

**Lincoln County Planning and Zoning Committee
Thursday, April 12, 2007 at 8:30 a.m.
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Vice-Chairman Mittelsteadt at 8:30 a.m. in the Lincoln County Zoning Office. Members present: Mittelsteadt, Meyer, Rusch and Short along with Dan Miller; Zoning Administrator, and Dan Bowers; Zoning Specialist.
2. Toured sites that will be the subject of the public hearing that will be held at 10:00 a.m
3. 10:05 a.m. Public Hearings (See public hearing notice) – Hearings were held on the items listed in the notice. Hearing called to order by Chairman Saal. Saal, Mittelsteadt, Meyer, Rusch and Short along with Dan Miller, Dan Bowers, June Winters; Program Assistant, Mary Heedrick; Court Reporter and approximately 13 others were present.
4. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use requests which were the subjects of the Public Hearing

CONDITIONAL USE

1. A request by Connie Zehner to open a Commercial Animal Services Facility which includes boarding dogs and horses. The property is described as 34.7 acres and is located in part of the SW ¼ of the SE ¼ of Section 20, T35N–R7E, in the town of King; having a tax parcel number of 12.203507.015.000.00.00 off of Spring Creek Road. The request is being heard under section 17.3.04(16) of the Zoning Ordinance.

Connie Zehner was present to support her request. She reviewed and explained her request. She said that she would be willing to work with us and adjust her plans and locations of the structures to accommodate issues that the Town of King or Lincoln County may have. Meyer asked for clarification of the driveway location. Zehner said that the dogs being boarded would be rotated and each dog would be outside a maximum of 4 times per day for approximately 10 minutes each time. Dan Bowers asked the timeframe for building the proposed home on the plans. Zehner stated that within the next 2 years they hope to build the home. Bowers had questions about the kennels. Short had questions on the staff report. Zehner stated that they would be buying approximately 68 acres if this Conditional Use is granted. Saal asked if she had input from the Town of King. Zehner stated that they have gone before the Town of King but have no decision from them at this time.

Tammy Goehe, sister to the applicant, was present to support Zehner's request. She gave a history of the property and how it has been used.

Jean Bethel was present to comment on the request. She is a directly adjoining property owner. They are not totally opposed to the request, but they have concerns regarding the noise carrying from barking dogs.

Dan Bowers reviewed the staff report. He stated that we have not received anything in writing from the Town of King. We have heard that it has been held over. He explained the zoning and use of adjoining properties. He stated that Zoning has reservations regarding the noise issues. Zoning is also proposing relocation and landscaping of the boarding structure to minimize the noise affecting any adjoining residences.

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

Motion by Mittelsteadt, seconded by Meyer to LAYOVER the Conditional Use request until input from the Town of King is received and relocation and noise buffering options are explored for the buildings before making a

decision. Motion carried all ayes. Saal urged the applicant to contact the Town of King and look at relocation options for their structures.

2. A request by William E. Maki to allow for an expanded home occupation (trucking business) as a conditional use. The property is described as the East 626.1 feet of the South 208.7 feet of the SE ¼ of the SE ¼ of Section 22, T35N-R6E, in the Town of Bradley; having a tax parcel number of 04.223506.016.002.00.00 and located off of County Rd A. The request is being heard under section 17.3.09(8) of the Zoning Ordinance.

William Maki was present to support his request. Miller read into record the approval from the Town of Bradley for Maki. They requested that staff recommendation condition #7 be changed to read "No semi-tractor shall load or unload between 10 pm – 5:30 pm weekdays (see correction below). Maki stated that he has Rod Akey working on the erosion control issues. Bowers questioned the need for the size of the proposed building (32x70). Maki stated that he wants it that size so if he is bringing in a load that would be affected by inclement weather he wanted a building large enough to pull a load into. He said it would be just a storage building, not used for truck maintenance or anything. Miller reminded the committee that an expanded home occupation allows for no more than 3 non-family members as employees.

Harry Gladwin, Town of Bradley Planning Commission, was present to support the request. He said Mr. Maki has been extremely cooperative with the Planning Commission & Town Board. Saal pointed out that on the approval form from the Town of Bradley it states 5:30 pm and Gladwin clarified that it should be 5:30 a.m.

