

Lincoln County Planning and Zoning Committee
Thursday, May 12, 2011 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, Meyer & Rusch along with Dan Bowers; Zoning Specialist, June Winters; Program Assistant & Diane Hanson; Interim Zoning Director.
2. Tour sites that will be the subject of the public hearing that will be held at 10:30 a.m. – Committee Members, Hanson & Bowers left to tour the site.
3. 10:30 a.m. Public Hearing – At 10:37 a.m. Saal called the Public Hearing to order. Hearing was held on the items listed in the notice. Saal, Mittelsteadt, Meyer & Rusch along with Diane Hanson; Interim Zoning Director, Dan Bowers; Zoning Specialist, Dan Miller; Former Zoning Administrator, June Winters; Program Assistant and 4 others were present.
4. 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. He called the hearing to order.

CONDITIONAL USE REQUESTS

1. A request by Packaging Corporation of America to allow for the placement of view and access corridors closer than the standard of 1 in every 150 feet of shoreline. The property is located in Section 09, T34N–R6E, in the Town of Bradley having an address of W6147 Highway 86 and a tax parcel number of 04.093406.001.001.00.00. The request is being heard under sections 21.07(1) and 21.09(3)(h) of Lincoln County Ordinances.

Dean Pelkey, Region Forester with PCA and head of this project, was present and explained the request. PCA has the Buedingen Training Center and would like a little better aesthetic view from the center and they are also working on eradicating the invasive species along the shoreline.

Saal asked if he had read and understood the staff report and Pelkey said that he did. Mittelsteadt asked about a large willow on the plan and confirmed that it was not to be removed. He also wanted to be sure that we are not setting a precedent by combining the view corridors. Bowers explained that with the request they will also restoring a very large area along the shoreline. Mittelsteadt wondered if this could be used as example to the public of the benefits of buffer restoration. Pelkey believes that this will be a good example of shoreland restoration. He said that it is still private property and he can't speak for PCA about the area being open to the general public. Mittelsteadt had questions about fertilizer used on the property. Pelkey said he did not have that information but could find out.

Saal had concerns with setting a precedent whether the property is a business, resort or residence. He is familiar with the property and does agree that it would be beneficial to have the buffer restored in a large area in order to combine the view corridors. Pelkey commented that they will definitely be decreasing the lawn area by planting more vegetation and would be following the recommendations of county staff for that planting. Mittelsteadt had questions about the need for “area #3” on the plan. Bowers explained that the best place for the view corridors have been discussed at length. He feels that as proposed it is a positive situation that meets the intent of the ordinance. He said that PCA will also have to sign an affidavit agreeing to maintain the restoration if granted. Saal asked Pelkey if “area #3” is not part of what is granted would that be agreeable. Pelkey said based on what their Mill Manager had said was that they would really like all 3 of the areas. Saal asked if a 5 foot reduction in “area #3” could be agreeable and Pelkey said he believed that it would be if necessary.

Harry Gladwin, Town of Bradley Plan Commission, was present to give testimony. He is familiar with the property and stated that both the Plan Commission on 4/25/11 and the Town Board on 5/9/11 voted unanimously to give their approval with the recommendation per the staff report from the county. He complemented PCA on their training facility.

Chairman Saal closed the public hearing for the Conditional Use request.

Motion made by Saal, seconded by Mittelsteadt to APPROVE ON CONDITION.

Conditions:

- 1) The two view corridors located in front of the Center (#1 & #2) shall be no greater than 25 feet wide and must be separated by at least 40 feet of compliant vegetative buffer as marked. The third view corridor (#3) shall be no greater than 25' wide and be at least 120 feet from the last.
- 2) The remaining portion of the shoreline must be restored to a compliant depth and a deed affidavit recording such conditions be recorded. The restoration shall be in compliance with county suggestions as per the Conservation Department.

There was further discussion on the motion. Motion carried all ayes.

