

**Lincoln County Planning and Zoning Committee
Thursday, September 11, 2008 at 9:00 a.m.
Land Resource Center Meeting Room**

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 9:00 a.m. in the Land Resource Center meeting room. Members present: Saal, Meyer, Mittelsteadt, Eisenman and Rusch 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 1:00 p.m. – Members, Miller and Bowers left to tour the sites listed on the public hearing notice.

Committee broke for lunch at 3's Company, 3201 E. Main St., in Merrill at approximately 12:10 p.m.

3. 1:00 p.m. Public Hearings – Hearings were held on the items listed in the notice. Hearing called to order at 1:05 p.m. by Chairman Saal. Saal, Meyer, Mittelsteadt, Eisenman and Rusch along with Dan Miller; Zoning Administrator, Dan Bowers; Zoning Specialist, June Winters; Program Assistant, and 8 others were present.
4. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use requests and Rezone request which were the subjects of the Public Hearings.

CONDITIONAL USE REQUEST

1. A request by Steve Laack to construct a storage building greater than 1,500 square feet in a Rural Residential – 3 zoning district. The property is located Section in 02, T35N–R6E, in the Town of Bradley, and has an address of N11940 Chapman Cove Rd. The request is being heard under section 17.3.09(1)(f) of Lincoln County Ordinances.

Harry Gladwin, Town of Bradley Plan Commission member, was present. He reported that the request was approved at the last Town of Bradley board meeting agreeing with the same two conditions as listed on the staff report. He will make sure that the Zoning office receives hard copy of the township approval. Dan Bowers reviewed the staff report. Saal closed the public hearing for the Conditional Use request.

Motion by Meyer, seconded by Eisenman to APPROVE ON CONDITION the request with conditions as listed on the staff recommendation.

CONDITIONS:

- 1) Shall not be used as a dwelling or for any commercial purpose, except as permitted by an approved expanded home occupation.
- 2) Cannot encroach onto the private road easement and must be a minimum of 10 feet to a side lot line.

Motion carried all ayes.

2. A request by Tim Karschney to allow for a camper to be the principal use of a lot longer than 60 days in a Rural Residential 2 zoning district. The property is located in Section 09, T35N–R6E, in the Town of Bradley, and has an address of N11432 Tomahawk River Rd. The request is being heard under section 17.3.03(9) of Lincoln County Ordinances.

Dan Miller, Zoning Administrator, was present and explained the request. He stated that Mr. Karschney has not been before the Town of Bradley and obtained their recommendation yet and understands that the request would probably be laid over so he did not attend today's hearing. Miller reviewed the staff report.

Susan Ziebell was present in opposition to the request. She and her husband own the property next to Mr. Karschney's. She doesn't really have a problem with a camper being there but just wishes they be made to meet setbacks to property line. She believes that the current camper encroaches on the lot line and wanted that to be noted.

Harry Gladwin, Town of Bradley Plan Commission, was present and stated that Mr. Karschney contacted them by fax this morning and he is to be on the September 22, 2008 Plan Commission meeting and then on the Bradley Town Board meeting in October. Saal closed the public hearing for Conditional Use request.

Motion by Mittelsteadt, seconded by Rusch to LAYOVER the request until the October 14, 2008 Zoning Committee meeting. Motion carried all ayes.

3. A request by Russell Yanda to allow for fuel pellet manufacturing as an expanded home occupation in an Agriculture zoning district. The property is located in Section 21, T32N-R08E, in the Town of Schley, and has an address of W1386 County Road C. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Russell Yanda was present to support his request. He gave the history of the property explaining that it was used previously as a business and the driveways and buildings are set up to accommodate a business. Saal asked Yanda what he anticipated as "waste" from his business. Yanda stated that he did not believe that any material would be wasted in his process. Miller asked if the fact that County Rd C may be "posted" in the spring would create any problem. Yanda did not believe that it would be a problem. Saal asked Yanda questions about the process itself. Miller asked if hours of operation and noise would be concerns. He said that the process is fairly quiet but he was hoping to have the flexibility to run on weekends if necessary. Bowers asked about the natural screen of trees and if he was going to remove any of it. Yanda said that he had to take down a couple of trees to modify a driveway but otherwise no to his question.

