

**Lincoln County Planning and Zoning Committee  
Thursday, July 12, 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 Land Resource Center meeting room. Members present: Saal, Meyer, Rusch, Mittelsteadt and Short along with Dan Bowers; Zoning Specialist.
2. Toured sites that will be the subject of the public hearing that will be held at 1:00 p.m. The Committee returned from tours at approximately 11:15 a.m. and proceeded with the business items on the agenda starting with item #8. Dan Miller, Zoning Administrator joined the meeting at that time. After discussing items #8 & #9 the committee recessed for lunch at 11:50 a.m.
3. 1:00 p.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order by Chairman Saal. Saal, Meyer, Rusch, Mittelsteadt, and Short along with Dan Miller, Dan Bowers, June Winters; Program Assistant, Ray Kraemer; Court Reporter and approximately 8 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 Lance Nienow to combine view and access corridors and to allow an opening of 75 feet rather than a 30 foot wide opening along the shoreline of Lake Nokomis. The property is located in part of Section 4, T35N–R6E, in the Town of Bradley; having tax parcel numbers of 04.043506.018.32.00.00 and 04.043506.018.030.00.00 and an address of N11904 Rapel Road. The request is being heard under section 21.09(3)(f) of the Zoning Ordinance

Craig Nienow was present to represent Lance Nienow to give history of the property and explain the request. He stated that the website that Mr. Miller had directed him to was very helpful for the re-vegetation plan. He said the staff report had incorrectly stated the frontage and it is in fact 529' of frontage for the combined lots. Miller clarified that the 45 foot opening for the boathouse would have some vegetation replanted. There was discussion on the planting that would take place on that slope. Craig Nienow asked Miller to clarify the buffer depth requirement and Miller clarified the requested 40 foot buffer depth. Craig Nienow stated that some of that area will have some natural vegetation re-grown referring to conditions a) on the Town of Bradley approval. There was discussion on the re-vegetation plan. Mittelsteadt asked Miller to explain what would qualify as native vegetation and Miller did so.

Lance Nienow was present to support his request. Dan Bowers asked for clarification of the width of the opening north of the stairs that would be allowed. Dan Miller asked if he would have a problem with combining the lots and Lance Nienow stated that that has already been done and recorded.

Harry Gladwin, from the Town of Bradley Plan Commission, was present and reviewed the proposed conditions of their approval. He stated that Mr. Nienow has been very cooperative with their township. He reviewed the 2 points on the Township approval that differed from the staff report and hoped that the committee would take that into consideration. Saal thanked Mr. Gladwin for his input and taking time to come to the meeting and township involvement is very valuable to the committee in making their decisions.

Miller clarified the discrepancy in the frontage he had listed in the staff report and actual frontage was because he used the frontage that he measured at the grass terrace and not the assessed frontage listed in the tax record.

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

Motion by Mittelsteadt, seconded by Short to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS: Consistent with the Town of Bradley's recommendations.

- 1) The applicant will be limited to the request, i.e. the width of the boathouse, the lawn area connecting the boathouse with the stairway access, an additional 25 feet north of the stairs, and one additional access area currently located north of the home (for a total of 105 feet of opening). The slope between the boathouse and the stairs will be restored with native vegetation meeting ordinance standards.
- 2) Lot 32 will be combined with lots 30 / 31.
- 3) The vegetative buffer zone will be actively restored with native species or substitutions of native species that meet the ordinance standards over the entire remainder of the frontage to a depth of 40 feet from the ordinary high water mark. (The existing rip-rap to be excluded from the re-vegetation requirement.)
- 4) Existing native trees will be protected inside of the 40 foot buffer strip.
- 5) A deed affidavit will be filed to ensure that these conditions are enforced into the future.

Motion carried all ayes.

