

**Lincoln County Planning and Zoning Committee
Thursday, June 14, 2007 at 9:00 a.m.
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:00 a.m. in the Lincoln County Zoning Office. Members present: Saal, Mittelsteadt and Short along with Dan Miller; Zoning Administrator, and Dan Bowers; Zoning Specialist. Rusch and Meyer were absent. Meyer will join the committee for the hearing.
2. Toured sites that will be the subject of the public hearing that will be held at 1:00 p.m.
3. Recessed for lunch at 12:10 at 3's Company, 3201 E. Main St., Merrill
4. 1:00 p.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order by Chairman Saal. Saal, Mittelsteadt, Meyer and Short along with Dan Miller, Dan Bowers, June Winters; Program Assistant, Ray Kraemer; Court Reporter and approximately 12 others were present. Rusch was absent.
5. Discussion by the Planning and Zoning Committee and Decision on the Rezone requests which were the subjects of the Public Hearing.

REZONES

1. A request by Franklin Mootz to rezone 40 acres from a Forestry district to a RL-2 district to recognize the existence of a year-round home on the property. The property is located in the SE ¼ of the NE ¼ of Section 16, T32N, R5E, in the Town of Harding; having a tax parcel number of 08.163205.004.000.00.00 and an address of N4057 County Road E. The request is being heard under section 17.8.25 of the Zoning Ordinance.

Saal read into record a document received from the town of Harding dated 6/13/07 approving of the request of Mootz, Hanke & Hoffman for rezoning parcels from Forestry to RL2. It is not in conflict with the town plan. Dan Miller stated that we could view this as a resolution of support. He clarified that Mootz the original applicant and that Hanke and Hoffman submitted requests to join the rezone to both the county and township.

Darrell Hanke was present to support the rezone for the 3 parcels as the surrounding property is zoned for year round homes and he felt that theirs should be also. He has used this property as his year round home for 24 years. He is planning on splitting the parcel but it would be consistent with the RL2 zoning restrictions.

Franklin Mootz was present to support the rezone and it has been his family's year round home since the 1960s and he believes that it should be zoned appropriately. He has no intention of splitting the parcel.

Joseph Hoffman was present to support the request. He would like the opportunity to build a retirement home on the parcel if he wishes to do so.

Dan Bowers reviewed the reasons for the request and issues on the staff report. Chairman Saal closed the public hearing for the Rezone request.

Motion by Mittelsteadt, seconded by Meyer to APPROVE Rezone request for the Franklin Mootz, Darrell Hanke & Joseph Hoffman parcels. Motion carried all ayes. It will go before the Lincoln County Board on July 17, 2007.

2. A request by Robert Bushman to rezone a portion of wetland to upland to allow filling for an access road on the property. The property is located in the NW ¼ of the SE ¼ of Section 14, T34N, R8E, in the Town of Harrison; having a tax parcel number of 10.143408.014.000.00.00 and an address of W719 Nubie Road. The request is being heard under section 21.12(5) of Lincoln County Ordinances.

Robert Bushman was present to support this request. He explained the need for the request. He has no intentions of subdividing the land. Dan Miller discussed with Bushman the permits that he has obtained from the Army Corp of Engineers and DNR. Miller asked that the road width be limited to 15 feet wide. Saal stated that at the onsite an adjoining land owner had expressed concerns that his property would be affected by the road fill. Bushman said that he would comply with all the recommendations set on all the permits (road width, silt fence, seeding, etc). Saal read into record a letter from Melanie and Jeff Warsinski in opposition to the rezoning request.

Tim McFadden was present. He is an adjoining landowner. He spoke not in opposition to the request but requesting that the conditions of the permits and road width be adhered to. Chairman Saal closed the public hearing for the Rezone request.

Motion by Meyer, seconded by Short to APPROVE ON CONDITION the Rezone request. CONDITION: That the road bed be limited to 15 feet in width and all conditions and recommendations of the DNR and Army Corp of Engineers permits be adhered to. Motion carried all ayes. It will go before the Lincoln County Board on July 17, 2007.

The court reporter stayed for the Old Business item as there may be additional testimony.

6. Old Business: A Conditional Use 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.

Zehner was not present for the meeting. Dan Miller/Bowers reviewed the current staff report since the last onsite to the property. He discussed the onsite that he and Dan Bowers had with Zehner at the site exploring a different location for the buildings. They discussed that there is a location almost on the north edge of the property where there is “bowl” shaped depression that they thought may be more suitable for the structures. With proper screening to the north, west & south it should minimize any noise. He said that they also discussed the condition of the home being built at the same time as the kennel/boarding facility. He said that Zehner had no problem with that. He said that the Town of King had given approval for a horse boarding facility but were not in favor of a dog boarding facility. He had a conversation with Walter Hobbs from the town of King and Hobbs had spoken to surrounding property owners regarding their concerns and also visited an existing kennel in Oneida County and discussed the problems that had arisen out of that kennel being located near residential area. Hobbs also stated that the kennel was not a good fit because if they restricted the time outside for the boarded dogs because of a noise issue it diminishes the care for boarded dogs. Saal closed the public hearing for the Zehner request.

Motion by Mittelstadt, seconded by to Short to DENY the part of the request for the dog boarding facility and APPROVE ON CONDITION the portion of the request for the commercial horse boarding facility.

