

**Lincoln County Planning and Zoning Committee**  
**Thursday, April 9, 2009 at 9:00 a.m.**  
**Lincoln County Service Center, Meeting Room 156**

1. Call Meeting to Order - Meeting was called to order by Vice-Chairman Mittelsteadt at 9:00 a.m. in meeting room 156 in the Lincoln County Service Center. Members present: Meyer, Mittelsteadt and Eisenman along with Dan Miller, Zoning Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Saal was excused for the tours but will be here for the hearing. Rusch was excused.
2. Tour sites that will be the subject of the public hearing that will be held at 10:00 a.m. – Committee Members, Miller & Bowers left to tour the sites listed on the public hearing notice.
3. 10:00 p.m. Public Hearing – Hearings were held on the items listed in the notice. Hearings called to order at 10:00 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt and Eisenman along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, and 2 other persons were present.
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 KJMS Properties LLC to allow for a contractor shop in a Crossroads Mixed Use zoning district. The property is located in the SE ¼ of the NE ¼ of Section 26, T31N–R6E, in the Town of Scott, and has an address of N775 County Road K&Q. The request is being heard under section 17.3.08(6) of Lincoln County Ordinances.

The applicant was not present to support their request. Dan Miller explained the request for the Committee. It would be an electrical contractor's shop with the building housing office staff, engineers, service technicians, materials equipment storage. He stated they it would have minimal impact on the neighborhood. He shared the conditions that he would like to see if the request is approved (outside storage if vehicles/material be on the west side of the building and signage & lighting issues).

Saal read into the record the Town of Scott approval for the request. It was discussed at their 3/10/09 meeting with a vote of 2-0 in favor with no listed conditions. Mittelsteadt discussed future growth and if it would be prudent to require screening from the road. Saal closed the hearing for the Conditional Use request.

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

**CONDITIONS:**

- 1) All outdoor storage of equipment and inventory items must be located on the west side of the building so as to not be clearly visible from Hwy K&Q.
- 2) If potential growth requires outside storage anywhere besides the west side of the building, screening or a buffer of trees will be required to screen it from the road.
- 3) Any proposed signage and outdoor lighting must comply with the zoning performance standards related to these items in section 17.6 and 17.5 of the Zoning Ordinance.

There was discussion prompted by Meyer questioning the need for the screening. This was an implement dealer for quite a few years. Miller explained that that previous business needed their inventory in public view for sales purposes (and was also grandfathered) but this new request would need to comply with current regulations and that the storage that KJMS would require would be for their own equipment and material not retail sales. Saal commented that if their business grew and they required more outside storage a couple of dozen trees would not be too much of a financial burden to require.

Motion carried all ayes.

2. A request by Chad Schmidt to allow for an excavating business as an expanded home occupation in a Rural Lands 2 zoning district. The property is located in the SW ¼ of the NE ¼ of Section 30, T31N-R6E, in the Town of Scott, and has an address of W7056 School Ave. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Chad Schmidt was present to explain and support his request. He has a small excavating business out of his home and he plans to construct an addition to his garage building for his equipment. Investigation of the Land Use permit he had applied for prompted the need for the Conditional Use permit.

Miller asked how many employees that Schmidt had. He said that he currently has one part-time employee. Miller explained that he would be restricted to no more than 3 non-family members as employees. Schmidt stated that would not be a problem. Miller questioned the need for any top soil or crushed gravel he may have to stockpile on the property. Schmidt said that he would like to have a small reserve towards the back of the property. Miller stated that there is an existing large berm that also screens his equipment from the adjoining neighbor to the west. Schmidt said he also plans on planting some trees. Meyer questioned a fuel tank on the property. Schmidt stated that it belongs to his brother-in-law and it is not being used just being stored on the property.

Saal read into the record the Town of Scott approval for the request. It was discussed at their 3/10/09 meeting with a vote of 2-0 in favor with no listed conditions. Saal closed the hearing for the Conditional Use request.

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

- 1) Outside storage of equipment and materials must be adequately screened from the adjacent residence to the west and shall not exceed 15,000 square feet in area.
- 2) If a fuel storage tank is used it must be registered and meet all applicable regulations.

Motion carried all ayes.

5. Public Comment Opportunity – There was no public comment.
6. Approve the March 12, 2009 meeting minutes – Motion by Eisenman, seconded by Saal to approve the March 12, 2009 meeting minutes. Motion carried all ayes.
7. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. He shared with the Committee the follow-up plans for the Comprehensive Plan revision. The Committee briefly reviewed the compliance and financial reports.
8. Adjourn - Motion by Meyer, seconded by Mittelsteadt to adjourn at 10:45 a.m. Motion carried all ayes.