PETITION FOR MODIFICATION OF THE SUBDIVISION ORDINANCE

2. A request by Ralph Ruplinger et al, and co-applicant Andre Galella, to create two lots with private road access on Fairway Drive instead of public road access. In addition, a proposed "flag" lot will have less than the required lot width at the building setback. The property is located in Section 15, T35N-R6E, in the Town of Bradley, and is located at W5870 Fairway Dr. The request is to modify sections 18.7.08(7) and 18.7.08(8) and is being heard under provisions of section 18.9.03 of Lincoln County Ordinances.

Eugene Uttech, MSA Professional Surveyors, was present as surveyor for Mr. Galella. He explained the request. The current owners are selling the property and the buyer wishes to divide the larger lot into 3 smaller lots. This presents a problem because one of the lots will not have access on a public road, thus the need for the request. It is understand also that even the lots that front County Rd U will not be able to have driveways on County Rd U.

Mittelsteadt had questions about the soil test. There were soil borings done on what will be the 2 vacant lots. Saal had questions about the maintenance agreement. Uttech clarified that the agreement is for Fairway Dr which is a private road and is a separate parcel which will be purchased by Galella. Uttech stated that they have been to both the Bradley Planning Commission & Town Board and obtained their approval for the request. Meyer also had questions on the road maintenance agreement. Bowers asked if all the landowners on Fairway Dr have deeded access and Uttech said that they did not but believes that Mr. Gallela is discussing it with them.

Harry Gladwin, Town of Bradley Plan Commission, was present to give testimony. He is familiar with the property and stated that both the Plan Commission on 4/25/11 and the Town Board on 5/9/11 voted unanimously with the recommendation as per the staff report from the county and that the CSM & road maintenance needed to be completed and reviewed by the Town of Bradley.

Saal closed the public hearing for the Petition for Modification request.

Motion by Meyer, seconded by Rusch to APPROVE ON CONDITION as reflected in the staff report.

CONDITIONS:

- 1) A road maintenance agreement be recorded which obligates lot owners to a minimum maintained width of 16 feet for the private road.

- 2) Any portion of a proposed lot on the CSM which is less than 130 feet in width shall be indicated on the CSM as non-buildable.
- 3) Lots 1, 2, and 3 of the CSM shall be provided driveway access off of Fairway Drive. Lot 2 shall not have a driveway onto County Rd U.

Motion carried all ayes.

5. Public Comment Opportunity – Harry Gladwin stated that his town and others are concerned with the changes in the Zoning Department the services to the townships may be diminished and they would like to see the services continue. Meyer recommended that the townships contact the County Board. Mittelsteadt said speaking as an individual in the Town of Scott he believes that there should be a meeting with the townships to discuss the impact of the reduction in the Zoning Department. Gladwin added that he believes that the loss of Dan Miller to the Zoning Department is immeasurable.

At 11:45 a.m. Saal called for a break. Meeting reconvened at 11:52 a.m.

6. Discussion and action of suggestion to waive Land Use Permit fee to replace structures damaged or destroyed by the April 10, 2011 tornado - Dan Miller explained that after the tornado it was discussed that fees for rebuilding inside the city were being waived and he was approached on doing the same. He spoke with Saal and Bob Lussow and it was agreed that it would be a good idea. Corporation Counsel had reminded Miller that they did not have that authority and that it would have to go to the Committee for approval. There was lengthy discussion as to whether the fees should be waived as in most cases the insurance companies may cover the cost of the permits. Saal said he saw this as a way to help out after the disaster as other agencies were trying to help out. Mittelsteadt argued that the original decision was not done in the proper manor. Saal agreed that it may have not been done through the proper steps but it was a decision that was made in response to the disaster. There was lengthy discussion on the issue.

Motion by Meyer, seconded by Rusch to APPROVE waiving fees for Land Use permits directly related to the storm damage of April 10, 2011. The waiving of the fees will be retroactive to the date of the storm and will only apply to Land Use permits applied for by October 1, 2011. Motion carried all ayes.

Any Land Use permits, even if related to the storm damage of April 10, 2011, that are applied for after the October 1, 2011 deadline will be subject to permit fees in place at that time.

