

Lincoln County Planning and Zoning Committee
Thursday, March 11, 2010 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, Rusch and Eisenman along with Dan Miller, Zoning Administrator. Meyer was absent.
2. Tour site that will be the subject of the public hearings that will be held at 10:00 a.m. – Committee Members & Miller left to tour the sites listed on the public hearing notice.
3. 10:00 p.m. Public Hearing – Hearing was held on the item listed in the notice. Hearing called to order at 10:00 a.m. by Chairman Saal. Saal, Mittelsteadt, Rusch and Eisenman along with Dan Miller; Zoning Administrator, Mary Heederik; Court Reporter and 6 other persons were present. Meyer was absent.
4. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use requests which were the subject of the Public Hearing -

CONDITIONAL USE REQUEST

1. A request by Jeremy and Julie Belant to allow for a classic automobile restoration shop as an expanded home occupation in a Rural Lands 4 zoning district. The property is located in the W¹/₂ of the SW ¹/₄ of the SW ¹/₄ of Section 30, T32N–R8E, in the Town of Schley, and has an address of N2916 County Road G. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Jeremy Belant was present and explained his request. He will likely only work on one to two cars per year as he works full time for K.B. Auto Body and restoration work is time and labor intensive. He will not do painting or spray work at the property but only parts work. The barn will be moved and a small addition will be added. The barn will also serve as personal storage space.

Miller was asked to clarify why the staff report focuses on 2 vehicles because the Schley Plan Commission and Board recommended allowing 3 vehicles on the property in the open. He stated that the ordinance defines a junk yard as a property upon which 3 or more unlicensed or inoperable vehicles are stored in the open. He wanted to avoid dragging these other regulations into the situation.

Earl Welker testified as Schley Plan Commission Chair. He stated it was the town's intent to allow a maximum of 3 project vehicles whether they were licensed or not. They also discussed capping the hours of operation at 9:00 p.m. for any noisy activity that could be heard off the property.

Saal entered the three letters of support received by neighbors into the record. He called for any testimony in opposition and closed the hearing.

Motion by Mittelsteadt, seconded by Eisenman to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS:

- 1) Exterior lighting of the building shall comply with the performance standards contained in 17.5.04 of the Zoning Ordinance.
- 2) No more than 2 unlicensed vehicles will be allowed to be staged or stored in the open and in plain sight of the public from Hwy G or Sunrise Rd. at any given time.
- 3) Obtain all state or federal approvals that may apply to the intended use and associated structures.

- 4) No noisy activity associated with the business will be allowed after 9 p.m. if it can be heard off the property.
- 5) Dumpsters that may be located on the property in association with the business will be screened.
- 6) Any spray painting associated with the business will be in compliance with OSHA or other regulations.

Motion carried all ayes.

2. A request by Randall Ryan to allow for a trailer repair and tack shop as an expanded home occupation in a Rural Lands 4 zoning district. The property is located in part of the SW ¼ of the SW ¼ of Section 19, T33N–R8E, in the Town of Russell, and has an address of N5756 County Road J. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Randall Ryan was present and explained his request. He currently has a horse boarding facility and wants to complement that business with this business and the fact that the Underdown Horse Park is only 3 miles from his property points to a need. He would do repair work for those who might be having problems with a horse trailer or other trailers and to also sell saddles and other tack. He indicated that he would stage completed trailers or those waiting to be repaired on the south side of the new building or under the overhang on the north side. He intends to install no additional outdoor lighting. He will maintain a basic parts inventory on hand but would have to order large and major items with an approximate 2 day delivery time.

Saal entered the township approval into the record along with letters of support from several neighbors. Nobody responded to a call for additional testimony so Saal closed the hearing.

Motion by Eisenman, seconded by Saal to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS:

- 1) Outside storage of equipment and materials shall be located behind the building opposite County Road J and must be adequately screened if requested by adjacent property owners according to landscaped bufferyard standards of 17.5.05.
- 2) Outside storage of equipment and materials shall not exceed 5,000 square feet in area and may not include more than 2 unlicensed and inoperable vehicles.
- 3) All applicable local, state, and federal regulations shall be adhered to.
- 4) Exterior lighting standards of 17.5.04 shall apply.

