

Lincoln County Planning and Zoning Committee
Thursday, November 10, 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, Mittelsteadt, Meyer, Rusch, and Short along with Dan Miller; Zoning Administrator and Dan Bowers, Zoning Specialist.
2. Toured sites that will be the subject of the public hearing that will be held at 1:00 p.m. At 9:45 the group returned to the Land Resource Meeting Room due to inclement weather and at 10:00 they were taken on a “virtual tour” by the Zoning Administrator and Zoning Specialist to see the properties on the public hearing and the Dubois property on Mud Lake Rd (Subdivision waiver) using GIS & aerial photos.

At 10:30 they concluded the virtual tour and moved on to Items #9, 10, 12 & 13 as shown on this agenda.

3. Recessed for lunch at 11:20 a.m. to meet at 3’s Company, 3201 E. Main St., Merrill
Re-convened for Public Hearing at 1:00 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, Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist, June Winters; Program Assistant, Ray Kraemer - Court Reporter and approximately 6 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 REQUESTS

1. A request by Michael Smith to allow for the construction of a storage building that exceeds 1,500 square feet in a Rural Residential 1 district. The property is described as part of Section 31, T35N, R06E, in the Town of Bradley; having an address of W7183 Loop Road. The request is being heard under section 17.3.09(1)(f) of the zoning ordinance.

Michael Smith was present to explain and support his request. He explained that when he came in to apply over a month ago for a building permit he had no idea that the size of the storage building would be a problem. He has already done prep work and ordered the building in September not anticipating any problems. He stressed that it would not be used for business purposes. He said that the conditions of the township approval of combining the parcels would not be a problem. He presented a letter from an adjoining neighbor stating that if the lot area was an issue (because of impervious surface limitation) he would be willing to sell him additional land. He said that he was unaware of the issue of the actual lot line being in dispute.

James Whipple was present to support the request. He is an adjoining landowner. He stated that they had both had previous surveys done on their properties in the 1970s and was also unaware that there was a “lot line” issue. He confirmed that he would be willing to sell some land to Smith if absolutely necessary to accommodate this request.

Dan Miller was present to explain the concerns on the staff report for this request. He explained the issue of the impervious surface limitations. He explained that he had staff in the Land Information department do some mapping calculations to get a little bit more of information on the actual lot area. He stated that the issues need to be clarified because the descriptions on deeds do not match the surveys and it creates lot line discrepancies.

Chairman Saal read into record the Town of Bradley approval of the request (3-0) from the 10-9-06 meeting with the condition that the lots must be combined.

Chairman Saal closed the public hearing for the Michael Smith request.

Motion by Mittelsteadt, seconded by Short to LAYOVER the request until they get all of the issues regarding dimension and size of the lots and the lot line clarified because of the impervious surface limitations.

Mittelsteadt explained that the paperwork needs to be cleaned up before they can make a decision because if they make a recommendation to this request and the issues are not addressed it may create a hardship for Smith or problems for future owners. Saal concurred. He wants to make sure something is not approved with the lot lines not defined. Motion carried 4-0.

2. A request by Robert and Deborah Voigts to allow for the construction of a storage building that exceeds 1,500 square feet in a Rural Residential 3 district. The property is described as part of Section 14, T34N, R06E, in the Town of Bradley; having a tax parcel number 04.143406.005.001.00.00 off of Geoffroy Lane. The request is being heard under section 17.3.09(1)(f) of the zoning ordinance.

Robert Voigts was present to explain and support his request. He explained that he has gone before the Bradley Plan commission and they approved his request with no conditions and he is going before the Bradley Town Board on November 13 to obtain town board approval. Miller asked what the timetable was for removing the existing campers that are on the property. Voigts stated that they would be removed after hunting season. Voigts plans on building a home within the next 10 years on the property. He has already had a soil test done and in all likelihood will be applying for permits next year.

Chairman Saal closed the public hearing for the Robert and Deborah Voigts request.

