

Lincoln County Planning and Zoning Committee
Thursday, March 12, 2009 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, Meyer, Mittelsteadt and Eisenman along with Dan Miller, Zoning Administrator and Dan Bowers; Zoning Specialist. Rusch was excused for the meeting.
2. Tour sites that will be the subject of the public hearings that will be held at 11:00 a.m. – Committee Members, Miller & Bowers left to tour the sites listed on the public hearing notice. Joellen James and Jerome James met the Committee at the Town of Merrill Rezone site and toured the site with the Committee.
3. 11:00 p.m. Public Hearing – Hearing was held on the item listed in the notice. Hearing called to order at 11:00 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt and Eisenman along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, Mary Heederik; Court Reporter and 11 other persons were present. Rusch was excused for the meeting. Chairman Saal identified for those present how the hearings were publicly noticed and went over the ground rules for presenting testimony. He indicated that to avoid redundant testimony he would be calling testimony for items 1 and 4 together, items 2 and 5 together and items 3 and 6 together since they are inter-related.
4. Discussion by the Planning and Zoning Committee and Decision on the Comprehensive Plan Amendments and Petition for Rezoning requests which were the subject of the Public Hearing.

COMPREHENSIVE PLAN AMENDMENTS

1. A request by the Estate of Ella Rapel to amend the Lincoln County Comprehensive Plan by changing the planned land use classifications for tax parcel 04.033506.010.000.00.00 and that part of 04.033506.011.001.00.00 that lies north of the Canadian National Railroad right-of-way, totaling approximately 32 acres from “Rural Lands” to “Rural Single Family Residential”. The intent is to allow for residential lots to be platted. The property is located adjacent to Rapel Road in Section 3, T35N-R6E in the Town of Bradley.

Attorney Craig Nienow testified in support of the request and characterized the use of the property as residential and in concert with the requested plan change. He indicated that it is the intent of the Estate of Ella Rapel to develop the large tracts into a residential subdivision with large lots. He referenced a concept plan that was provided to the Committee. He also stated that Ella Rapel is now deceased and was in poor health during the time that the property was going through the plan change and zoning changes. He speculated that had she been more aware of the plan considerations and proposed zoning she would have objected to a Rural Lands classification and the RL-4 zoning district. Her intent was to some day allow the property to be developed residentially.

Harry Gladwin testified as chairman of the Bradley Plan Commission and described the action taken by the Commission and Town Board. The plan change and rezone were both discussed and approved at the town level without suggestions for change.

Chairman Saal acknowledged the two resolutions of support from the Town of Bradley for the Rapel request; one affirming the change of zoning from RL-4 to RR-3 and the other affirming the change from RR-1 to RR-3.

Saal called for testimony in opposition to the request. No one spoke. He entered a letter from Kathleen Orchard from Janesville into the record that offered suggestions for an alternative method of developing the property and that provided opposition to the development of another public boat landing.

Nienow responded by indicating that it was not the desire of the estate to develop the landing but other options were being explored to satisfy the county requirement of dedication of land for public recreational purposes.

Saal closed the hearing for items 1 and 4 as advertised at this point. He entertained a motion on the plan amendment advertised as item 1. Mittelsteadt motioned to recommend to County Board a change in the planned land use category from Rural Lands to Rural Single Family Residential. Seconded by Eisenman. Discussion followed with Saal indicating his support for the motion because the request has the backing of the town, there were no objections from neighbors, it places no burden on infrastructure, the development will provide large parcels and there were minimal environmental impacts. Mittelsteadt stated that the request is supported by the current land use pattern. Vote - all ayes.

2. A request by Dean and Ann Hussong to amend the Lincoln County Comprehensive Plan by changing the planned land use classifications for a portion of tax parcel 04.033506.012.002.00.00 totaling approximately 1 acre from "Private Forest" to "Rural Single Family Residential". The property is located north of the existing railroad right-of-way in the SE ¼ of the SW ¼ of Section 3, T35N-R6E in the Town of Bradley.

