

**Lincoln County Planning and Zoning Committee
Thursday, June 12, 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, Mittelsteadt, Rusch and Eisenman along with Dan Miller; Zoning Administrator and June Winters; Program Assistant. Meyer was absent from the tours but joined the Committee for the 10:30 meeting.
2. Tour sites that will be the subject of the public hearing that will be held at 10:30 a.m. – All Members and Miller left to tour the sites listed on the meeting notice.
3. 10:30 a.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order at 10:40 a.m. by Chairman Saal. Saal, Meyer, Mittelsteadt, Rusch and Eisenman along with Dan Miller; Zoning Administrator, June Winters; Program Assistant, Mary Heedrick; Court Reporter and 6 others were present.
4. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use request and Comprehensive Plan Amendment and Petitions for Rezoning which were the subject of the Public Hearing.

CONDITIONAL USE REQUEST

1. A request by James Olson to construct a storage building greater than 1,500 square feet in a Rural Residential – 2 zoning district. The property is located Section 30, T32N–R6E, in the Town of Merrill, and has an address of W7173 Destiny Dr. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Richard Olson (co-applicant) was present to support their request. He said that he is here representing his son James who is the owner of the property. He explained the request to the committee. Dan Miller asked Olson about the use of the building and the recommendation for screening at the lot line. Olson said that they would agree to plant some trees for screening. Miller asked about the existence of an easement along the property line. Olson said that there is no recorded easement. Saal asked Olson if he was planning on having a bathroom and running water into the building. Olson said that they were planning on preparing the slab with the future possibility of having it plumbed.

Chairman Saal read into the record the Town of Merrill recommendation form from their June 9, 2008 meeting with a vote of 5-0 for a favorable recommendation. Saal closed the public hearing for the Conditional Use request.

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

- 1) The building shall not be used as a dwelling or for any commercial purpose unless otherwise permitted by the Department.
- 2) The storage building shall be setback a minimum of 25 feet to the south line.
- 3) Effective screening to the south shall be maintained in the form of trees, shrubs or a combination of both subject to approval by the Department. (effective screening currently exists on neighboring property)

Motion carried all ayes.

COMPREHENSIVE PLAN AMENDMENT

2. A request by John Kablitz to amend the Lincoln County Comprehensive Plan by changing the planned land use classification from Rural Lands to Rural Single Family Residential to allow for more than one home on the

property. The tax parcel number is 04.053506.007.001.00.00. The property is approximately 10 acres in size and is located in Section 5, T35N–R6E, in the Town of Bradley, and has an address of W6835 Kablitz Rd.

John Kablitz was present to support his request. Kablitz explained the request indicating the need for the reclassification and rezone. They do not plan on subdividing the property they just wish to have a 2nd home on the property. Miller asked if he would be willing to make a deed restriction stating that the property could be not split. Kablitz said he has no intention of splitting the property but after his passing he would prefer not to restrict the future owners from splitting the property. Dan Miller explained that this request will be acted on separately but may be discussed in conjunction with the Kablitz Rezoning request. Saal explained that the reason that Miller is questioning a split is that we do not want to see property access problems. Miller explained that they have gotten further documentation regarding the access.

Kablitz thanked the Committee and Zoning staff and the Town of Bradley in being so helpful in this process. Rusch asked if this new 2nd dwelling is going to be a year round home. Kablitz said that it may possibly be in the future.

Harry Gladwin, Town of Bradley Plan Commission, was present and stated that the Plan Commission held a meeting on June 9, 2008 and approved the rezone request. Miller asked if that also included the Comprehensive Plan amendment and Gladwin stated that it did. Saal closed the public hearing for the Comprehensive Plan Amendment.

Motion by Saal, seconded by Rusch to APPROVE changing the planned land use classification from Rural Lands to Rural Single Family Residential for this property. Motion carried all ayes. The request will be forwarded to the Lincoln County Board for the June 17, 2008 meeting.

PETITION FOR REZONING

3. A request by John Kablitz to rezone approximately 10 acres from a Rural Lands 2 zoning district to a Rural Residential 5 zoning district (4.5 acre minimum) to allow for more than one home on the property. The property is located in Section 5, T35N–R6E, in the Town of Bradley, and has an address of W6835 Kablitz Rd. The tax parcel number is 04.053506.007.001.00.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

John Kablitz was present to explain the request. The Committee discussed the property and his plans. Harry Gladwin asked Saal if he wanted him to repeat his previous testimony. Saal said no, and just read into the record the Resolution from the Town of Bradley from the June 8, 2008 meeting. Saal closed the public hearing for Kablitz rezone request.

Motion by Mittelsteadt, seconded by Rusch to APPROVE the Rezone request to Rural Residential 5 (RR5). Motion carried all ayes. The request will be forwarded to the Lincoln County Board for the June 17, 2008 meeting.

4. A request by Lawrence Carstensen to rezone approximately 82.3 acres from a Forestry zoning district to Rural Lands 4 zoning district to allow for year round homes. The property is located in the NW ¼ of Section 8, T35N–R6E in the Town of Bradley; having tax parcel numbers of 04.083506.007.001.00.00, 04.083506.008.002.00.00 and 04.083506.006.001.00.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

Lawrence Carstensen was present to support his request. He explained that he wants to put a garage up and because of the increased road setback in Forestry it is a problem with locating the building. He added that he actually is not in compliance with zoning since it was changed back to Forestry, because he has two year round

dwellings on the property. Miller stated that he had given the Committee the documentation indicating a previous rezone that Carstensen had gone through and that he has to go through this process again because the recodification that was adopted in 2005 changed the zoning of the property back to Forestry. Carstensen said that he would be happy with RL4 because if he ever did wish to sell off some property it would be allowed. Miller talked about the surrounding zoning and the wetlands indicated on the resource map. Miller confirmed with Carstensen that one of the dwellings was his own year round home and the other is a residence that he rents out on a long term basis. Carstensen stated that the proposed garage is for the rental home.

