

**Lincoln County Planning and Zoning Committee**  
**Thursday, September 14, 2006 at 8:30 a.m.**  
**Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in the Land Resource Center Meeting Room. Members present: Saal, Meyer, Mittelsteadt, Rusch, and Short along with Dan Miller; Zoning Administrator and Dan Bowers, Zoning Specialist.
2. 8:30 a.m. Public Hearings (See public hearing notice) Hearings were held on the item listed in the notice. Saal, Meyer, Mittelsteadt, Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist, June Winters; Program Assistant, Mary Hedrick - Court Reporter and approximately 14 others were present.
3. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use requests and Rezones which were the subject of the Public Hearing

**CONDITIONAL USE REQUESTS \***

1. A request by Clarence Kolehouse to allow for an air landing strip in a Rural Lands 4 district. The property is described as part of Section 22, T31N, R05E, in the Town of Corning; having an address of N1271 Hwy 64 and 107. The request is being heard under section 17.3.06(1) of the zoning ordinance.

Clarence Kolehouse was present to support his request. He wants to register an existing strip on FAA aeronautical maps. He said he has the appropriate forms filled out to send to the FAA but it needs county approval before he may submit them. Saal asked to clarify if this strip would be for Kolehouse's personal use mainly and just in case of emergency for others. He questioned that one end of the airstrip intersects a road. Kolehouse explained the FAA's requirements for a barricade. Meyer asked how long the landing strip had been in existence. Kolehouse stated since 1995. Dan Miller requested copies of the forms that he would be submitting to the FAA. Dan Bowers asked if he would be required to put up lights for night landings. Kolehouse stated that it was not a requirement. Saal read into record that on August 8, 2006 Kolehouse obtained Town of Corning approval for his request.

Chairman Saal closed the public hearing for Clarence Kolehouse.

Motion by Mittelsteadt, seconded by Saal, to APPROVE ON CONDITION the request of Clarence Kolehouse for a landing strip in a RL4 district. CONDITIONS:

- 1) Any fuel storage facilities and dispensing areas must be in compliance with fire safety and DILHR administrative codes and licensing or permitting requirements.
- 2) The runway and associated facilities must be approved by the Department of Transportation, Bureau of Aeronautics.
- 3) A snow fence or other barricade must be put up at the end of the runway to prevent public access onto the runway from off of Joe Snow Rd.

Motion carried all ayes.

2. A request by Roman and Christine Becker to allow for a mobile home in a Rural Lands 4 district. The property is described as part of the NW ¼ of the SE ¼ of Section 33, T33N, R08E, in the Town of Russell; having a tax parcel number of 20.333308.014.001.00.00 off of Bradley Street. The request is being heard under section 17.3.03(6) of the zoning ordinance.

Roman Becker was present to support his request. He explained his request and the conversation he had previously with Dan Miller. Miller asked if this was going to be a permanent residence and Becker stated that he would probably leave the mobile home there until he retires then they would probably build at that time. Meyer asked if there was an existing well and sanitary. Becker stated that there is nothing at this time. Saal asked for clarification on the "foundation" issue and Miller explained various options. Miller asked for clarification on how

it would be skirted. Becker stated it would be just as depicted in the photo. Meyer asked what he would be using for sanitation. Becker stated that he would either put in a septic or an outhouse before utilizing the mobile home. Saal read into record that the Town of Russell gave their approval of this request on 9/12/06 with the condition that the mobile home must be kept in good condition.

Chairman Saal closed the public hearing for Roman and Christine Becker.

Motion by Meyer, seconded by Rusch, to APPROVE the request of Roman and Christine Becker to allow for a mobile home in an RL4 district. Stating that it is imperative that the sanitation requirements be taken care of before occupying the mobile home

Motion to amend by Saal to be contingent upon the recommendation of the staff report seconded by Mittelsteadt, to APPROVE ON CONDITIONS. CONDITIONS: 1) The mobile home must be attached to a finished, permanent foundation, such as a poured concrete slab or a basement, which complies with the requirements of Chapters 20 through 25 of the Wisconsin Uniform Dwelling Code. 2) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and Chapter 22. 3) Condition 1 & 2 to be completed within 2 years.

Motion to amend the motion carried all ayes.

Motion on the amended motion, carried all ayes.

