

**Lincoln County Planning and Zoning Committee
Thursday, January 10, 2008 at 9:15 a.m.
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:15 a.m. in the Land Resource Center meeting room. Members present: Saal, Meyer, Mittelsteadt and Short along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Mary Heedrick; Court Reporter and 11 others present. Rusch was absent.
2. 9:15 a.m. Public Hearings – Hearing was held on the item listed in the notice. Hearing called to order at 9:15 a.m. by Chairman Saal.
3. Discussion by the Planning and Zoning Committee and Decision on the Rezone request which was the subject of the Public Hearing.

AMENDMENT TO CHAPTER 20 – FLOODPLAIN ZONING ORDINANCE

1. Testimony will be received on a proposed amendment to section 20.60, Appendix, of the floodplain zoning ordinance. The purpose for the amendment is to incorporate the flood shadow elevations, as new regulatory elevations, as determined by the “Dam Failure Analysis” for the Harrison Dam on the Harrison Flowage in Sections 16 & 17, T35N-R8E, in the Town of Harrison. The study and report were prepared by Becher-Hoppe Associates, Inc. and dated January, 1997. The flood shadow is the area that will be inundated by water should a dam breach occur. Additionally, new regulatory elevations for 11 specific properties that have been established by the Federal Emergency Management Agency (FEMA) and assigned by Letters of Map Amendments (LOMAs) shall also be incorporated by reference. They are located within the towns of Bradley, Corning, Merrill, Schley, Pine River, Tomahawk and Wilson. And finally, a Letter of Map Revision (LOMR) that makes a correction to the regional flood location on panel no. 190 and 190C of the regulatory floodplain maps for Lincoln County shall also be. This is the area known as “The Clearing” subdivision on Lake Alexander in the Town of Merrill. The request is being heard under section 20.51 of Lincoln County Ordinances.

Dan Miller explained the request for the committee & visitors. The county is amending the ordinance to incorporate data received. Other than the Harrison Dam information we had intended to incorporate a LOMR (Letter of Map Revision) and the LOMAs (Letter of Map Amendment) that we had received from FEMA into the ordinance, but we were told by the DNR that the LOMAs do not meet the state criteria to add to the ordinance. The only one listed originally that would still be included would be the LOMR in the Town of Merrill, dated June 29, 2006, as it does meet the criteria.

Miller stated that the Harrison Dam is under the control of the Lincoln County Forestry Department. He explained that we are trying to incorporate the elevation information from the study done in 1997 into the ordinance. To a certain extent the map presented may be an estimate based on the information provided. For any location that is in or near the shaded area, additional survey work would be required to determine elevations at that specific location. Earl Welker, from the town of Schley, asked if there was a previous map and why it needed updating. Miller explained that data from Becher-Hoppe’s study changes that original map and thus requires amendment of the map and ordinance. He stated that we should adopt the best possible information. He said that what is represented on the maps affect the need for a property owner to obtain flood insurance depending on the established elevations. In order to build within this area, Zoning would require that elevation information to issue/deny permits. Terry Cummings, was present from the Wisconsin DNR and commented that need for flood insurance is based on the blue line FEMA floodplain panels and Zoning Permits are based on the orange area on the map that was proposed. Randy Frojker was present to represent the Town of Pine River and questioned why it has taken so long for a study from 1997 to come to the table as a need for a change. Miller

stated that it only came to his attention about a year and a half ago. He knew that we would be planning on amending Chapter 20 and wanted to incorporate it into that.

Sharon Schultz, an affected property owner in the Town of King was present. She stated that there has already been a breach when a couple of kids “blew up” part of the dam and there was no one affected. Miller stated that he was not aware of the event she was talking about, and this is just being talked about as a worst case scenario for complete dam failure.

Lawrence Schoone questioned the future of the dam itself. Frank Saal said that question may be answered by Kevin Kleinschmidt from the Forestry Department when he speaks. Mittelsteadt commented that the recent disasters in our nation may be the reason that these issues are more closely looked at

Sharon Schultz stated that 750 feet of her land is along Big Pine Creek and wondered which structures and locations are affected by this change. Miller stated that only structures located in the flood shadow designated by orange on the map. Welker asked how the orange area on the map was determined. Miller stated that the orange area was based upon the elevations provided by the Becher-Hoppe study, and the map was done by the Forestry Department based on those elevations and contour information, which at this time, is the best information available.

Saal asked for testimony on the request. Terry Cummings, Water Management Engineer from the DNR was present and explained his role regarding this issue. The last time that the dam was upgraded the Forestry Dept had Becher-Hoppe do the dam failure analysis in 1997. In his inspection in 2004, he noted that the dam failure analysis had not come to completion. He clarified the difference between Low Hazard and High Hazard dams. Meyer asked what type of dam it was. Cummings stated that it was an earthen dam with a concrete spillway.

Lawrence Schoone, an affected property owner near the dam was present and spoke. He stated that before they make a decision on these amendments it would be important to know the future of the dam. He is neither for nor against the amendment and stated that the dam appears to be in good shape.

