

**Lincoln County Planning and Zoning Committee  
Thursday, January 14, 2010 at 8:30 a.m.  
Lincoln County Service Center, Meeting Room 156**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 156 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Rusch and Eisenman along with Dan Miller, Zoning Administrator. Supervisor Meyer was excused.
2. Tour site that will be the subject of the public hearings that will be held at 10:00 a.m. – Committee Members & Miller left to tour the site listed on the public hearing notice.
3. 10:00 p.m. Public Hearing – Hearing was held on the item listed in the notice. Hearing called to order at 10:00 a.m. by Chairman Saal. Saal, Mittelsteadt, Rusch and Eisenman along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, Ray Kraemer; Court Reporter and 4 other persons were present. Supervisor Meyer was excused.
4. Discussion by the Planning and Zoning Committee and Decision on the Comprehensive Plan Amendment and Rezone request which was the subject of the Public Hearing -

**COMPREHENSIVE PLAN AMENDMENT**

1. A request by Rick Beatty to amend the Lincoln County Comprehensive Plan Map from Private Forest to Rural Lands for tax parcel 04.233406.015.000.00.00 to accommodate the building of a year round home. The request includes approximately 40 acres north of Behling Road and west of Highway 107 in the Town of Bradley.

Because both items 1 & 2 are inter-related the Committee will take testimony and vote on both items concurrently.

**PETITION FOR REZONING**

2. A request by Rick Beatty to rezone tax parcel 04.233406.016.001.00.00 from Rural Lands 2 to Rural Lands 4 and to rezone tax parcel 04.233406.015.000.00.00 from Forestry to Rural Lands 4 to accommodate the building of a year round home. The request includes approximately 80 acres north of Behling Road and west of Highway 107 in the Town of Bradley.

Rick Beatty was present to support his request. He wants the rezone so that he can provide a building site for his son on a new parcel that will be created out of both existing 40's. Because one is zoned Forestry his son could not build a year 'round home. Likewise if the location were moved to the eastern 40, then all of the available density would be used up and he also has a daughter that would like to build a home in the future.

Dan Miller was present and explained his staff report. The request is in keeping with the surrounding uses and zoning classification. If an RL-4 district were applied to the whole 80, a potential of 7 more home sites could be created out of the 80 acres. There are several other properties zoned RL-4 south of this property on Behling Rd and they range from 5 to 20 acres in size. The Department recommends approval for both changes.

Harry Gladwin, Bradley Plan Commission, was present and stated that Mr. Beatty had obtained unanimous township approval at their December 14, 2009 town Board meeting and at the previous plan commission meeting.

Chairman Saal closed the public hearing for the Beatty request.

Motion made by Mittelsteadt, seconded by Rusch to approve both of the requests and send an ordinance to County Board. Motion carried all ayes.

The ordinance to amend the Land Use Plan and change the zoning district will go to the County Board on January 19, 2010.

5. Discuss mitigation requirements in the shoreland ordinance for structural alterations and rebuilding scenarios - Miller explained that there are circumstances that require owners of nonconforming homes in the shoreland areas to restore the vegetative buffer zone due to improvements that they make to the home that result in additions and in some cases if they tear it down to the point of rebuilding the structure. The ordinance obligates a restoration if an addition is added to the structure or if a new structure is built inside of the required setback. He wanted the Committee to confirm their interpretation of the need for mitigation if the structure is made larger or if it is torn down to the point that it is no longer a repair. Bowers further explained that there have been some instances when what starts as a repair ends up being more substantial. We need to know that the Committee agrees with the Department that rebuilding a structure on an existing foundation or changing structural elements that result in an increase in size equates to new construction or an enlargement situation (raising roof height or digging foundation under a home without one currently) and thus then should result in a restoration of the vegetative buffer zone. The consensus of the Committee was that as long as the public is made aware of our distinctions when they are going into the process and as long as everyone is treated equally they agree that the mitigation requirement is warranted.
6. Discuss NR115 changes and implications for the shoreland ordinance – Miller explained that the legislature approved a new NR115 by not taking action on the proposed rule. The rule makes several changes that will impact our current shoreland zoning ordinance. Each county has 2 years from the date in February when the rule will be officially published to make changes to their respective ordinances to conform to the new administrative code. Miller suggested that Lincoln County wait until 2011 before the changes are considered so that we aren't working on two big projects at once since the comprehensive planning amendment process is currently under way. The required changes will involve incorporating the new impervious surface limitations into the code, setting a new height restriction, making minor changes to the nonconforming structure section and expanding the mitigation schedule to consider impacts from impervious surfaces.
7. Discuss the Planned Land Use amendment process – Miller reminded the Committee that in October we left off the discussion about formalizing a plan amendment request process and they wanted him to bring back a specific recommendation. He said that after giving it some thought he believed the plan amendment process should be allowed to occur in conjunction with a rezoning petition submission as opposed to requiring individuals to wait until one month each year to have their requests heard. It shouldn't get too nonchalant if we maintain this policy because we have finished cleaning up the inconsistencies and the future rezone requests will be fewer. He did mention that there is a cost to the Department in the way of time to address map changes and the Committee if the amendment needs a hearing so a fee should be set for the amendments that shift from one broad category group to another. Miller was instructed to check on advertising costs (average) for publishing these requests and bring back a recommendation in February.
8. Public Comment Opportunity – Harry Gladwin expressed his gratitude for the zoning staff and their willingness to help out the town of Bradley with their plan commission functions. He also appreciates the relationship that has been established between the plan commission and the Zoning Committee. Bill Burgener thought things were going better between the county and the towns and he too was thankful for the ability to discuss matters with staff and the committee. – Chairman Saal called for a break at this point - 11:10 a.m. Reconvened at 11:20 a.m.
9. Approve the December 10, 2009 meeting minutes – Motion by Eisenman, seconded by Saal to approve the December 10, 2009 meeting minutes. Motion carried all ayes.

10. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. They discussed the staff meetings regarding the 2010 lake grants to fund the shoreland buffer specialist and the staff idea to approach owners of large amounts of lake shoreland areas that do not meet the ordinance standards for a compliant vegetative buffer. The grant would seek funds to pay for plants and the buffer specialist would provide technical expertise. The mitigation points could be "banked" to be used for future projects on the property.

The Committee briefly reviewed the compliance report.

Next the Committee briefly reviewed the financial report. Miller explained that a budget modification will be coming to them next month to close out the books for 2009.

Miller updated the Committee on the Comprehensive Plan revision process and discussed when drafts will begin to be presented to them. After they have reviewed draft chapters and feel comfortable with them, they will be shared with the public at open house venues. The final changes should be presented to the full county board by the end of the year.

An e-mail correspondence that Miller received from Don Murphy was discussed regarding a large island owned by the Krull Family Trust. He believes that it should not be rezoned with all of the other islands to Forestry as it affects the potential value of the property. Their island should be viewed differently as it is 54 acres and developable. Miller said that it was Murphy's intention to also send a letter to Saal, Lussow and Bob Steigerwaldt about the family's concerns. Saal hadn't yet received anything.

11. Adjourn - Motion by Mittelsteadt, seconded by Eisenman to adjourn at 11:55 a.m. Motion carried all ayes.