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Minutes of Plan Commission Meeting October 3, 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 7:30 p.m. by Chairman Donald Becker.
2. The Pledge of Allegiance was recited.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through August 2011. Files more recent than that are in the Clerk's hands.
5. The Agenda was adopted as the official order of business on a motion by Eugene Schmitz. The motion was supported by David Mueller and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Dave Huenink, Tom Huenink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen, David Mueller, Jan Rauwerdink, Nathan Voskuil, Trevor Mentink.
7. The PC meeting minutes of September 6, 2011 were approved with an amendment on a motion by Jack Stokdyk, supported by David Mueller, and passed by unanimous voice vote.
8. Public input: David Mueller brought Craig Dropper's concern in connection with the Molter public hearing, a concern that they accept Wisconsin's right-to-farm law, much like the conditions that were imposed on Roy Ingelse's CUP in 3/12/2008. A copy of the Ingelse CUP was handed around for review.
9. Public hearing of a request by Leroy Richards and James I. Molter and Jill M. Molter for a conditional use permit for a single-family residence on parcel 59006063455. Zoned A-5, this 5-acre parcel is located on Hoftiezer Road, south side, 1000 feet east of Kappers Road. James and Jill Molter and their agent, Ted Scharl, appeared and spoke in favor of the request. No one spoke against. Ted Scharl said the Molters do not object to farming operations in their neighborhood. The distance of the house from the lot line was clarified as 20 feet. The presence of the pond was deemed good for retention of run-off water. The Molters said they expected not to build a house immediately but will delay perhaps five years.

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David Mueller moved to close the public hearing, supported by Jack Stokdyk. The motion passed by a unanimous voice vote.

10. Discuss/act on the foregoing request for a conditional use permit. The parcel was rezoned some years ago prior to the latest revision of the Comprehensive Plan, which encourages residential development mainly east of I43. It works in favor of the request that no change of zoning or land division is involved.

Eugene Schmitz moved to grant the requested CUP based on the submitted plans and the Molter's acceptance of standard conditions* for residence in a rural area, and conditioned on six months for completion of the paperwork. *Standard conditions here means those like the five conditions in Roy Ingelse's CUP.

The PC asked the clerk to contact Attorney Gerry Antoine for a draft of seven standard conditions to be invoked for future CUPs for a single family residence in a rural area where farming is done and ought to be defended. To the aforementioned five conditions would be added a sixth (paperwork to be completed within six months) and a seventh (house construction to starts within one year and house completion within three years).

11. Discuss/act on reviewing zoning and CUPs for trucking businesses in the Town.

Town of Belgium reportedly grandfathered existing trucking businesses. New firms would need a CUP.

Chairman Becker hadn't time to review the Foth memo so it was reviewed in the meeting by all. The Foth document came across as preliminary and probably inadequate to solve our problems comprehensively. So the PC did its own thinking.

Jack Stokdyk suggested systematically going through the zoning districts and adding/not adding trucking provisions. Addition of trucking provisions is contemplated only in M-1, B-1 and the five Ag districts. Accordingly, Chairman Becker posed the question, how do we handle new requests for trucking business in these districts.

By consensus, A-1 and A-3 will stay as they are.

In A-4 a new conditional use (aa) will be added for primarily non-agricultural hauling with limitations on the scale and scope of the business. In this connection 'standard conditions' need to be developed for both (z) and (aa) as an annotation of the zoning ordinance. The drafting of (z) and (aa) ought to have some input from Jamie Rybarczyk. "Primarily agricultural" wants definition. So does "primarily non-agricultural" or whatever term ends up being used.

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To A-2 and A-5 may be added new conditional uses that are analogous to the conditional uses (z) and (aa) of A-4. Standard conditions need to be developed as annotations or guidelines that accompany the zoning ordinance. Any amended language in the zoning ordinance will remain general, not to deprive the PC of flexibility.

On next month's agenda, the B-1 district should be addressed with a proposed new conditional use for trucking and accompanying standard conditions.

A separate document should be made, documenting the 'thought process' behind these attempts to harmonize the zoning ordinance with present and future trucking businesses.

12. Discuss/act on Working Lands Initiative issues regarding existing non-farm residences on base farm tracts and the recordkeeping associated with them. Chairman Becker had conferred with Keith Foye who provided a spreadsheet model for recordkeeping. It's agreed that cost-prohibitive GIS mapping would be best.
13. Reports regarding Shoreland Zoning Stakeholders Group. The Group did not meet in September. The next meeting is October 7. Mitigation is the topic of the moment.
14. Review status of conditional use permits. Charles Lammers and Jason Feyereisen have completed their paperwork. Attorney Gerry Antoine had sent (9/1/2011) warning letters to Eischen, Lammers, Stefan, Feyereisen, extending 90 days for compliance. This matter should be on the agenda of the December 2011 PC meeting.
15. Discuss/act on a procedure for changing the standard PC meeting date when it falls on a Monday holiday. An agenda template should be created for December, August, and June agendas, providing for the setting of the date of the next month's meeting. (January, September and July are the only months in which the first Monday may fall on a legal holiday.)
16. Public input: David Mueller reported that animal unit allowances are based on the whole farm acreage, even if the pieces are not contiguous.

Jack Stokdyk recalled that last month the PC hinted at legal action toward CG Services. Chairman Becker said that would be a matter for the Board, though the PC could make a recommendation. CG Services will be on the agenda for December. Apparently CG Services has not yet made dollar payments for continued Foth consulting services.

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17. The attendance record for September 2011 was approved on a motion by Dave Huenink, supported by David Mueller, passing by a unanimous voice vote.
18. The meeting adjourned about 10 p.m. on a motion by David Mueller supported by Jack Stokdyk, passing by a unanimous voice vote.

Respectfully submitted, Syd Rader, Clerk of the Plan Commission, 10/4/2011