2. Request was WITHDRAWN by applicant.
3. A request by Gene Bagley to allow for an expanded home occupation (trailer sales) as a conditional use. The property is located in part of the NE ¼ of the NW ¼ of Section 12, T32N-R6E, in the Town of Merrill; having a tax parcel number of 14.123206.005.001.01.02 and an address of W5145 Schulz Spur Road. The request is being heard under section 17.3.09(8) of the Zoning Ordinance.

Gene Bagley was present to explain and to support his request. Miller had referenced the landscaping and lighting plan that Mr. Bagley had recently submitted to our office. There was discussion about the number of trailers that would be on the lot as Mr. Bagley stated that when he receives orders his limit may exceed 20 with just one order. Miller asked if confining the area for trailers as opposed to the number being limited would work out better. Bagley thought it would. Meyer asked if the easement that was referenced went with the land or was just between the current owner and himself. He said that it was just between Arnold Wyland and himself. Saal questioned additional lighting in the future. Bagley asked for clarification on the screening of the concrete wall that they will be using as a loading dock. Miller stated that the landscape plan as submitted would be sufficient. Mittelsteadt asked for clarification on the limit of number or area for trailers. Saal asked Miller to draw an area on the landscape plan what he would like it limited to. Bagley asked that he have an area for display and an area behind the building for "stock". Mittelsteadt indicated on the map the areas that would be used.

Stacy Pettit, Town of Merrill Supervisor, was present to review the township approval from the 7/9/07 Town Board Meeting. Chairman Saal closed the public hearing for the Conditional Use request.

Motion by Mittelsteadt, seconded by Saal to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS:

- 1) The applicant will supply a landscape plan for the parking lot area, including locations for new trees and shrubs, to create a natural buffer along Hwy 51, for department approval. (The site does not have to be totally screened but a "softened" appearance is the goal).
- 2) All new lighting will adhere to the lighting performance standards of section 17.5.04 of the Zoning Ordinance for new lights installed in the future.
- 3) Any onsite signage will adhere to the design principles of the Hwy 51 image corridor and the standards of 17.6.04 of the Zoning Ordinance.
- 4) Trailers for sale will be present on the designated sales lot on the property and the "overflow" parking lot as shown on the plot plan approved at the 7/12/07 meeting agreed to by the Committee, Zoning Administrator and Applicant.

- 5) No more than 3 non-family employees will be employed by the business at this location.
- 6) Facilities such as waste dumpsters and loading docks shall be adequately screened from Hwy 51.

There was further discussion on Meyer's concern about the easement agreement with the adjoining landowner. Motion carried all ayes.

The court reporter was asked to stay for the "Old Business" item.

5. Old Business: 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). Saal asked Miller to review the request for the committee and Miller did so. It was laid over from the 6/14/07 meeting at the Town's request. Gary Senner was present to support his request. He answered Meyer's question from the previous meeting stating that the easement is a recorded easement that goes with the property. Miller asked Senner if he had a problem with reconfiguring his lot layout if this request was denied. Senner stated that because of the topography this may be difficult. Miller explained the problems that the township had listed with their denial. Senner was not aware of any maintenance issues that would occur. Saal gave Senner a copy of the document that the Zoning Office had received from the Town of Merrill with their denial from the 7/9/07 Town Board meeting. Bower again asked about reconfiguring the lots. Senner did not want to make a larger lot because the price that he would have to ask for the larger lot may make it cost prohibitive for selling the parcel. There was more discussion on the road issue.

Chairman Saal read a letter into record from the Town of Merrill from their 7/9/07 meeting regarding their denial of Mr. Senner's waiver request. He thanked Ms. Pettit for attending for the Town of Merrill.

Stacy Pettit, Town of Merrill Supervisor, was present and stated Mr. Senner had not attended the Town of Merrill meeting and that the town's denial stemmed from looking to the future and they do not want to have roads created that may not be maintained and therefore could create problems for the town in the future. She spoke with 3 adjoining property owners and discussed their concerns. The town doesn't want to get into possible future legal issues because of unanswered or unaddressed issues now. Because of the zoning and sizes of existing lots in this area that they did not wish to have these smaller lots created with access issues. Mittelsteadt and Saal commented on the reasons for denial that the town has given and the fact that they will be taken into consideration in their decision. Saal closed the public hearing for the "old business" of the Senner waiver request.

