

Lincoln County Planning and Zoning Committee
Thursday, July 9, 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, Meyer, Rusch and Eisenman along with Dan Miller, Zoning Administrator, Dan Bowers; Zoning Specialist and June Winters; Program Assistant.
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, Dan Bowers; Zoning Specialist, June Winters; Program Assistant and approximately 6 other persons were present.
4. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use requests which were the subject of the Public Hearing.

CONDITIONAL USE REQUEST

1. A request by Luke Gerber (owner) and co-applicants Wesley and Delphine Ramer to allow for a part time wood shop as an expanded home occupation in an Agriculture zoning district. The property is located in the NE ¼ of the SE ¼ of Section 36, T33N–R8E, in the Town of Russell, and has an address of N4935 County Line Road. The request is being heard under section 17.3.09 (8) and 17.8.30 of Lincoln County Ordinances.

Saal read into record the recommendation from the Town of Russell’s July 7, 2009 town board meeting where the request was approved on a vote of 3-0 with no conditions listed. The applicants were not present for the hearing today.

Craig Nienow, was present as adjoining land owner. He appreciated being notified even though his property was in Langlade County. Nienow was not in opposition to the request but had questions regarding requirements if additional buildings are constructed. Miller explained that if any structures are built they would require Land Use Permits but only the structures shown on the Conditional Use application site plan would be covered under this request for the expanded home occupation. Any expansion of the business would prompt a new CUP.

Dan Bowers reviewed the staff report. Saal questioned the wording in one of the recommendations and that was clarified by Bowers. Meyer commented that she has received phone calls from constituents with concerns regarding the burning of excess debris in an outdoor wood furnace. Bowers stated that they can by law burn clean untreated wood. Miller stated that would be covered under 17.3.09 of the code as it reads that “no expanded home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance that is incompatible with the intent of the district”.

Saal closed the public hearing for the request.

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

- 1) Outside storage of equipment and materials should be located behind existing buildings opposite the road.
- 2) The regulations associated with expanded home occupations contained within 17.3.09(8) shall be made a part of this conditional use.

Motion carried all ayes.

2. A request by Isaac and Rebecca Laabs to allow for an excavating business as an expanded home occupation in Rural Lands 2 zoning district. The property is located in the NW ¼ of the SW ¼ of Section 23, T31N–R6E, in the Town of Scott, and has an address of N1008 Fairview Road. The request is being heard under section 17.3.09 (8) and 17.8.30 of Lincoln County Ordinances.

Saal read into record the recommendation from the Town of Scott's June 9, 2009 meeting. He noted that it was listed as the "Plan Commission" but should have been listed under the "Town Board" section. Approval was given on a vote of 3-0 with the requested conditions that the landowner build the home within 3-5 years, install a buffer along the north boundary & operate equipment during reasonable hours.

Isaac Laabs was present to explain his request. He said that he was at the Town of Scott meeting also. They are planning on building a house in a few years. He has spoken to the neighbors and knows of no opposition but the neighbors requested that he operate during reasonable hours. Saal asked Laabs what he would consider reasonable hours. Laabs thought that 7:00 a.m. to 6:30 p.m. would be reasonable. Mittelsteadt asked if he was going to have any material stockpiled on site and Laabs said he was. Saal asked him to clarify any hours that he may be operating and Laabs indicated that 7:00 a.m. – 8:30 p.m., possibly any day of the week. The area or volume of materials stored on the property was discussed. Miller said that would be covered under recommended condition #2.

Bowers questioned Laabs about the number of non-family employees. Laabs said he understands that he is limited to no more than 3 non-family members as employees. Bowers asked if the home would be built within 4 years and Laabs did not see it as a problem.

Saal closed the public hearing for the request.

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

- 1) Outside storage of equipment and materials must be adequately screened from adjacent residences according to landscaped bufferyard standards of 17.5.05.
- 2) Outside storage of equipment and materials shall not exceed 15,000 square feet in area as proposed in application.
- 3) If a fuel storage tank is used it must be registered and meet all applicable regulations.
- 4) A home must be built and occupied on the property within 4 years of the date of this approval.
- 5) Hours of operation will be allowed 7 days a week within the hours of 7:00 a.m. – 8:00 p.m.

Motion carried all ayes.

3. A request by Mark and Irene Mehlos to allow for rental of up to 3 cabins as tourist lodging in a Rural Residential 2 zoning district. The cabins are located on lots 7&8, 11&12 and 19 of the Plat of Knight Lake Lots in Section 5, T32N–R7E, in the Town of Merrill, and have addresses of N4743, N4776, and N4788 Knight Lake Road. The request is being heard under section 17.3.04 (12) and 17.8.30 of Lincoln County Ordinances.

