

Lincoln County Planning and Zoning Committee
Thursday, June 11, 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, Mittelsteadt, Rusch and Eisenman along with Dan Miller, Zoning Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant. Meyer was excused from the tour but will attend the hearing.
2. Tour sites that will be the subject of the public hearing that will be held at 10:30 a.m. – Committee Members, Miller & Bowers left to tour the sites listed on the public hearing notice.
3. 10:30 p.m. Public Hearing – Hearings were held on the items listed in the notice. Hearings called to order at 10:30 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt, Rusch and Eisenman along with Dan Miller; Zoning Administrator, June Winters; Program Assistant, Mary Heederik; Court Reporter and approximately 8 other persons were present.
4. Discussion by the Planning and Zoning Committee and Decision on the Petition for Modification of the Subdivision Ordinance and Conditional Use request which were the subject of the Public Hearing.

PETITION FOR MODIFICATION OF THE SUBDIVISION ORDINANCE

1. A request by Debra Hilt to create a lot on the Spirit Flowage which does not have 30 feet of frontage on a public road but is accessed by a private road. The property is located in the N ½ of the NE ¼, Section 12, T34N–R5E, in the Town of Tomahawk, and is located off of Highway 86. The request is to modify section 18.7.08(8) and is being heard under provisions of section 18.9.03(3) of Lincoln County Ordinances.

Linda Boelter was present to support the request. She is Debra Hilt's sister and part owner of the parcel. She explained their request and discussed the proposed work on the road. Saal asked her if they agreed with the 4 conditions listed on the staff report that may be imposed if the request is granted. Boelter stated that she did and gave Saal the road maintenance agreement that had been drafted, Alan & Heidi Arndt, Neil & Amy Gebauer are other affected land owners on the road and Boelter stated that they were willing to sign the agreement. Saal questioned the road naming and Boelter stated that they know that they have to name the road but haven't gotten that far yet. Dan Miller briefly explained the process but told Boelter that they would need to talk to Audrey Jensen, the Rural Addressing Coordinator for Lincoln County. Miller said that before he signs the CSM the road naming process should at least be started. Bowers asked Boelter if they had attended the Town of Tomahawk meeting. She said that they hadn't because Debra Hilt had been told by the Town Chairman that the town had all the information that they needed so it was not necessary they attend the meeting.

Gary Hilt was present and neither supported nor opposed the request. He is an adjoining landowner. He just had concerns about the road naming. He said that he had asked some questions and was told that they may want to name this part of the private road as a continuation of "Valley Rd" back out to State Rd 86. He would be opposed to that as he believes it would increase traffic on that private road. He would like to see this portion stay a private road and be named something else. He showed the Committee a CSM indicating where his property is located. Bowers asked if Hilt was willing to be a part of the road maintenance agreement. Hilt stated that he maintains it already so he wouldn't have a problem with that. Mittelsteadt asked the length of "Valley Rd". Hilt guessed about 1/8 mile. Hilt agreed that he could be named in the road maintenance agreement.

Saal read into the record the Town of Tomahawk recommendation for the request that was before their Town of Tomahawk board on 6/8/09. The request was denied on a vote of 3-0 stating no reasons for the decision. Miller

shared with the Committee a conversation that he had with one of the town supervisors and there may have been some personal politics involved and misunderstandings about regulations and how they have changed.

Bowers questioned that the number of land owners listed on the road maintenance agreement may exceed the limit of accesses allowed by the DOT on their previous access permit. The Committee agreed to have Boelter recalled to the podium and she stated that there are several owners involved but still only a total of 4 accesses on the private road. There was discussion about how the accesses are allotted. Bowers commented that there should only be the 4 accesses permitted by the DOT listed on the maintenance agreement.

Motion by Mittelsteadt, seconded by Meyer to APPROVE ON CONDITION the request. CONDITIONS:

- 1) The private road shall be improved such that it contains a DOT "spec 2" crushed gravel surface, or an approved equivalent, that measures 16 feet wide for a traveled way surface and is crowned and ditched where necessary from Hwy 86 to the south line of the proposed parcel.
- 2) The private road shall be named and addresses assigned following protocols of the "Addressing and Road Naming Ordinance" (chapter 6.3 of the Lincoln County Code) in consult with the Lincoln County Addressing Coordinator.
- 3) The applicants shall cause the road to be signed in adherence with the same ordinance protocols at their expense.
- 4) All landowners that abut the private road shall be assigned road maintenance responsibilities in a road maintenance agreement and an affidavit that shall be approved by the Department and signed by the affected parties before it is recorded.

