. Hobright thought it had been recorded 2-3 years ago, but apparently it was recorded January of 2006. Hobright stated that a couple of the lots have been sold and they wanted to make sure that the rest of the lots are buildable.

Meyer asked if the access off of Hillcrest Rd for lot #6 goes through wetland. Hobright stated that he wasn't sure. Bowers stated that if the committee should lay over this request he requested that we be provided wetland delineation information on the property. Hobright said that he would provide that. Miller stated that this request does not require a public hearing at the township level but we do need an opinion from the township.

Stephen Jarosz was present and spoke in opposition to the request because that corner of lot #6 for access off of Hillcrest is such a low area. He is also concerned about the fact that there are no covenants for these newly created lots and they may end up with a "shack or camper village". He also is concerned with the groundwater quality if there are several septs in the area.

Dan Bowers reviewed the staff report. Because this is a "large lot split" and not a subdivision review there is some information that we can not require that they submit. Miller stated because of the need for the rezone we can require it.

Chairman Saal closed the public hearing for the rezone.

Motion by Rusch, seconded by Saal, to LAY OVER the Rezone request until the Town of Bradley has a chance to review the request. Motion carried all ayes.

4. A request by Gary Yonke and Nokomis Lumber Corporation to rezone a portion of a 61.65 acre parcel from a Forestry district to a Rural Lands 2 district to allow for the lot to be split. The property is located in part of Section 2, T35N, R6E, in the Town of Bradley; having a tax parcel number 04.023506.008.001.00.00 off of Selmer Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Steve Laack was present and spoke. He had received the notice as an adjoining land owner. He wanted clarification on what part of the parcel would be rezoned. He questioned where the access would be for any new construction. He stated that if the access is on Selmer Rd he would have no problem. If it is on Chapman Rd he would be opposed. He was thinking that there would be more building opportunities than just one. Bowers asked if the noise from the saw mill has been a problem. He said that they can hear the back-up alarm on the end loader but the mill noise is not a problem.

Harry Gladwin asked if there was going to be any discussion on the existence of the old trap range on the property. Miller stated that the owner has an interested buyer for the saw mill. In the present zoning a parcel split would not be allowed because of the 35 acre minimum parcel size restriction. The prospective buyer is not interested in the entire property because of the prior use as a trap range thus creating the need for the rezone. Gladwin stated that the trap range has been in existence for quite some time and that there may be a high concentration of lead in a certain area from the trap range. He stated that they are on the January 29th meeting also for Plan Commission consideration.

Chairman Saal closed the public hearing for the rezone request.

Motion by Mittelsteadt, seconded by Saal, to LAY OVER the Rezone request until the Town of Bradley has had a chance to review this request and forward their opinion to us. Motion carried all ayes.

Moved to item #7 on the agenda.

6. Old Business: (Preliminary Plat approval) DeHart – Northern View Estates. (carried over from December meeting) Miller stated that there is not enough progress with the unresolved issues to return to the committee at this time. Hopefully they will be ready to be on February's agenda.
7. Public Comment Opportunity – Harry Gladwin spoke and again wanted to thank the Committee and Zoning Staff on their cooperation. Stephen Jarosz also thanked the committee for listening to the concerns and hoped that they continue to protect the environment. Moved to item #10 on the agenda.
8. Approve the December 14, 2006 meeting minutes – Motion by Mittelsteadt, seconded by Saal to approve the December 14, 2006 meeting minutes. Motion carried all ayes.
9. Administrator's Report - Dan Miller reviewed & discussed the report. Brief discussion on Compliance Report and Financial Report. Miller mentioned that sometime in March there will be a seminar put on by the Center for Land Use Education in Hayward that he was wondering if the Committee would like to attend. He will keep them informed as he gets information. There was some discussion on the Financial Report. Miller stated that at the February meeting we will have the budget modifications and a carry over that will be necessary. Miller shared some information regarding DNR legislation for NR820 Regulating high capacity wells and groundwater protection.
10. Adjourn - Motion by Mittelsteadt, seconded by Saal to adjourn at 2:10 p.m. Motion carried all ayes.