Earl Welker, Town of Schley, was present and spoke. He said that with the changes that have been talked about today he will go back before their town board before giving support for the resolution. Harry Gladwin, Town of Bradley Plan Commission, made the same comments as Welker. William Burgener, Chairman of the Town of Merrill, echoed the comments of Welker & Gladwin.

Tom Brotski, a land owner whose property is affected, was present and spoke in opposition to the changes. He stated that he believed that the information on the study and the maps created by Forestry are flawed. The use of the dam had changed since the study in 1997 and he believes that the actual risk is much lower than presented. Miller asked Brotski to clarify what he thought lowered the risk. Brotski said that the head of the dam has been lowered and therefore reduces the amount of water and the stress on the earthen dam.

Sharon Schultz stated she thinks that the committee should contact both the DNR and University of WI Stevens Point, to understand the changes that have taken place with the creek below the dam since this study has been done and the level of the flowage has been lowered.

Saal asked if the committee members would accept additional information and comments from Terry Cummings and Kevin Kleinschmidt and they agreed that they would.

Miller asked Cummings as to whether Mr. Brotski’s comments are correct indicating the use of the dam does affect the dam breach analysis. Cummings stated it did not. The study depicts the height of the dam reached at the crest of the embankments. Miller and Mittelsteadt clarified that this analysis is based on failure at full status

(worst case scenario). Cummings stated that Hazard rating and condition of the dam are based on different facts.

Kevin Kleinschmidt, Lincoln County Forestry Administrator, was present to give some history of the Harrison Dam. It was originally built in 1939-1941 for fish and waterfowl habitat. It was later discovered that potential for a high quality fishery was low so they decided to keep it drawn down to a lower level to establish more area for wildlife and waterfowl instead of fish. Their intention is to maintain this practice. Saal asked if the goals of the Forestry committee changed would that change the future of the dam? Kleinschmidt agreed that a change in the goals and objectives could definitely affect the future of the dam and the management of the flowage. Dan Bowers asked if there were any planned improvements for the dam. Kleinschmidt stated that they do monthly inspections with no planned improvements at this time. He commented that work was done on the dam 10-12 years ago and the dam is basically sound.

Saal closed the public hearing for the proposed amendment.

Motion by Saal, seconded by Mittelsteadt to LAYOVER the request for a month until the towns, as requested, may look at more of the information before submitting their support or opposition. Meyer asked Miller to clarify a statement on his memo. Miller stated that the DNR has the authority to implement this change whether the county agrees or not. Mittelsteadt says that we have to plan for worst case scenario and make our best decision with the available information. Motion carried all ayes.

4. Public Comment Opportunity - Earl Welker commented that the county has to enforce mandates that are made by other agencies at the cost of the local county and taxpayers. Saal agreed that the responsibility for a lot of these mandates fall upon the county at the taxpayer's expense. Welker asked if this committee keeps in contact with state representatives and Saal stated that we do forward our opposition to certain mandates. Harry Gladwin commented that the town of Bradley would discuss this at their next Plan Commission and Town Board meetings.

At 10:25 a.m. Saal called for a 10 minute break. Committee reconvened at 10:35 a.m.

5. Discussion on Action Items implementation timetable from Comprehensive Plan – Miller explained that we adopted the Comprehensive Plan in 2001. He wanted discussion regarding implementation to make sure that we adhere to the timetable for upcoming deadlines and is seeking guidance from the committee. Miller said that he has been in contact with several departments to see where they are at with their roles in the process.

There was lengthy discussion by the committee regarding trying to act in the capacity of administrators of the Plan for all townships even though they have varying goals, the fact that we're hoping to not lengthen the process required for changes, that cooperation between Committee, Zoning Staff and the townships is crucial, and that the Plan should be a flexible. Miller stated that there are some inconsistencies between the original Plan and what Zoning ended up being and those inconsistencies should be addressed. We need to determine a process for doing this. Miller said that a Plan change is only required when a rezone request would be a "jump" in a major zoning category. Gladwin made several comments from the towns' standpoint.

Miller said the 2010 deadline is fast approaching and wants to get issues ironed out. He is waiting to hear back from other departments and then will revise the chart to indicate what has been completed, what is ongoing and yet to be done. He said the towns need to decide what their process is going to be to comply with mandates regarding Smart Growth also. Saal stated that the consensus of the committee is that Miller revise and prioritize the action plan, work with other departments and bring the committee up to speed at future meetings. Miller said that he would do that.

6. Approve the December 13, 2007 meeting minutes – Motion by Meyer, seconded by Saal to approve the December 13, 2007 meeting minutes. Motion carried all ayes.

7. Administrator's Report - The committee discussed the Compliance Report and Dan Miller explained one piece of correspondence. Dan Miller reviewed and discussed the Administrator's report. He told the committee that we were working with our Buffer Specialist and Langlade County on a Landscaper's workshop that should be held sometime in April. The committee discussed the Financial Report. Miller stated that the DNR will hold hearings on NR40 (Invasive species). Miller discussed a recent meeting that he and Bowers had with DNR personnel regarding NR115 and mitigation formulas for shoreland properties.
8. Adjourn – Motion by Mittelsteadt, seconded by Saal to adjourn at 11:22 a.m. Motion carried all ayes.