

Lincoln County Planning and Zoning Committee
Thursday, August 10, 2006 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, Mittelsteadt, G. Rusch, and Short along with Dan Miller; Zoning Administrator and Dan Bowers, Zoning Specialist. Meyer was absent.
2. Toured sites that will be the subject of the public hearing that will be held at 1:00 p.m. Also tour Wisconsin River Heights Subdivision and Bob Schowalter property.
3. Recessed for lunch at 11:53 a.m. to meet at 3's Company, 3201 E. Main St., Merrill
Re-convened for Public Hearing at 1:10 p.m. in the Land Resource Center Meeting Room
4. 1:00 p.m. Public Hearings (See public hearing notice) Hearings were held on the item listed in the notice. Saal, Mittelsteadt, G. Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist, June Winters; Program Assistant, Pam Bright - Court Reporter and approximately 13 others were present. Meyer was absent.
5. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use request and Rezone which were the subject of the Public Hearing

CONDITIONAL USE REQUEST

1. A request by Rudy Johnas to allow for a trucking terminal in a Planned Industrial District. The property is described as lot 2 of CSM 1395 located in part of the NW ¼ of the NE ¼ of Section 25, T31N, R04E, in the Town of Corning; having a tax parcel number 06.253104.002.003.00.00 and an address of W9867 Hwy 64. The request is being heard under section 17.3.08(4) of the zoning ordinance.

Rudy Johnas was present to support his request. Johnas gave background on his request. He had concerns for the proposed condition in the staff report of a limit of 5 truck/trailer units as there are times that he may exceed that limit now and in the future due to other owner/operators coming in to his property. He discussed some of the safety issues that he discussed with a Sgt. Pautz at the Wis. State Patrol.

He would like it allowed that he be able to have 7 "bobtail" units on the property and more trailers. He has 7 trailers now and is likely to purchase more in the future. Chairman Saal then read the minutes from the Town of Corning from their 8/8/06 meeting with the conditions that they recommended with their approval. Johnas said that he had spoken to John Kudick about the confusion regarding the number of trucks/trailers allowed on the property. He said that they also spoke about the "jake braking" that trucks do and that his drivers will not use that type of braking. Dan Miller stated that he had also spoken with John Kudick and it was his opinion that it was 5 truck/trailers that they wanted it limited to and that they weren't really concerned about the number of loose trailers sitting on the property.

There was discussion on item #4 on the staff report regarding blacktopping.

There was discussion again on the number of truck/trailers allowed and if it would include any units inside of the shop. Mittelsteadt asked if the limit that we are imposing could just pertain to the units outside, not counting what's inside the shop. Miller agreed that would make sense.

Chairman Saal closed the public hearing for Rudy Johnas.

Motion by Mittelsteadt, seconded by Short to APPROVE ON CONDITIONS the request of Rudy Johnas for a trucking terminal in a Planned Industrial District. CONDITIONS:

- 1) No more than 5 tractor semis with a maximum of 7 trailers parked/located on the property at any given time (outside of shop).
- 2) Maintain existing vegetation that qualifies as "screening" as defined by the zoning code between the road and the buildings and install a fence or vegetation to create screening along the west property line running from the north side of the building to the southerly edge of the gravel parking lot. If trees die in the screened buffer yard, they shall be replaced as soon as practicable.
- 3) All external lighting must comply with 17.5.04 of the Zoning Code.
- 4) All parking, loading and circulation areas shall be paved in accordance with the zoning regulations within 2 years.
- 5) If catch basins are installed in service bays within the building, the wastewater shall be directed to a holding tank under approval of the WDNR.
- 6) Shall abide by any other applicable state or federal code pertaining to the trucking business and associated building.
- 7) No engine braking unless in case of emergency
- 8) Truck idling not to exceed 10 minutes (for trucks owned by Johnas)
- 9) No backing out of the driveway with the semi tractor/trailers

(Discussion regarding the condition that Town of Corning wants imposed regarding no parking on the highway)

Motion carried all ayes.

