

**Lincoln County Planning and Zoning Committee
Thursday, September 13, 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, Mittelsteadt and Short along with Dan Bowers; Zoning Specialist. Rusch was absent.
2. Toured sites that will be the subject of the public hearing that will be held at 10:00 a.m. The committee also toured the Beyer gravel pit which is item #7 on this agenda as "Old Business".
3. 10:00 a.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order at 10:12 a.m. by Chairman Saal. He apologized for starting late but the trip out to the gravel pit site took longer than expected. Saal, Meyer, and Short along with Dan Miller, Dan Bowers, June Winters; Program Assistant, Ray Kraemer; Court Reporter and 9 others were present. Rusch was absent.
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 Richard Heckendorf Jr. to allow him to build a storage building larger than 1,500 square feet in size in a Rural Residential 3 zoning district. The property is lot 1 of CSM 1682 and located in part of the NE¼ of the NW¼ of Section 33, T32N–R6E, in the Town of Merrill; having a tax parcel number of 14.333206.017.001.01.00 and an address of N2689 Snow Road. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Richard Heckendorf Jr. was present to support his request. He explained his request to the committee. Chairman Saal read into record the approval from the Town of Merrill's 9/10/07 meeting with the Town Board unanimously approving the request on a 4-0 vote with no conditions. Chairman Saal closed the public hearing for the Conditional Use request.

Motion by Mittelsteadt, seconded by Meyer to APPROVE the Conditional Use request. Motion carried all ayes.

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

5. Old Business – Conditional Use Request for Edward Frary (Town of Bradley) – Hillcrest Rd – 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. The request was held over at last month's hearing waiting for Town of Bradley input.

Chairman Saal read into a record a letter from Mr. Frary stating that he would not be able to attend this meeting. Dan Miller reviewed the request for the committee and stated that we had received one letter of opposition from an adjoining neighbor that was mistakenly under the impression that Mr. Frary was opening a "campground". This is not the case and that was communicated to the opponents of the request. Miller also stated that we had received the Town of Bradley's approval form giving unanimous approval with the condition listed in the staff report. Harry Gladwin was present from the Town of Bradley Plan Commission. He also reviewed the Town's approval. Meyer asked for clarification on the "one camping unit" and Gladwin said that it was his understanding that Mr. Frary could

not have more than the one unit left longer than a 60 day time period which prompts the need for this Conditional Use. Chairman Saal closed the hearing for the Conditional Use request.

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

CONDITIONS:

1. Shall be not more than one occupied camping unit.
2. Adequate sanitation meeting all applicable State and County regulations, such as private on-site waste disposal system or privy, shall be required.
3. This conditional use for the camper as a principal structure will expire on December 21, 2010.

Motion carried all ayes.

6. Old Business – Gary Senner – Subdivision Waiver request – (Town of Merrill) – Off of Swede Rd – Dan Miller explained that the request had been withdrawn by Mr. Senner. When it comes time to sell the property he will act within the parameters of the law for selling the lots.
7. Old Business – Beyer gravel pit – CUP-04-018- (Town of Schley) – Trout Rd – A Conditional Use was granted on 9/9/04 to operate a gravel pit off of Trout Rd in the Town of Schley. Dan Miller reviewed the original Notice of Action where Condition #11 reads “The permit shall be evaluated on the 36th month of the permit by the Planning and Zoning Committee and shall be considered under “Old Business” on the agenda to make sure it’s running properly. Such things as numbers of complaints filed and adherence to the conditions of approval shall be considered at this time. Any remaining stockpiled material after 7 years may be sold and hauled from the site for one additional year”.

He stated that this is not a hearing to extend the Conditional Use or terminate the original Conditional Use just to hear what kind of stewards the owners and operators of the gravel pit have been. He reviewed the issues that he has had to deal with. In December of 2004 he had to speak to Duffek regarding scalping, excavating and stockpiling that was being done too close to the river and the refueling trucks were also being parked too close to the river. He explained that he spoke with drivers from Duffek at the time and the problems were resolved. He stated that the Zoning Department was not aware of any other complaints against the pit until now.

