

**Lincoln County Planning and Zoning Committee  
Thursday, March 13, 2008 at 8:30 a.m.  
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in the Land Resource Center meeting room. Members present: Saal, Meyer, Mittelsteadt, Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant.
2. Tour was cancelled due to inclement weather – While Dan Bowers was setting up the computer for the “virtual tour” Dan Miller introduced the Committee to Matt Wagner, Buffer Specialist, who is shared by Lincoln and Langlade Counties. Wagner and Miller explained the Landscaper’s Workshop that Lincoln/Langlade Counties are holding on April 1<sup>st</sup> at Treehaven. Dan Miller & Dan Bowers presented a “virtual tour” of the sites for the rezone in the Town of King and the Subdivision Waiver in the town of Schley. The committee concluded the “tour” at 9:15 a.m. and proceeded with item #8(2) on the agenda.
3. Public Comment Opportunity - There was no public comment.
4. 10:00 a.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order at 10:00 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt, Rusch and Short along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, Mary Heedrick; Court Reporter and 12 others were present.
5. Discussion by the Planning and Zoning Committee and Decision on the Rezone request and Ordinance Amendments which were the subject of the Public Hearing.

**PETITION FOR REZONING**

1. A request by Thomas Bant to rezone 40 acres owned by Potlatch Forest Products Corporation from a Forestry zoning district to a Rural Lands 2 zoning district to allow him to construct a year ‘round residence on the property after he purchases it. The property is described as the SE¼ of the NW¼ of Section 16, T35N-R7E in the Town of King; having a tax parcel number of 12.163507.008.000.00.00. Three adjacent property owners have joined this request to also have their property rezoned from a Forestry district to Rural Lands 2. William San Filippo wishes to include the NW¼ of the SW¼ of Section 16 - parcel number 12.163507.010.000.00.00; Jeffrey Henningfeld wishes to include the NE¼ of the SW¼ of Section 16 – parcel number 12.163507.009.000.00.00 and Potlatch Forest Products Corporation wishes to include the SW¼ of the NW¼ of Section 16 – parcel number 12.163507.007.000.00.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

Thomas Bant was present to support their request. He explained that he is looking to build a year round home which he described in his intentions. He said that he had originally applied for the rezone but feels when additional property owners join in the hearing, expense should be shared by all land owners involved. Miller asked about the fact that the property is in MFL. Bant said, contingent on favorable decision, he will be purchasing the property and probably be removing it from MFL. Miller explained some of what is allowed in the Rural Lands 2 zoning district. Bant stated that he had no intention to split the property at this time. Saal read into the record that the Town of King approved this request on 3/10/08 with a vote of 3-0 and submitted a Resolution of Support. Saal closed the public hearing for the rezone request.

Motion by Mittelsteadt, seconded by Meyer to APPROVE the request. Saal stated that he sees it as a plus that there is more than one “forty” included in the request thus not creating a “spot zone” as more than one individual

benefits from the rezone. Unfortunately, unless agreed upon by the land owners benefiting, the cost burden falls on the original applicant. Motion carried all ayes.

The Petition for Rezoning request will go before the Lincoln County Board for approval on April 15, 2008.

#### **ORDINANCE AMENDMENTS – CHAPTER 21 SHORELAND ZONING ORDINANCE**

2. Amendments to the following sections: 21.05(1)(c) and (d), 21.05(2)d, 21.07(3) MITIGATION SCHEDULE, 21.07(5)(a) and (c). The following sections are additions to the chapter: 21.07(8) EASEMENTS, (9) VIEW AND ACCESS CORRIDOR and (10) FRONTAGE AND LOT AREA, 21.08 (5) ENTRYWAYS and (6) RETAINING WALLS, 21.10(1)(d), 21.11(2)(a)4. and 5., and finally 21.18 DEFINITIONS for “Camping Unit” and “Housing Unit”.

