

**Lincoln County Planning and Zoning Committee
Thursday, November 11, 2010 at 8:30 a.m.
Lincoln County Service Center, Meeting Room 107**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Meyer & Eisenman along with Dan Miller, Zoning Administrator. Board Member Rusch was excused.
2. Tour site that will be the subject of the public hearings that will be held at 10:30 a.m. – Committee Members & Miller left to tour the site listed on the public hearing notice.
3. 10:30 a.m. Public Hearing – Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Eisenman and Meyer along with Dan Miller; Zoning Administrator and Steve Schwartz were present. Board Member Rusch was excused.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee – Chairman Saal explained the rules of conduct for public hearings and introduced the Committee members. He called the first hearing.

CONDITIONAL USE REQUEST

1. A request by Steve and Jaequeline Schwartz to allow for a camper on the property for more than 60 days in a Rural Residential 3 zoning district. The property is described as lots 45 and 46 in Brantwood Co-op Park in Section 16, T35N–R5E, in the Town of Wilson. The request is being heard under section 17.3.03(9) of Lincoln County Ordinances.

Steve Schwartz was present and explained his intentions for the two lots they leased from the Park in 2005. They began at that time with a pop-up style camper and used it for two years. Due to safety concerns with branches falling from large trees overhead, they converted to a hard sided trailer in 2008. They removed it at the end to the camping season each year but caused damage to the trailer and to a large tree each time they removed the unit. They wish to keep the unit in place to serve as a base for them not only in the warmer months but too as a place to sleep and keep warm while they are up in the winter while snowmobiling. They received approval from the Park Board and from the Town of Wilson.

They have two 10-gallon portable tanks that he uses to transport their bathroom waste into Tomahawk and dispose of it at the dump station. The pavilion in the Park has running water and a shower that they use while the weather is warm but it gets shut off in October. They also use pit toilets that the Park provides year ‘round afterwards.

The Park was established in 1935 and his wife is related to many of the members and her great grandfather was a founding member. They have a strong connection to the people and to the Park and they would love to buy a cabin or build in the Park but so far that is not an option.

Miller shared with the Committee his revised staff report and explained the history of the Park and how Zoning has weighed into how it has developed and can develop in the future. The Park is recognized as having some unique grandfathered uses but allowing more permanent campers on lots previously vacant or seasonally used expands the camping resort use and opens up the Park to new regulations. He explained that his recommendation for a conditional approval has changed to either a denial or a lay over to afford him time to meet with the Park Board to discuss the future development potential and to see if the Board has an interest in rezoning the property and undergoing a Conditional Use Permit process to authorize an expanded camping resort use. This change is

resultant from conversations he had very recently with the County Corporation Counsel, two Park Board members and a neighbor to the Schwartz site.

Schwartz restated that he was just following guidance from Zoning and did everything asked of him. He wanted approval of his request since he jumped through all of the hoops.

Miller further outlined two possible courses of action based upon guidance from Counsel: 1) We could insist upon a rezoning and conditional use permit to authorize the expanded camping use or 2) we could, with concurrence from the Park Board, allow individual lease holders to pursue their own conditional use permit (as Schwartz has done) to approve permanent placement of campers on each of the leased sites. The 2004 information received from the Park Board would serve as the "benchmark" for the sites that are grandfathered for a permanent camping use and any new sites would have to undergo the CUP process.

Chairman Saal closed the public hearing for the request.

The Committee discussed the information provided and felt it was important for the Park Board to have a good understanding of the two options.

Motion made by Saal, seconded by Eisenman to lay over a decision on this request so Miller can meet with the Park Board and explain the two options and bring back their recommendation. Schwartz can leave his camper in place until the matter is decided. Motion carried all ayes.

5. "Old Business" Take action on CUP-10-005 (Laid over since 5/13/10 meeting). Request by Wagner Oil & Best Built Inc., to allow for a gas station/convenience store/ restaurant near the U.S. Hwy 8 & U.S. Hwy 51 interchange – Town of Bradley - Miller stated that he had sent a letter to Wagner Oil & Best Built Inc. per the Committee's request at last month's meeting and spoke to Craig from Best Built yesterday. They no longer wish to pursue the permit. If they do in the future they will submit a new request and revised plans.

Motion by Eisenman, seconded by Meyer to deny the Conditional Use Permit submitted by Wagner Oil due to failure to provide requested information.

Motion carried all ayes.

6. "Old Business" Petition for Modification request (MOD-10-005) by Donald Nitschke (Town of King on Red Arrow Ln)- Miller explained that he had sent a letter to the parties involved per the Committee's request at last month's meeting regarding the issues yet to be resolved. Nitschke called him yesterday and they discussed reconfiguring the layout to reflect extending Red Arrow Lane. Miller had spoken to Bob Steigerwaldt who indicated that the Town of King would accept the road extension if it was constructed to their standards. This contradicts what was stated by Loftus at the last meeting. The confusion centered on the road extension being required to connect with Sandy Lane to the east. The town does not want that to happen but a short extension of Red Arrow Lane would be alright with the town.

Miller explained that Nitschke indicated he would speak to his surveyor and they would redraft a new lot layout and meet with Miller to discuss it. The Modification would still be necessary to approve a "dog leg" connection back to a cul-de-sac for two of the lots but he stated this would be a much better configuration than creating a private road off of a town road and then having to form a road association. Nitschke asked for the matter to be laid over for one more month to give him time to redo the layout.

Motion by Meyer, seconded by Saal to lay over the matter to the December meeting.

Motion carried all ayes.

7. Public Comment Opportunity – None present.
8. Discuss public hearing “rules” & protocol - Saal explained that he had asked for this to be placed upon the agenda in response to Beyers’ letter from last month in which they felt that it wasn’t fair to ask the applicants to speak first then opponents next without an opportunity to rebut the testimony. Saal said he thought about it over the last month and felt that the reason we have the proponents go first and follow up with opponents is to prevent the opponents speculating on what it is that the applicants really want to do. Mittelsteadt suggested that we allow Committee members to recall individuals to the stand to clarify issues if they come up that seem contradictory and the rest of the Committee felt that was appropriate. They all agreed that it would be too cumbersome to open it up to allowing anyone to rebut statements made by opposing parties.
9. Approve the October 14, 2010 meeting minutes – Motion by Eisenman, seconded by Mittelsteadt to approve the October 14, 2010 meeting minutes. Motion carried all ayes.
10. Discuss and approve 2011 Zoning Committee meeting schedule – Motion by Saal, seconded by Meyer to approve the schedule as proposed. Motion carried all ayes.
11. Ad Hoc Committee Government Services Project request for information – Miller explained that department heads had received two e-mails from Art Lersch requesting information for the Ad Hoc Committee. He and others weren’t sure if they should proceed without discussing the request with their oversight committees first so he placed it on the agenda. The Committee discussed the resolution from the County Board and “the mission” of the Ad Hoc Committee. Miller explained that a document from 2002 prepared by John Mulder with input from each Department Head pretty much fits the bill as requested by Lersch. The information would have to be updated but Miller suggested using that older document and amending it to bring it up to date.
12. Administrator’s Report - Miller provided a written report of his activities since their last meeting. Committee placed it on file.

The Committee reviewed the Compliance Report and placed it on file.
The Committee reviewed the Financial Report and placed it on file.
13. Adjourn - Motion by Eisenman, seconded by Meyer to adjourn at 12:32 p.m. Motion carried all ayes.

Minutes prepared by Dan Miller