7. Discussion regarding organization of Land Information/Conservation & Zoning departments - Appointing Diane Hanson Land Services Administrator & approve Job Description - Randy Scholz; Administrative Coordinator was present and submitted a revised resolution. The recommendation of the Ad Hoc committee was to simplify the Zoning Code, allow Townships to opt in or out and combine Land Conservation/Information & Zoning departments. He explained that the fiscal impact may change after review of the department.

Meyer had questions about the towns being able to “opt out” of the county zoning. Miller explained that the county can “open the door” to let towns in or out. There was lengthy discussion on the impact to the public and the county with the proposed changes in staffing. Mittelsteadt expressed his disbelief that this is the answer to the situation because the towns depend on the county to do their job. Meyer questioned that the Land Conservation Committee was asking to review this every two months for the next year. Scholz stated that that committee had revised the resolution to add that and it doesn’t mean that this committee cannot amend the resolution again. Mittelsteadt commented that we don’t go into anything with a plan we just jump into things. Rusch commented that she is on the Personnel Committee and they are looking at ways to save money by combining the departments. She believes that it needs to be looked at as an option to see if it would work. She was under the impression though that the Zoning Committee would have more say in this decision. Saal thought that as a Committee, they should have had more input also. He also said that simplifying the Zoning Code may not be a fast or simple process so it is not quick

solution. He also hopes that the Ad Hoc Committee follows through with these cuts in other departments. Meyer said that we should ask how Hanson feels about the proposal. Hanson said that she would have to rely on cooperation of all employees under her in order to make this work. She has concerns but is agreeing to try and make it work. Rusch wants to make sure that if Hanson determines that it will not work she will make that clear also. There was lengthy discussion on the actual fiscal impact. Harry Gladwin commented on how these changes will affect the townships drastically and feels that if the services provided by the county are reduced the tax levy should be reduced accordingly. Bowers spoke on the fact that the job description may not be accurate with the way things are being restructured.

Motion by Saal, seconded by Meyer to submit proposed Resolution 2011-05-() as proposed striking #3 and parts of #2. Motion and second were withdrawn.

Scholz suggested that we take a break to draft another resolution. Saal called for a break at 1:40 p.m. to reconvene by 2:00 p.m. Committee reconvened at 2:00 p.m.

Motion by Saal, seconded by Mittelsteadt to submit proposed Resolution 2011-05-(C) to Lincoln County Board. Wording of the resolution would be as follows:

Assign Planning & Zoning Administrator Responsibilities to Diane Hanson

WHEREAS, the Zoning Committee has made the recommendation to (1) study simplifying the comprehensive zoning code; (2) to allow townships to opt- in or out if the code is revised; and

WHEREAS, the Planning & Zoning Committees recommend the appointment of Diane Hanson as the Zoning Department Administrator; and

NOW, THEREFORE BE IT RESOLVED, this 17th day of May 2011, that the Lincoln County Board of Supervisors approve the appointment of Diane Hanson as Lincoln County Planning & Zoning Administrator effective May 18, 2011

BE IT FURTHER RESOLVED that this appointee will be paid at the Grade 15 maximum (\$70,866) on the salary plan.

There was some discussion. Motion carried all ayes.

8. Approve the April 14, 2011 meeting minutes – Motion by Saal, seconded by to approve the April 14, 2011 meeting minutes. Motion carried all ayes.
9. Discussion and approval of the 2012 budget - There was some discussion on the budget and what was to be submitted to Finance. Motion by Meyer, seconded by Rusch to approve the proposed 2012 budget and forward to Finance with minutes from both the 4/14/11 & 5/12/11 ZC meetings as supporting documentation. Motion carried all ayes.
10. Administrator's Report - Hanson noted that she has been working with Zoning staff and trying to get up to speed on the Floodplain Zoning Ordinance and get it ready for public hearing. She needs to evaluate staffing needs/workloads after observing how things work in the department as there are currently too many unknowns. There was no additional correspondence.
11. Adjourn - Motion by Meyer, seconded by Saal to adjourn at 2:30 p.m. Motion carried all ayes.