

Lincoln County Planning and Zoning Committee
Thursday, March 10, 2011 at 9:00 a.m.
Lincoln County Service Center, Meeting Room 107

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:00 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Saal, Mittelsteadt, Meyer & Rusch along with Dan Miller, Planning & Zoning Director and June Winters, Program Assistant. Supervisor Eisenman was excused.
2. 9:00 a.m. Public Hearing – At 9:00 a.m. Saal called the Public Hearing to order. Hearing was held on the item listed in the notice. Saal, Mittelsteadt, Meyer, Rusch along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist, June Winters; Program Assistant and Ben Niffenegger, Shoreland Buffer Restoration Specialist were present. Eisenman was excused.
3. Hearing was held, discussion occurred and a decision was made by the Planning and Zoning Committee – Chairman Saal explained the rules of conduct for the public hearing and introduced the Committee members.

ORDINANCE TEXT AMENDMENT

1. Amendments to the Lincoln County Subdivision Ordinance (Chapter 18) are proposed to address statutory changes created by 2009 Wisconsin Acts 379 and 399. The proposed changes also amend enforcement procedures within the code. Dan Miller stopped Saal as he was reading from the Public Hearing Notice and stated that when he had written the notice, he had made a typographical error. One of the Wisconsin Acts that were referenced should have been 376 instead of 379. Saal questioned if the hearing should continue due to the discrepancy in the notice. There was discussion on whether or not to continue.

At 9:06 a.m. the Committee took a short recess so that Dan Miller could contact Corporation Counsel to determine if they could continue with the public hearing because of the typographical error. The Committee reconvened at 9:10 a.m. Miller shared that Corporation Counsel was not available today so he could not get her opinion. Saal was concerned that because there was a typo in the notice, there could be recourse from the public if anyone was in opposition to the changes. It was noted that the proposed ordinance and the text that was sent to each township clerk was correct and that there was only a typo on the Public Hearing Notice.

Motion by Saal to lay over the issue and re-advertise with the correct Wisconsin Acts cited. Motion died for lack of second. A consensus vote of the other 3 Committee members was to proceed with the hearing for Chapter 18.

Motion by Mittelsteadt, second by Meyer to send a memo and amended notice to the townships with the correct Wisconsin Acts cited. Motion carried all ayes.

Dan Miller reviewed the changes to comply with the Wisconsin Acts. The first was regarding the report that the Zoning Administrator provides to the Committee must state that the plat conforms and the second is the timeline in which the process takes place. Essentially the changes give a developer more time to finish the process. The other proposed changes were changes that were not required by the Wisconsin Acts (Street frontage requirements for condominiums, exempting the buffer restoration in a condominium conversion request and adding “or his designee” to the wording where approval is required).

Chairman Saal closed the public hearing for the proposed Ordinance Text Amendment.

Motion made by Meyer, seconded by Rusch to APPROVE and forward 2011-03-568 to the Lincoln County Board’s next meeting, amending Chapter 18, Subdivision Ordinance, to effect changes imposed by 2009 Wisconsin acts 376 & 399. It will be on the March 15, 2011 Lincoln County Board meeting. Motion carried 3-1 with Saal voting nay.

4. Continued discussion of proposed changes to Chapter 21 (Shoreland Ordinance) resulting from NR115 (Vegetative standards issues) carry over from the February meeting. - Miller explained that he had asked Dan Bowers, Zoning Specialist and Ben Niffenegger, Shoreland Buffer Restoration Specialist, to sit in on today's meeting for this discussion.

Miller reviewed proposed changes to the "View/Access Corridor". The changes would affect the ratio of view access corridor on narrower lots, combining view access corridors and limiting the maximum view access corridor allowed on larger lots. There was discussion on how restrictive they want the rules to be. Mittelsteadt said he wanted to be the "Devil's advocate" and argued that with the unknown cuts that are coming that we may be harming development in our county by making it too restrictive. Miller said that he hoped that there is a "happy medium" and that we won't end up getting rid of the regulations that we already have in place.

There was discussion on the requirements of the type of vegetation required (invasive or not). The Committee asked Niffenegger questions about what the plant list that he shares with landowners is based on. Niffenegger explained the reasoning and criteria for the plants that are on the list. There was lengthy discussion by the Committee on the plant list subject.

