

Minutes of Plan Commission Meeting September 8, 2009
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 7:28 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Clerk Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through July 2009. Files more recent than that are in the Clerk's hands.
5. Dave Huenink requested that the language "Homework for Plan Commission" be struck from item #9 on the draft agenda. The Agenda was adopted as the official order of business with the change called for by Dave Huenink on a motion by Eugene Schmitz. The motion was supported by Dave Mueller and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Ken Nyhuis, Roy Teunissen, Jack Stokdyk, David Huenink, Trevor Mentink, Jan Rauwerdink, Eugene Schmitz, Dave Mueller. Tom Huenink and Joel Van Ess were absent.
7. The Minutes of the meeting on August 3, 2009 were approved on a motion by Roy Teunissen. The motion was supported by Dave Huenink, passing by a unanimous voice vote.
8. Public input: none
9. To facilitate group participation, the zoning ordinance working draft was projected on a screen for live editing. In view of the protections afforded by the site plan process, Conditional uses were moved up to Permitted uses:
 - A-1 no change
 - A-2 one single-family dwelling moved up
 - A-2 no change
 - A-5 one single-family dwelling moved up
 - C-1 no change

P-1 no change

R-1 no change

R-5 churches and similar places of worship and schools moved up

Chairman Becker has custody of the markups that, together with questions and comments, will now go to Foth to implement a revision. A next draft Chapter 330 is wanted back from Foth in time for review at the October Plan Commission meeting.

10. Public Input:

Doug Hamilton requested documents (draft Chapter 330) and commented:

During the Public Comments, [he] asked a question about P-1 and P-2 zonings. [He] thought the permitted uses were, for the most part, identical and the difference is that P-1 is for publicly owned facilities and P-2 is semi-public/non-profit owned. So [his] question was if zoning addresses land use, why is there a distinction of ownership between P-1 and P-2?

Having said that, [he] has since read the Aug 3, 2009 revision of the ordinance and found that on page 34 the two districts are quite different in ownership, permitted and conditional uses. P-1 does not reference ownership at all and P-2 includes semipublic use that is owned by a nonprofit or municipality. The only uses common to both P-1 and P-2 are conditional uses of cemeteries and community centers. Admittedly, [his] question was probably a moot point.

During the review and discussion, Item 9, [He] asked if an overlay could be applied to A-1 zoning to allow smaller lot size (1 to 2 acres) rather than rezoning the smaller lot to R-something as a way to eliminate potential spot zoning. [He] think Dave picked up on it and brought it up a little later.

Dan Posthuma commented :

Concern with principally involved in agriculture requirements. The only reference to a farm income requirement in state stat. 91 is for qualifying for farm land preservation tax credit and a reference to allow an additional or second farm residence on a farm parcel. The new ch 91 stat. actually mentions that any new buildable parcels created or split off in a farm preservation district would be considered non-farm acres regardless of occupation or relationship. To use or require principally involved in agriculture is hard to define and may not be legal. Development restrictions should use density restrictions and a land division ordinance to control development and not a land owner's occupation.

Concern with conditional use for a residence. The new ch 91 stat. try's to define a farm residence and a non-farm residence. It mentions that a farm residence "may be" a permitted use in a farm land preservation district but "requires" any nonfarm residence to be a conditional use this would apply to our A1 district. My concern is with A2 and A5. The density requirement and the current use on most of these parcels would not allow them to be considered as a "farm residence" and with a site plan review process I think that a non farm residence should be a permitted use in the A2 and A5 districts.

Minimum lot size. Minimum lot size and minimum density development can be two different things. If you do decide to lower the minimum lot size I do feel that a minimum of 250' x 250' with a minimum road requirement of 250' would be a reasonable minimum lot size in all ag zoning districts. Development and divisions would still be controlled by the density requirements and land division ordinance. The 250' road frontage matches current A5 minimums and a 250' x 250' lot would equals 1.435 acres. In the A1 district the 20:1 ratio would require 28.7 or more acres to stay in farm use and a 2 acre lot would require 40 acres to stay in farm use. A smaller minimum lot size allows for some development but actually preserves more land in existing farm use.

There are some things in the new state stat. chapter 91 that may not be in our new A-1 ordinance draft. Specifically definitions for and reference to "base farm tract" "farm residence" "non-farm residence". Also the ratio for non-farm residential acreage to the base farm tract acres cannot be lower than 20:1. This reference is to non-farm acres and not dwelling units thus it builds in a maximum lot size based on acres preserved for farm use.

11. The attendance record for August 2009 was approved on a motion by Jack Stokdyk, supported by Dave Huenink, passing by a unanimous voice vote.
12. The meeting adjourned at 9:28 p.m. on a motion by David Mueller, supported by Jan Rauwerdink, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
October 5, 2009