

**Lincoln County Planning and Zoning Committee**  
**Thursday, August 12, 2010 at 8:30 a.m.**  
**Lincoln County Service Center, Meeting Room 107**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 107 in the Lincoln County Service Center. Members present: Saal, Rusch, Meyer & Eisenman along with Dan Bowers, Zoning Specialist and Dan Miller, Zoning Administrator. Mittelsteadt was excused from the meeting.
2. Tour sites that will be the subject of the public hearings that will be held at 10:30 a.m. – Committee Members, Bowers & Miller left to tour the sites listed on the public hearing notice.
3. 10:30 a.m. Public Hearing – Hearings were held on the items listed in the notice. Saal, Rusch, Eisenman and Meyer along with Dan Miller; Zoning Administrator, Dan Bowers, Zoning Specialist and 8 other persons were present.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee

**PETITION FOR MODIFICATION OF THE SUBDIVISION ORDINANCE**

1. A request by Robert Smith to create a 1.9 acre lot with private road access, instead of public road access, off the end of Chihawk Drive. The property is located in Section 8 and 9, T35N–R5E, in the Town of Wilson, and has an address of N11345 Chihawk Drive. The request is to modify section 18.7.08(8) and is being heard under provisions of section 18.9.03 of Lincoln County Ordinances.

Lester Schmit from Timberland Surveyors was present to explain the proposal. Mr. Smith wishes to create a separate parcel around his own home from the larger holdings owned by him and his siblings. The new lot will be accessed via Chihawk Drive which is a private road that has been in its present location since the 1930's. The Smith family maintains the road. A small alteration was made to the road when Hwy CC was altered about 7 years ago. The new access onto the altered Hwy CC was installed across property owned by the Uttechs. They own the fractional 40 split by CC that lies mostly north of Hwy CC. The Uttechs will be deeding over a small portion of the land to the Smiths soon so that the entire road will be owned by the Smith family.

A CSM has been prepared for the parcel and upon it a statement has been inserted addressing the need to maintain Chihawk Drive to a minimum 16 foot width, year 'round. The maintenance is described as being the obligation of the Smith Family. The Committee discussed the need to make it more generic and applicable to any land owner whose property lies adjacent to Chihawk Drive should someone other than a Smith family member own the land later on. Schmit will revise. A need for establishing the right to use Chihawk Drive by easement was also discussed.

No other testimony was submitted.

Saal closed the public hearing for the Petition for Modification request. Saal identified his concerns about the request and the Committee discussed.

Motion by Saal, seconded by Rusch to approve the request with 3 conditions:

- 1) A 16' wide road is maintained year 'round.
- 2) Road maintenance responsibilities will fall upon the owners of the land adjacent to Chihawk Drive.
- 3) An easement provision shall be inserted into the legal description guaranteeing access to Lot 1 from Hwy CC via Chihawk Drive.

Motion carried all ayes.

2. A request by Donald Nitschke to create four lots with private road access, instead of public road access, off the end of Red Arrow Lane. In addition, two of the proposed lots will have less than the required lot width at the building setbacks. The property is located in Section 29, T35N-R7E, in the Town of King, and is near N10370 Red Arrow Lane. The request is to modify sections 18.7.08(8) and 18.8.05(1) and is being heard under provisions of section 18.9.03 of Lincoln County Ordinances.

Todd Loftus from Loftus Surveying in Rhinelander was present to explain Nitschke's request. Red Arrow Lane is a 50' wide public road to an area west of this proposed survey. They intend to extend a private road east to provide access to three new lots (a revision from the 4 lots in the notice). The private road will also be recorded as a 50 foot wide road right-of-way. A road maintenance agreement is yet to be drafted but it will be incorporated into the CSM as a sheet of the survey. The Committee discussed the Town Approval Form and noted that King approved the request to create 2 lots with a condition that the purchasers of the lots be informed that the driveway is a private road easement and the town road ends as indicated on the survey. Loftus confirmed that he only presented a plan for two lots in June to the Board.

Nitschke provided testimony that he does not want to do a big subdivision but is creating two salable parcels for his kids to sell to pay inheritance taxes after he dies. His home is one parcel and the two salable parcels are on either side of it. He would agree to extend the private road to the east boundary line of his property so that a future town road, should it be built, would have direct access to the lands to the east. He did not invest in soil tests yet or to have an attorney draft a road maintenance agreement but will if it is necessary to receive approval.

Bowers explained his staff report and felt that it was important to require the new lots be fronted upon an extension of Red Arrow Lane as a public road. It is much more difficult to deal with multiple owners of property in the future to gain the consensus necessary to turn a private road into a public road. It is much easier now when the property is held by one or two owners. It is all zoned residential in the area and some day the property will be subdivided if not by the current owner. He was glad to see the request revised down from 4 lots to 3 as the proposed lots now all contain the required 150 foot width or greater.