3. A request by Gil and Jill Habeck to allow for a camper in a Rural Residential 3 district. The property is described as part of the SW ¼ of the SE ¼ of Section 8, T34N, R05E, in the Town of Tomahawk; having a tax parcel number of 30.083405.017.025.00.00 off of Little Beaver Road. The request is being heard under section 17.2.100 of the zoning ordinance.

The Habecks were not present to support their request. Saal read into record that the Town of Tomahawk has denied their approval by a vote of 3-0 the Habeck request on 9/11/06. He stated that it did not conform to their Land Use Plan or their town ordinance as they have no plans to build in the foreseeable future.

Chairman Saal closed the public hearing for Gil and Jill Habeck

In discussion Miller stated that he had spoken to Dick Geurts and Donna Jahn from the Town of Tomahawk about the request. Rusch asked Miller to clarify how this requests violates the town ordinance and why the Town of Tomahawk might deny this request. He stated that there may be some confusion at the township level about the request. Mittelsteadt asked if it may be feasible to layover this request. Saal stated that he did not want to go against the townships wishes

Motion by Mittelsteadt, seconded by Meyer, to LAYOVER the request for one month and to contact both the applicants and the township for clarification. Motion carried all ayes.

### **PETITION FOR REZONING**

4. A request by Eugene and Rose Marie Oestrich to rezone 40 acres from a Forestry district to a Rural Lands 2 district to allow for a year round home. The property is described as part of the NE ¼ of the SW ¼ of Section 21, T32N, R5E, in the Town of Harding; having a tax parcel number 08.213205.009.000.00.00 and an address of N3429 Forks Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Rose Marie Oestrich was present to support their request. She explained that they wish to have a year round home on the property with plans for building in the spring of 2007. Miller explained that the RL designation would allow for both year round residence and some of the parcel in MFL. Miller noted that they had gone through a rezone in 1985 (Forestry to Agriculture) but due to the recodification process it went back to Forestry.

Saal read into record that on 9/12/06 Town of Harding gave their unanimous approval to allow this to be rezoned to a RL2 district.

Daryl Merkel was present to state that he has property to the south of the Oestrich's and he would like to be included in the rezone to the RL2 district. Saal asked if Daryl has spoken to the town board and he has not. There was discussion on the procedure for adding another parcel to a rezone. Bowers explained the different procedures. Miller said it could be amended but he didn't know if that would be the best way. Short asked if Miller would recommend that he go back to the town and go through that channel first. The committee discussed the options. Short stated that in his opinion Merkel needs to go through the town first and then apply to the county for a rezone.

Chairman Saal closed the public hearing for Eugene and Rose Marie Oestrich.

Motion by Meyer, seconded by Short, to APPROVE the request of Eugene and Rose Marie Oestrich to rezone 40 acres from a Forestry district to a RL2 district.

Mittelsteadt asked to amend the motion to refund the Oestrich's half of the rezone fee as they had previously paid for a rezone in 1985. No second.

Motion to approve the rezone carried all ayes.

5. A request by James Savada to rezone 20 acres from a Rural Lands 2 district to a Rural Residential 5 district to allow for further subdivision. The property is described as part of the NE ¼ of the NE ¼ of Section 11, T34N, R6E, in the Town of Bradley; having a tax parcel number 04.113406.001.002.00.00 and an address of W5387 Kaphaem Road. The request is being heard under section 17.8.25 of the zoning ordinance.

The Savadas were not present to support their request. Saal read into the record a statement from the Town of Bradley that stated their approval with no conditions on 8/14/06. Miller explained their request.

Chairman Saal closed the public hearing for James Savada.

Motion by Rusch, seconded by Meyer, to APPROVE the request by James Savada to rezone 20 acres from a RL2 district to a RR5 district. Motion carried all ayes.

6. A request by Hobart Hinz and Joan Stuemke to rezone 2 acres from a Rural Lands 4 district to a Rural Residential 2 district to allow for further subdivision. The property is described as part of Section 32, T32N, R6E, in the Town of Merrill; having a tax parcel number 14.323206.008.002.02.00 and an address of N2802 Hwy 107. The request is being heard under section 17.8.25 of the zoning ordinance.

Hobart Hinz was present to support his request. He gave some background on the property. Saal read into record that on 9/11/06 the Town of Merrill approved the request with no conditions. Miller stated that this is a similar situation to the Oestrichs where the zoning from the recodification where there are adjoining properties need to be addressed in the near future under a separate action the rezoning of the adjoining properties.