Earl Welker, Town of Schley Plan Commission, was present and explained that Mr. Yanda had attended both the Plan Commission meeting and Town Board meeting. Welker shared the town's two concerns with their approval. He stated that the town wished to be notified of any increase of product line (in case a different product may utilize chemicals or create other issues) and questioned the number of employees allowed. He asked how "employee" is defined; is 6 part time employees equal to 3 full time employees? He wished that those two issues be clarified if granted.

Miller stated that Welker posed a good question clarifying the number of employees. He stated that we consider 3 persons as 3 employees, regardless of how many hours they work. Bowers said that he would like to see a condition that the natural screening along the loading dock area be maintained. Mittelsteadt asked Miller to clarify the proposed condition limiting the number of semi trailers on the property.

Saal closed the public hearing for the Conditional Use request.

Motion by Meyer to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS:

- 1) There may be no more than 3 nonfamily members employed at this facility.
- 2) There shall be a limit of 6 semi trailers on wheels on the property at any given time.
- 3) No raw materials or finished product shall be stored outside of an enclosed building or outside of a delivery vehicle/trailer.
- 4) If additional exterior lighting is proposed for the business, it shall conform to the performance standards of section 17.5.04 of the Zoning Ordinance.
- 5) Existing natural screening shall be maintained.

Motion died for lack of a second.

Motion by Saal, seconded by Rusch to APPROVE ON CONDITION the Condition Use request.

CONDITIONS:

- 1) There may be no more than 3 nonfamily members employed at this facility.
- 2) The hours of operation shall fall between 6:00 a.m. and 10:00 p.m.
- 3) There shall be a limit of 6 semi trailers on the property at any given time.
- 4) No raw materials or finished product shall be stored outside of an enclosed building or outside of a delivery vehicle/trailer.
- 5) If additional exterior lighting is proposed for the business, it shall conform to the performance standards of section 17.5.04 of the Zoning Ordinance.
- 6) Existing natural screening shall be maintained.

Motion carried all ayes.

PETITION FOR REZONING

4. A request by Donald and Nancy Dettmering to rezone approximately 40 acres from a Forestry zoning district to a Rural Lands 2 zoning district to allow for a split of the land. The property is located in Section 31, T32N-R5E, in the Town of Harding, and has an address of N2646 Wegner Road. The tax parcel number is 08.313205.010.000.00.00. The request is being heard under section 17.8.25 of Lincoln County Ordinances.

Donald Dettmering was present to support their request. He explained that they needed to request this rezone in order to break off a 2½ acre parcel to allow them to obtain a reverse mortgage. Bowers asked if they would retain ownership of the rest of the property and he said that he would. He is not selling any of the land at this point. Saal read into the record a letter from the Town of Harding approving the Dettmering's request. Saal closed the public hearing for the Rezone request.

Motion by Mittelsteadt, seconded by Eisenman to APPROVE the Petition for Rezoning. Motion carried all ayes. The amendment will be forwarded to the Lincoln County Board for the September 16, 2008 meeting.

5. Public Comment Opportunity – Earl Welker, from the Town of Schley, asked about getting updates that have been made to the code and the availability or cost for the town to receive copies. It was discussed by staff. A copy of the Ordinance Amendment is mailed to the Clerk in each affected township once the amendment passes at County Board. He passed on to the Committee that the Town of Schley is having public hearings to update their township Code of Ordinances and implement their Land Division Ordinance.

At 1:50 p.m. the Committee took a 10 minute break and re-convened at 2:00 p.m.

6. Approve the August 14, 2008 meeting minutes – Motion by Eisenman, seconded by Rusch to approve the August 14, 2008 meeting minutes. Motion carried all ayes.
7. Administrator's Report - Miller reviewed with the Committee some activities since their last meeting. He briefly reviewed his report and shared information with the Committee that was discussed at the Floodplain Mapping meeting that was held on August 15th. The Committee briefly reviewed the compliance report. He shared with the Committee that complaints from the Town of Bradley regarding the Old Fulsher School have been looked into. The Committee reviewed the financial report. Miller explained to the Committee the situation with the Administrative Secretary leaving to go to the District Attorney's office.
8. Adjourn - Motion by Eisenman, seconded by Rusch to adjourn at 2:20 p.m. Motion carried all ayes.