

**Lincoln County Planning and Zoning Committee**  
**Thursday, July 12, 2012 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, Rusch, Bailey & Pike, along with Diane Hanson, Land Services Administrator; Dan Bowers, Zoning Specialist & June Winters, Program Assistant. Supervisor Nelson was excused.
2. Tour sites that will be the subject of the public hearings – Committee Members & Bowers left to tour the sites listed on the public hearing notice.
3. 9:30 a.m. Public Hearing – At 9:30 a.m. the Public Hearing was called to order. Hearings were held on the items listed in the notice. Saal, Rusch, Bailey & Pike along with Diane Hanson, Land Services Administrator; Dan Bowers, Zoning Specialist; June Winters, Program Assistant and 5 other persons were present. Supervisor Nelson was excused. Chairman Saal explained the rules of conduct for public hearings and introduced the Committee members. He called the first hearing.

**COMPREHENSIVE PLAN AMENDMENT**

Because items 1 & 2 are for the same properties testimony will be taken for both concurrently.

1. A request by Elwood and Elaine Derstine to amend the Lincoln County Comprehensive Plan Map from Suburban Residential to Rural Lands for tax parcels 20.333308.001.002.02.00, 20.333308.001.002.00.00 and 20.333308.001.002.01.00 to allow for the opportunity to have an expanded home occupation on the property. The property is located in NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33,T33N-R8E, in the Town of Russell, having an address of N5209 County Road X and N5265 County Rd X.

**PETITION FOR REZONING**

2. A request by Elwood and Elaine Derstine to rezone approximately 3 acres from Suburban Residential to Rural Lands 4 for tax parcels 20.333308.001.002.02.00, 20.333308.001.002.00.00 and 20.333308.001.002.01.00 to allow for the opportunity to have an expanded home occupation on the property. The property is located in NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33,T33N-R8E, in the Town of Russell, having an address of N5209 County Road X and N5265 County Rd X.

Elwood Derstine was present to support his request. Hanson pointed out that it is the same request as previously heard but with 2 additional parcels added to the request. Saal asked Mr. Derstine if he had anything to add to previous testimony and he did not.

Norm Hodgson was present as the Chairman for the Town of Russell. He shared that at the last Town Board meeting they recommended approval of the Comprehensive Plan Amendment & Rezone with the condition that the 3 parcels be combined. He also wanted to confirm that they would have a chance in the Conditional Use process to give recommended conditions for that permit.

Saal closed the public hearing for the Derstine Comprehensive Plan Amend & Rezone request.

Motion by Pike, seconded by Saal to APPROVE both requests provided the 3 parcels be combined and forward the request to County Board for their July 17, 2012 meeting.

Motion carried all ayes.

### CONDITIONAL USE REQUEST

3. A request by Patrick L Willis to allow for a concession stand as an expanded home occupation in a Crossroads Mixed Use zoning district. The property is located in the NW¼, NW¼ of Section 33, T33N-R8E, in the Town of Russell, having an address of N5330 State Highway 17, and a tax parcel number 20.333308.017.003.05.00. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Steven Willis was present to represent his brother Patrick Willis and explain his request. He said that Patrick wishes to have a seasonal “hot dog/concession stand” in Gleason. He believes that it will be an asset to the area. He will have a small parking area for customers. Bailey questioned if there was going to be tables for patrons to use. Willis said there may possibly be some type of seating. Saal said that the Committee had concerns about the parking and hoped that people would not try to park on adjoining properties. Mr. Willis said that they would address that if it is a problem.

Bailey asked if there was going to be any restroom facilities. Mr. Willis said that he did not believe there would be. Bowers asked where the trailer would be stored on the off months and Mr. Willis said that it would just be stored at the back of the property when not being used.

Norm Hodgson, Chairman of the Town of Russell was present. He shared with the Committee that the Town Board approved the request at their July 10, 2012 meeting, but still had questions about some issues. He said that they had concerns about the parking & restrooms and were hoping that the Committee addressed these issues and that licensing requirements would be met. Rusch shared limited information about requirements that she was aware of. Bowers asked Hodgson if a “porta-potty” would meet the requirements if they would want the “porta-potty” removed seasonally as the trailer would be. Hodgson said that if it was a requirement to have the “porta-potty” they would like it removed in the off season but they were hoping that there was no requirement to have a “restroom” of any type.

Bailey had concerns about the trespassing issues and wanted to make sure that “garbage” would not be an issue.