Chairman Saal closed the public hearing for Hobart Hinz and Joan Stuemke.

Motion by Mittelsteadt, seconded by Rusch, to APPROVE the request by Hobart Hinz & Joan Stuemke to rezone 2 acres from a RL4 district to a RR2 district. Motion carried all ayes.

#### 4. Public Comment Opportunity.

Saal called for a 5 minute break at 9:25 Reconvened at 9:35.

Request to move #8 on the agenda to this point.

5. A request from Jay Dubois for a waiver from the subdivision ordinance to create lots that will not have frontage on a public road.

Miller explained the request. Miller stated that the 16' width would be a requirement. The road would need to be graveled to a 16' width to meet the requirement. Saal explained the previous discussion that brought about the requirement for the standard 16' width for a private road for safety issues. Lester Schmidt was present as a representative of the land owner and asked for clarification to tell his client what the requirements are for the road width. Bowers asked if there was any plan to provide riparian rights to the owner of lot 2. He reviewed the potential problems that have sprung out of not clearly stating the restrictions or requirements regarding this issue. He asked the committee for direction on the issue. Saal questioned the legality of the restrictions that we may impose as far as easements. Miller asked what the committee would like to see in the future as far as recommendations and requirements for future waiver requests. Mittelsteadt stated that we should have something standard for the requirements that can be presented to persons requesting a waiver so they know up front what all of the requirements are. Miller stated that every situation is a little different and they could look at those situations for their analysis.

Motion by Mittelsteadt, seconded by Saal, to APPROVE ON CONDITION the waiver request of Jay Dubois to create lots that will not have frontage on a public road. CONDITIONS: Road Maintenance agreement be included.

Motion carried all ayes.

Miller stated that we are in need of imposing a deadline for submitting waivers so that we may have sufficient time to address the issues. Miller said that he will send a memo to the surveyors regarding this.

Saal asked for a 5 minute recess at 10:40 a.m. Reconvened at 10:50 a.m. and proceeded with #7 on the agenda.

6. A request from Robert Stebbins for a waiver from the subdivision ordinance to create lots that will not have frontage on a public road.

Miller explained the request. Lester Schmidt was present to support Mr. Stebbins' request. He stated that the document that had been submitted as the road maintenance agreement has already been recorded and that document will be noted on the recorded Certified Survey Map. He indicated that the Town of Bradley is currently involved with a lawsuit with one of the property owner's on that private road with regards to access. If the courts would find in the town's favor this part of the road would become a town road and this road maintenance agreement would become a moot issue. Miller discussed the ACOE determination that this is not wetland (except for Outlot 1) would be able to be utilized for residential use. Schmidt asked if there has to be anything added to CSM regarding the restrictions on Outlot 1. There was discussion on how much of a right that Mr. Stebbins has to improve or widen a road that is actually on other person's property.

Motion by Mittelsteadt, seconded by Meyer, to APPROVE the waiver request of Robert Stebbins to create lots that will not have frontage on a public road. Motion carried all ayes.

7. Subdivision: Preliminary Plat for Harold DeHart (Northern View Estates) -

Miller explained a little bit about the subdivision. He reviewed the checklist and stated that there are several items that must still be addressed. He reviewed those items on the list and suggested that they layover the request for approval of the Preliminary Plat.

Motion by Mittelsteadt, seconded by Saal, to LAYOVER the preliminary plat of Northern View Estates.

There was further committee discussion. Harold DeHart was present to support his request. He has some concerns about the public access as he wanted to keep this a private community. He wanted the clarification on his options for that. Miller stated that his options may be an area with a shelter or picnic area or just a walking trail paralleling DeHart Dr.

Saal asked if there were any other concerns that DeHart had. Schmidt stated that DeHart had to go through the DOT and had the assistance of Byron Lange from the Town of Bradley when building the road and he is confident that the stormwater plan should not be an issue. DeHart had another question about the zoning district designation that had been changed to a CMU zoning district because there is a small portion of the property that he owns that has a RR designation that may be a problem. Dan Miller asked Dan Bowers to check into that part of the parcel affected.

Motion carried all ayes.

