

**Lincoln County Planning and Zoning Committee
Thursday, December 9, 2010 at 8:30 a.m.
Lincoln County Service Center, Meeting Room 107**

1. Call Meeting to Order - Meeting was called to order by Vice-Chairman Mittelsteadt at 8:30 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Mittelsteadt, Meyer, Rusch & Eisenman along with Dan Bowers, Zoning Specialist. They picked up Chairman Saal on the way to tour the sites.
2. Tour sites that will be the subject of the public hearings that will be held at 10:30 a.m. – Committee Members & Bowers left to tour the sites listed on the public hearing notice.
3. 10:30 a.m. Public Hearing – The Committee returned a few minutes late from the tours and started the public hearing at 10:41 a.m. Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Eisenman, Rusch and Meyer along with Dan Miller; Zoning Administrator, June Winters; Program Assistant and 10 others were present.
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.

PETITION FOR REZONE

1. A request by Donald Schnabel to rezone approximately 6.5 acres from Forestry to Rural Lands 4 to accommodate year round residential use of the property. The property is located in Section 22, T33N–R8E, in the Town of Russell having an address of W945 Dudley Rd and a tax parcel number of 20.223308.001.001.01.00.

Julie Schnabel was present and explained their request. The property was previously owned by her in-laws and there is currently a mobile home on the property. She and her husband would like to build a cabin that could be used year ‘round. They feel that the property would hold its value better if that were the case. The surrounding property, except the DNR land to the West, is usable for year ‘round residences.

Norm Hodgson, Chairman of the Town of Russell, was present. He stated that the township was in favor of the rezone because they were under the assumption that it was already zoned for residential. They thought it had been fixed in the “clean-up” done earlier this year. Hodgson thinks it just “fell through the cracks”. The town is in favor and has no problem with the change.

Dan Miller reviewed the staff report. He explained the zoning history of the parcel and that it had been zoned the same as the DNR land to the west. The Schnabels had told Miller that they believed the property had always been usable for a year ‘round residence. Miller’s discussion with Hodgson and recommendation was to just follow this process and leave it up to the County Board for any allowances for the fee. He clarified that the proposed zoning district was Rural Lands 4. We can make the Plan change from Private Forest to Rural Lands administratively. He stated that Staff supports the rezone (separate step from the Plan change).

Chairman Saal closed the public hearing for the Rezone request.

Motion made by Mittelsteadt, seconded by Eisenman to APPROVE the rezone from Forestry to Rural Lands 4. Miller had explained the December County Board meeting has been cancelled so this will be forward to Lincoln County Board for their January 2011 meeting.

Motion carried all ayes.

CONDITIONAL USE REQUESTS

2. A request by John Letscher to allow for a camper on the property for more than 60 days in a Rural Residential 3 zoning district. The property is located in Section 13, T35N-R6E, in the Town of Bradley having an address of W5074 Nibler Rd and a tax parcel number of 04.133506.002.001.03.02. The request is being heard under section 17.3.03(9) of Lincoln County Ordinances.

John Letscher was present and explained his request. It would be a temporary situation as they eventually plan on building. They have been working to improve their lot. The camper is shielded from the road and the neighbor as to minimize impact on the surrounding area. Saal asked Letscher if he had any comment to a letter received from a neighbor regarding concern of the request. Letscher had not seen the letter so Saal gave Letscher a copy of it and time to review it. Letscher said did not think the snowmobile trailers and other items the neighbor was talking about were an issue. He sold the neighbor Lot 3 & the items were things he had to remove from that lot at time of sale and he didn't have anywhere to go with them. Several of the items will be removed next spring because he won't be able to use them on the lot under this request (water access is limited). Letscher said that he had talked to the neighbor and told him to contact him with any concerns and was surprised by the letter. Rusch asked about the comment in the letter of path encroachment on his lot and Letscher stated that the path does not encroach on the neighbor's lot.