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

Motion by Saal, seconded by Rusch to APPROVE ON CONDITION the Conditional Use request per recommendations as listed in the staff report plus #6.

Conditions:

1. Regulations (referenced in staff recommendation) contained in Lincoln County Ordinances 17.3.09 (8) shall apply.
2. The concession stand shall be setback a minimum of 70 feet from the centerline of Highway 17; a distance equal to the existing home on the same lot.
3. A minimum of 2 parking spaces shall be provided on the lot.
4. Hours of operation shall be no greater than 9am to 9pm.
5. Shall comply with all other local, state, or federal regulations.
6. Trash pickup shall be maintained on a daily basis.

After discussion, Motion by Saal, seconded by Rusch to amended to add #7. Motion to amend carried all ayes.

7. Concession stand may operate April 1<sup>st</sup> to October 31<sup>st</sup>. Nov. 1<sup>st</sup> through March 31<sup>st</sup> stand must be relocated at a minimum to the rear of the lot.

Amended motion with all 7 conditions carried on a 4 - 0 vote.

4. A request by Bob Johnson and co-applicant Anthony Dorn to allow for a retail leather apparel shop as an expanded home occupation in a Rural Lands 4 zoning district. The property is located in the SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> of Section 30, T32N-R7E, in the Town of Merrill, having an address of N3125 County Road K, and a tax parcel number 14.303207.008.002.01.01. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Anthony Dorn was present to explain the request. His retail business would be in what is the old Merrill Town Hall and they do have bathroom facilities one of which is handicap accessible. Their hours of operation would be Monday-Saturday, 10 a.m.-7 p.m., year round. They buy new leather goods wholesale and they would just be reselling retail. He said he would have a 2x4 free-standing sign advertising the business. Saal asked if the building had 2 means of ingress and egress and Dorn said that they are planning on adding another egress window. Bailey asked if Zoning had control of ADA issues. Bowers said typically that is not something that is under our jurisdiction. Dorn said that they also sell products online.

Saal read into record the Town of Merrill recommendation for the request that was unanimously passed at their 7/9/12 town board meeting with no condition recommended.

Saal closed the public hearing for the Johnson/Dorn Conditional Use request.

Motion by Pike, second by Rusch, to APPROVE ON CONDITION the Conditional Use request per recommendation as listed in the staff report.

Conditions:

1. Regulations (referenced in staff recommendation) contained in Lincoln County Ordinances 17.3.09 (8) and 17.6.04 (4) shall apply.
2. Hours of operation shall be no greater than 10am to 7pm.
3. Shall comply with all other local, state, or federal regulations.

Motion carried all ayes.

Moved to Item #5 on the agenda

5. Town of Schley – Rhode Farm Issues – Hanson said that she had received a call from Earl Welker and he apologized for not being able to attend this meeting but he believes that the issues have been resolved. The town had a meeting, that both the landowner & Hanson attend and explained the use of the property. She stated that the use is consistent with the permits that were issued by Zoning.
6. Public Comment – There was no public comment.

With the arrival of Randy Scholz & Dan Leydet the Committee returned to item #4 on the agenda.

4. Zoning Budget discussion related to permit fee vs. tax levy – Saal provided background on this agenda item. He stated that it was decided years ago that the Zoning department revenue should make up approximately 40% of the Zoning budget. He feels with the change in the economic climate that the percentage should be adjusted and the department may need to rely more on the tax levy to operate. Saal said that he believed from the late 1990's until 2008 we were meeting that goal of 40% but now that it not sustainable.

There was lengthy discussion by the Committee, Hanson, Scholz & Leydet on revenues vs. relying more on the tax levy.

Chairman Saal excused himself briefly and Vice-Chair Bailey took over and proceeded with item #7

7. Approval of the June 14, 2012 meeting minutes – Motion by Rusch, seconded by Pike to approve the June 14, 2012 minutes. Motion carried all 3-0 vote.
8. Department Report -  
There was no Compliance Report to review. The Committee discussed the Financial Report and placed it on file.
9. Confirm next meeting/public hearing date – Tentatively August 9, 2012 - Confirmed that will be the meeting date. Pike had questions about the meeting time and if it could be adjusted. Bailey suggested that meeting time be discussed at next month's meeting.
10. Adjourn - Motion by Pike, seconded by Rusch to adjourn at 11:17 a.m. Motion carried 3-0.

Minutes prepared by June Winters