Ron Beyer, owner of the pit, was present. He said that up until a couple of weeks ago he thought everything was running smoothly. He said that he knows that there have been some instances where the pit has used outside of the allowed hours for operation. He said he had spoken to Ann Rapp on one of the instances and she said that it was no problem that day. Another instance Beyer said that someone had contacted Duffek without Beyer’s knowledge and was hauling without dust control on the road. There was another instance where Beyer had been contacted by someone to haul gravel Friday and Saturday. Plans were pushed back a week to Labor Day weekend when Beyer was out of town. Beyer called his grandson to open the gate on Friday. When he returned Beyer received a call from Rick Dorn, Town of Schley Chairman, that someone had been hauling after noon on Saturday and on Sunday. He understands that they will have to monitor it more closely but at times it is hard to have control over all of the different drivers that haul out of the pit. He will put up a sign at the pit with the conditions that the drivers must follow. Short asked Beyer how far he lives from the pit. Beyer stated about 2.5 miles. Saal asked how far the Rapps live from the pit. Beyer stated just over ¼ mile.

Mittelsteadt suggested that Beyer make the driver’s sign a copy of the conditions indicating that they would not be allowed to haul from the pit if they did not follow the conditions as it jeopardizes the operation of the pit. He said he remembered also a complaint from Ormonson’s near the pit but he thinks that was taken care of. Saal commented that the conditions should be adhered to and if the committee has received complaints due to lack of control over the pit area it is ultimately Beyer’s responsibility. Mittelsteadt stated that the conditions should speak for themselves and all using the pit should be aware of those conditions. Beyer stated that he has spoken to Cal from Duffek that these problems will not happen again as they will have tighter control over the pit. Miller stated that had Zoning been aware of all of the issues this would have been addressed earlier. Other than the original complaint that we

handled the rest of the complaints had only made it to the township level but it is not the Chairman of Schley's responsibility to police the pit.

Cal Krueger from Duffek Sand and Gravel from Antigo was present. He said his company developed the site and agreed that they will do a better job of monitoring. Mittelsteadt suggested that they put up the sign where the trucks refuel (where all can see) to communicate all the conditions of the permit.

Ann Herda-Rapp was present (she had missed the first part of the testimony). She had submitted a letter but wanted to reiterate that she feels that there are many issues with the self regulation of the pit and that the conditions that were agreed upon have been ignored. In the absence of the ability to self regulate she feels that they are at a crossroads. Saal reviewed that they have had a number of letters of opposition and the two parties currently monitoring the pit have stated that they will monitor it more closely to avoid problems. Meyer asked Herda-Rapp to clarify the "excessive speeds". Herda-Rapp said there are some drivers that abuse the limit both coming in and going out. She has a small child and she worries about his safety or anyone walking along the road. Mittelsteadt advised Herda-Rapp to contact Dan when she has any complaints. She said that they were assured when this Conditional Use was originally granted that they would self regulate and adhere to the conditions and that is just not happening. She said also that after the original permit they had the understanding that this pit would operate for 7 years with an additional year to haul out the stockpiled material and they thought that they could live with it if it would end after 8 years from the original date. Mittelsteadt again said that if the drivers are made aware of the conditions and understand that they will lose their privileges if they are not adhered to it may make a difference. She agrees that sometimes that it is just the drivers but she said also the pit owners and operators are at fault. Saal questioned Herda-Rapp about the Saturday complaint and Herda-Rapp said that these were two different Saturdays and the one that she referenced in her letter is not the one that Beyer had asked her permission to operate outside of the hours allowed. She did comment however that the 4-5 loads that day turned into 10-12 and they hauled until 7:30 p.m. Saal reviewed some of what Mr. Beyer had said at the podium for Ms. Herda-Rapp and said that the committee had communicated to the pit owner that he needs to do a better job of monitoring to avert future problems. Herda-Rapp asked if there was a "next stage". Saal asked Miller to explain the procedure. He stated that the committee has tools to assure that conditions of permits are adhered to. If there are more violations a revocation hearing may be called. He said it was up to the committee's discretion at what point they felt that a revocation hearing would be justified.

