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Minutes of Plan Commission Meeting July 5, 2011

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

The numbering of the Minutes corresponds to that of the Agenda:

1. The meeting was called to order at 7:32 p.m. by Chairman Donald Becker.

1.

2. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.

3. Record Retention Certification: Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through May 2011. Files more recent than that are in the Clerk's hands.

4. The Agenda was adopted as the official order of business on a motion by Jack Stokdyk. The motion was supported by David Huenink and passed by a unanimous voice vote.

5. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen, David Mueller, Jan Rauwerdink. Absent excused were Tom Huenink, Trevor Mentink and Nathan Voskuil.

6. The minutes of the public hearing of June 6, 2011 were approved on a motion by Eugene Schmitz, supported by Jack Stokdyk, passed by unanimous voice vote.

7. As amended the minutes of the Plan Commission meeting on June 6, 2011 were approved on a motion by Dave Huenink. The motion was supported by David Mueller, passing by a unanimous voice vote.

8. Public input: none

8.

9. Discuss and take action on CG Services LLC's request for conditional use permit for landscaping business. No one representing CG Services appeared. Chairman Becker said that CG Services – presumed busy making hay - has not been responsive to him or Jamie Rybarczyk and posed the question how to proceed. Chairman Becker moved to draft a letter to CG Services notifying them that they are on the agenda for the August PC meeting and that they need to reply two weeks before that meeting and that the PC will not delay action beyond September. Supported by David Mueller and passed by a unanimous roll call vote.

Absent a response from CG Services, a possible action in September might be to deny CG Services a CUP; another action might be to have Attorney Gerry Antoine send a letter to CG Services.

10. Discuss and take action on Dennis Bauer's request for conditional use permit for aquaculture. Dennis and Diane Bauer appeared with new hand-out documents: livestock premises registration renewal confirmation, fish farm registration, fish health certificate, map of Bauer plot. The Bauers are now owners of parcel 59006065160. With the active input of the PC, Bauer's plan of operation was revised on the spot. Later Bauer will produce a neatly typed copy of the revised plan of operation for re-submittal. When available it will be appended to these minutes in their final version.

Chairman Becker moved to grant a conditional use permit for parcel 59006065160 as requested by the Bauers to operate an aquaculture facility according to the plan of operation as modified in this meeting, with

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three conditions: 1) operation of the facility in accordance with the modified plan of operation, 2) the CUP goes with the land, 3) the CUP may be reviewed at the discretion of the Plan Commission on change of ownership. Supported by Dave Huenink and passed by a unanimous roll call vote.

11. Discuss and take action on a procedure for handling requests to modify the Town of Holland 2030 Comprehensive Plan. Chairman Becker said we are not required to have such a procedure. Nevertheless Jamie Rybarczyk has produced an application form for requesting changes to the Comprehensive Plan. When and how often would the PC act on such a request? Who would bear the costs of action? Rybarczyk's draft form was revised in the meeting to increase the size of the response boxes, to add a statement about timing for action, and to make other changes. The revised form will be on the agenda for review in August.

12. Discuss and take action on trucking businesses in the Town. Jamie Rybarczyk produced a draft letter to go to the proprietors of the trucking businesses. It was modified and signed by Chairman Becker and will be sent to eight proprietors. A copy of the letter is attached to these minutes.

13. Discuss and take action on Working Lands Initiative issues regarding existing non-farm residences on base farm tracts and the recordkeeping associated with them. In future work, the PC should develop a guide to options for given situations that recur. That guide would then be offered to applicable property owners. Guidance to building inspector Tom Huenink also needs to be developed.

14. Reports regarding Shoreland Zoning Stakeholders Group. Dave Huenink made a brief report. The next meeting is next Friday.

15. Review status of conditional use permits. For the next review the spreadsheet should be filtered to show only the status of incomplete Land Covenants/CUPs, those requiring PC action. A possible final action would be to revoke or cancel the CUP.

16. Plan for training on eCode 360 on August 4, 2011. This is a nice tool that allows users to access online the updates that were formerly seen belatedly as paper documents.