Harry Gladwin, Chairman Town of Bradley Plan Commission. He stated that the Plan Commission approved the request at their November 22nd meeting with the suggested staff report conditions. It will go before their next Town Board meeting. Meyer had questions about the privy and permit timeframe. Mittelsteadt clarified timeframe for the privy to be used during the time the camper is on the property.

Dan Miller reviewed the staff report and that the staff recommends approval. There are performance standards within our code that addresses the privy issue. Saal had questions about the time limit for the boardwalk. Miller stated that the path is already in and the boardwalk is a permitted structure and not covered under this CUP but through an access permit and he would also have to consult with the DNR and Army Corp. If the CUP is granted we would require the privy be permitted and installed in the spring.

Scott Kissinger was present and is an adjoining landowner. He questioned the duration of the CUP if granted. His only opposition is that he wonders if the permit couldn't be limited to only 2 years if granted. He believes that that is time enough to decide to build. Mittelsteadt commented that due to these economic times they try to not limit the time to build too strictly.

Chairman Saal read into the record a letter from Dan Streble an adjoining landowner to the Letscher property. Streble itemized the personal property moved to and left on Letscher's property. He said that there were two campers left on the property and that they were in very close proximity to his and Letscher's common lot line. He also thought the path that had been cut down to the water may encroach on his property. He added that he hoped that the county would see to it that Mr. Letscher was in compliance with the regulations.

Chairman Saal closed the public hearing for the Conditional Use request.

Motion made by Meyer, seconded by Eisenman to APPROVE ON CONDITION. Conditions:

1. All applicable regulations including those in 17.3.03(9) shall apply.
2. This Conditional Use permit shall expire 4 years from date of approval.

Motion carried all ayes.

3. A request by Bruce Czaja and co-applicant Heritage Chevrolet to allow for temporary vehicle sales on the lot in a Planned Business zoning district. The property is located in Section 13, T35N-R6E, in the Town of Bradley having an address of N10954 County Rd A and a tax parcel number of 04.153506.015.003.02.00. The request is being heard under section 17.3.04(5) of Lincoln County Ordinances.

Roger Schlegel, owner of Heritage Chevrolet was present and explained the request. He noted that the public hearing notice just said temporary sales but it is for a permanent sales lot for RVs & was included on the application. They sell a line of slide in truck campers & "camper vans" not the great big motor homes. The temporary use for new & used vehicle sales is because of the bridge and North 4th Street construction. 4/1/11 is the anticipated date that they will need to move the vehicle sales because of the road construction lasting possibly through Sept. of 2011. He has permission from the Highway Committee to park vehicles in 35' of the R-O-W of County Rd A in front of the property during the road construction. (Was previously Hwy 51 with 100' R-O-W).

Harry Gladwin, Town of Bradley Plan Commission, was present. He said that this request was approved by both the Plan Commission (10/25/10) and unanimously by the Town Board (11/8/10).

Dan Miller was present. He said that the notice reflected the correct ordinance section numbers for the entire request. He didn't see the lack of wording for the permanent RV sales as a concern in their review & decision today. He cited several sub-sections of this part of the ordinance sections that aren't applicable with this request and recommends waiving them; (a) Landscaped buffer yard & (b) setbacks for outside display area from property lines. He has discussed the lighting standards with Mr. Schlegel already.

Chairman Saal closed the public hearing for the Conditional Use request.

Motion made by Mittelsteadt, seconded by Rusch to APPROVE ON CONDITION (Waiving 17.3.04(5)(a) landscaped buffer yard & (b) setbacks to road & property lines) with the following conditions:

1. The approval is for 12 recreational vehicles to be on display outside of a building in the area depicted on the site plan.
2. The new and used car lot is authorized for a temporary use not to exceed 12 months from the date of approval.
3. The flood lights shall be oriented to the east from the west side of the proposed gravel access drive.

Motion carried all ayes.

4. A request by Diane Petrash and co-applicant Dr. Kate Alden DVM, to allow for a veterinary clinic in a General Business zoning district. The property is located in Section 31, T32N-R7E, in the Town of Merrill having an address of W4693 Wood Duck Ln. and a tax parcel number of 14.313207.009.003.00.00. The request is being heard under section 17.3.04(16) of Lincoln County Ordinances.

