

Lincoln County Planning and Zoning Committee
Thursday, August 13, 2009 at 9:00 a.m.
Lincoln County Service Center, Meeting Room 156

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:00 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, June Winters; Program Assistant and approximately 10 other persons were present.
2. “Old Business”- 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 (Town of Merrill – Knight Lake Rd) - Dan Miller reviewed the request for the Committee. He reminded the Committee that one of the cabins (N4788) has been removed from the request. He briefly discussed the “French” drains that had been installed as a means of waste disposal and that the septic issues still need to be addressed. Saal clarified that they would only take additional information on the request.

Stacy Pettit was present as a representative of the Town of Merrill. She stated that they discussed this request at their July town board meeting. She shared that the town board approved the request citing that they had the condition “applicant must meet County Zoning recommendations.” Saal asked specifically if they agreed to the withdrawal of the “privacy fence” recommendation in the Zoning staff report. Pettit said they had.

Irene Mehlos was present to give additional testimony. She said that they have been in contact with Diane Hanson in Land Conservation regarding the erosion control for both their personal lots and the lots under this request & they will address it. She did have questions about the restrictions on a camper on the property and has been in contact with the Health Department to see what restrictions they may have. There was discussion by the Committee on the issue of sanitary requirements with a camper. Miller stated that his worry was the liability for the safety of inhabitants. He doesn't feel comfortable endorsing this type of “camping unit” under a Conditional Use Permit for “tourist lodging”. Mrs. Mehlos said that they would not be used in cold weather. It would just be used as additional “sleeping area” for the cabins. Miller stated that personal use by their own family differs from renting the units out to the public. Mrs. Mehlos stated that they are working to get a “green certification” for their property.

Saal closed the discussion for the request.

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

CONDITIONS:

- 1) The applicants must apply for permits from the Lincoln County Health Department and abide by all state and county regulations related to sanitation and use of the facilities for tourist lodging.
- 2) The applicants must hire a licensed plumber to evaluate the existing septic systems and provide a copy of the evaluation to the Zoning Department. If the existing septic systems are found to be noncompliant with the sanitary code, they shall be replaced with compliant systems.
- 3) No pop-up or other camper may be rented in conjunction with a cabin for spill over sleeping quarters.

Motion carried all ayes.

3. Rapel Subdivision 1st Addition – Final plat approval. (Town of Bradley – Rapel Rd) – Miller reviewed the documents that had been submitted for the final plat. He mentioned that there were minor errors that had been caught by the County Surveyor (none that affected the layout of the plat) and those have been corrected. Miller talked about the Road Maintenance Agreement and he is satisfied with the wording of what is to be recorded. Miller stated the only outstanding issue is the construction of the walking trail. The Committee discussed the issue and said

that there should be some conditions imposed with the approval of the plat. They discussed a “development agreement” so that there be a specific timeline for completing the trail.

Craig Nienow was present to represent the Rapel Estate. He stated that the developers and the surveyor were also present. He said he did not know if they really needed a formal agreement but they did agree to a timeline to get the walking trail done. He said they would like to have a reasonable time permitted. There was discussion on the timeline and it was discussed to give the developers 9 months to develop the trail. They would have to have it completed by the end of May 2010. There was discussion on the need for erosion control and what type of base that should be used. Saal asked what resources would be available and Miller suggested that Land Conservation be involved.

Harry Gladwin was present as a representative of the Town of Bradley Plan Commission. He explained the process of plat approval at the town ship level. He cited the submission requirements imposed by the town. He said that the Plan Commission and the Town Board still need to look at the final plat for Rapel Subdivision First Addition. He proposed that they be on the August 24th Plan Commission meeting and if approved go to the September Town Board meeting for approval and signatures. He was not sure of the date. Miller explained that the final plat must be “created” on a special material to be ready for signatures and that the surveyor would probably not send the plat in to a company to be printed until it has all the levels of approval obtained. Miller asked the best way to proceed and Gladwin said that if he gets the information and knows by this Thursday night that they want to be on the meeting on the 24th, he will get it on the agenda and he said that there’s a pretty good chance that the Town Board would approve or deny it at that meeting. Nienow said that they would get the appropriate documents to the Town. Saal suggested that if this Committee approved this plat today Miller could withhold his signature on the plat until the Town of Bradley has signed the plat. Miller clarified that our ordinance obligates him to wait until the Town has signed the plat anyway.

Motion by Saal, seconded by Eisenman to APPROVE the final plat of Rapel Subdivision First Addition final CONTINGENT on the following items:

- 1) Town of Bradley approval of the final plat
- 2) The completion of the walking trail within 9 months of this approval and with consultation of the Land Conservation Department.

There was discussion to clarify the motion. Motion carried all ayes.

4. Public Comment Opportunity – There was no public comment.
5. Approve the July 9, 2009 meeting minutes – Motion by Rusch, seconded by Meyer to approve the July 9, 2009 meeting minutes. Motion carried all ayes.
6. Discussion on permit requirements within shoreland for paving/graveling driveways - Miller reviewed some handouts the Committee had been given and explained the way that we handle these issues and that impervious surfaces in some instances are exceeding the maximums and are “falling through the cracks”. He is wondering if we need to require a permit any time that someone does paving or graveling so as not to miss these instances. He is considering doing a P.R. campaign to educate the public and contractors and then making this an enforceable issue next year.

