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Plan Commission Meeting Minutes

Town of Holland
Sheboygan County, Wisconsin

Date: Monday, August 5, 2013

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

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

1. Call to order
Chairman Don Becker called the meeting to order at 7:29 PM.
2. Pledge of Allegiance
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met.
Chairman Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Don Becker, Dave Huenink, Trevor Mentink, David Mueller, Jan Rauwerdink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk
Absentees – Nathan Voskuil
Other attendees: Tom Huenink – Building Inspector, Louise Huenink - Clerk
6. Adopt agenda as official order of business
David Mueller made a motion to adopt the agenda and Eugene Schmitz supported. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
David Huenink made a motion to approve the July minutes and David Mueller supported. The motion passed by a unanimous voice vote.
8. Review/approve attendance records for prior meeting(s).
David Mueller made a motion to approve the attendance records and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
9. Review/approve building permits report
David Huenink made a motion to approve the building permits report and Eugene Schmitz supported. The motion passed by a unanimous voice vote.
10. Public input
A gentleman with a 20 acre parcel zoned A-3 along Knepprath Road is looking to build a residence within a year and wanted to know what he needed to do. It was suggested that he use the internet to get an aerial view of his parcel and mark it showing his plans, then bring back to

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Public Input at a future Plan Commission meeting. It was also suggested that he consider rezoning to A-5 to conform to the Long Range Plan. He would also need to contact the County of Sheboygan for septic system approval and also have the parcel surveyed.

A Mr. Davies inquired if it would be possible to rezone an A-1 zoned parcel to something else since the parcel lays within one of the transition areas. Mr. Davies is considering dividing his parcel into 2-3 lots. The chairman stated depending on the number of divisions this could either be a minor or a major land division, with a major land division there are more steps and is a complicated process. It was suggested to Mr. Davies that he read the Town's zoning ordinances for the requirements. Mr. Davies also pointed out that he does not want his parcel to be part of the Farmland Preservation Plan for he may want to develop further in the future.

11. Public Hearing for Elden Mondloch/Jeff Ternes

Jeff Ternes spoke on behalf of his application, explaining his intent to purchase some of his grandfather's farmland. His plan is to purchase the current 10 acre homestead area and rezone it to A-5. His parents intend to purchase 23 acres of wooded land to the back of the parcel. Eventually Jeff plans to acquire that 23 acres as well. The Plan Commission members had no questions for Mr. Mondloch or Jeff. David Huenink motioned to close the public hearing and Jack Stokdyk supported. The motion passed by a unanimous voice vote

12. Public Hearing for Sonya Kostuck

Sonya would like to start a child daycare within her home. She said depending on the age of the children she could have 4 to 8 in her care per day. Her insurance will cover up to six children a day. The Plan Commission discussed wording the CUP so that Sonya can provide the proposed service while still imposing appropriate restrictions. Sonya will be the main employee with her daughter being a fill-in in case Sonya becomes ill. Jack Stokdyk motioned to close the public hearing and David Mueller supported. The motion passed by a unanimous voice vote.

13. Discuss/act on request by Elden Mondloch/Jeff Ternes – N752 Knepprath Rd., parcel # 59006067890 & 59006067880, 80 acres zoned A-1.

They are requesting a minor land division with partial rezoning along with a Conditional Use Permit for the existing non-farm residence. It was pointed out to them for the back lot that if it does not continue to be tilled they will lose the Agricultural Wood Lot tax rate. The applicant asked if rezoning would affect the tax rate and was told that zoning has no effect on the tax rate. The parents said they will continue to have that area farmed. There was a discussion as to why a flag lot over putting in an easement for access to the back lot. David Huenink pointed out that with the flag lot the family is protecting the fence line foliage already in place for perpetuity, where an easement would not provide such a guarantee. The flag lot has the necessary 66 ft of road frontage and can be rezoned to C-1 or A-5 if desired. To keep the Agricultural Wood Lot tax rate the back lot would have to remain as A-1. For the 10 acre homestead parcel they have the required road frontage and will rezone to A-5. Don Becker made a two part motion:

1. Recommend to the Town Board to approve the minor land division creating Lot 1 and to rezone that lot to A-5, and to also approve the creation of Lot 2. Roy Teunissen supported the motion, which passed with a roll call vote. David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Don Becker – Yes, David Huenink – Yes, Trevor Mentink – Yes.