Harry Gladwin testified that the plan commission recommended approval of the request with one condition; that the parcel be brought into conformity with the 50,000 square foot minimum parcel size by purchasing the proposed outlot that is being created to provide access to this parcel from Rapel Road and that the outlot be joined with this parcel by deed. The Town Board had a hearing and supported the recommendation of the plan commission.

Saal read the third resolution from the Town of Bradley into the record that supports the rezone request.

Miller explained that Hussong could not be in attendance because he has appointments with patients today (he is a dentist). The main reason for the request is to authorize the placement of a year 'round home on the waterfront parcel. The Forestry District limits the use of such structures to seasonal only. He intends to purchase access to Rapel Road from the Estate of Ella Rapel.

There was no testimony in opposition to the request.

Saal closed the hearing for items 2 & 5 in the notice and motioned to recommend a change in the planned land use category from Private Forest to Rural Single Family Residential, contingent upon Hussong acquiring enough adjoining property to bring his parcel above the 50,000 square foot minimum parcel size. Seconded by Mittelsteadt. All ayes.

3. A request by the Town of Merrill to amend the Lincoln County Comprehensive Plan by changing the planned land use classifications for tax parcels 14.303207.013.002.00.00 and 14.303207.014.001.01.00 totaling approximately 61 acres from "Rural Lands" to "Planned Industrial". The property is located adjacent to County Road K and Merrill Town Hall Road in the NE ¼ of the SE ¼ and NW ¼ of the SE ¼ of Section 30, T32N-R7E in the Town of Merrill.

Bill Burgener, Town Chairman, explained why they purchased 61 acres of land and what the town ultimately hopes to do with it. They will build a community center and town garage on about 11 acres. The rest will be parceled off as demand dictates for light manufacturing enterprise. It will be developed in phases and town roads currently surround the north and east sides of the property. The town will build a new town road down the south line and into the middle of the property. The road will be designed under Class A specifications and they have an engineer under contract for the design and stormwater permitting. He made sure that the Committee had received the town resolution of support for the rezone.

Rod Akey showed the Committee a preliminary site design that identified stormwater drainage, contours and likely locations for the town buildings. The road and lots will be built in phases. Star Environmental has been retained to perform soil borings and to do the wetland delineations. He is waiting for the frost to leave the ground and the snow to melt to accomplish both.

Dan Bowers explained his suggested condition of approval in the staff report of requiring buffering along the north east and south lines. He stated that the condition could be modified to not require vegetative planting along the south line as the community building and associated landscaping will buffer the industrial use for the rest of the property from the church. Also when looking at all of the business use occurring in the immediate area, planned industrial is a good fit. The town land use plan also identified the intention for a business or industrial park in this general vicinity.

Saal asked for testimony from any opposition. Donald Pickering from Hatley stated he was representing the Whitsons who own property at W4640 Town Hall Rd. They live in California and asked him to speak on their behalf. They also provided a letter in opposition to the Committee. He stated that the Whitsons bought the property to escape commercial activity and wanted to live in a peaceful country setting. They do not want to be subject to noise, odor, dust and such things associated with an industrial park as it will disrupt their retirement plans.

Saal read the letter from Curtis and Cindy Whitson into the record.

The Committee discussed buffering the intended land use from the Whitsons and other residential owners along Town Hall Rd. The staff recommended maintaining a vegetative buffer of 50 feet along the north and east property lines. Is this going to be enough and what type of vegetative buffer would work? Miller explained that the ordinance defines a "Landscaped Bufferyard" as a means to address this issue and the department could enforce a requirement to establish a landscaped bufferyard with a depth of 50 feet along the north and east lines.

Saal called Bill Burgerger back up and he stated that the town understands what the Committee wants and they will do what is required to accomplish that standard.

Saal closed the hearing for items 3 & 6 in the notice. A motion was made by Arlene Meyer to recommend a planned land use change from Rural Lands to Planned Industrial with a condition that a 50 foot wide buffer be established along the north and east property lines. Seconded by Eisenman.

Discussion occurred about the term buffer and if that should be clarified to ensure that a living wall or screen is truly accomplished to protect the residences in the area. Meyer motioned to amend the previous motion by inserting the words "landscaped bufferyard" in place of the word "buffer". Seconded by Eisenman. Vote on amendment – All ayes. Vote on the amended motion – All ayes.