Motion carried all ayes.

3. A request by the Town of Merrill to allow for the construction of a town hall and garage in a Planned Industrial zoning district. The property is located in part of the NW ¼ of the SE ¼ of Section 30, T32N–R7E, in the Town of Merrill. The request is being heard under section 17.3.05(5) of Lincoln County Ordinances.

Stacy Pettit, Town of Merrill Supervisor, was present to explain their request. The town will build the hall this year. They just received and closed the bids and are presently reviewing them. They do not know for sure when the garage will be built but placed it in the application so they don't have to come back for another permit. They likely will build it within 5 years as an estimate. The Committee asked if other items might be located on the property such as transferring over the refueling tank or tanks, if culverts would be stored on the property, if they might be building a salt shed in the future, if road gravel, granite or cold mix might be stored as well. There was discussion about where the septic system might be located. At that time Rod Akey, town contracted engineer, arrived and provided some clarification on the location for the private sewage system. He said that the Committee may want to put in a generic condition that the items they were asking about be screened if and when they are constructed or placed upon the property. The Committee discussed the possibility of laying over the decision to afford the town an opportunity to discuss these other issues further and bring back the information at the next meeting. Pettit indicated that they would be okay with that if that is the decision of the Committee.

After calling for additional testimony, Saal closed the public hearing.

Motion by Saal, seconded by Rusch to lay over a decision on the Conditional Use request for one month to afford the town the opportunity to discuss it further and bring back additional information on the items they are questioning.

Motion carried all ayes.

5. Resolution for County Board approval regarding Pine River zoning amendments - Randy Frokjer, Pine River Attorney, was present and explained the statutory requirement for County Board approval of any amendments made to a town zoning ordinance in counties with a comprehensive zoning ordinance. The amendments were largely housekeeping items. Motion made by Eisenman, seconded by Mittelsteadt to forward the resolution to the Board of Supervisors to consider at the March 16, 2010 meeting. Motion carried all ayes.
6. Discuss mandated septic inventory per Comm 83.255 Wisconsin Administrative Code – Miller explained the mandate imposed by an amendment made to the above administrative code. It requires that all counties that enforce a sanitary program (also imposed by the above code) to “conduct, complete and maintain an inventory of all POWTS located in their jurisdictional area within 3 years of October 1, 2008. He explained that they are attempting to comply and recently mailed out 1,617 letters with reply post cards to property owners with more than \$10,000 worth of assessed value for improvements. These properties also do not currently have a sanitary permit associated with them as far as the department knows. The phones are very busy now in response to the mailing. Miller wanted to know what approach to take as follow up, i.e. require evaluations of known septic systems by licensed plumbers (as is being required by some counties), consider instituting a “time of sale” inspection requirement for older septic systems (also being done in 3 surrounding counties), or just complete the inventory and then wait for inspections to occur when they are pumped within the next 3 years by licensed pumpers? The Committee counseled Miller to just do the minimum with regard to the inventory for now.
7. Public Comment Opportunity – Welker commented that he is please with the communications and notification process between him and zoning.
8. Approve the February 11, 2010 meeting minutes – Motion by Mittelsteadt, seconded by Rusch to approve the February 11, 2010 meeting minutes. Motion carried all ayes.
9. Administrator’s Report - Miller reviewed with the Committee the activities since their last meeting.

The Committee briefly reviewed the compliance report.

Next the Committee briefly reviewed the financial report.

Miller reminded the Committee of the upcoming floodplain mapping open house scheduled for March 18th at 3:00 p.m. for local officials. A motion was made by Rusch and seconded by Mittelsteadt to also authorize reimbursement of per diem and mileage for any committee member to attend the WAL lakes conference that is scheduled for the end of March in Green Bay.

10. Adjourn - Motion by Saal, seconded by Eisenman to adjourn at 11:52 a.m. Motion carried all ayes.