8. Discuss letter & statements from Earl Welker (Town of Schley) - Earl Welker was present to speak not only for himself but for the other members of the plan commission and the Schley town board. He had questions about the CMU zoning district and how it has been a "catch all" zoning and they had concerns about uses allowed in this district. They would like to see a maximum building coverage limit be added. The second issue is clarifying requirements for foundations for Mobile and Manufactured Homes. He believes that the anchoring requirements should be amended to meet these requirements in the RL districts also. He thinks that it should be required for all manufactured homes no matter what the zoning district. Mittelsteadt described some different methods of anchoring. Welker stated that he didn't care how the manufactured home was anchored but it needed to meet the safety requirements. Saal asked what his goal was with the request. Welker stated the health, welfare & safety (building moving, leaks, etc.) and that he wanted to see consistency within the code. Saal stated that there is inconsistency because of the fact that sometimes you are dealing with seasonal dwellings as opposed to year round homes and creating different districts within zoning by its nature leads to inconsistency. Welker stated that the cost to the land owner is also an issue. Miller stated that he has told people that they should contact their insurance company to find out their requirements for anchoring. Meyer stated that she had spoken to several people in Schley and they are confused on what they want for anchoring or foundation requirements. Mittelsteadt stated that it would not be a bad idea to amend our code to require some type of anchoring with manufactured homes and mobile homes. Miller asked in Welker's discussion with others for a suggestion on maximum coverage of the parcel. Giving Gleason, Irma & Bradley as examples, he stated that putting restrictions may penalize these existing areas. Saal stated that trying to balance the needs of all of the townships is tough job and if the majority of the towns feel that the existing regulations are serving them well it is impractical to try to accommodate one township's specific requests. Welker stated that the way that some of the ordinance is written he feels that it already accommodates single township's requirements and not the majority.

Bowers did agree that some of the changes that have been made maybe do accommodate certain areas or townships. He asked if Welker was speaking more of impervious surface or maximum building coverage. There was discussion on what is currently in place in the ordinance regarding these issues. Bowers explained the procedures in place now for regulating these issues namely requiring a Conditional Use Permit if the building exceeds 5,000 sq.ft. in size. Welker stated that he wasn't requesting changes to take place overnight but he wants the committee to think about their concerns. He stated that Schley wants to retain the rural quality of their town but there are already structures close to the road getting away from that rural character. Meyer again spoke about the fact that we are imposing regulations on lower income families that would make a home prohibitive. Bowers asked if the town has any way of restricting the anchoring/foundation issue through the enforcement of UDC. Welker stated that they are looking into that.

Saal asked the committee if they understood his concerns. Welker stated that he thinks the committee maybe has a better understanding of their concerns. Saal asked if there were any recommendations from the committee. Mittelsteadt said that we should look into the anchoring issue as a future agenda item as well as the first issue of maximum building coverage.

At this time they returned to item # 5 on the agenda.

9. Finish review of draft of Chapter 18 (“Subdivision Ordinance”) Amendments (set public hearing) –

Bowers stated that due to the major questions that we have been having with the waivers and subdivisions maybe we should consider more township involvement in subdivisions and waivers. There was discussion on our process and what could be done to improve it.

Motion by Saal, seconded by Mittelsteadt, to put the Chapter 18 Amendments on the October Zoning Committee Public Hearing. Motion carried all ayes.

10. Review of Chapter 17 Amendments related to livestock facility siting (set public hearing) – Miller stated that this needs to be taken off the table as Diane Hanson; LC Land Conservationist has informed him of problems with the amendments per discussions with the Department of Agriculture.

11. Approve the August 10, 2006 meeting minutes - Motion by Saal, seconded by Rusch, to approve the August 10, 2006 minutes. Motion carried all ayes.

Mittelsteadt had to excuse himself from the meeting at this time because of another commitment.

12. Administrator’s Report - Dan Miller reviewed & discussed the report. Brief discussion on Compliance report and financial report. Correspondence was reviewed. Miller shared a recent e-mail from Greg Kester of the DNR regarding septic issues. Meyer said that she is attending a Wisconsin Counties convention in the near future and she wanted to discuss this with representatives from other counties. Miller told the committee that we will likely fall short of revenue from permits this year as we are down for applications.

A Data Conversion update was given. Bowers gave an update on the density allotment project.

13. Adjourn – Motion by Rusch, seconded by Saal, to adjourn at 11:59 a.m. Motion carried all ayes.