There was some discussion on the existing recorded DOT access covenant and they agreed that it was consistent with the recommended conditions. Mittelsteadt commented that the road needs to be named on the basis of being in the best interest for public health and safety. How to do that will be determined by the Rural Addressing Coordinator in the road naming process. Saal concurred commenting, because of his experience with emergency services, he knows the importance of no confusion with road names to hinder personnel responding to an emergency, citing that sections of a continuous road named differently sometimes create confusion.

Motion carried all ayes. Meyer questioned if, because they had gone against the Town's recommendation, there would be any problem with the Town of Tomahawk. Miller stated that there is an appeal process if the Town wishes to challenge the decision.

CONDITIONAL USE REQUEST

2. A request by Josh and Jessica Hipke to allow for a Recreational Vehicle Course on a 15 acre parcel in a Rural Lands 4 district. The property is located in the SE ¼ of the NW ¼ of Section 26, T32N-R8E, in the Town of Schley. The use is identified as a conditional use in section 17.3.05 (10) and is being heard under provisions of section 17.8.30 of Lincoln County Ordinances.

Josh Hipke was present to explain and support the request. They had looked at a different parcel and ridden ATVs on that property and a neighbor complained to Zoning. Because it was zoned Residential they started looking for a different more "rural" location. They found this property and submitted this Conditional Use request. He went before the Town of Schley and obtained their approval and conditions that would be imposed. He stated that he wants to have a more or less "controlled environment" for he and his kids to ride their ATVs. He has spoken to some adjoining land owners and did not believe there was any opposition. Bowers asked if he has had the parcel surveyed yet and Hipke stated that he is working on that. He said that there is an abandoned railway right-of-way on the property and it is lengthening the process as records are not clear. They may need to do a "line by agreement" to determine lot lines. The private driveway is for 3 land owners currently and that is why it has to be named as a "private road". Bowers asked questions about the snowmobile trail that also crosses the property using the private road. Bowers asked if there had previously been an ATV trail on this

property. Hipke said that Carl, the previous owner, did have a track. Miller asked how much the track would get used. Hipke stated that they will try to ride as much as they can but they go other places and to races so it wouldn't be an every day or even an every weekend thing. As it gets dark earlier they usually don't ride much into November anyway. In the spring they usually don't ride until the frost is out of the ground. Mittelsteadt asked the need for this request. Miller clarified by reading from the ordinance why there was a need for this request. Miller stated that they had a complaint previously and now Hipke was trying to take the proper steps to achieve what he wanted to do. Hipke stated that he was just trying to follow the rules. Mittelsteadt commented that the wording of the ordinance may need to be looked at. Mittelsteadt asked for confirmation that this was not a track that was "open to the public" and Hipke stated that it was not.

Earl Welker, Schley Plan Commission member, was present and stated that Hipke has cooperated with the town and has attended both their Plan Commission and Town Board meetings. Welker stated that the Zoning staff recommendation did not address the camping and sanitary waste disposal issues and the Town had questioned that. He also stated that the town waived the 33 foot right of way requirement that they usually impose on private roads. He explained the hours of operation that they had requested. Welker discussed the road maintenance agreement that the town had required. He said that the Town had approved the name of "Nitro Rd". Saal asked Welker if there was anyone at the town meetings in opposition and Welker said that there was not.

Saal read into the record the Town of Schley approval from their 5/21/09 meeting. They unanimously voted to approve this request with 7 conditions. Bowers commented that the 2 conditions that the town had listed that staff did not are covered under our ordinance so he did not feel they needed to be listed as separate conditions.

Chuck McCrory was present in neither support nor opposition to the request. He is an adjoining landowner. He asked if there was an expiration date on the Conditional Use Permit. Miller explained that the Conditional Use runs with the property even if property changes hands but there is a provision that if the requested use is discontinued for more that a 12 month period it would no longer be valid. McCrory wanted to make sure that Hipke or future owners would be held to the conditions imposed and Miller stated that he or they would have to go through the process again if there is any deviation from or expansion of the conditions of approval if this request is granted.