17. Public input: Doug Hamilton commented: My first comment was that I have been to a number of the Lake Michigan Stakeholders' meetings and was impressed with the county planning office. I thought they and the DNR have been very receptive to our comments and incorporated a lot of our input into the new ordinance. My second comment was that I had been following zoning applications, most notably with CG Services, and it seemed like our new zoning ordinance had become so overly complex that we now had to hire Jamie Rybarczyk to help administer it. Was landscaping so different from agriculture that you couldn't have a landscaping conditional use permit? Chairman Becker explained that the complexity comes down from the state level through WLI (Wisconsin Lands Initiative (?)) and (I think) the Farmland Preservation Act. The Town appealed to the state to allow landscaping but the state said no, so (my interpretation is that) we are having to do some "workaround" zoning to give CG Services the necessary permits.

David Mueller observed that timely payment of personal property taxes could be made a condition on CUPs.

Jack Stokdyk clarified his remarks in writing: I think we should consider changing the wording "discuss and take action" to "discuss/act" because now the way it is written we would need to make a motion to table the item if we just talked about it. By going with "discuss/act" we are able to discuss it or take action on it. It also would be the same wording used in the town boards agenda. We would be standardizing the terminology for both town board and plan commission.

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18. The attendance record for June 2011 was approved on a motion by Roy Teunissen, supported by David Huenink, passing by a unanimous voice vote.
19. The meeting adjourned at 10:00 p.m. on a motion by Jack Stokdyk supported by David Mueller, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland

July 7, 2011

Town of Holland

Sheboygan County, Wisconsin

(Insert Date)

Mr. Dave DeMaster
David DeMaster Trucking, Inc.
W2526 County Road K
Cedar Grove, WI 53013

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Mr. Mark Brill
Dutchland Trucking, Inc.
N2009 Sauk Trail Road
Oostburg, WI 53070

Mr. Daniel Brill
Brill's Mechanix Express
W3846 County Road D
Cedar Grove, WI 53013

Mr. Steven Oelhafen
Solo Transport, Inc.
N154 Sauk Trail Road
Cedar Grove, WI 53013

Mr. Dan Feider
Feider Trucking
W3672 County Road K
Cedar Grove, WI 53013

Mr. Steve Joose
Joose Trucking, Inc.
W1897 DeMaster Road
Oostburg, WI 53070

Mr. Larry Lukens & Mr. Trevor
Lukens
LWR, Inc.
W3018 County Road G
Cedar Grove, WI 53013

Ms. Teri Lammers
Lamroe Transport, LLC
N2286 County Road KW
Oostburg, WI 53070

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Dear (Insert Name of Property Owner):

RE: Trucking Businesses in the Town of Holland

I am sending you this letter on behalf of the Town of Holland Plan Commission to request information of you related to your trucking business. The Town Plan Commission is in the process of reviewing such uses to determine if they are in compliance with state statutes and the town's ordinances. Where the uses are found to be inconsistent with either state or local requirements, then the Plan Commission will work with those individuals to help bring them into compliance. This letter explains how we arrived at this position, why we are asking for certain information, and itemizes the information we are requesting. We respectfully request your assistance in helping us complete this work.

BACKGROUND

In June 2009 the Town of Holland completed an update to the Town's Comprehensive Plan (Plan) pursuant to Wisconsin Statutes Section 66.1001. The focus of the Plan was to provide guidance to the elected officials and staff of the Town of Holland with respect to the physical development of the Town up to the Year 2030. The preparation of the Plan identified several actions that the Town should take to support the goals, objectives, and policies included in this Plan. One of the action items was to update the Town's Zoning Ordinance, Chapter 330.

In December 2010 the Town of Holland completed the recommended update to the Town's Zoning Ordinance, Chapter 330, so that these ordinances are now consistent with the Comprehensive Plan. In addition, a number of changes were included in these ordinances to comply with a new state statute, the Working Lands Initiative (WLI) legislation, found in Chapter 91 (Farmland Preservation) of the Wisconsin State Statutes.

The WLI legislation placed limitations on the types of land uses appropriate for the zoning districts governed by the Farmland Preservation Program. Two zoning districts within the Town are governed by the Farmland Preservation Program: A-1 Prime Agricultural District and A-3 Agricultural Transition District. The WLI does not allow a trucking business in the A-1 or A-3 zoning districts unless the trucking business meets the criteria of § 330-55 of the Town of Holland's Zoning Ordinance, which is reproduced below for your convenience.

§ 330-55. Standards for home occupations.

No home occupation shall hereafter be established, altered, or

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enlarged unless it complies with all of the standards applicable to the district in which it is located and the following standards:

A. No retail sales (except articles produced by those employed by the home occupation) shall be displayed or sold on the premises.