Chairman Saal did state that the Committee had received letters from John Rapp/Ann Herda-Rapp, W.J. Walley, Brad & Peg Price and Tom & Dawn Walley citing complaints regarding the gravel pit. Saal suggests that the Committee continue to monitor the issue. Motion by Saal, seconded by Mittelsteadt to take no action at this time, monitor the gravel pit operation and schedule another evaluation in 36 months from this date to review the operation of the gravel pit (unless, because of problems, the Zoning Administrator deems it necessary prior to that date). Motion carried all ayes.

At 11:15 a.m. the committee recessed for a 10 minute break. The committee reconvened at 11:25.

8. Public Comment Opportunity - No public comment.
9. Discussion on input from towns regarding fencing issues – Rod Burgener was present from the Town of Russell, and said his town hasn't had problems that he is aware of regarding fences and does not see the need for an "ordinance" for fences. He suggested that problems in subdivisions should be addressed by the subdivision process. Earl Welker was present from the Town of Schley, and stated that they went through the points of discussion at their meeting. At this time he does not feel that there is a need for a fencing ordinance but if we are going to proceed with one his town wanted their feelings known on certain points if we do implement an ordinance. He reviewed each of the comments made by the town of Schley Plan Commission. Short said that he has spoken to a lot of people about fences and he believes that it should be strictly between the neighbors. Harry Gladwin, Town of Bradley Plan Commission stated that their township felt that the committee should take no action. Saal commented that the committee has been discussing this issue for several months and he himself feels that this is not an issue that zoning

should regulate and that it should be an issue dealt with by the landowners themselves. The comments or lack of response that we have received from the townships seems to indicate the same. Mittelsteadt said that he originally brought this before the committee and still feels that this is an issue that should be regulated by zoning. We regulate so many other things and he questions that they are any more important than the fencing issue. He feels that it will be an issue in the future and fencing is one thing we need to regulate. Burgener wondered if Mittelsteadt's township has such a problem couldn't their own town pass some type of regulation and enforce it themselves. Gladwin stated enforcement at the township level is not that easy. Saal said that so many of the regulations that we do have are required for healthy and safety reasons not aesthetics. Gladwin agreed that the potential is present for problems but doesn't feel that it needs to be addressed by ordinance at this time. Mittelsteadt again stated he still feels that this is a very important issue and needs to be addressed before we have to deal with problems because it will happen. Saal stated that Mittelsteadt did a good job of representing his constituent but after discussing it and asking for township input over the last few months it does not represent a need for county wide ordinance at this time. No action will be taken at this time on the fencing ordinance issue. Saal thanked the town representatives that were present for taking the time to share their comments with the committee.

10. Revise and sign 2008 Budget – Dan Miller explained that adjustments had to be made from the budget that was originally signed by the committee on 8/9/07. A figure for monies for a Lake Protection Grant that we are co-applicants with Langlade County had to be adjusted. Also an error in wage figures used was incorrect as it did not include longevity. The revised 2008 Budget was signed by all committee members except Rusch who was absent. The signed copy will be forwarded to the Finance Department. Motion by Saal, seconded by Short to sign the revised 2008 budget. Motion carried all ayes.
11. Set public hearing date for proposed ordinance amendments – Chairman Saal briefly reviewed what had been discussed at the “Round Table” meeting that was held last evening. Five townships were represented at last night's discussion. Committee agreed that the proposed Chapter 17 ordinance amendments would be on the regular October 11, 2007 Public Hearing. The other proposed ordinance amendment for the Crossroad Mixed Use portion of Chapter 17 and Chapters 20 & 21 of the ordinance will be on a public hearing later this winter.
12. Approve the August 9, 2007 & August 16, 2007 meeting minutes – Motion by Short, seconded by Saal to approve the August 9, 2007 meeting minutes. Motion carried all ayes. Motion by Saal, seconded by Meyer to approve the August 16, 2007 meeting minutes. Motion carried all ayes.
13. Administrator's Report - The Committee discussed issues on the Compliance report. Miller reviewed & discussed the Administrator's report. He commented on the meeting that was held with Zoning Staff, Towns of Scott & Corning officials and WPS representatives. The committee reviewed the Financial report. The committee reviewed correspondence that had been received.
14. Adjourn - Motion by Meyer, seconded by Saal to adjourn at 12:15 p.m. Motion carried all ayes.