

Lincoln County Planning and Zoning Committee
Thursday, June 10, 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 along with Dan Bowers, Zoning Specialist. Supervisor Eisenman was excused for the day & Supervisor Meyer was excused from the tours.
2. Tour site that will be the subject of the public hearings that will be held at 11:00 a.m. – Committee Members & Bowers left to tour the sites listed on the public hearing notice.
3. 11:00 a.m. Public Hearing – Hearings were held on the items listed in the notice. The first hearing called to order at 11:09 a.m. by Chairman Saal. Saal, Mittelsteadt, Rusch and Meyer along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist and 7 other persons were present. Supervisor Eisenman was excused.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee

COMPREHENSIVE PLAN AMENDMENT

1. A request by Kenneth C. and Robin L. Islo to amend the Lincoln County Comprehensive Plan by changing the planned land use classification for the northerly 770 feet + or - of tax parcel 04.163506.003.000.00.00 from “Private Forest” to “Rural Single Family Residential”. The request includes approximately the north 12 acres of a 26 acre parcel in Gvt Lot 2 of Section 16, T35N-R6E in the Town of Bradley. The purpose for the plan change is to accommodate a rezoning request to Rural Residential 3 from Forestry.

Ken Islo was present and explained to the Committee that the plan change and rezoning requests are the result of them dividing their family farm. The focus of the plan change is the division of a waterfront parcel into two parcels; one for him and one for his brother, and a remainder parcel that will go with land to the south and west of the parcel. Saal asked about road access. Islo explained that he does not want to build on his parcel and the road is plenty wide for access. They have had semis and quad axels back in there in the past without a problem. The easement is 30 feet wide and the road base is easily 16 feet wide. They would just have to mow some weeds that are growing up along the sides.

The Committee discussed the limitations associated with private railroad crossings and asked about access into the parcels from Glenmar Ln to the north. Islo indicated that they do not have legal access from that road. Ken shared a larger map on an aerial photo with the Committee. Miller reminded the Committee that the court ordered the split to settle the estate and exempts the split itself from Departmental review. The road standards would be looked at by the Department if anyone were to build on the parcels.

Robin Islo indicated his agreement with Ken’s statements.

Harry Gladwin provided the Committee with additional information. On June 14th at 5:00 p.m. the Town of Bradley Board will be holding their own hearing on the plan change. The Plan Commission met and voted to recommend approval of the request for both the plan change and the rezoning. He also stated that the road would be considered if any additional splits were proposed. RR-3 is the town’s preferred residential district.

Saal recognized a letter from an adjacent land owner expressing concerns about a local wolf pack and the potential impact to them from additional development.

Saal closed the public hearing for the Comprehensive Plan Amendment request. The Committee discussed the request. Saal recapped the testimony and concluded that they had no control over the size and number of parcels due to the court's ruling but he does have concerns over the road width and its condition. An argument could be made that if only two more homes are built the road might be wide enough but the road is narrow presently and emergency equipment and two vehicles meeting each other could be hindered.

Mittelsteadt felt that if the lots were to be built upon, the road standards should be upheld at that time. We need to protect the town's interests and the safety of those who may live there in the future.

Rusch agreed that the road should be upgraded too if the lots are ever built upon.

Motion by Mittelsteadt, seconded by Saal to approve the request and send the amendment to the County Board conditioned upon the road being upgraded to a minimum 16 foot of width prior to any additional homes being built upon either new lot.

Motion carried all ayes.

PETITION FOR REZONING

2. A request by Kenneth C. and Robin L. Islo to rezone the northerly 770 feet + or - of tax parcel 04.163506.003.000.00.00, approximately 12 acres, from Forestry to Rural Residential 3 and the remaining approximately 14 acres from Forestry to Rural Lands 2. Also, the following tax parcel numbers are requested to be rezoned from Forestry to Rural Lands 2; 04.163506.009.000.00.00 (approximately 40 acres) and 04.163506.010.001.00.00 (approximately 35 acres). The purpose for the rezone is to accommodate future subdivision and potential year-round homes.

Saal indicated that much of the previous testimony is germane to the rezone request as well and he would only be interested in testimony that adds to the discussion and is not redundant.

Harry Gladwin indicated that the minimum lot size in Bradley is 50,000 square feet and both parcels being proposed and under consideration of rezoning are well over that.

Saal closed the public hearing for the Rezone request.

Motion by Saal, seconded by Rusch to approve the rezoning of the north half of tax parcel 04.163506.003.000.00.00 from Forestry to RR-3. Motion carried all ayes.

Motion by Mittelsteadt, seconded by Saal to approve the rezoning of the remaining half of the parcel from Forestry to RL-2. Motion carried all ayes.

Motion by Saal, seconded by Meyer to approve the rezoning of the 75 acres as described in the notice from Forestry to RL-2. Motion carried all ayes.

CONDITIONAL USE REQUEST

3. A request by Kenneth and Margaret Rosin to allow for a storage building that exceeds 1,500 square feet in a Rural Residential 3 zoning district. The property is located in Section 11, T34N-R5E, in the Town of Tomahawk, and has an address of W7866 W. Bilby Rd. The request is being heard under section 17.3.09(1)(b) of Lincoln County Ordinances.