Miller commented that Bill Burgener, Town of Merrill Chairman, asked that the request be laid over for 30 days as the Town of Merrill has not had an opportunity to make a recommendation. It will not be discussed until their town meeting on July 13, 2009.

Irene Mehlos was present to explain and support their request. She stated that the cabin at N4788 will not be considered in this request as they may be selling it. She said that the neighbors have been supportive. She

shared an e-mail from Robert Hubbard. His grandfather, Robert Morse, owned the cabin at N4776. The e-mail gave the history of this specific cabin, reminisced about his memories, and was very supportive of the request as he felt that family members may want to return if it is offered as a rental. Mrs. Mehlos stated that they have received approval from the Lincoln County Health Department for their rentals. Meyer questioned the fact that they are already advertising for the rentals. Mrs. Mehlos stated that they were previously unaware that they had to go through this process to rent the cabins out.

Mark Mehlos was present to support their request. He read a letter of support from Tony Geiger who is another landowner on the lake, complementing the Mehlos' on their proclivity for stewardship of the land including their property on Knight Lake. He has no opposition with the Mehlos' request for renting out the cabins.

Saal questioned the septic issues. Miller briefly discussed the septic issues and structures that have been repaired or rebuilt. Saal touched on the possible erosion of the shoreline because of the steep slopes by the hemlock trees. He wants to see any erosion problems avoided. Mehlos said that he said that any erosion problems may be on the vacant lots that are not under this request and talked about a set of stairs that get little use. Mittelsteadt commented that the stairs are unlikely to meet code especially for use by a rental. He said that Mehlos needs to check on all of the requirements he is opening themselves up to renting these cabins out. Saal said that this Committee's duty is to protect the water for all owners on the lake and erosion control is a big part of that.

Dan Miller stated that the privacy fence recommendation listed in the staff report had the wrong house number. N4776 is the correct house address. He also commented that it sounded like the neighbors affected by this request didn't want the fence or think it was necessary so he felt that he should retract that recommendation.

Mr. Mehlos responded to Saal's comment about the erosion control stating that he and his wife are very passionate about not allowing any erosion into the lake. Meyer questioned the parking and access easement was on a deed or a recorded document. Mr. Mehlos indicated that it was a verbal agreement.

Miller confirmed that they wanted to remove N4788 from the request and asked Mehlos' if they would welcome a lay over until the next meeting. Mehlos said that they would.

Jeffrey Beyer was present as an adjoining land owner. He stated that the Mehlos' are very conscientious of the environment and he is in support of their request.

Craig Nienow was present as adjoining land owner. He and his wife own several lots on the lake. He is totally in support of the request. He said that the Mehlos' have done a wonderful job of restoring the cabins and believes they are very conscientious of the environment concerns. He feels that they would be very vigilant of their responsibility to the environment.

Saal closed the public hearing for the request.

Motion by Mittelsteadt, seconded by Saal to LAY OVER the request until the August 13th Zoning Committee meeting when we should have input from the Town of Merrill.

If the request is eventually granted he would like to see a condition regarding the structures being up to code for the protection of health and safety. He is very concerned about the soil erosion also and would like to see a condition that Land Conservation be involved with a plan to prevent erosion. The recommendation for the privacy fence should also be omitted. Saal concurred.

Motion carried all ayes. It will be addressed on the August 13, 2009 meeting under "old business".

Saal called for a brief break at 11:15 a.m. Committee reconvened at 11:22 a.m.

5. Public Comment Opportunity – There was no public comment.
6. Approve the June 11, 2009 meeting minutes – Motion by Saal, seconded by Rusch to approve the June 11, 2009 meeting minutes. Motion carried all ayes.
7. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. There was discussion regarding NR115. Miller shared some of the discussion of the recent Land Services Department Head meeting. Committee briefly reviewed the Financial and Compliance reports. He shared with the Committee current activities for the Comprehensive Plan update. Miller shared some information that he would like to put on next month's agenda regarding septic inventory & maintenance.
8. 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 Mittelsteadt to go into closed session with the Committee and Dan Miller; Zoning Administrator. Motion carried all ayes.
9. Reconvene into open session and take any necessary action on item above - Motion by Meyer, seconded by Rusch to reconvene into open session. Motion carried all ayes. Motion by Meyer, seconded by Eisenman to give Dan Miller a favorable evaluation with acknowledgement of Millers request to decline a step increase. Motion carried all ayes.
10. Adjourn - Motion by Eisenman, seconded by Mittelsteadt to adjourn at 12:04 p.m. Motion carried all ayes.