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

Motion by Mittelsteadt, seconded by Rusch, to APPROVE the Condition Use request. CONDITIONS:

- 1) No more than 3 semi-tractors and 6 semi-trailers may be on the property at any given time.
- 2) A double staggered row of spruce and/or balsam trees shall be planted along the south side of the graveled lot, at 12 foot intervals, extending from the eastern edge of the graveled lot to the eastern entrance of the driveway. Said trees shall be a minimum of 6 feet in height when planted and shall be replaced when they die.
- 3) All lighting on any building, free standing yard lights or lights placed upon any signs shall meet the lighting standards of section 17.5.04 of the Zoning Ordinance.
- 4) The proposed shop building shall not exceed a dimension of 32'x70' and shall be maintained in earth tone colors.
- 5) No outside storage of materials other than tractor-trailers and loading equipment. (i.e. no staging of lumber or logs except that which is already loaded onto trailers, no parts for equipment or scrap, etc.)
- 6) A Stormwater and erosion control plan shall be submitted to Land Conservation for approval that meets the standards specified in 17.5.08 of the Zoning Ordinance.
- 7) No semi tractor-trailers shall load or unload between 10 p.m. and 5:30 a.m. weekdays.
- 8) All fill and/or woody debris shall be removed from the wetland areas east of the gravel parking lot.

Motion carried all ayes.

Saal requested that the court report stay for the first old business item as we may be taking additional testimony.

5. Old Business: An after-the-fact request by Robert & Pamela Galella to allow the garage that was built in excess of the 1,500 square foot cap for residential accessory structures to remain upon the property. The garage was built over the last two years. The property is described as Lot 6 of CSM# 236 located in part of the SE ¼ of the NE ¼ of Section 31, T32N-R7E, in the Town of Merrill; having a tax parcel number of 14.313207.004.007.00.00 off of Prairie Crest Drive. The request is being heard under section 17.3.09(1b) of the Zoning Ordinance.

Robert Galella was present and said he was at the Town Board meeting and entered in to testimony a form from the Town of Merrill. Unfortunately the form was signed but no decision had been filled in. Galella thought the vote had been unanimous that it was approved with no conditions.

Motion by Meyer, seconded by Mittelsteadt to APPROVE ON CONDITION. CONDITION: Contingent upon the Town of Merrill approval and subject to any conditions listed on that approval. Motion carried all ayes.

Saal asked for a 5 minute recess at 10:55 a.m. The meeting resumed at 11:00a.m.

6. Old Business: (Preliminary Plat approval) DeHart – Northern View Estates. Town of Bradley (County Rd A) Miller reviewed the changes since the last meeting. He shared a conversation with Pete Wurl @ WPS regarding utilities and also stated that the Stormwater plan has been approved by Lincoln County Land Conservation office. The other outstanding issue is the public access or private recreation issue. DeHart would like to do a private walking trail for the benefit of the owner's within the proposed subdivision and other future residential development in the immediate area. The well issue has been taken care of.

Motion by Mittelsteadt, seconded by Short to APPROVE the Preliminary Plat of Northern View Estates
CONTINGENT UPON:

1. The trail easement will be contained within the legal description of the final plat and further detailed within the plat covenants.
2. The easement for the trail is specific in allowing access to owners of lots within Northern View Estates and future owners within future developments that may be created to the east of Northern View Estates. Additionally, Harold DeHart will be responsible for the construction of the trail as detailed on the plat upon sale of 75% of the lots within Northern View Estates.
3. Post a "Do not drink the water" or "Water not for human consumption" sign by the pump house on Lot #12.

Motion carried all ayes.

7. Gary Schneider Waiver request – A request to allow for a waiver from the subdivision ordinance to create a lot that will not have frontage on a public road (Lot would be on a private road off of the end of Tombstone Dr, Town of Scott) Dan Miller reviewed the request. Chairman Saal read into the record information regarding an easement and an e-mail of approval from the Town of Scott. Saal questioned that the Road Maintenance agreement should have the road width specified in it. That could be done when the issue becomes applicable if there is a proposal for further subdividing.

Gary Schneider was present to support his request. He gave the history of the parcel and the reason for his request. Motion by Saal, seconded by Mittelsteadt to APPROVE UPON CONDITION the Gary Schneider waiver request. CONDITIONS: Road Maintenance agreement be recorded with the CSM and the width of that road be no less than 66 feet. Motion carried all ayes.