Dan Miller shared that we had received written township support from the Towns of Harding and Schley so far. He reviewed the proposed changes for the committee. Meyer questioned that a permit would be necessary for just “repairs” to a retaining wall. Miller clarified that in most cases when they start doing “repairs” it runs into more of a project and they may end up reconstructing more than repairing and those projects need regulation. He would be amenable to removing the word “repaired” from requiring permits. “Constructed and Reconstructed” would still require a permit. Motion by Meyer, seconded by Saal to strike the word “repaired” in Section 21.08(6)(a)&(b) Motion carried all ayes.

Harry Gladwin, Town of Bradley Plan Commission, was present. He said that the Bradley Town Board did support the Chapter 21 changes at their meeting on March 10<sup>th</sup>. The paperwork may not have found its way to the Zoning office yet. Earl Welker, Town of Schley Plan Commission, was present and repeated that their town submitted their approval. He brought up the relationship between our changes and NR115 and wasn’t sure what changes may have to be made at the time that NR115 may pass. Saal closed the public hearing for the Chapter 21 Ordinance amendments.

Motion by Rusch, seconded by Meyer to APPROVE the Chapter 21 Ordinance Amendments as amended in this meeting and send it to the Lincoln County Board for approval on March 18, 2008. Motion carried all ayes.

6. Subdivision waiver request – Ryan and Jennifer Podeweltz - to create a lot that will not have frontage on a public road – off of Lecks Ln (Town of Schley) - Dan Miller explained the request to create a 5 acre parcel without road frontage. He stated that Mr. Podeweltz wishes to build a home. He still needs to obtain the soils information before the CSM may be approved to create the parcel but that is a separate issue from the waiver for road public frontage requirements. Earl Welker, Town of Schley Plan Commission, explained that he had obtained the information from zoning staff not the landowner and that the landowner seemed to be confused about what he needed. He stated that the process may need to be clearer to the land owner for what information is required for these requests. Welker said that Podeweltz will come before their Planning Commission on 3/20/08 and the Schley Town Board on 3/25/08. Miller clarified the county processes that are in place and how the township is involved and what the Committee should take into consideration when making a decision on the waiver.

Motion by Mittelsteadt, seconded by Saal to APPROVE ON CONDITION the subdivision waiver request.  
CONDITIONS: 1) A soil boring be done with the certified survey map, and 2) A minimum driveway width of 12 feet be maintained along the entire length of the easement. Motion carried all ayes.

At 10:55 a.m. the Committee took a 5 minute break before proceeding with item #7.

7. Old Business –

- 1) Chapter 20 (Floodplain Ordinance) Amendments - Dan Miller reviewed the changes for the appendix for the chapter regarding the LOMR (Letter of Map Revision) on Lake Alexander & the Harrison Dam Failure analysis information. We have received resolutions of support from the towns of Scott, Harding, Bradley, Russell, King, Schley, Tomahawk & Wilson. He said that he has agreed go to the Harrison township annual meeting on April 14<sup>th</sup> as they are one of the townships most affected by these amendments. It is up to the Committee if they want to make a decision or lay it over until after the Harrison town meeting. Chairman Saal asked the Committee if they wanted to take any additional testimony from members of the audience at this time. There was no one present that wished to speak.

Motion by Mittelsteadt, seconded by Meyer to LAYOVER the Chapter 20 (Floodplain) Amendments until next months Committee meeting and proceed in taking before the County Board on April 15, 2008. There was then discussion that we would not receive Town of Harrison input in time for our April Committee meeting. Motion did not carry with all members voting nay.

Amended motion by Mittelsteadt, seconded by Meyer to LAYOVER the Chapter 20 (Floodplain) Amendments until the May meeting so that we may get input from the Town of Harrison after their meeting with Dan Miller with the amendments likely going to County Board on May 20, 2008. Motion carried all ayes.

