

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
Town Holland Hall, W3005 County Road G, Cedar Grove, 53013
Monday, March 2nd, 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 by Brian Noe, an inspector with the Bureau of Field Services within the Wisconsin Department of Safety and Professional Services (DSPS), that event and wedding barns in Wisconsin are considered commercial structures. The plans for these structures must be reviewed and approved by DSPS prior to issuance of a building permit. Since the Town of Holland does not have a building inspector certified in the inspection of commercial buildings, the DSPS will do the necessary building inspections.
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 create a new parcel for the existing single-family residence currently located on parcel 59006066730 (zoned A-3, 26.7 acres). As a result, parcel 59006066730 would be split into two separate parcels. The larger 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 that will include the existing single-family residence would be rezoned as R-1. Mr. Otte 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 an existing structure located approximately 45 feet from the back of the existing single-family residence that would remain on the larger parcel. To conform with R-1 zoning requirements, a setback of 25 feet from the rear 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, Mr. Otte would have two options:
- (1) Request of the Plan Commission to grant a setback less than the standard 25 feet for the new R-1 parcel (the petition could be included on an application to rezone and divide the land).
 - (2) Petition the Town of Holland's Board of Appeals for a variance allowing a reduced setback on the A-3 parcel. If the variance is granted, an application could then be submitted to the Plan Commission for the land division and rezoning.

It was also noted that the driveway existing on the parcel will remain with the resultant A-3 parcel, but an easement would be added for the driveway to grant access to the new R-1 parcel. A similar easement already exists for the R-1 parcel to the east.

- b. Laura Logan was present to discuss a potential land acquisition. Prior to coming to this meeting, Laura had spoken with the owners of parcel 59006060650 regarding her interest in purchasing 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 (and additional structures) 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 certain 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 because it would need to be rezoned and removed from its current FPZ zoning classification. The possibility of rezoning to A-1-S was discussed because this zoning is still within the 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 and the use of the land for a detention pond supporting a neighboring B-1 property was believed to be inconsistent for this zoning class. 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 and that these requirements must be included in the submitted plans 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 parcel 59006076290 (zoned A-1, 36.2 acres; adjoins parcel 59006076361 providing a total of 64.16 contiguous acres) in order to expand the land area of his current business location at parcel 59006076210. The plan is to remove the operations currently on his brother's farm on Sauk Trail Road and place them on the Smies Road property. It was noted that the purchase of 3 acres of land (or slightly more than 3 acres, should Mr. Claerbaut 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) to qualify for rezoning out of FPZ. Kevin Claerbaut 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 Claerbaut plans to store tractor trailers for hauling hay on the land he would acquire in addition to a building for hay storage. The Plan Commission informed Mr. Claerbaut that agricultural zoning districts only allow for up to 30% of the land area to be covered with impermeable surfaces (gravel, concrete, pavers, buildings, etc.). If Kevin Claerbaut 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, satisfying the requirements of rezoning out of FPZ would likely present challenges to that plan.
- Kevin Claerbaut 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 Claerbaut to include signatures of the land owners of record for N1403 and N1405 Sauk Trail Road to the application for a land division and updated conditional use permit for parcel 59006076210 and to include in his application the vacating of 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 the application specifically addressing the utilization of space for all equipment and supplies, and also the piles of debris, compost, and topsoil. Other elements of the site plan and plan of operation as specified in the town ordinances and on the application must be part of the submitted application.

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 to postpone discussing the report submitted by Don Becker and Faith Opsteen because the application for a new conditional use permit is anticipated in time for consideration in the April 2020 Plan Commission meeting (see 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 2nd, 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 an A-T zoning district ordinance 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 tentatively concluded that the club should not be exempted from requirements of the A-T ordinance because 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 flexibility in applying conditions to businesses and organizations, such as horse clubs, when a business or organization submits an application for a conditional use permit. This will allow the Plan Commission to tailor each conditional use permit to the specific organization. Examples of such considerations could be hours of business operation or parking requirements. Providing this flexibility will 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 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.
- 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 an A-T ordinance adopted in the Town of Holland would not begin immediately following 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. An implementation schedule could be included in the ordinance.
- 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 resulting from the adoption of an A-T ordinance; 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