

TOWN OF HOLLAND PLAN COMMISSION  
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING  
Town Holland Hall, W3005 County Road G, Cedar Grove, 53013  
Monday, March 2<sup>nd</sup>, 2020 7:30pm

1. Call to order:  
Plan Commission Chair David Huenink called the meeting to order at 7:30pm.
2. Pledge of Allegiance:  
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met:  
Plan Commission Clerk Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted in three places within the Township and on the Town's website.
4. Record retention certification  
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call  
Attendees: Don Becker, Craig Droppers, David Huenink, Faith Opsteen, Jack Stokdyk, Bryan Kaiser, David Mueller, and Roy Teunissen  
Absentee(s): Matt Teunissen  
Signed-In Attendees: Richard Boenisch, Leslie Verhelst, Patricia Schreurs, Laura Logan, David Otte, Kevin Claerbaut, Randy Walvoord, Lisa Caswell, and Kelly Caswell  
Other Attendees: Janelle Kaiser – Clerk, Tom Huenink – Building Inspector, and Kevin Struck of UW-Extension
6. Adopt agenda as official order of business:  
Motion by Roy Teunissen, seconded by David Mueller, to adopt the agenda as presented; the motion carried by unanimous voice vote.
7. Review/approve minutes of previous meeting(s)  
Motion by Don Becker, seconded by David Mueller, to approve the minutes as presented; the motion carried by unanimous voice vote.
8. Building inspector items:
  - a. Review/approve building permits report:  
Motion by Jack Stokdyk, seconded by David Mueller, to approve the February building inspector report as presented; the motion carried by unanimous voice vote.
  - b. Review/approve building permit requests needing Plan Commission review: None.
  - c. Discuss follow-up items:
    - (1) In reference to an ongoing barn renovation with the owner's intention to create an event space in the township, it was stated that building permits for event and wedding barns in Wisconsin must be reviewed and approved by a building inspector on the state level prior to review by a building inspector on the municipal level due to the commercial nature of the structure.
9. Public input:
  - a. David Otte was present on behalf of his mother's estate to discuss a potential land division. The land division would separate the existing single-family residence on parcel 59006066730 (zoned A-3, 26.7 acres). As a result, parcel 59006066730 would be split into

two separate parcels. The vacant parcel of farmland resulting from the land division would have enough acreage and road frontage to conform with requirements of the A-3 zoning classification. The parcel of land to include the existing single-family residence would be rezoned as R-1. David will order a survey to be performed on the land area where the existing single-family residence would remain to confirm that the appropriate setbacks requirements can be met under the R-1 and A-3 zoning classifications. There is a structure located approximately 45 feet from the back of the existing single-family residence that would remain on the adjacent parcel that the new single-family residence would be built on. To conform with R-1 zoning requirements, a setback of 25 feet from the property line to the back of the single-family residence is required. To conform with A-3 zoning requirements, a setback of 20 feet from the property line to the aforementioned structure must be achieved. If the setback requirements cannot be achieved, David would have a couple of options. The Plan Commission advised that they are able to consider petitions to grant setback reductions for R-1 parcels only, therefore the petition could be included on an application to rezone and divide the land. David could also petition the Town of Holland's ordinances to reduce setback requirements for the A-3 parcel by submitting a petition to the Board of Appeals.

It was also noted that the driveway existing on the parcel will remain with the resultant A-3 parcel, but an easement would be placed on the driveway to grant access to the new R-1 parcel as well as the existing R-1 parcel to the east.