Motion by Saal, seconded by Rusch, to APPROVE UPON CONDITION the request of Robert & Deborah Voigts to construct a storage building that exceeds 1,500 square feet in a Rural Residential 3 District. CONDITIONS:

1. No commercial use of storage building is allowed.
2. Applicant must apply for permits for a home within a 2 year period
3. Committee approval is contingent upon the Bradley Town Board giving their approval.

Motion carried 4-0.

PETITION FOR REZONING

3. A request by Lincoln County to rezone 1.1 acres from a Recreation district to a Rural Residential 2 district to allow for a year round home. The property is described as part of the NW ¼ of the SE ¼ of Section 1, T35N, R6E, in the Town of Bradley; having a tax parcel number 04.013506.014.004.00.00 and an address of N11895 Klade Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Dan Miller gave a brief review of the request. When the Land Use plan was adopted in 2001 there was a planned land use designation that was shown as a recreation designation for this property. It was done in error and is not consistent with the actual use of the property. We are trying to correct that error by this rezone applied for by Lincoln County on behalf of the Martins.

Duane Martin was present in support of the request. He is the owner of the parcel.

Chairman Saal closed the public hearing for the rezone.

Motion by Mittletsteadt, seconded by Short, to APPROVE the Rezone request to RR2 and send the ordinance to County Board. Motion carried 4-0. The request will go before Lincoln County Board on November 14, 2006.

ORDINANCE AMENDMENT

- Lincoln County will be holding a public hearing on amendments to the text of Chapter 17 of the Lincoln County Ordinances otherwise known as the Zoning Ordinance. The amendments are required to meet the standards of Wisconsin Administrative Code ATCP 51 related to Livestock Facility Siting. A copy of the text amendment is available for review at the Lincoln County Zoning Office located at 901 Spruce Street, Merrill WI 54452.

Dan Miller gave a review of the background and the proposed changes.

Chairman Saal closed the public hearing for the Livestock Facility Siting ordinance amendment.

Motion by Rusch, seconded by Mittelsteadt, to APPROVE the ordinance amendment request and send to County Board. Motion carried 4-0. The request will go before Lincoln County Board on November 14, 2006.

- Subdivision: Major Plat Northern View Estates (Preliminary Plat)(carried over from October meeting) - Dan Miller was present to review the outstanding requested items. Information still needs to be submitted and reviewed regarding the Stormwater plan, public land dedication (walking trail), utility easements and groundwater issues.

Lester Schmidt was present to discuss his progress on the outstanding information. Mittelsteadt said he had concerns regarding public safety regarding the utilities that currently serve the property and future extension of those utilities. There was lengthy discussion with Schmidt over the utilities. Mittelsteadt suggested the land owner contact WPS to get documentation showing exactly where the existing utilities are for the plat and if existing gas lines meet current codes or if they should be upgraded and relocated.

Schmidt asked the committee that due to the weather he would like permission to go ahead and stake out lot lines for approval. Miller said that he had spoken to REI who is doing the stormwater plan and didn't think that even with the resolution of the outstanding issues that the lot lines would be going to change from what is being proposed so he didn't see a problem with staking out the lots. Miller suggested that they have a discussion with the Town of Bradley and Mr. DeHart regarding the public land dedication (public vs. private trail).

Motion by Mittelsteadt, seconded by Saal, to LAYOVER approval of the preliminary plat of Northern View Estates until the conditions requested by staff are satisfied. Motion carried 4-0.

- Request from Jay Dubois for a waiver from the subdivision ordinance to create lots that will not have frontage on a Public Road - Lester Schmidt was present and explained that the request is to create 4 lots in the Town of King on Mud Lake Rd which is a private road. He said that he had done an onsite with Mike O'Keefe; Army Corp of Engineers, Gary Bartz; DNR, Eric Johnson; L.C. Land Conservation, and the landowner regarding the construction of the road and the unstable & erodible soils. He is waiting to hear back from O'Keefe with answers to some questions that he has regarding the road construction. He knows of no part of the private road that is less than 16' wide except where the gate is located at the end of the easement.

