

**Lincoln County Planning and Zoning Committee
Thursday, August 9, 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 also toured the Michael Smith site (Old Business) – Loop Rd in the Town of Bradley, and Tomahawk Race Way (the subject of the August 16th special committee hearing) – County Rd A in the Town of Bradley. The committee returned at 11:30 a.m. and proceeded to items #10 & #11 on the agenda. The committee recessed for lunch at 12:08 p.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, and Short along with Dan Miller, Dan Bowers, June Winters; Program Assistant, Ray Kraemer; Court Reporter and approximately 8 others were present. Mittelsteadt joined the meeting in progress at 1:10 p.m.
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 Edward Frary to allow for camping in a Rural Residential 3 zoning district longer than 60 days a year. The property is located in part of Section 26, T34N–R6E, in the Town of Bradley; having a tax parcel number of 04.263406.016.002.02.00 on Hillcrest Road. The request is being heard under section 17.3.03(9) of Lincoln County Ordinances.

No one came forward to support the request. We did not have input from the Town of Bradley Board. Harry Gladwin was present and stated that it will go before the Town of Bradley Board on 8/13/07 and that the Bradley Plan Commission did recommend approval with the time restrictions that were listed on the staff report. Saal asked about the difference between the timeframe originally proposed and the timeframe in the staff report. Gladwin said that the Plan Commission agreed with the time frame suggested by staff after seeing the report. There was discussion on laying the request over until we have input from the Town of Bradley Board. Chairman Saal closed the public hearing for the Conditional Use request.

Motion by Meyer, seconded by Rusch to LAYOVER the request until our September meeting after we receive input from the Town of Bradley. Motion carried all ayes.

REZONE

2. A request by James Koebe (buyer) and Donna Hinz & Nancy Koehler (owners) to rezone 14.37 acres from a Rural Residential 3 zoning district to a Crossroads Mixed Use zoning district to allow for the possibility of mini-warehouses. The property is located in the NW ¼ of the NW ¼ of Section 24, T31N, R6E, in the Town of Scott; having a tax parcel number of 24.243106.006.003.00.00 on County Road K. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

Jim Koebe was present to explain and support the request. He wishes to construct mini warehouses and it has to be rezoned as the first step. Dan Miller asked Koebe approximately how many he would build and any other future plans for the parcel. He said that it would be as the market allows. He has no plans for building homes,

annexing or splitting the property at this time. Miller explained the current plan and zoning and said that he had spoken to the Town of Scott Chairman and it will be on their 8/14/07 town meeting. Miller stated that the town would also have to amend their Land Use Plan. He explained the suggestions on the staff report. Chairman Saal closed the public hearing for the Rezone request.

Motion by Mittelsteadt, seconded by Short to APPROVE CONTINGENT UPON receiving a resolution of support from the Town of Scott at their 8/14/07 Board meeting. If township approval is received the request will go before County Board August 21, 2007.

After the motion Saal said that he would rather see the request laid over. Mittelsteadt said he was more in favor of the contingent approval because he still would have to come back with a Conditional Use Request for approval for actually building the storage units. He sees no need in delaying the rezone. Saal asked Miller for the pros and cons and he stated because of his conversation with the Town Chairman he felt comfortable either way. Motion carried all ayes.

3. A request by Robert Schmidtbauer (owner) and co-applicant John Letscher (buyer) to rezone 5.8 acres from a Rural Lands 4 zoning district to a Rural Residential 3 zoning district to allow for the property to be further subdivided. The property is located in the NW ¼ of the NE ¼ of Section 13, T35N, R6E, in the Town of Bradley; having a tax parcel number of 04.133506.002.001.03.00 on Nibler Road. The request is being heard under section 17.8.25 of Lincoln County Ordinance.

John Letscher, the proposed buyer, was present to explain the request. He stated that most of the lots around Muskellunge are zoned Residential and this would bring these lots in line with that zoning. Meyer had a question about the driveway and Letscher clarified the issue. Saal asked about the wetlands on the property and there was discussion on that. Dan Miller had questions about how he was proposing the parcel split after the rezone. Letscher passed a preliminary sketch around with that information. Saal asked Miller about an access issue with the split. He said that would not be a problem. Miller explained why the current zoning for the parcel shows split zoning.