Saal pointed out that the wording in the regulations is very difficult for the general public to understand and is more worried that it will just create confusion with the public. He recommended more education with the suppliers and lake groups to explain in lay terms when someone is doing a planting project.

Mittelsteadt commented that there needs to be a compromise between restricting the landowners and protecting the environment. Miller said that balance is sometimes not easy to accomplish.

Miller explained that new requirement of a permit for even removing dead or diseased trees, noxious or invasive plants. Silvicultural thinning on forested Shoreland parcels (10 acres or more) would be subject to BMPs.

Miller discussed the changes regarding mitigation. He discussed when a "soil disturbance" permit is required and the reason for a permit because of the erosion that can occur when excavating and soil disturbance is not done with the proper erosion control measures and the need to ensure a buffer is in place or it has to be restored.

Miller explained the difference between an "active" and "passive" shoreland buffer restoration and in which cases they would apply. He reviewed the standards that are required noting that it really is not changing what is required by our ordinance currently, just that the text is being moved from the definition section of the ordinance. He explained that we propose a timeline/deadline for when buffer restoration is to be completed.

The Committee directed Miller to rewrite 21.09 (3)(h)(6) & change from a proposed 60' to 200' maximum cumulative allowance for view corridors on any given parcel.

Miller went on to explain "Legal pre-existing lots of record" has to have added that the "lot was legally created". There may be limitations even if the lot was legally created if they've modified the lot area at some point in time.

Expansion or relocation of Non-conforming Principal structures was discussed on how we handle them now and what NR115 would require. Mittelsteadt again questioned the financial impact on the county & how time consuming for Zoning staff it will be to enforce these requirements with budget cuts coming. Miller said that Zoning will also now be required to submit copies of any permits issued affecting non-conforming structures to the DNR.

The Committee and Miller agreed that at next month's meeting they will finish up the discussion on Chapter 21 changes by going through the proposed changes to the "Definitions" section.

5. Public Comment Opportunity – No public comment.

The Committee called for a brief break at 10:45 a.m. The Committee reconvened at 11:00 a.m.

6. Preliminary 2012 Budget discussion - Miller shared that the budget timeline has been revised because of the recent events in Madison and that State aid will probably be greatly affected starting in 2012.

Miller shared how costly the mandated septic maintenance requirements are currently and how that cost will be increasing with the pending mandates regarding septic inventory and retro-active septic maintenance soon to be in effect. He shared how other counties are attempting to recoup a portion of this cost to the county. Miller explained that a small tax assessment of a couple dollars per owner of a septic system may be the solution to cover the cost. Meyer questioned which “fund” this assessment would go into. Miller explained that the assessment has to go into a fund specifically for the purpose it was intended. Mittelsteadt & Saal agreed that they may be in favor of this approach but adding that there will be opposition from some County Board members.

Mittelsteadt said he would like to see some type of “low interest loan” fund be set up within the county as a way of helping individuals replace a failing septic system. Miller said that we also may want to look at implementing a “time of sale” requirement to evaluate and deal with failing systems at that time. Miller stated that the revenue from permits has declined significantly so the levy burden has grown. He is also recommending evaluating the fee schedule and look at where fees may need to be increased.

Miller said that he doesn’t have a preliminary budget yet as we have to wait for Finance to provide salary projections. He shared with the Committee that he will be applying for the soon to be vacated position as Solid Waste Manager.

The Committee agreed that they wanted to explore the tax assessment and possibly permit fee increases.

7. Approve the February 10, 2011 meeting minutes – Motion by Rusch, seconded by Saal to approve the February 10, 2011 meeting minutes. Motion carried all ayes.

8. Administrator’s Report - Miller reviewed his activities since their last meeting. Saal shared that he would not be at the next Zoning Committee meeting as he will be attending an Association of Lakes Convention. The Committee reviewed the Financial & Compliance reports. Miller gave an update on the Lincoln County Comprehensive Plan update process. The Committee reviewed the correspondence received. He discussed the letters from FEMA and DNR regarding the upcoming changes to our Floodplain Ordinance and proposed the public hearing be in July for these changes. Mittelsteadt said it may be important to open the lines of communication with the townships to get their views on issues and how to fund services.

9. Adjourn - Motion by Mittelsteadt, seconded by Meyer to adjourn at 11:37 a.m. Motion carried all ayes.

Minutes prepared by June Winters