Miller clarified that the road maintenance agreement would be recorded with the CSM. Bowers asked when the existing parcel was created. Schmidt stated that it was approximately a year ago. Miller stated that the town of King is going to discuss this issue on their meeting on 11/13. Miller questioned how much the town maintained off Mud Lake Rd. Miller suggested that the maintenance agreement be modified to include the existing easement off of the end of the blacktopped portion of Mud Lake Rd. Bowers questioned how the access to lot 1 would be located. Schmidt explained that it would be clarified on the CSM to indicate how the road would be a common roadway for all lots. Schmidt brought up the location of a culvert and drainage area from Capitola Lake into Mud Lake that was recently built with the knowledge of Army Corp & DNR. There was discussion of the importance of the township

input on these waiver requests. Saal stated that it was unfortunate that they were not able to tour the site this morning. If this waiver is granted and the lots are developed the increased use of the road and area could potentially create problems because of the unstable soils in this area. He would like to see this road and the area before they make a decision on this request.

Motion by Mittelsteadt, seconded by Saal, to LAYOVER for one month the request of Jay DuBois until they have received the town's opinion on this request, Gary Bartz's approval of the culvert/drainage ditch issue, to hear from our Land Conservation department as far as their opinion & approval of the road construction and for the committee to get a chance to tour the site before they make a decision. Motion carried 4-0.

At 2:20 Saal/Mittelsteadt asked for a 10 minute break. Reconvened at 2:35.

8. Discuss anchoring requirements for manufactured/mobile homes – Dan Miller explained this item and presented some literature and information and requirements on anchoring. There is currently legislation in the works that would be enforced by the UDC Inspectors that is proposed to go into effect approximately January - April of 2007 so we may not need to require anything separate in our code. Saal said that we should address the concerns that have been previously voiced by the townships. Miller suggested a letter to the towns that these will be addressed with the new legislation and that it will be covered with the building inspector's requirements. Saal is worried that the safety aspect of existing mobile/manufactured homes would not be addressed with this new legislation. Bowers said they would be treated as with anything else, in that what is in existence will be considered "Legal Non-conforming". Saal said that if this wasn't going to be addressed otherwise for a couple of years he would recommend acting on the issue but considering the fact that the legislation is only a couple of months away we may let this legislation take care of the anchoring standards issue.

Motion by Saal, seconded by Mittelsteadt, to instruct the Zoning Administrator to notify the townships that the issue of mobile home anchoring will be dealt with by the Uniform Dwelling Code as of January 2007. Motion carried 4-0.

Moved to item # 11 on the agenda

9. Discuss changes to the fee schedule – Dan Miller listed the proposed fees to be added. There would be fees added to the schedule for the Condominium Plat approvals. We are recommending a \$100 fee for a Minor Condominium Plat (1 to 4 units) and a \$200 fee for preliminary plat review and an additional fee of \$100 + \$15 per unit at the final approval for a Major Condominium Plat (5 or more units). There was discussion about the proposed fees. Condominium fees will be the only fees added or adjusted at this time.

Motion by Saal, seconded by Rusch to APPROVE the changes to the fee schedule as proposed. Motion carried all ayes.

10. Discuss proposed 2007 meeting schedule - Committee discussed the proposed 2007 meeting schedule. Dan Miller reviewed the proposed meeting schedule and the committee discussed options. Schedule was accepted as proposed.

11. Public Comment Opportunity - No public comment. Moved to Item #14 on agenda

12. Approve the October 12, 2006 meeting minutes- Motion by Saal, seconded by Mittelsteadt to approve the October 12, 2006 minutes. Motion carried all ayes.

13. Administrator's Report - Dan Miller reviewed & discussed the report. Brief discussion on Compliance report and financial report. A Data Conversion update was given.

14. Adjourn – Motion by Saal, seconded by Mittelsteadt to adjourn at 3:20 p.m. Motion carried 4-0.