Motion by Eisenman, seconded by Rusch to APPROVE ON CONDITION the request. CONDITIONS:

- 1) That the size of the track be kept to approximately three acres.
- 2) The hours of operation will be from 9:00 A.M. to 6:30 P.M. or ½ hour before sunset which ever occurs first.
- 3) No operation during gun deer season.
- 4) A maximum of six (6) ATV's using the track at any given time.
- 5) Violations under town or County nuisance law for noise, dust, or other impacts may be cause for revocation of this permit.

There was review and discussion on the basis for the Committee decision. Motion carried all ayes.

At 11:40 Saal called for a 10 minute break. The meeting reconvened at 11:50 a.m.

5. Public Comment Opportunity – Earl Welker just wanted to comment that the cooperation between the applicant, the town and the Zoning staff was very good for the request that was just granted.
6. Discussion on 2010 budget issues - Miller said this issue was put on the agenda because it appears that other Committees are endorsing John Mulder's recommendations and he wanted this Committee to give him some direction. There was discussion on what type of cross department cooperation currently exists. Miller gave some examples. Mittelsteadt stated that he believes that it may not be that simple to create one department even though the departments work together, their respective areas are still specialized and that makes it difficult. Saal said he agrees with that to an extent but he feels that the broader point of view with one leader has something to be said for it and

that there are efficiencies and advantages that may be achieved. Rusch felt that when departments work together it is much more effective than merging into one large department because merging doesn't necessarily mean efficiency or a cost saving.

Miller said that the issue of merging the department is going to be on the next Land Services Group meeting so he wants direction in how to proceed. Saal said that while the entire list of recommendations may not be the end result, there are several points on the list that merit a look and he sees some benefit to have one person with a broader view "oversee" the departments. Bowers commented that the fear of the unknown makes for a very stressful work environment. Mittelsteadt agreed that this creates a stressful situation for any employee and hopes the County Board members don't lose sight of how scary that is because most of them are retired and are not in the same situation facing working families in this economy. Mittelsteadt would rather see everybody give a little instead of a few lose everything. Meyer said that input and suggestions from "everyone" should be listened to "from the line staff on up", because the view from the bottom differs so much from the view from the top. Mittelsteadt suggested that Miller should investigate and figure if it would be a savings to eliminate the Zoning vehicles and pay mileage to employees doing onsite and also figure the savings for decreasing hours of operation for all staff.

At 12:55 Saal called for a recess for lunch. Meyer excused herself from the rest of the meeting. The rest of the Committee reconvened at 1:45 p.m.

There was more lengthy discussion and suggestions such as centrally purchasing fuel through Highway as it had been in years past, scheduling furloughs and suspending step increases to both union and non-represented personnel. If department heads themselves have suggestions and recommendations those ideas need to be forwarded to Personnel Committee. The Committee agreed that they need to listen to all suggestions to see what is helpful or viable but we need to move forward. Mittelsteadt said we also need to analyze the reactions that are going to result from our actions.

The Committee agreed that at the Land Services Group meeting they should decide which ideas should go to which Committees after analyzing each idea. Saal's understanding is that Tim Meehan, in taking over John Mulder's responsibilities, is going to investigate with each department to see if it would be beneficial to proceed with Mulder's recommendations or if there are alternatives to obtain efficiencies and save money. Mittelsteadt commented that Meehan needs to have a better understanding of the departments before pushing a course of action. Rusch feels that the department heads need to be very proactive in finding a solution. Saal commented the list needs to be scrutinized to see what will work but we must move forward.

7. Discussion if we may accept a conditional use permit for an expanded home occupation on a property prior to the residence being built - Miller explained a pending situation where a landowner wants to have a business on a parcel prior to building a residence. Mittelsteadt suggested that the landowner may apply for the Conditional Use for a Home occupation only if he apply for a permit for a residence at the same time (requires a Land Use and a Sanitary permit) This would give the landowner a total of 3 years to build the residence (2 year permit + 1 year extension if renewed before expiration) After 3 years, the situation would need to be re-evaluated. If the business is still in operation and the home is not built, he would have to discontinue the business or re-apply for all of the permits. The rest of the Committee concurred.
8. Approve the May 14, 2009 meeting minutes - Motion by Saal, seconded by Rusch to approve the May 14, 2009 meeting minutes. Motion carried all ayes.
9. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. He shared with the Committee current activities for the Comprehensive Plan update. Committee briefly reviewed the Financial and Compliance reports. Miller reviewed the correspondence that had been passed out to the Committee.
10. Adjourn - Motion by Saal, seconded by Eisenman to adjourn at 2:35 p.m. Motion carried all ayes.