B. No alteration of the principal building shall be made that changes the character thereof as a dwelling.

C. There shall be no outdoor storage of equipment or materials used in the home occupation.

D. The use does not impact or limit the current or future agricultural use of the farm or of other protected farmland.

E. No signs shall be permitted other than those permitted by the applicable regulations in Article XII of this chapter.

F. Unless a Conditional Use Permit is obtained according to the provisions set forth in Article VI, home occupations shall:

(1) Be limited to the employment of no more than one (1) full-time employee other than the residents occupants in the applicable zoning districts and no more than four (4) full-time employees annually in the A-1 and A-3 zoning districts.

(2) Generate no more than ten (10) automobile trips per day including any non-resident employee, client, or customer. A "trip" includes those originating from, or destined for, the home occupation.

(3) Involve no more than 25% of the floor area of the principal building or utilize any accessory buildings or structures.

(4) Not involve the generation of excessive noise or odors.

(5) Include no more than one (1) commercial vehicle parked or stored on the subject property if the subject property abuts a collector or arterial street and the commercial vehicle does adversely impact adjacent properties as determined by the Town Plan Commission.

In addition to the WLI legislation, the Town of Holland decided that trucking businesses are most appropriate in the A-4 Agricultural-Related Manufacturing, Warehousing and Marketing District or potentially the B-1 Business District.

INFORMATION REQUESTED

The Town of Holland Plan Commission is requesting information from you to better understand your trucking business and how best to bring your business into compliance with the Town of Holland's Zoning Ordinance, Chapter 330, if it is not already in compliance. The specific information requested is included on the

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form on the following page.

The Town would appreciate a written response no later than July 27, 2011. Responses may be mailed or emailed to:

Mr. Sydney Rader
Town Plan Commission Clerk
141 East Shore Drive
Random Lake, WI 53075
Email: clerkplancommission@gmail.com

The Town of Holland appreciates your cooperation in this matter. If you have any questions regarding this letter I can be reached at 920-207-6211.

Sincerely,



Donald W. Becker
Chairman, Town of Holland

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REQUESTED INFORMATION

Business name	
Current zoning	
Current uses present of the subject property	
Describe the type of freight you haul	
Hours of operation	
Describe where the business' reception and accounting functions are conducted on the subject property	
Describe any future business expansion plans	
How many pieces of equipment do you operate? Semi-tractors Semi-trailers Straight trucks	
Business contact person Name: Phone: Address:	

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6/17/11

rev. 07/11/11

Plan of operation; D&D Fish Hatchery

Fish Hatchery located on Knepprath Road, Town of Holland

The objective is to continue operations of existing hatchery as it currently is operated. Currently licensed as a Class A private fish hatchery. Continue to supply customers with young fish for stocking private ponds and lakes. This is not an "open to the public" type business operation but will remain a off premise business as it currently is operated today. Owner delivers fish to customers. This operation takes up approximate 3 acres of the existing 20 acres. Site plan attached.

- 1). Currently zoned as A2
- 2). Future land use of this property will serve primarily as a single family residence.
- 3). The Fish Hatchery located on parcel #59006065160 Town of Holland.
- 4). Single family residence along with the continuation of the fish hatchery as a part time hobby type business. Continuation as this has been run in the past. The existing owner has been operating this since 1991 or so and has agreed to turn the operation over to me as he has operated for those years.
- 5). No additional development other than possible maintenance of the existing five ponds used for the fish hatchery. The existing building and storage hut will remain on property.
- 6). This is a part time single person operation with labor being provided primarily by the owner and occasional help by part time labor. The hours of operation will be mainly determined by wholesale sales demand.
- 7). Access to the fish hatchery will be by the private drive for the residence off of Knepprath Road. No special provisions or signage will exist. There will be no required parking areas, loading areas other than the private drive, no additional lighting required to operate, no noise, no air pollution, odor, electromagnetic radiation, glare or heat generated, no toxic or noxious materials, no drainage or hazardous materials.
- 8). Fencing and building materials appropriate to the operation of the fish hatchery.
- 9). No expansion of the fish ponds will be allowed without a prior modification of the plan of operation under section 330-49 of the Town of Holland ordinances.
- 10). There will be no impact on surrounding lands by the

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operation of the fish hatchery.

Thank you for the consideration of this project,

Dennis M Bauer
Diana L Bauer
W5179 Hwy SS
Random Lake Wi 53075
1-920-994-9822