

**Lincoln County Planning and Zoning Committee  
Thursday, February 9, 2012 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, Meyer, Rusch & Nelson along with Diane Hanson, Land Services Administrator; Dan Bowers, Zoning Specialist & June Winters, Program Assistant.
2. Tour sites that will be the subject of the public hearings – Committee Members & Bowers left to tour the sites listed on the public hearing notice.

10:30 a.m. Public Hearing – At 10:30 a.m. the Public Hearing was called to order. Hearings were held on the items listed in the notice. Saal, Mittelsteadt, Meyer, Rusch & Nelson along with Diane Hanson, Land Services Administrator; Dan Bowers, Zoning Specialist; June Winters, Program Assistant and 8 other persons were present. Chairman Saal explained the rules of conduct for public hearings and introduced the Committee members. He called the first hearing.

**COMPREHENSIVE PLAN AMENDMENT**

Because items 1 & 2 are for the same property testimony will be taken for both concurrently.

1. A request by Charles and Rebecca Jaecks to amend the Lincoln County Comprehensive Plan Map from Rural Lands to Planned Business for tax parcel 30.023405.012.004.00.00, comprising approximately 4.75 acres, to allow for the expansion of an existing business on to this property. The property is located in SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T34N-R5E, in the Town of Tomahawk, having an address of W7950 Hwy 86.

**PETITION FOR REZONING**

2. A request by Charles and Rebecca Jaecks to rezone approximately 4.75 acres having a tax parcel 30.023405.012.004.00.00 from a Rural Lands 4 zoning district to a Planned Business zoning district to allow for the expansion of an existing business on to this property. The property is located in SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T34N-R5E, in the Town of Tomahawk, having an address of W7950 Hwy 86.

The applicant, Charles Jaecks Jr., part owner of Mr. Ed's Excavation, gave the history of the parcel & explained the request. He purchased the property under this request on 11/8/11 for expansion of the business that he and his father have at W7924 State Rd 86. Their pit is currently on Kaphaem Rd but they need other aspects of their business housed at the State Rd 86 location. They do some "forestry" related work and have a septic pumping and rental "porta potty" business also. The excavation & forestry aspect of the business has been in operation 30+ years.

Saal asked C. Jaecks if he had a chance to read the zoning staff report specifically about the concerns of adjoining landowners. C. Jaecks said that he is proposing plant a tree line as a buffer. Bowers asked if the current rental house on the property was going to continue as that use. C. Jaecks said it would continue as a rental and they have been working on trying to "clean" up the property. C. Jaecks summarized the items on the property that belonged to either the renter or himself. Mittelsteadt asked about maintenance for equipment. C. Jaecks stated that they currently do maintenance at the W7924 address. He said the new storage buildings that he is proposing would just be for cold storage.

Jim Newman, an adjoining landowner, was present in favor of the request. He has no problem with the expansion of the Jaecks' business. He has never had any noise or contamination issues with Jaecks' business.

Rebecca Jaecks was present and is one of the owners under the request. She read a letter from Cynthia Kitchen, previous owner of the parcel under the request, explaining some of the history of the parcel also stating verbal agreements regarding the business on the property.

John Wagman was present as attorney for another adjacent property owner Lora Jaecks and her fiancé. L. Jaecks and her fiancé purchased the neighboring property from Cynthia Kitchen several years ago and there was a large amount of junk on the parcel and it was agreed that it would be moved by C. Jaecks. Wagman presented the Committee with photos of the junk that was relocated. Jaecks was required to remove the junk and did so by putting it all on the lot line of the 4.75 acre parcel adjoining L. Jaeck's property. Wagman had aesthetic & safety concerns regarding the storage of porta pottys and a transfer tank that C. Jaecks has talked about putting on the property. Wagman's clients have doubts that C. Jaecks is going to follow through with cleaning up the property. Wagman questions if the buffer of trees is going to be sufficient. Wagman's clients are definitely in opposition to the rezone and if it is granted they ask that it be conditioned as to protect his clients. He stated that this has been an ongoing compliance issue with zoning and they don't believe that C. Jaecks will follow through with the zoning requirements.

Mittelsteadt asked Bowers about permits for a transfer station of the porta potty waste and Bowers said that would be regulated by the DNR. Wagman asked that if the request is granted that there be restrictions be put on any type of gravel crushing operation. Bowers said that these issues would be addressed in the Conditional Use process for the business. Saal said that some of the issues in question would not be regulated by this Committee.