PETITION FOR REZONING

4. A request by the Estate of Ella Rapel to rezone tax parcels 04.043506.018.070.01.01, 04.043506.016.001.01.00, 04.043506.018.069.01.02, and 04.043506.018.069.01.03 totaling approximately 17 acres from a Rural Residential 1 district to a Rural Residential 3 zoning district. Also rezone tax parcels 04.033506.010.000.00.00 and that portion of 04.033506.011.001.00.00 lying north of the Canadian National Railroad right-of-way, totaling approximately 32 acres from a Rural Lands 4 district to a Rural Residential 3 zoning district. The intent is to allow for approximately 20 residential lots to be platted. The property is located adjacent to Rapel Road and Ella Road in Sections 3 and 4, T35N-R6E in the Town of Bradley. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

(See testimony under item 1 above) Motion by Eisenman to recommend approval of the rezone from RL-4 to RR-3 and RR-1 to RR-3 as advertised. Seconded by Mittelsteadt. All ayes.

5. A request by Dean and Ann Hussong to rezone approximately 1 acre from a Forestry zoning district to Rural Residential 3 zoning district to allow for a year round residence. The property is located north of the existing railroad right-of-way in the SE ¼ of the SW ¼ of Section 3, T35N-R6E in the Town of Bradley; having a tax parcel number of 04.033506.012.002.00.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances. (See item 2 above for testimony)
Motion by Mittelsteadt, second by Saal to recommend approval of rezoning from Forestry to an RR-3 zoning district. This will allow the placement of a year 'round home on the property. All ayes.

6. A request by the Town of Merrill to rezone approximately 61 acres from a Rural Lands 4 district to a Planned Industrial zoning district. The property is located adjacent to County Road K and Merrill Town Hall Road in the NE ¼ of the SE ¼ and NW ¼ of the SE ¼ of Section 30, T32N-R7E in the Town of Merrill; having tax parcel numbers of 14.303207.013.002.00.00 and 14.303207.014.001.01.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances. (See item 3 above for testimony)

Motion by Mittelsteadt, second by Meyer to recommend approval of rezoning the 61 acres from RL-4 to Planned Industrial. All ayes.

5. Discussion and approval of Resolution of Support for Lake Protection Grant & Shoreland Protection Specialist that will be sent to the March County Board meeting – Dan Miller reviewed the Resolution of Support for the Committee. Discussion about the position and in-kind contribution occurred. Committee encouraged Miller to remind the Board that this is funded by DNR grant, is a continuation of an existing grant and position and that the in-kind contributions are not over and above normal work duties by county staff.

Motion by Mittelsteadt, seconded by Eisenman to send the Resolution of Support to the Lincoln County Board for the March 17, 2009 meeting. Motion carried all ayes.

6. Public Comment Opportunity – None
7. Discuss Wisconsin Valley Improvement Company and FERC requirements for WVIC owned land - Miller reviewed correspondence received from WVIC regarding policy requirements for regulated activity on parcels adjoining WVIC owned land. Lon Hoerter from WVIC was present as well. Committee questioned who is responsible for maintaining the vegetative buffer if WVIC owns the property. Hoerter explained it is the licensee's responsibility under authority of the license. They can rescind a license and deny riparian access to the water if the agreement is abused. Miller explained that Oneida County formally endorsed the policy to notify WVIC and obtain their signature or proof of a license from any property owner wishing to do work that required a zoning permit that also affected WVIC property. Saal motioned to endorse the policy as written in the attached memo in Wendt's letter. Seconded by Meyer. All ayes.
8. Approve the February 12, 2009 meeting minutes – Motion by Eisenman, seconded by Saal to approve the February 12, 2009 meeting minutes. Motion carried all ayes.
9. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. They discussed the Land Services Group meeting and the proposed update to the Comprehensive Plan. The Committee briefly reviewed the compliance and financial reports. Miller was instructed to place the report on file.
10. Adjourn - Motion by Meyer, seconded by Eisenman to adjourn at 1:15 p.m. Motion carried 3-1.