There was discussion on the possibility of Mr. Senner communicating with the township to get on the agenda for their next meeting and attend that meeting to seek approval of his request then coming back before the Zoning Committee.

Motion by Mittelsteadt, seconded by Meyer to LAYOVER THE WAIVER for one month on the contingency that he go before the Town of Merrill at their next town meeting and if it is again denied at that town meeting it would automatically be DENIED; if approved by the Town of Merrill he would then come before our committee in August for discussion. Motion carried all ayes.

At 2:20 p.m. the committee took a 5 minute break. Supervisor Short had to leave due to a prior commitment. They reconvened at 2:30 p.m. with Supervisor Short absent.

During the break it was discovered that due to the Town of Merrill's next meeting date and the next Zoning Committee meeting date the committee would not have an answer from the Town of Merrill in time for the August meeting. Motion by Mittelsteadt, seconded by Meyer to AMEND the motion to LAYOVER the Senner Waiver to extend the time that this committee acts until their September meeting. Motion carried all ayes.

6. Fencing memo – Concepts to consider for ordinance amendments - Dan Miller reviewed some of the memo sent to the townships and information that had been compiled from the current ordinance and state statutes. Saal asked if Miller had received any input from the towns yet. Miller said nothing has been received but there is one town

representative present at today's meeting. Rod Burgener, Town of Russell Chairman, was present and asked what was presently in effect. Saal explained the reason that this discussion has come about and that the committee wanted to know if the townships see fencing issues as a problem and if the committee should implement a Fencing Ordinance. Mittelsteadt stated that he still believes that the county should have something in place addressing fencing issues to avoid problems. Burgener asked why problems in subdivisions couldn't be headed off with the covenants of the subdivision instead of creating an ordinance. Saal stated that because of the lack of need based on so few fencing complaints he is a little wary of making a broad brush rule that may have a negative effect on the entire county without input from more of the town officials. It was speculated that we have not had any response to the memo that was sent to the town Clerks and Chairmen because they have not had an opportunity to discuss it at their respective town meetings yet. Rusch suggested that Miller follow up with another letter to the townships explaining our intent with a deadline for their response. Saal directed Miller to draft a letter and get it out to the town officials requesting input on this issue before the September Zoning Committee meeting (or to possibly send a representative to discuss it with the committee at that meeting). Saal suggested that Miller get the letter out before the end of July so that the towns may discuss it at their August meeting. Motion by Saal, seconded by Rusch to LAYOVER discussion of fencing issues until the September meeting. Motion carried all ayes.

7. Public Comment Opportunity – Harry Gladwin commented that he learns something every time he attends these meetings.
8. Approve the June 14, 2007 and June 25, 2007 meeting minutes – Motion by Meyer, seconded by Short to approve the June 14, 2007 meeting minutes. Motion carried all ayes.

Motion by Rusch, seconded by Mittelsteadt to approve the June 25, 2007 meeting minutes. Motion carried all ayes.

9. Administrator's Report - Dan Bowers reviewed and the Committee discussed issues on the Compliance report. Dan Miller reviewed & discussed the Administrator's report. The committee reviewed the financial report. Dan Miller brought up a few items regarding preparing the 2008 budget and there was discussion on them. Miller discussed more state mandates that may be coming in the near future regarding shoreland zoning. The committee discussed proposing a resolution from Lincoln County to the State of Wisconsin expressing our feelings on the number of unfunded state mandates that have been imposed on the counties. It will be put on the August agenda and hopefully go to County Board on 8/21/07. The committee reviewed correspondence that had been received.

The committee convened for lunch at 11:50 a.m.

10. Adjourn - Motion by Rusch, seconded by Meyer to adjourn at 3:00 p.m. Motion carried all ayes.