Dr. Kate Alden was present and explained their request. The building that houses her clinic has housed several other businesses in the past few years that have not flourished. They have had compliments from the neighbors on the improvements they have made. Meyer asked if they kennel any animals. Dr. Alden responded that the only time that they kennel is if necessary, for overnight, after they have abdominal surgery.

Dan Miller reviewed the staff report. He just wanted to point out that this section of the ordinance does address and allow the outdoor kennels and he doesn't feel that would be appropriate in this situation. He spoke with the Town Chairman and Stacy Pettit from the Town of Merrill and neither of them indicated any opposition, but would not have formal town recommendation until after their meeting next week Monday. Chairman Saal closed the public hearing for the Conditional Use request.

Motion made by Rusch, seconded by Eisenman to APPROVE ON THE CONDITION that no outdoor kennels are allowed. Motion carried all ayes.

5. Report by Dan Miller on December 4, 2010 meeting with Brantwood Co-op Park Association (off of County Rd CC, Town of Wilson) - Miller shared with the Committee results from his meeting with the Park Board last weekend. The Park Board was not interested in going through a rezone or authorizing the property as a new campground, and wished to keep the zoning as is and have anyone who would like a camper there longer than 60 day go through the Conditional Use process. The Board asked Zoning to enforce interior lot line setbacks of 25' cumulative and a minimum of a 10' as has been done historically and not just exterior lot lines as a safeguard against having neighboring structures almost on top of each other causing a fire hazard. They discussed the issuance of Holding Tank permits in the park. The Board argued that there are adequate "common" facilities in the park for a lot of the structures and didn't think that every lot with a camper should be required to install a holding tank. Miller explained that if the camper lot had "running water" (a well), we would require that they have to install a holding tank.

Meyer questioned if the people Miller met with could speak for everyone out there. Miller said that the Park Board has to approve and sign off on every request before it even is submitted to the County.

6. Public Comment Opportunity – None.
7. Approve the November 11, 2010 meeting minutes – Motion by Mittelsteadt, seconded by Meyer to approve the November 11, 2010 meeting minutes. Motion carried all ayes.
8. Discuss Ad Hoc Committee Government Services Project – Miller shared with the Committee the report that he is forwarding to the Ad Hoc Committee regarding the Zoning Department. Discussion revealed the process seems to be unclear between the Board members. Miller said he hoped that the plan for the study is thought out and well planned before they get too far into the process. Mittelsteadt said that he just wants to be clear on the purpose. Rusch said to succeed; everybody needs to buy into the process (Board Members, Department Heads, employees & the public) as everyone will be affected by these changes. She also commented that this is probably not going to be a fast process and cited that Marathon County is doing this same process and have been working on it for maybe 6 years. Miller commented that strategic planning should be a part of every budget and it should be an ongoing process. Saal speculated that we are going to be faced with a large budget increase and believes the process of making a decision on cutting services & personnel may turn into more of a "political" and not a logical decision in some cases possibly because of election timing. Mittelsteadt feels that the Board is failing and said if they could just communicate better and make decisions they would solve problems.
9. Administrator's Report - Miller provided a written report of his activities since their last meeting. He pointed out that he has been placed on a WCCA Committee regarding NR115 and that he will have to attend meetings but we will be compensated for his time through a grant that the DNR has obtained. He also commented on issues with the proposed buffer restoration plan that Ben Niffenegger is working on for Fish-a-While Condo request. They are attempting to reach a compromise.

The Committee reviewed the Compliance & Financial Reports and placed them on file.

Miller commented on the Comprehensive Plan Update with the goal of taking it to County Board as a complete packet by the end of 2011.

Miller explained to the Committee the Flood Plain letter/information that was in their correspondence. His goal is to bring the modified floodplain ordinance to the Board by May of 2011 to comply with requirements of the NFIP & DNR.

10. Adjourn - Motion by Meyer, seconded by Mittelsteadt to adjourn at 12:12 p.m. Motion carried all ayes.