- b. Laura Logan was present to discuss a potential land acquisition. Laura spoke with the owners of parcel 59006060650 with an interest to purchase 3 acres of the land adjacent to and west of parcel 59006060651 where her self-storage business is located. Laura plans to expand the business by adding additional structures and is considering the purchase of this acreage to allow for a detention pond that could be required in the future to manage water runoff due to the structure expansion. Parcel 59006060650 is currently zoned A-1 and is therefore protected by the Farmland Preservation Zoning (FPZ) Act. This act is enforced by the Department of Agriculture, Trade, and Consumer Protection (DATCP) and requires that any land within FPZ meet several requirements before it can be removed from the A-1 zoning classification. The Plan Commission advised Laura that these requirements could present some challenges in her plan to use the proposed additional land for anything other than agriculture, such as future expansion to include more self-storage buildings on the property, because it would need to be rezoned and therefore removed from an FPZ zoning classification. If the land acquired would simply be used for water runoff management and crops, a possibly might be rezoning to A-1-S; this zoning classification is included in FPZ and therefore Laura would not need to meet the aforementioned requirements. However, a self-storage building would not be permissible under the A-1-S classification. Laura stated that she will submit an application to build new structures on parcel 59006060651 in the near future; the Plan Commission advised her that she must receive the appropriate approvals from the Sheboygan County Planning Department pertaining to water runoff management before her application can be processed by the Town of Holland.
- c. Kevin Claerbaut was present to discuss options to establish a new location for his business, CG Services, on Smies Road in the Town of Holland by acquiring 3 acres of land from the owner of the parcel 59006076290 (zoned A-1, 36.2 acres; adjoins with parcel 59006076361 to reach a total of 64.16 continuous acres) in order to expand the land area of his current business location at parcel 59006076210. It was noted that the purchase of 3 acres of land (or slightly more than 3 acres, should Kevin decide more land area is needed) leaves the owner of parcel 59006076290 with over 60 acres and allows current housing density on that land to be maintained. Parcel 59006076290 is currently zoned A-1 and is

therefore protected by FPZ, therefore the land is subject to the same requirements as aforementioned (section 9, item b) in order to be rezoned outside the FPZ. Kevin explained that the newly acquired land, while adjacent to an A-2 lot where part of his landscaping business is currently conducted, would be used exclusively for agricultural purposes for some time. Kevin plans to store tractor trailers for hauling hay on the land he would acquire in addition to building a hay shed for storage. If Kevin chose to use the land for anything other than agricultural purposes, A-2 would likely be the best fit as it allows both landscape business and agricultural uses. However, the requirements of rezoning FPZ land would likely present challenges to that plan.

Kevin stated that operations of CG Services on Sauk Trail Road would cease after establishment of the new location on Smies Road. The Plan Commission advised Kevin to include signatures from the original co-signers of the conditional use permit on record for N1403 and N1405 Sauk Trail Road to Kevin's application for a land division and updated conditional use permit for parcel 59006076210 for purposes of vacating the conditional use permit for the Sauk Trail Road CG Services location. The Plan Commission also stated that a revised plan of operation and site plan be included with Kevin's application specifically address the utilization of space for all equipment and supplies, which should include where piles of debris, compost, and topsoil as observed during a recent inspection of parcel 59006076210 will be located.

#### 10. CG Services – Smies Rd facility CUP review

- a. A report detailing the conditional use permit review of parcel 59006076210 was included in the March meeting packet for review. The Plan Commission elected not to discuss the review report provided by Don Becker and Faith Opsteen at great length at this time due to the discussion with Kevin Claerbaut as detailed in these minutes (item 9, section c).

#### 11. Ongoing issues:

- a. Applications being processed – Documents for a conditional use permit approved in 2019 for Jason and Sarah Prom remain outstanding and in need of signatures and notarization. Janelle Kaiser will meet with the Prom's during the week of March 2<sup>nd</sup>, 2020 to assist with the completion of this step. Once complete, the documents will be sent promptly to the Register of Deeds for recording. Documents for two conditional use permits approved in 2019 (Paul and Jane Wehrley, Jason and Amanda Eiring) have been sent to the Register of Deeds for recording.

#### 12. Agricultural Tourism (A-T) zoning district:

The Town of Holland Plan Commission is continuing work on the creation of an A-T zoning district as an addition to the Town Code with the help of Kevin Struck from UW-Extension. The Plan Commission reviewed each area of concern presented by the public, as well as the Wisconsin Agricultural Tourism Association, during the March meeting. Some of the working discussion points discussed were as follows:

- a. The consideration of a grandfather clause for existing agricultural tourism-related businesses and organizations to permit the land uses to remain conforming with their current zoning classifications. In lieu of adding any grandfather clauses, the commission decided to begin the process of reviewing each specialty (ex. you-pick operations, community supported agriculture, Christmas tree farms, etc.) listed as a conditional use in the draft A-T ordinance to determine whether it should be classified as a conditional use within the A-T zoning district or as a permitted or conditional use in the existing agricultural zoning districts.

