

Lincoln County Planning and Zoning Committee
Thursday, December 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 9:00 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 listed on the agenda - Jay Dubois property on Mud Lake Rd (Subdivision waiver), Michael Smith property (held over CUP) – Loop Rd, and Northern View Estates (Major subdivision in process) – County Rd A & DeHart Dr., & Lake Alice Coves Condominium (Recorded Condo Plat) – County Rd A.
3. Recessed for lunch at 11:30 a.m. to meet at Pine Tree Supper Club, 115 W. Wis. Ave., Tomahawk
Re-convened for Public Hearing at 1:00 p.m. in the Land Resource Center Meeting Room
4. 1:00 p.m. Reconvened Meeting - Saal, Mittelsteadt, Meyer, Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist and June Winters; Program Assistant and approximately 13 others were present. Went to item #7 on the agenda.
5. Old Business -
 - a. Subdivision: Major Plat Northern View Estates (Preliminary Plat) DeHart - Dan Miller reviewed the outstanding issues. REI has done a Stormwater plan that Doug Denk in Land Conservation is reviewing. Mr. DeHart called Miller and had spoken to the town about the public/private recreation issue. Lester Schmidt said it did not sound like the town of Bradley wanted to accept public land dedication. Miller spoke with DeHart regarding the groundwater issue with the existing wells and he is working with Jelinek Well drilling regarding abandonment of the old wells. Miller suggested that the request be laid over until these issues are resolved. Motion by Saal, Second by Meyer to LAYOVER the request until the January meeting. Motion carried all ayes.
 - b. A request from Jay Dubois for a waiver from the subdivision ordinance to create lots that will not have frontage on a Public Road - Dan Miller reviewed the issues that still need to be addressed. Town of King has not given an opinion on the matter. Miller stated that there are steep slopes to deal with and Dubois has proposed a turnout for one area. Dubois presented a copy of correspondence with the Tomahawk Fire Department regarding ingress and egress not being an issue with the Department as long as the extension of the road way is consistent with the existing roadway. Saal reviewed the issues that the committee requested be addressed when the request was laid over at last month's meeting. Miller stated that he had spoken to Gary Bartz regarding DNR's approval of the culvert/drainage issue and he has no issues as long as the culvert is not tampered with. Miller stated we had not received any input from the Land Conservation Dept. (regarding the road building/erosion control issue). Dubois asked if the waiver is granted that zoning staff follows up during road construction to make sure that it is being done to the standards that the committee requires. Motion by Mittelsteadt, seconded by Rusch to APPROVE ON CONDITION. CONDITIONS: 1) Zoning and Land Conservation approve of the method of stabilization of hill. 2) That a 20 foot width be maintained where possible with the exception of the "turnout" area, and without disturbing the hill in areas requiring a lot of stabilization & avoiding the wetlands. 3) A Road Maintenance and easement agreement be recorded with the CSM. Motion carried all ayes.
 - c. A Conditional Use 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. (Held over from the November meeting) Applicant has no additional information. Motion by Saal, seconded by Mittelsteadt to LAYOVER until the January meeting. Motion carried all ayes.
6. Discussion on recorded Lake Alice Coves Condominium Plat – Miller stated that this was just an informational item for the committee. Jack Akers & Fritz Balsley were present from Secluded Lands. Miller stated that the plat is already recorded and was done just prior to the passing of the county ordinance regulating Condominium Plats. Miller explained the lot size requirements based on zoning designation and lake classification and how the developer arrived at the 47 lots. Based on the water frontage calculations that Northern Environmental supplied they have not exceeded the density. There are several issues that have to be addressed regarding placement of the road (Army Corp. & DNR permits being required) and common access area and dock/mooring issues. They will need to obtain road access permits. Saal asked the committee if they would take comments from the audience. The committee agreed to do so. Akers stated that they and Northern Environmental are currently working

on required permit applications through ACOE, DNR and Zoning (erosion control, stormwater, marina permit). Miller asked if they had done any testing for soils information. Akers said that they have. Balsley stated that they are looking at individual systems for the units encroaching upon the adjacent common area, otherwise they will look at a common system. Miller asked if they were aware of having to maintain vegetation along the lakebed area. Balsley said that is why they had to go with the condominium. Balsley stated that the road would private and maintained by the condo association. Miller asked if there were standards for the roads. Balsley said there is 24' driving surface, 6" breaker 6" gravel surface. Akers showed Miller a copy of the preliminary soils information.