Harry Gladwin, Town of Bradley Plan Commission member, was present. He explained that the rezone request had been approved by the town a couple of months ago and they have also approved the subsequent land split. Saal noted that the zoning change request had been passed by the Town of Bradley with a vote of 4-0. Chairman Saal closed the public hearing for the Rezone request.

Motion by Meyer, seconded by Rusch to APPROVE the request to change the split zoning of the parcel from Rural Lands 4/Rural Residential 2 to Rural Residential 3 including the area to the west of the GL line. The request will go before County Board August 21, 2007. Motion carried all ayes.

The court reporter was asked to stay for the "Old Business" item. At this time Jerome and Shirley Maney (who had entered the room a few minutes before) gave the committee a letter of opposition to what had been the first request of the public hearing (Ed Frary request). They were told that the request had been laid over and their letter would be presented at next months meeting. They will be sent an agenda for the meeting.

5. Old Business: A request by Michael Smith to allow for the construction of a storage building that exceeds 1,500 square feet in a Rural Residential 1 district. The property is described as part of Section 31, T35N, R06E, in the Town of Bradley; having an address of W7183 Loop Road. The request is being heard under section 17.3.09(1)(f) of the zoning ordinance.

Mike Smith was present to answer any questions that the committee has of him. He has since hired a surveyor and a lawyer to address the issues and they have submitted their information. Dan Miller stated that he had revised the staff report and reviewed it for the committee. They appeared to be exceeding the impervious surface limit and showed

that was not the case by having a survey done defining the lot boundaries and area. There were discrepancies in legal descriptions and they will need to do a "line by agreement" with a Mr. Whipple who is an adjoining land owner to rectify the problem. He has complied with our requests as long as he follows through with the "Line by agreement" and combining of the parcel. Mary Smith was present to support the request and stated that they would follow through with those conditions if granted. Harry Gladwin was present and stated that the Town had given their approval last November with the condition that the lots be combined. Chairman Saal closed the public hearing for the Mike Smith request.

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

CONDITIONS: 1) The lots must be combined by deed. 2) The "Line by agreement" referenced on the survey must be recorded. Motion carried all ayes.

6. Public Comment Opportunity – Earl Welker was present and wanted to communicate with the committee and staff his appreciation of the communication with the towns. He stated that Harry Gladwin had stood up at the last County Board meeting and thanked the Zoning Committee and Zoning Staff for working as a team with the towns and he wished to second that comment. He stated that we have undergone so many changes over the last four years and have had some problems but believes that we are working out those problems. He referenced a couple of issues that are currently being addressed. A structure that apparently would be more appropriate in a commercial zoning and a home that was adding a second story that was issued permits by county Zoning and problems surfaced after the permits were issued. He said that he had spoken to the Wisconsin Towns Association regarding enforcement of all of their own new zoning regulations and need some direction as enforcement will become a problem for the townships. He touched on communications for changes to the zoning code that he has to explain to the rest of the committee. He also said that the procedure that the town of Bradley has in place for land divisions has been working for them and the Town of Schley is looking at implementing the same type of procedure. He reiterated that he appreciates the cooperation from the Zoning Staff. He asked about the upcoming meeting (September Zoning Committee meeting) where we are asking for input from the township regarding the need for a Fencing Ordinance. He said that their Planning Commission did not receive anything. It was pointed out that the information was sent to the town Chairman and Clerk. Saal thanked him for his time in coming in.

At 1:50 p.m. the committee took a 10 minute recess. The meeting reconvened at 2:00 p.m.

7. Discussion on Resolution opposing NR115 - Dan Miller reviewed the draft of the resolution voicing Lincoln County's opposition to the Department of Natural Resources' proposed NR115. There was discussion on the resolution. Motion by Saal, seconded by Short to forward the resolution to County Board on August 21, 2007. Motion carried all ayes.
8. Discussion on 2008 Budget (Preliminary) – The preliminary budget was passed out to the committee along with some additional comparisons and proposals. Miller said that he would like to see the proposed budget go to our August 16, 2007 meeting for committee approval. There was discussion on the preliminary budget and proposed increases and decreases in revenues and expenditures. It was discussed that one way of bridging the gap was to raise permit fees. Miller explained the different proposals for fee increases. Miller reviewed the carry over requests that we will be asking for. There was discussion on the comparison of charges in the two publications that we are now required to publish our legal notices in and what that will add to our budget. There was additional lengthy discussion on the fee schedule and which if any or all should be raised. Motion by Short, seconded by Saal to increase ALL of the fees as proposed. The committee had further discussion regarding which fees should be raised. Motion failed 2-3 with Meyer, Rusch & Mittelsteadt voting nay. Motion by Mittelsteadt and seconded by Rusch that in conjunction with proposed budget cuts to increase some of the Land Use Permit plus Public Hearing fees an appropriate amount (effective January 1, 2008) to help compensate for the 2% increase restriction. Other fees may be increased next year. Motion carried all ayes. The budget will be prepared and ready for signatures at the August 16, 2007 Zoning Committee meeting.