Margaret Rosin was present and explained that it is their intention to retire and move to the property. Her husband has a lot of personal "stuff" and wants to properly secure it and protect it from the elements. The shed will be 40' x 64' in dimension. They plan to tear down the existing cottage on the property and will rebuild in the same area.

Saal recognized the town approval on a 3-0 vote.

Saal closed the public hearing for the Conditional Use request and reviewed the decision criteria and made favorable findings with the Committee in agreement.

Motion by Meyer, seconded by Rusch to approve the request conditioned upon the structure not being used for human habitation or for any commercial purpose without prior authorization by Lincoln County Planning & Zoning. Motion carried all ayes.

4. A request by James Mahn to allow for a storage building that exceeds 1,500 square feet in a Rural Residential 2 zoning district. The property is located in Section 31, T32N-R6E, in the Town of Harding, and has an address of W7013 VonBesser Dr. The request is being heard under section 17.3.09(1)(b) of Lincoln County Ordinances.

Jim Mahn was present and explained that the expansion to the existing building is to accommodate their need for additional storage and they do not intend to use the building for any commercial purpose.

Saal recognized the approval by the town of Harding.

Saal closed the public hearing for the Conditional Use request and reviewed the decision criteria and made favorable findings with the Committee in agreement.

Motion by Mittelsteadt, seconded by Meyer to approve the request. Motion carried all ayes.

5. A request by Rob Grefe & co-applicant Joe Simpson to allow for automobile repair as an expanded home occupation in an Agriculture zoning district. The property is located in Section 33, T32N-R5E, in the Town of Harding, and has an address of N2615 Forks Rd. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Joe Simpson was present and explained that he makes his living repairing automobiles and he cannot find a shop to rent in the City of Merrill. He attended the town of Harding meeting and the Board's recommendations were basically the same as the staff's. He agrees with them. He intends to purchase a portion of the property from Rob Grefe under a land contract and would like to build a bigger shop further back on the property when he can afford to do so.

Saal entered the Town of Harding approval with suggested conditions into the record.

Saal closed the public hearing for the Conditional Use request. The Committee discussed the decision review criteria and made findings. Some impacts are possible but the conditions suggested by staff will mitigate them.

Motion by Rusch, seconded by Meyer to approve the request conditioned upon the following:

1. This request is subject to regulations under 17.3.09 (8) of Lincoln County Ordinances, stated above.
2. There shall be no more than 9 vehicles total, including the applicant's vehicles, on the property at any given time.
3. Fluids shall be stored and properly disposed of following all federal, state, and local regulations.
4. The hours of operation shall be from 7 am - 7 pm; 7 days a week.

Motion carried all ayes.

5. Public Comment Opportunity – None

6. Approve the May 13, 2010 meeting minutes – Motion by Rusch, seconded by Meyer to approve the May 13, 2010 meeting minutes. Motion carried all ayes.
7. Administrator's Report - Miller provided a written report of his activities since their last meeting.

The Committee reviewed the Compliance Report with Bowers.

Approve citation issuance for McCaulley property in Harrison. – Bowers explained why the building of the deck was a violation of the ordinance and why it has led to the point where a citation should be issued. Miller explained that the ordinance, as written, requires the Administrator to seek approval from the Committee before he issues a citation. The Committee discussed the ordinance requirements and suggested that this be placed on the agenda for the next meeting. Motion made by Mittelsteadt, seconded by Meyer to authorize the issuance of a citation to the McCaulleys for the illegal deck. Motion carried all ayes.

The Committee reviewed the Financial Report and placed it on file.

Miller reviewed with the Committee a memo he recently received from a DNR floodplain engineer that was a strategy memo addressing how to reduce their workload. It was in response to a Department order from Todd Ambs, director of the water division. Miller recapped a letter written by Rusk County Zoning Administrator to her state legislators asking them to tell the DNR to either start providing service to the public or else eliminate the mandated program responsibilities. The Committee agreed with the sentiment and appreciated being informed of the DNR strategies.

8. Appoint liaison from Zoning Committee to Land Services Group - Motion by Saal, seconded by Rusch to appoint Mittelsteadt as liaison from the Zoning Committee to the Land Services Group.
9. Convene in closed session pursuant to Sec. 19.85(1)(2), Wis. Stats. for purposes of considering employment evaluation data of any public employee which the body has jurisdiction. (Zoning Administrator - Dan Miller annual evaluation) & consider step increase - Motion by Saal, seconded by Meyer to go into closed session with the Committee and Dan Miller; Zoning Administrator to remain. Motion carried all ayes.
10. Reconvene into open session and take any necessary action on item above - Motion by Meyer, seconded by Mittelsteadt to reconvene into open session. Motion carried all ayes. Motion by Rusch, seconded by Meyer to give Dan a favorable evaluation and to approve his step increase. Motion carried all ayes.
11. Adjourn - Motion by Meyer, seconded by Saal to adjourn at 1:04 p.m. Motion carried all ayes.

Minutes prepared by Dan Miller