PETITION FOR REZONING

2. A request by William Dinges to rezone part of 2.4 acre parcel from a Rural Residential 2 district to a General Business district to allow for a commercial storage building. The property is described as part of the NW ¼ of the NW ¼ of Section 23, T31N, R5E, in the Town of Corning; having a tax parcel number 06.233105.006.001.01.12 and an address of N1294 Hwy 64 & 107. The request is being heard under section 17.8.25 of the zoning ordinance.

William Dinges was present to support his request. He gave background and reason for his request. Dan Miller explained that the parcel that Dinges owns is split zoned because he has purchased additional land and the need for this request. Dinges does have plans for building a storage building for his own use. Saal read the minutes from the Town of Corning meeting on 8/8/06 regarding their approval with no conditions.

Chairman Saal closed the public hearing for the Dinges rezone.

Motion by Mittelsteadt, seconded by Rusch, to APPROVE the request of William Dinges to rezone from RR2 to General Business District. Motion carried all ayes. It will go to County Board August 15, 2006.

6. Public Comment Opportunity. Mittelsteadt asked that they postpone Public Comment until later in the meeting because Earl Welker would be coming back to discuss an issue.

At 2:05 Saal called for a 10 minutes recess.

7. Subdivision: Major Plat for Donald Forster (Wisconsin River Heights) (Final Plat) – MSA Professional Services & Naterra Land. - Dan Miller spoke about the outstanding issues for the approval regarding the stormwater plan and a manure pit on the property. Zoning staff recommends approval contingent upon 1. Existing manure pit be properly abandoned 2. The Stormwater plan approved by Lincoln County Land Conservation 3. The public

access plan be in place. He would like to see a formal signed development agreement with all parties. Keith Rusch from Naterra Land, Inc. was present to answer questions.

Keith Rusch from Naterra Land, Inc was present to answer questions. Bowers spoke about the agreement with Borhardt and the manure pit issues in regard to wells. Diane Hanson was present and said that their office would work with Naterra on the requirements for proper abandonment and removal of contaminated soil. Hanson explained their outstanding concerns regarding the stormwater issues. K. Rusch stated that they have no problems meeting the requirements that they just want it clarified what is still required and no more confusion. Miller suggested that in the future there be an initial joint onsite with the developer, engineers, zoning & land conservation staff. There was discussion on responsibility down the road if there are problems with the stormwater. There was discussion on the covenants for the subdivision.

Jane Severt was present to speak about the public access agreement. Hanson spoke about the erosion controls in that area.

There was discussion about the covenants regarding Outlot 1 and the number of docks/mooring allowed. There was discussion on the selective timber harvesting listed in the covenants.

Saal asked if we have the power to limit the number of docks and Miller said that we really do not. This should have been addressed earlier in the process as part of preliminary approval. K. Rusch asked if he could see what zoning is asking for to take back and present to his company as a suggestion. K. Rusch doesn't want to see the lot owner's lose the amenity for their investment. There was discussion about docks vs. wharfs because of it being on the river and not a lake.

Motion by Saal, seconded by Mittelsteadt, to APPROVE the final plat of Wisconsin River Heights CONTINGENT UPON: 1) Manure pit be properly abandoned 2) Stormwater plan receive Lincoln County Land Conservation Department approval and no construction to begin until then 3) Public Access - signed development agreement between Naterra Land and the Lincoln County Forestry Department 4) Disclosure be made to landowners of this development of manure pit existence and potential impact on well locations. Motion carried all ayes.

8. A request from Robert Schowalter for a waiver from the subdivision ordinance to create lots that will not have frontage on a Public road. Dan Miller gave background on the request. Discussion occurred on the proposed CSM and Road Maintenance Agreement. Robert Schowalter was present to support his request. He stated that his was consistent with the previous request by the neighbor Mr. Voigt that was approved by the committee previously. Miller asked about issues that the Voigt's had regarding the easement. Bowers asked if he was assuming the responsibility all of the way in from Mohawksin Rd. Mr. Schowalter stated that he was. Mittelsteadt questioned what improvements he is planning for the road construction and width because it is questionable from a safety standpoint. Mr. Schowalter said he didn't have a problem with that but he needs direction and what our requirements are. G. Rusch asked if the road could be straightened out to make it easier for emergency vehicles to negotiate.