CONDITIONS:

- 1) The Land Information and Conservation Department shall evaluate and approve a grazing and nutrient management plan related to the horse boarding operation.
- 2) A lighting and landscape plan shall be approved by the Zoning Administrator for commercial buildings on the property.

Motion carried all ayes.

At 1:35 the committee broke for a 5 minute break. They reconvened at 1:40

7. Northern View Estates - Final Plat Approval – (Harold DeHart) Town of Bradley - County Rd A & DeHart Dr. Lester Schmidt was present stating that they had obtained the Town of Bradley approval at their May 14, 2007 meeting. Motion by Saal, seconded by Short to APPROVE the final plat of Northern View Estates. Motion carried all ayes.
8. Gary Senner – for a waiver from the subdivision ordinance to create lots that will not have frontage on a Public road – (Town of Merrill off of Swede Rd about ¼ mile south of Lone Pine Rd) Gary Senner was present to explain his request. He said that there are other lots in the area that are approximately 5 acres in size which is the size parcels he is proposing. Dan Miller had questions for Mr. Senner regarding the location of the septic and confirming that it would meet required setbacks within the proposed lot lines. Dan Miller explained that after being in contact with the Town of Merrill and due to previous problems in other land divisions they wanted to take a closer look at this request before giving their input. Mr. Senner said that he would meet with the Town of Merrill regarding their issues. Bowers asked if any other property utilizes this easement. Senner stated that the owner of the 40 directly to the east of this property does use this easement as it is landlocked. Miller reminded the committee that if the easement provides access for more than 2 homes it would have to be named and should be laid out with the foresight of possibly becoming a town road. Senner said that this is a nice area and it would be good to look at the possibility of future development. The town of Merrill will meet on this issue on July 9th.

Motion by Saal, seconded by Mittelsteadt to LAYOVER the request until we have received input from the Town of Merrill and hopefully bring back on the July committee meeting. Motion carried all ayes.
9. Approve Non-metallic Mining fee schedule – Dan Miller reviewed and committee discussed the proposed fee schedule. Motion by Mittelsteadt, seconded by Meyer to APPROVE the fee schedule as presented. Motion carried all ayes.
10. Approve termination of Carmody Data System contract- Dan Miller reviewed the issues and problems that we have encountered with the online permitting and septic maintenance system. The committee discussed the pros and cons and the options. Motion by Meyer, seconded by Mittelsteadt to approve terminating the contract with Carmody Data System. Motion carried all ayes.
11. Discussion of fencing ordinance – Dan Miller reviewed the information that he had received from other counties regarding fencing regulations. The committee had a lengthy discussion on their views and whether or not there was a need for regulating fences. It was agreed that this is not going to be a simple issue to resolve or make a decision on. Miller said that he would write something up addressing general fencing issues and present it to the committee at a future meeting. Bowers said he would research what is in the state statutes. Saal said Miller should notify the zoned townships and get their input on the need for fencing regulations by the county. Miller said that he would do a memo with some ideas to have possibly on the August agenda and share it with the townships for their input. This is a complicated issue that needs some research and we will be discussed further either at the July or August meeting.
12. Update on Mark Voigt's complaints – Dan Miller said that they visited with the manager at Victory Lane about the lighting issues. The problem is still ongoing. The stormwater issue was dismissed as Victory Lane was not causing the problem. We have not received the application for the rezone of the parcels that was discussed at the last meeting.
13. Public Comment Opportunity – There was no public comment.

At 2:40 p.m. the committee recessed for a 10 minute break. The reconvened at 2:50 p.m.

14. Approve the May 10, 2007 and May 23, 2007 meeting minutes – After discussion on a memo from June Winters, Program Assistant, regarding an error that she had made in the draft of the May 10, 2007 minutes she requested that the minutes be amended from their original text before the committee approved them. The third sentence in the second paragraph of item #8 should be replaced with the following “She stated that over the last 2 years their neighbor has put up a two foot wire fence along with some chicken coop wire fencing first, then a 6’ privacy fence (with the “good” side facing themselves) with a gap between each section. About a month ago the neighbor had the lot line surveyed and moved the existing short wire fence to the actual lot line.”

Motion by Meyer, seconded by Short to approve the May 10, 2007 meeting minutes as amended. Motion carried all ayes.

Motion by Saal, seconded by Mittelsteadt to approve the May 23, 2007 meeting minutes. Motion carried all ayes.

15. Administrator’s Report - Dan Miller reviewed & discussed the Administrator’s report. The committee reviewed and discussed the compliance and financial reports. Miller brought up the need by 2010 to revise or update our comprehensive plan and that would require a capital improvement request. He had presented it as an “FYI” item last year and will do a formal CIP request in 2009. The committee reviewed correspondence that had been received.
16. Convene in closed session pursuant to Sec. 19.85(1)(2) for the purposes of considering employment evaluation data of any public employee which the body has jurisdiction. [Zoning Administrator - Dan Miller annual evaluation] - Motion by Saal, seconded by Mittelsteadt to go into closed session with the Committee and Dan Miller; Zoning Administrator. Motion carried all ayes on a roll call vote.
17. Reconvene into open session and take any necessary action on item above - Motion by Saal, seconded by Mittelsteadt to reconvene into open session. Motion carried all ayes. Motion by Mittelsteadt, seconded by Saal to give Dan Miller a favorable evaluation. Motion carried all ayes.
18. Adjourn - Motion by Meyer, seconded by Short to adjourn at 3:20 p.m. Motion carried all ayes.