- b. Comments submitted by the Beaver Creek Saddle and Bridle Club were discussed. The Plan Commission determined through discussion that the club will not be exempted from requirements of the A-T ordinance, as a grandfather clause will not be adopted, and the club's operations can be reasonably classified as agricultural tourism activities. However, the requirements for livestock shows will be reviewed with considerations as detailed in item 12, section c. of these minutes.
- c. The Plan Commission discussed adding wording to the draft ordinance that would allow the commission to apply individual conditions to businesses and organizations, such as horse clubs, when a business or organization submits an application for a conditional use permit to conduct agricultural tourism activities in the Town of Holland. These conditions would consider the specifics of the business or organization and allow the commission to better assess each permit and the applicability of the conditions as they pertain to each business. Examples of such considerations could be hours of business operation or parking requirements. Adding this wording would avoid the requirement for each business to negotiate special permission with the Town of Holland for each event that may extend past hours of operation as listed in the ordinance, and would also allow the Plan Commission to closely review each situation in regard to public safety or quality of life for neighboring property owners. For example, these conditional use permits would incorporate information provided by the business or organization to address any recurring events that may extend past normal business hours of operation. The permit could also include wording about how and when to inform the Town of Holland of any events that could take place outside of normal business hours of operation or agreed upon hours in the conditional use permit.
- d. The Plan Commission discussed updating the Town's existing ordinance that addresses noise as opposed to including additional requirements to address noise in the draft A-T ordinance.
- e. The Plan Commission noted that enforcement of any A-T ordinance adopted in the Town of Holland would not begin immediately following potential adoption of the ordinance; the enforcement would likely start during the 2021 tourism season to allow for property owners to make any necessary changes to comply with requirements.
- f. Motion by Bryan Kaiser, seconded by Jack Stokdyk, to recommend that the Town of Holland Town Board waive fees for conditional use permit and rezoning applications submitted by existing businesses or organizations as a result of impact from any ordinance adopted to create an agricultural tourism district in the Town of Holland; the motion carried by unanimous voice vote.

### 13. Public input:

- a. Randy Walvoord commented that farmers who lease land to grow their crops could face additional challenges if they are required to rezone to A-T from land classified under the FPZ act. Owners of FPZ land may be reluctant to remove their land from this classification due to tax credits amongst other considerations. Randy stated that he is in favor of classifying you-pick operations as a permitted use in the A-1 zoning district as opposed to classifying it as a conditional use in the future A-T zoning district.
- b. Richard Banish inquired about whether a year-round farmer that sells eggs on their property would need to rezone to agricultural tourism. He also stated that he is disappointed that the Plan Commission has not considered the non-profit status of the Beaver Creek Saddle and Bridle Club. Richard reported that the club has not experienced any issues with parking on County Road A South during their events, nor have they

received complaints about hours of operation from neighboring property owners during or after their events, which have extended to 1:30am in the past. The club holds 6 evening shows per year: 2 in June, 2 in July, and 2 in August; these shows take place on Tuesdays and Fridays. Richard stated that some attendees park on the north side of County Road A, which is the side of the road that the club is located on, and none park on the south side.

- c. Patti Schreurs commented that individuals looking to move to the area should research the activities, such as agricultural tourism, that occur throughout the year before purchasing a property in reference to future neighbors that could move closer to Beaver Creek Saddle and Bridle Club. Patti disclosed that she works for the Sheboygan County Sheriff's Department, and through her experience, the Sheboygan County Highway Department would be a resource if signs are needed for temporary no parking on a county road as opposed to the Sheriff's Department.
- d. In reference to the draft A-T ordinance, Kelly Caswell stated that too much regulation will hurt businesses. Kelly stated that most situations can simply be handled with reasonableness.
- e. Jack Stokdyk reported that he will no longer pursue a land division of his property.

14. Review/approve attendance records for previous meeting:

Motion by David Mueller, seconded by Roy Teunissen, to approve the attendance record as presented; the motion carried by unanimous voice vote.

15. Adjourn:

Motion by Jack Stokdyk, seconded by David Mueller, to adjourn at 10:52PM; the motion carried by unanimous voice vote.

Respectfully submitted,  
Janelle Kaiser, Clerk