Clarence & Arlene Voigt were present to provide an option to his proposal. It would involve Mr. Schowalter purchasing land from the Voigts to alleviate the issue of the road. If he would purchase their land there would be no need for the waiver. Voigt said that when they made their request 3 years ago they had to purchase additional property to satisfy the conditions of their Petition of Modification to have two private driveways.

Mittelsteadt asked if Mr. Schowalter wanted to continue with his request. Schowalter stated would still like to divide the property in the manner in which he has presented.

Motion by Saal, seconded by Short, to APPROVE ON CONDITIONS the waiver request of Robert Schowalter to create lots that will not have frontage on a public road. CONDITIONS: The private road be a minimum of 16 foot working width with the exception of the stone gates 2) that the road surface be maintained in good condition. 3)

Road specifications to be determined by Zoning department 4) Road maintenance & easement agreement be recorded with the CSM. Motion carried all ayes.

At 3:15 the committee called for a 10 minute recess.

Public Comment was moved to here - Earl Welker was present from the town of Schley to discuss a letter that had previously been given to the committee. 1) Suggesting problems with the CMU district and suggesting a separate Zoning District for areas like Gleason –with more lenient setbacks and no maximum building coverage. 2) Type of foundation required for manufactured homes no matter the zoning district. He just wanted to explain his letter and ask if they had any questions of him. Mittelsteadt asked what he was really looking for regarding the foundation issue. Welker said that the foundation required for manufactured homes used as a year round dwelling should be consistent throughout the districts. Saal cautioned the committee on what is being discussed now and suggested putting it on the next agenda. The issue of foundations for manufactured homes will be put on the agenda for the September Zoning Committee meeting.

9. Approve the July 6, 2006 and July 13, 2006 meeting minutes- Saal ask that the minutes from July 13, 2006 be amended to replace the line in item 11 Administrator’s Report that read “Saal stated that the number of Zoning personnel that there is in Lincoln County doesn’t allow for better communication with each and every township’s concerns and have to make due with what we have” with the line “Saal stated we will just have to keep all of these thoughts in mind as we go through our procedures and try to do the best job we can in making solutions.” to more accurately reflect the comments that had been made because he believes that we need to keep the best possible relationship with the towns and he did not want them to read anything into his comment that he did not intend. Motion by Saal, seconded by Mittelsteadt to amend the July 13, 2006 minutes and approve the July 6, 2006 & July 13, 2006 minutes. Motion to amend the July 13, 2006 minutes carried all ayes. Motion to approve the July 6, and July 13, 2006 amended minutes. Motion carried all ayes.
10. Administrator’s Report - Dan Miller review & discussed the report. Brief discussion on Compliance report and financial report.

A Data Conversion update was given. Bowers gave an update on the density allotment project.
11. Discussion on Preliminary Zoning Budget for 2007 - Miller reviewed the proposed budget for the committee. Motion by Saal, seconded by Rusch to approve the Preliminary Zoning budget for 2007. Motion carried all ayes. Committee members that were present signed the proposed budget.
12. Draft Subdivision ordinance amendments – Set public hearing date – Miller reviewed some of the highlights of the proposed ordinance amendments and there was discussion on a couple of items. Saal asked if we could discuss this further the same day as the tour but requested that we reschedule the tour date to September 8th ; discussing these amendments before leaving for the tour. Tour meeting rescheduled for 8:30 a.m. on September 8, 2006.
13. Adjourn – Motion by Rusch, seconded by Mittelsteadt, to adjourn at 4:25 p.m. Motion carried all ayes.