8. Public Comment Opportunity – Mark Voigt was present and stated that he was concerned with the direction zoning is going in Lincoln County. He stated a lot of money has been spent to update the zoning and he doesn't think that the department is following the public's wishes. He believes that his parcel and others that are residences should not have been zoned as recreation to accommodate the business next door. Voigt stated that he was told at township meetings that it would be some type of mixed zoning to accommodate all parties. Saal stated that he had tried returning a call to Mr. Voigt several times with no luck. Saal asked Miller to comment on the situation. Miller stated that Mr. Voigt has filed complaints with the Zoning Department regarding the business next door to his residence. The issues cited were Stormwater runoff, the lighting in volleyball courts & the fact that the retaining wall for the courts was built in the highway right-of-way for County Rd K. Zoning staff has been looking into the issues and have not gotten answers back yet on some of the items. The owners of the business have been contacted regarding the lighting issues and been given a deadline to comply. Some of the issues cited were issues over which Zoning may not have jurisdiction. Some may be issues that were existing and were only made non-conforming with the adoption of our new code. Miller said that he would check on a deck that was built on the structure. Voigt brought up the issues that the sewer and water being so close and not being allowed to hook up to it doesn't make sense. Miller stated that for those issues he must deal with the City of Merrill regarding annexation. Miller

suggested that he, Voigt and the Town of Merrill meet to discuss rezoning of the parcels involved. Saal suggested that these issues be put on the agenda for next month's Zoning Committee meeting.

Harry Gladwin wanted clarification of the fact that the proposed buyers of the DeHart lots would be notified of the special well drilling requirements. Miller stated they will be contained in the covenants and shown on the plat. He stated again that the Town of Bradley appreciates the cooperation of the Zoning Committee and Zoning Staff with the Bradley Plan Commission and Bradley Town Board. Committee then moved to item 10 on the agenda.

9. Resolution of support for Lake Protection Grant – Dan Miller reviewed and explained the proposed grant for a Buffer Audit person that would be shared with Langlade County. It would be a relationship where state would supply 75% of funds and Lincoln County would supply 25%. He said that they have a conference call scheduled for this afternoon with Langlade County and the people who review the grants to discuss the details and decide if we should apply as separate grants or jointly with Langlade County. Meyer questioned if there was enough to keep this person busy year 'round. Miller stated that there are a number of Shoreland buffers that need to be monitored and that this person is going to be a contracted person (a current 2 year LTE in Langlade County to be shared 50% with us) not a Lincoln County employee. Saal added that he understands the need for this person to follow up on decisions that have been made on this committee. Miller cited a current problem that staff is dealing with that shows the necessity of a person to follow up on critical Shoreland buffer situations. Miller stated that the grant is only for two years and at this time we will have no commitment with the Buffer Audit person beyond that time frame.

Motion by Meyer, seconded by Short to APPROVE sending the resolution to the County Board on April 17, 2007. Motion carried all ayes. Moved to item 11 on the agenda.

10. Resolution of support for Town of Pine River Zoning Ordinance amendments – Dan Miller explained the zoning designation that has been added prompting the change in their ordinance. Miller asked about the procedure if someone wants to add a parcel to the subdivision district. Randy Frokjer was present and explained the procedure. Each time there is an addition to this subdivision district (rezone) Pine River will come before the Zoning Committee and County Board for final approval. Frokjer stated that the cooperation from the County is appreciated. William Zeitz, Chairman of the Town of Pine River, was also present and agreed. Miller stated that we appreciate the cooperation given the county from Greg Metz, Zoning Administrator employed by Pine River.

Motion by Saal, seconded by Rusch to APPROVE sending this resolution to the County Board on April 17, 2007. Motion carried all ayes. Returned to item 9 on the agenda.

11. Approve the March 8, 2007 meeting minutes – Motion by Rusch, seconded by Meyer to approve the March 8, 2007 meeting minutes. Motion carried all ayes.
12. Administrator's Report - Dan Bowers reviewed the compliance report. Dan Miller reviewed & discussed the Administrator's report. Dan Miller reviewed other correspondence. He explained to the committee if Resolution 2007-04-22 passes County Board next week, that starting May 1, 2007 we will be required to put public notices in both the Tomahawk Leader and the Merrill Courier. They discussed the financial impact on the county taxpayers. The committee discussed the two upcoming workshops.
13. Adjourn - Motion by Meyer, seconded by Mittelsteadt to adjourn at 11:58 a.m. Motion carried all ayes.