Lora Jaecks was present in opposition to the request. She is co-property owner of the parcel adjoining the rezone request. They purchased their property (61 acres) through a settlement agreement with Cynthia Ganske (Kitchen) approximately 5 years ago. As part of that settlement agreement the "junk" was supposed to be removed from the property they bought. The view from their cabin has been severely diminished by actions of C. Jaecks Jr. by piling gravel, topsoil or junk on the lot line close to their house. She is concerned that more and more junk is going to be piled in their view. She doesn't believe that requiring a buffer of trees is going to be sufficient as it takes too long for the trees to grow. She does not want to have to look at porta-pottys, septic trucks, dump trucks, gravel piles, topsoil or tires out of her cabin window or porch. She is not opposed to the business but she doesn't think she should have to be affected by it either. They have already had to look at this junk for 7 months and do not think it is fair.

Saal closed the public hearing for the Comprehensive Plan Amendment & Rezone request by Charles Jaecks Jr.

Motion by Meyer, seconded by Mittelsteadt to APPROVE both the Comprehensive Plan Amendment & Rezone request and forward an ordinance to County Board.

There was lengthy discussion about what issues would be addressed at what point in time if this request is granted. Nelson asked L. Jaecks the age of her cabin. Jaecks said that it has been there for many years. Saal confirmed with Bowers that the rezone is just an extension of a current zoning district. Saal also commented that this was not the step in the process to require any conditions.

Motion carried on a 5-0 vote. The ordinance will be on the February 21, 2012 County Board agenda. Saal encouraged the interested parties to attend that meeting.

### PETITION FOR REZONING

3. A request by Floyd Goytowski to rezone approximately 70 acres having a tax parcel 22.263207.012.000.00.00 and 22.263207.009.002.02.00 from a Forestry zoning district to a Rural Lands 4 zoning district to allow for the opportunity of a year round home. The property is located in Section 26, T32N-R7E, in the Town of Schley, having an address of W3152 Sunrise Road.

Floyd Goytowski was present to explain his request. He wants to put on an addition to the existing structure and change it to a year round residence in the future. There is enough that is left out of MFL to accommodate the addition. Goytowski shared with the Committee the building plans. Bowers questioned the length of the MFL commitment. Goytowski said that the property is under 2 contracts, one expiring in 2019 & the other in 2034. Mittelsteadt asked how close to the road the existing structure is and it currently meets the 150' setback for forestry zoned land but Goytowski wants to go 30' towards the road. Nelson asked how much was out of MFL and Goytowski said that currently 3 acres were.

Saal read into the record the recommendation/approval of the Town of Schley Plan Commission and Town Board. Saal closed the public hearing for the Rezone request.

Motion by Saal, seconded by Rusch to APPROVE the Rezone request and forward an ordinance to County Board. Motion carried on a 5 - 0 vote. It will be on the February 21, 2012 County Board agenda.

4. Public Comment – There was no public comment.
5. Approval of the January 12, 2012 meeting minutes – Motion by Rusch, seconded by Meyer to approve the January 12, 2012 minutes. Motion carried all ayes.
6. Discuss upcoming Wisconsin Lakes Conference – Saal requested approval to attend the conference in Green Bay in April. Motion by Meyer, seconded by Rusch to approve Saal attending and receiving mileage and per diem. Motion carried all ayes.
7. Department Report - Hanson discussed restructuring issues with the Committee. She discussed revising job descriptions that are specific to Zoning positions. She said that she will be updating job descriptions in the LICD regarding zoning duties that they are taking on also. Hanson wants to move forward with the restructuring and have an independent review of duties/wages done.

Motion by Rusch, second by Nelson to proceed with the required process for restructuring, updating of the job descriptions and analysis of duties/wages. Discussion followed. Hanson will be submitting information to the Administrative Coordinator and following up with steps necessary to move on to Personnel. Nelson wanted to make sure that there was also cross-training to ensure adequate coverage. Hanson assured that this is being worked on and she wants to have a skillset within the two departments to assure back-up. There was more discussion on the restructuring. Motion carried all ayes. Hanson will meet with the Administrative Coordinator and then discuss it with the Committee again before forwarding it to Personnel.

Committee reviewed & discussed the Financial Report and placed it on file.

The next meeting will be Thursday, March 8, 2012. Meyer said that she will not be able to attend that meeting.

8. Adjourn - Motion by Nelson, seconded by Saal to adjourn at 11:54 a.m. Motion carried all ayes.