Harry Gladwin, Town of Bradley Plan Commission, was present and said that this issue was addressed at the Town of Bradley Plan Commission and Town Board meeting with a favorable recommendation and resolution for his request. He stated even through the recodification process with all of the notices and public meetings for proposed changes, it is unfortunate that many people were unaware of the changes being made. It is unfortunate that Carstensen has to go through the process a second time but he has been extremely cooperative in resolving the situation. Saal closed the public hearing for the Rezone request.

Motion by Saal, seconded by Eisenman that the Rezone request to Rural Lands 4 (RL4) be APPROVED. Motion carried all ayes. Saal also apologized to Carstensen for having to go through this process twice. The request will be forwarded to the Lincoln County Board for the June 17, 2008 meeting.

5. Old Business – Chapter 17 Text Amendment regarding digital signs - Section 17.6.03 (2)(i) of the Comprehensive Zoning Ordinance be created to say “Digital Signs or LED lighted signs are prohibited except for the purpose of displaying price per gallon of gas, hour-and-minute, date or temperature.”

Dan Miller reviewed the proposed changes for the Committee. He said that it was sent back to Committee from the last County Board meeting. Saal stated that he wasn't sure how to make this the least complicated without allowing loopholes. Meyer had questions about digital signs that she has seen. Saal stated that when you are specific about what you will allow instead of a voluminous description of what is not allowed he thinks that there is less chance of problems. Miller stated that highway construction signs and traffic control signs are not affected by this ordinance as they are covered by other regulations. Saal closed the hearing for the proposed Ordinance Text Amendments.

Motion by Mittelsteadt, seconded by Meyer to APPROVE the revised text as proposed and send it back to the Lincoln County Board on the June 17, 2008 meeting. Motion carried all ayes.

6. Public Comment Opportunity – There was no comment from the public.

Chairman Saal asked for a brief recess at 11:20 a.m. Committee reconvened at 11:30 a.m.

7. Discussion on the need for a text amendment – Chapter 17 (“Forestry Commercial Uses” as a Conditional Use in the Planned Business District) - Dan Miller explained a situation that brought about this discussion and the options that were discussed as a resolution for allowing this type of use. There was discussion on the need for amending the text of the ordinance and decided that the issue needs to be addressed with a public hearing. Saal & Mittelsteadt made comments that the ordinance is a constantly changing document and is continually being fine tuned to clarify the intent. Miller stated that similar situations have come up before and an amendment may be needed. After discussion Saal directed Miller to prepare an amendment for the next Zoning Committee public hearing.
8. Discussion on the need for a text amendment – Chapter 18 (Reinstating “Requests for Modifications” as a required public hearing and formal town action) - Miller explained that prior to the recodification there was a public hearing process that had to be followed in asking for modifications. Currently only an informal “waiver” from the Committee is required and Miller is suggesting it be a “formal” process once again. Mittelsteadt agreed that it might be better if it was a more formal process requiring town and surrounding property owners input. Consensus of the Committee was that Miller should prepare an amendment for the next Zoning Committee public hearing.

9. Approve the May 8, 2008 meeting minutes – Motion by Mittelsteadt, seconded by Eisenman to approve the May 8, 2008 meeting minutes. Motion carried all ayes.
10. Discussion on possibly changing protocol for testimony in public hearings - Miller reviewed information that he had listed about the current protocol and some suggested protocol changes that may improve the process. Committee discussed how some changes would be beneficial to the process and what is currently not working. They discussed whether a time limit should be imposed on testimony. Mittelsteadt stated that giving testimony is uncomfortable for some individuals and wants to make the process as painless as we can for all that give testimony. Miller said that the Zoning Committee is not as formal as the Board of Adjustment but maybe we need to summarize the situation as we understand it before motions are made to avoid confusion. Saal just wanted to make sure that both sides have equal opportunity to voice their opinion on issues before the Committee. There was lengthy discussion on how to be fair to both sides giving testimony. Harry Gladwin had comments regarding how someone in the audience may feel about opportunities to clarify facts in testimony. Just maybe a “catch-all” before the hearing is closed to see if there may be any clarification on testimony as long as it is not just previous statements being repeated. Consensus of the Committee that Miller will try to revise that protocol to accommodate the Committee’s concerns.
11. Administrator’s Report - Miller reviewed and the Committee discussed some activities since the last committee meeting. The committee briefly reviewed the compliance report, financial report and correspondence.

Harry Gladwin commented, before the committee went into closed session, praising Miller for his service to the towns, public and the county stating that he was a valuable asset. Mittelsteadt also shared comments from a conversation with the Town of Harding Chairman praising Miller’s diligence in the process that their town had just been involved with also. John Kablitz, who was an applicant in one of today’s public hearings, also commented that Miller and his staff have been helpful in every step of the process and that was so nice that a government office would be that helpful.
12. 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) - Motion by Saal, seconded by Eisenman to go into closed session with the Committee, John Mulder; Administrative Coordinator, and Dan Miller; Zoning Administrator. Motion carried all ayes.
13. Reconvene into open session and take any necessary action on item above - Motion by Saal, seconded by Mittelsteadt to reconvene into open session. Motion carried all ayes. Motion by Saal, seconded by Rusch to give Dan Miller a favorable evaluation & eligible for a step increase. Motion carried all ayes.
14. Adjourn - Motion by Eisenman, seconded by Saal to adjourn at 12:42 p.m. Motion carried all ayes.