Joan Giusto had concerns that a development this size would have a negative impact on Lake Alice. The lake quality, shoreline, water quality, fish & wildlife habitat would all suffer. The water is too shallow for boat traffic. Roads & septic would have a significant impact on the environment. Recent drought a lot of area that really is wetland doesn't appear so now.

Saal stated that this is not a hearing and approval of this plat is not an issue because it was already approved before we had jurisdiction over Condominium Plats. We have recently gone through the process to amend our ordinance because of the impact Condominiums may have on the environment. The only recourse that we now have is trying to protect the area/environment through the permitting process for structures, roads, etc.

Glenn Mott spoke and stated that he has been in contact with Wisconsin Association of Lakes about their recourse for appeal. He pointed out that the bay is a very environmentally sensitive area. He has also contacted DNR and Army Corp and they have expressed opinions of negative impact. He has been in contact with the owners of the dam on Lake Alice and in 2008 the dam will be putting 3 ½ feet on the top of their spillway. 1464' will be the effective floodplain for the lake. He stated there is an active eagle's nest on property that will be abandoned if this development goes through. Mott suggested that we confer with our Corporation Counsel as far as the developer still having to comply with our newly amended ordinance. Mott asked about the appeal procedure and Miller explained that. Miller stated that he would speak to Terry Cummings at the DNR about the floodplain/dam issue. He will also contact Scott Goodwin at Tomahawk Power & Pulp. Mott said that it was an order mandated by the Federal Energy Regulatory Commission (FERC). Mott said that they were very concerned with the health of the lake. He appreciated the opportunity to speak.

Bruce Oredei spoke and stated that the town of King was not even aware of this development. Again Saal stated that there was no notification because the county had no jurisdiction over the matter until after the plat was recorded. Oredei said that the town of King would have added costs and responsibilities with no say in the approval of this development. Robert Weaver asked about the procedure for permitting a "marina". Miller explained that common area access (marina) will require a Conditional Use Permit and he explained the procedure. Mott asked questions about the dock, stormwater & wetland issues. Mott asked that he be notified of our Corp Counsel's opinion on the matter. Saal asked that Miller communicate that answer with both Mott and Secluded Lands.

At 2:05 Meyer requested a 10 minute recess. They reconvened the meeting at 2:15 p.m to proceed to item #8.

7. Public Comment Opportunity - A member of the audience stated that she had been in the zoning office before the meeting and the staff had been very helpful. The committee returned to item #5 on the agenda.
8. Discussion on status of Carmody Data Systems - Miller stated that the contract will expire at the end of this month with Carmody Data. Miller feels that we may want to renew the contract with Carmody at this time and keep reviewing our options. Motion by Meyer, Seconded by Rusch to renew the contract for one year. Motion carried all ayes.
9. Approve the November 10, 2006 meeting minutes- Request to amend the minutes to reflect that the meeting was held on Friday, November 10, 2006 and not Thursday, November 10, 2006 as printed on the minutes that were distributed. Motion by Saal, seconded by Mittelsteadt to approve the amended November 10, 2006 minutes. Motion carried all ayes.
10. Administrator's Report – Dan Miller reviewed & discussed the report. Brief discussion on Compliance and Financial reports.
11. Discussion of January Zoning Committee meeting date – Committee decided to leave date as scheduled and to have a combined meeting on 1/11/07 with tours leaving at 8:30 a.m. with the public hearing starting at 1:00 p.m.
12. Adjourn – Motion by Saal, seconded by Meyer to adjourn at 2:40 p.m. Motion carried all ayes.