Mittelsteadt questioned putting more restrictions on land owners and that we have to be equitable to the public. Miller stated that we have thresholds now which exempt certain activities. He stated that this is just shoreland. Mittelsteadt doesn’t want to put unreasonable restrictions on the public. Meyer concurred. There was discussion of

how restrictive we want to be with the public. Saal asked for clarification on how much education we can do with tax inserts and how many activities this would restrict. He is afraid that if we become too restrictive we are going to alienate the public. If we are restricting “large” paved areas he would agree with it but not just any graveled driveway. He feels we should make it simpler and more agreeable with the public. Miller stated that the proposed NR115 will push the impervious surface issues. Miller said that we have struggled with this at the last couple of staff meetings and he decided it was time to bring it the Committee for direction. He just feels that we need to do some education with both the public and contractors.

Harry Gladwin spoke and stated that when people come to the Township, impervious surface is one of the things that they look at. Mittelsteadt stated that he feel that we may be too onerous on the public. Saal suggested that we have a handout specifically explaining impervious surfaces and the restrictions. Gladwin said they are not looking for more restrictions but education on the existing regulations. Meyer is still concerned about the process being too cumbersome and having another layer of government to deal with is more expensive and time consuming. Mittelsteadt said that the specific exemptions to these rules need to be clarified. Miller said that he will bring the Committee a draft of the “educational” material that would go out to the public.

At 10:02 a.m. Saal called for a 5 minute break and said that we would proceed with Item #8 after the break. At 10:10 a.m. the meeting reconvened and proceeded to Item #8.

7. Discussion on state mandated septic inventory and maintenance - Miller explained some mandates that were enacted October 1, 2008. It set a target date of October 1, 2011 requiring counties to have an inventory of all POWTS located within their county and to determine if they are code compliant. He can only guess at the number of “un-identified” septic systems in the county and explained to the Committee what we are currently doing to identify those systems. The next part of the mandate requires that by October 1, 2013 we be tracking maintenance on all of the systems in the county. He explained the proposed process of identifying the rest of the systems in the county that we do not have permits for and some other ideas that he has entertained. Hopefully some type of grants may be available. Miller said that there are several counties that are requiring “time of sale” inspection. He feels that they may catch some but not the majority of the un-identified systems. He just wanted to make sure that the Committee was aware of the mandates and the time and cost that may be involved in meeting these mandates.

After this discussion the Committee proceeded to item #9.

8. Discussion on 2010 budget & department reorganization – Tim Meehan joined the Committee for this discussion. Miller shared with the Committee recent developments in Zoning. He explained some charts that had been prepared. He said that there has definitely been a downturn in permit activity in our office over the last 10 -12 years. He feels it is due to the economy, relaxation in some regulations and a couple towns opting out of zoning in 2005. He reviewed the permit revenue chart that had been prepared. Zoning had a \$24,000 deficit of proposed revenue in 2008 and may be looking at worse for 2009. He had concerns about sustaining the current level of Zoning staff with this downturn. Recently a decision was made to let one of the Zoning Technicians go effective the end of September. He said with other possible reorganization and/or reduction in support staff on our floor being discussed, that because of how the union is structured, “bumping” may occur within the union. Even if that reduction is not in our department it may still our affect Zoning staff due to a shifting of personnel.

Mittelsteadt asked how many hours the Zoning Department works. Miller stated that the Zoning office works a 40 hour work week. Mittelsteadt suggested that the departments that work 40 hours a week drop back to the hours that the majority of the departments work (36.25). Eisenman asked if the union contracts specified hours and Meehan said that some do. Meehan stated that they are entering into negotiations the last week in August. He explained that when he speaks about the Land Services re-organization it can affect any department on the lower level of this building. Mittelsteadt said that there are other cutbacks that can be made. Meehan said that Land Services re-

organization has mainly been discussed as sharing staff. Centralized financing has been discussed and those people affected may not necessarily change their physical location but they may be working for different departments. They are identifying where workload could be equalized.

Miller tried to explain some ideas that they have for looking at the work & projects as a whole and how they could divide up the work sharing all personnel creating efficiencies. Mittelsteadt said that this has been discussed with other departments. He said that this may be important in the area of grants to have the same experienced people dealing with the grants. He said that part of the problem is that government becomes “imbedded” or set in their ways and making changes takes time.

Meehan stated that Miller is taking action now because of the 2009 budget shortfall and to avert a problem in 2010. He is still unsure of the number of positions that may be affected in this process nothing is set in stone. Meehan wants to identify the positions that don't have enough work to keep them busy. He said that the department heads have been cooperative. He said that Mittelsteadt is correct in the fact that some of these changes will take time, but we have already made changes and he hopes to keep the momentum going to implement other changes.

Rusch commented that progress has been made in the short period of time and believes that we should be able to move forward. Mittelsteadt asked if step increases could be “frozen”. Meehan said that the County Board has the ability to freeze step increases for non-represented positions but union step increases would have to be negotiated.

The Committee returned to Item #7 at this time.

9. Administrator's Report - Miller reviewed with the Committee the activities since their last meeting. The Committee reviewed and discussed the Compliance report and briefly reviewed the Financial report. He shared with the Committee status and current activities for the Comprehensive Plan update. The Transportation and Ag & Natural Resources discussions groups meetings have concluded. The discussion groups for Housing and Economic Development discussion groups are being organized to meet in the near future. Zoning has met individually with several towns regarding mapping changes. Meetings are scheduled with representatives of Russell, Skanawan, Schley and King. If everything goes according to schedule he is looking at having a public hearing sometime in October and potentially going to County Board in November. Miller shared that there could be somewhere between 50 – 100 rezones to deal with.
10. Adjourn - Motion by Eisenman, seconded by Rusch to adjourn at 11:08 a.m. Motion carried all ayes.