Saal closed the public hearing for the Petition for Modification request. He identified some shortcomings to the request; namely the 50 foot road width vs. 66 feet of width, the fact that King was only shown a proposal for two lots, the fact that no soil testing has been completed and that no road maintenance agreement has been created. He felt that extending the road to the east line was a good suggestion. Laying over the request to garner town input and to afford the applicant opportunity to address the concerns has merit. The Committee agreed.

Motion by Eisenman, seconded by Saal to layover the request for one month to obtain Town of King concurrence and to afford the applicant more time to address the stated concerns above.

Motion carried all ayes.

#### **CONDITIONAL USE REQUEST**

3. A request by Larry Vonderheid 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 2, T31N-R6E, in the Town of Merrill, near the corner of Pier Street and Taylor Street. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Bill Burgener was present to submit that the Town of Merrill provided unanimous support for the request and suggested no conditions of approval.

Vonderheid was present and explained that his request was to build a large enough storage building to house some boats and a camper and to afford a place for him to work on equipment if needed. He may build a future home on the property, but it would lie further north on the larger portion (middle) of the lot. His access would be off of Taylor just as the storage building would utilize.

Bowers indicated staff approves the request with no conditions.

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.

Motion carried all ayes.

5. “Old Business” - Revisit CUP-07-011 (Tomahawk Raceway Inc. - granted for motorcycle races on Fall Ride weekend and snowmobile races Dec. thru Mar. Town of Bradley on County Rd A) – Miller explained that the issue is back as old business because one of the original conditions was a review after 3 years to check on complaints and compliance with the imposed conditions. No complaints have been received in the Department and a check with the Town of Bradley officials confirmed no complaints as well at the local level. He recommended approving the continuance of the permit without need for additional reviews. A revocation hearing could always be scheduled should violations be documented and confirmed.

Harry Gladwin was present and confirmed that no local complaints were received by the town.

Eisenman made a motion to continue the permit without any additional conditions, seconded by Rusch. Motion carried all ayes.

Saal called for a one hour recess for lunch at 11:55 a.m.

Meeting resumed at 12:55 p.m. The Committee moved to item no. 10 on the agenda at this point.

6. “Old Business” Preliminary plat review for Fish-a-While Resort Condo (Town of King on Horseshoe Rd) –

Miller explained that he had a message from Stu Foltz that the plat was not yet ready as the Lueths are still weighing their options to amend it. Motion by Saal, seconded by Meyer to layover this item until September. Motion carried, all ayes.

7. Public Comment Opportunity – None
8. Review the DNR Non-Metallic Mining Audit – Bowers led the Committee through the DNR audit report. He indicated that Tom Portle views his role as an educator on aspects of the rule and the program in the audit process. He was very helpful and had useful suggestions for improvement. The Committee realized that although many more hours could be devoted to the program, the Zoning Dept resources are stretched thin already and we have to do the best we can with the minimal resources available. Report placed on file.
9. Review and approve Fee Schedule Change (add Non-metallic Mining plan review fees) – Motion by Saal, seconded by Rusch to include the nonmetallic mining fees in the fee schedule handout for the Department. Motion carried, all ayes.

10. Review draft Transportation Plan – Art Lersch led the Committee through the draft plan. Meyer suggested Art amend to reflect the volunteer efforts by individuals who do transport for the homebound and elderly to appointments and shopping, etc and include that with the other shuttle services identified by Lersch. Discussion occurred relative to the economic impacts of transportation planning. Motion by Saal, seconded by Eisenman to approve the draft Transportation Plan and to include it with the other plan elements when they are ready to be submitted to the County Board for final approval. Motion carried, all ayes.

(The Committee moved back to agenda item 6 at this point)

11. Approve the July 8, 2010 meeting minutes – Motion by Eisenman, seconded by Meyer to approve the July 8, 2010 meeting minutes. Motion carried all ayes.
12. Administrator’s Report - Miller provided a written report of his activities since their last meeting. Committee placed it on file.

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

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

The Committee was informed the next chapter of the Comprehensive Plan they will be reviewing is the Agriculture, Natural and Cultural Resources Plan. Tom Cadwallader is drafting it now and it may be available in September.

Under “Correspondence Received” the Committee reviewed the grant award from DNR for amending the Shoreland Zoning Ordinance to accommodate necessary changes imposed by NR115 revisions. Miller explained that we were awarded \$5,000 of the requested \$7,500 and we have until December of 2011 to accomplish the amendment process.

They were also informed of Elroy Schmidt’s resignation from the Board of Adjustment effective today due to his change in resident status to the City of Merrill. Miller will seek a replacement as alternate from one of the following towns: Schley, Corning, Wilson, Skanawan or King.

13. Adjourn - Motion by Eisenman, seconded by Rusch to adjourn at 2:00 p.m. Motion carried all ayes.

Minutes prepared by Dan Miller