Meyer asked for a 5 minute break at 2:45 p.m. Committee reconvened at 2:55 p.m.

9. Chapter 17, 20 & 22 ordinance amendments discussion – Dan Miller reviewed several proposed amendments to these ordinance chapters. He just asked for guidance from the committee for timelines on these amendments. Chapter 22 change refers to the reference in the code requiring online submission for sanitary permits. Chapter 20 changes refer to the changes due to the fact that our floodplain ordinance is out of compliance but we are waiting for maps and other information to be in compliance. Meyer asked if the changes will reflect the dams that have been taken out. Miller said it would. Some proposed Chapter 17 changes are to clean up contradictory wording in the current ordinance. One was wording that was missed when we had a previous code change regarding stormwater management plan. The next is the wording regarding “Density tracking” is creating issues because we have previously disregarded homes in the RL4 and RL2 district that existed prior to the code change. The way it has been treated is allowing for possible densities that are way beyond what the district had originally been intended for. Miller asked if these issues or changes should all be lumped into one ordinance amendment hearing. Saal felt that they should be treated as separate amendments as the Chapter 20 & 22 issues are something could be taken care of in the near future and the density issue is something that would require more township input. Gladwin asked for a definition on what is considered “spot zoning”. Miller explained that if it only benefits one person and does not benefit anyone else, the community or the township it is considered a “spot zone”. Miller said that the last ordinance change for consideration is clarification on not making lots smaller than the prescribed density so you can not create a parcel that could not be built on and there was discussion on that subject.

Miller asked for a timeline for a meeting for town input on the proposed changes to Chapter 17. Saal had to excuse himself to leave the meeting at 3:18 p.m. After discussion about conflicting with monthly town meetings the meeting will be scheduled for Wednesday, September 12, 2007. The Committee moved to item #12 on the agenda.

10. Approve the July 12, 2007 meeting minutes – Motion by Short, seconded by Saal to approve the July 12, 2007 meeting minutes. Motion carried all ayes.
11. Administrator’s Report - The Committee discussed issues on the Compliance report. Saal brought up the subject of complaints filed by Committee members and referred to an incident in Oneida County with a Committee member both being a complaint maker and a decision maker on a compliance issue. Miller said that if the committee member had a personal interest in the complaint they should probably abstain from the decision making process on that particular issue. There was further discussion on the matter. Miller reviewed & discussed the Administrator’s report. Meyer asked about the NR115 hearing in Wausau that Miller had attended and he shared comments made at the hearing and his views and there was lengthy discussion by the committee as to the need for this legislation and the financial impact of this legislation on our county. Miller said that there would be further discussion when we get to item #7 on the agenda. Dan Miller explained the Wisconsin Way Project that he is involved in to the committee. It is an initiative that stems from the budget problems that the state is having. It is a group he was invited to join supported currently by the Wisconsin Counties Association, Wisconsin Realtors Associations, Wisconsin Education Association Council (WEAC) and Wood Communications Group (Public Relations) that wants to organize “Town Hall” type meetings over this next winter for people to gather to discuss alternative funding sources and ideas to improve the path that Wisconsin is on now. He is not there to support a “position” on the matter just to help facilitate the process of exploring options. He just wanted to make sure that the committee did not have a problem with him participating with their support. He has spoken to Corp Council and the County Board Chairman and has found no objection. Meyer said that she and Rusch have recently been involved with issues regarding the aging issue into the future in Wisconsin and says that she is fully in support of finding a way to head off these problems. Motion by Saal, seconded by Meyer for Dan Miller to be allowed to participate in the Wisconsin Way project. Motion carried all ayes. The committee recessed for lunch 12:08 p.m. They will proceed with agenda item #3 when they return.
12. Adjourn - Motion by Mittelsteadt, seconded by Rusch to adjourn at 3:20 p.m. Motion carried 4-0.