- 2) Comprehensive Plan Amendments – Town of Harding – Saal decided to act on items 2) through 5) as one action. He said that we will first be discussing Items 2) & 4), the Comprehensive Plan Amendment and the Rezone in the Town of Harding. Then discuss Items 3) & 5), the Comprehensive Plan Amendment and the Rezone in the Town of Scott

Dan Miller reviewed and summarized the request and updated the Committee on what has transpired since the last meeting. He stated that the Comprehensive Plan Amendment needs to take place before the rezone. He summarized the letter submitted by WPS since the last meeting and the letter from the Town of Harding. Saal entered into record the petition of opposition of the request submitted by Tom Geiger and the letter from the Town of Harding.

Miller explained that they submitted a letter to FERC in January. Miller spoke with Bob Fletcher, FERC Land Resources Director, and he stated that he would review the letter and call Miller back. Fletcher has not yet returned the call. We are still waiting for input from the DNR. Dale Simon in the Madison DNR office said they would be sending FERC a letter with the DNR's position on the matter. Miller said issues are in the works but we have no answers to these issues at this time. Chairman Saal then asked if there was anyone in the audience with any new testimony.

Rita Wiechman was present in opposition to the request. She read a letter to the editor regarding WPS and dealings in the Upper Peninsula of Michigan. Saal stopped Wiechman a couple of times and questioned whether the information was relevant to the requests in Lincoln County. He was hoping that it was new information regarding the specific requests that we are dealing with now. He then let her proceed. Wiechman stated that was just background information on WPS in a similar situation and summarized the information.

- 3) Comprehensive Plan Amendments – Town of Scott – Items 3) & 5) will be discussed together. There was no new testimony.

Saal repeated that Items 2) through 5) will now be voted on as one. Motion by Saal seconded by Mittelsteadt to LAYOVER the request for the Comprehensive Plan changes and the Rezones in Harding & Scott for another

month. Committee members stated that they wanted more input from the towns involved and there are just too many unanswered questions to make a decision at this time. Motion carried all ayes.

- 4) WPS Rezone Request – Town of Harding – Included with items above.
- 5) WPS Rezone Request – Town of Scott – Included with items above.

Committee returned to Item #8(2) where they left off prior to the Public Hearing.

8. Comprehensive Plan – Discuss and approve:

1) Amendment Flow Chart – Dan Miller reviewed the proposed process and flow chart for making amendments to the Comprehensive Plan. The Committee stated that the flow chart looked good.

Committee proceeded with item # 10 at this time.

2) Implementation Spreadsheet – Dan Miller reviewed the spreadsheet for the Action Item Implementation time table for the Comprehensive Plan. There was lengthy discussion of the items that were listed on the spreadsheet by Miller and the Committee. There was discussion for several items to be rearranged on the priority list, deleted or modified. At 9:40 the Committee took a 15 minute recess. When they reconvened, even though they were not done with 8(2), they proceeded with item #9.

At 11:35 a.m. the committee resumed discussion on the Action Item Implementation timetable issue. Miller continued through the list with discussion on each item. Miller stated that he was hoping that this spreadsheet was more of a “report card” of information tracking the implementation of issues covered by the Comprehensive Plan and to be a guide that will be shared with all Departments involved. Harry Gladwin and Earl Welker participated in the discussion of the relationship of the County and Towns in this process.

Miller said that he would update and modify the Action Items Implementation timetable spreadsheet to reflect the changes that were discussed today and bring before the committee next month for their approval.

The Committee returned to 8(1) at this time.

9. Approve the February 14, 2008 meeting minutes – Motion by Rusch, seconded by Short to approve the February 14, 2008 meeting minutes. Motion carried all ayes. Proceeded with Item #3 on the agenda.
10. Administrator’s Report - Dan Miller reviewed some activities since the last committee meeting. The committee reviewed the Financial report. Dan Miller reviewed correspondence that had been received.
11. Adjourn - Motion by Meyer, seconded by Mittelsteadt to adjourn at 12:45 p.m. Motion carried all ayes.