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2. Create a CUP for a non-farm residence on Lot 1 with the standard conditions. David Huenink supported the motion and added that the CUP is contingent on the approval of the rezoning of Lot 1 by the Board, which passed with a roll call vote. Don Becker – Yes, David Huenink – Yes, Trevor Mentink – Yes, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes.

14. Discuss/act on request by Sonya Kostuch – W2189 Smies Road, parcel # 59006066531, 5.0 acres zoned A-2. Sonya is requesting a Conditional Use Permit to run a child daycare in her home. Standard conditions apply for a home occupation with the only specific restriction of having no more than 6 children in attendance at any time. David Mueller pointed out for A-2 zoning it appears that a home occupation is a permitted use, but David Huenink pointed out that Sonya would have over the 10 vehicle trips per day limit, thus the need for the permit. David Huenink made the motion to grant the Conditional Use Permit. David Mueller supported the motion, which passed with a roll call vote. Trevor Mentink – Yes, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Don Becker – Yes, David Huenink – Yes.

15. Discuss/act on review of the draft Conditional Use Permit for Randall Joosse
Don pointed out that in the second sentence of item 1b the words use permitted should be removed and that item 1f should be struck out entirely. Randy asked about item 1g which spoke of a Town representative coming to inspect his property. He asked if this item could be reworded. Randy was informed that this was standard language within the Conditional Use Permit and that a Town representative would always call first to make an appointment to inspect if a complaint had been filed. To date the Town has yet to invoke this condition though it was created because of a past experience where a business owner continually refused an inspection. Clarification was made as to whether a Conditional Use Permit stays with a property or only with the current owner. A Conditional Use Permit for a business generally stays with the property and not the person so if the business is ever sold it would transfer over to the new owner. Randy asked if the permit should specify his B-1 zoning as written since his lot is dual zoned. Jack Stokdyk suggested that Randy's tax key number be used instead of referencing B-1 which everyone agreed with. For 1c B-1 will be replaced with the tax key number. Randy also questioned the Conditions of Operations as to why the limitation on number of employees and equipment. He was told we generally allow for modest growth for the current operation, but need some restrictions since any large business growth could greatly impact other factors. Don Becker stated this item was written the way it was so as to keep things simple and avoid a written Plan of Operations. If needed, the permit could always be amended at a later date. Randy said he would write down some suggestions for this item and send them to the Plan Commission Clerk so that they can be added to next month's agenda for review.

16. Discuss/act on selecting a recordkeeping system for the Town of Holland's base farm tracts
Kevin Struck spoke on this subject to the Plan Commission. The issue is that the state's Working Lands Initiative requires some method of ensuring farmland preservation. The documented method is to restrict development by tracking the base farm tracks in existence at the time of ordinance approval. This is an almost impossible task to implement and enforce, particularly with current and future property owners unaware of the restrictions. Kevin said the wording was changed so that an alternate method that provides comparable farmland preservation is now acceptable. Kevin walked through what the Town of Sherman is doing and the studies/finding he provided for them. Their alternate idea is to enforce a 20-acre minimum parcel size in the farmland preservation area. Statistically this method can be shown to provide similar protection and is extremely easy to implement and enforce. Kevin has discussed this proposed methodology and it's benefits with WI DATCP. But until the Town of Sherman submits its ordinance for

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DATCP approval it will not be known if the 20-acre minimum parcel size will be accepted. Kevin did a similar study for parcels in the farmland preservation areas in the Town of Holland and the results indicate that the 20-acre method would provide appropriate farmland preservation. The Plan Commission is very interested in adopting this methodology so asked Kevin to keep them informed as things progress at the State.

17. Discuss/act on potential changes in light of the County's Farmland Preservation Plan & the Town's Comprehensive Plan. Tabled until next Plan Commission meeting.

18. Discuss/act on regulating wild/dangerous/exotic animals and reptiles by amending Town Code Chapter 140. Tabled until next Plan Commission meeting.

19. Discuss/act on communication towers. Tabled until next Plan Commission meeting.

20. Discuss/act on ongoing issues:

a. Status of applications being processed.

20. Public input:

21. Adjourn

Jack Stokdyk made a motion to adjourn at 10:18 PM and Roy Teunissen supported. The motion passed by a unanimous voice vote.

Respectfully submitted,

Louise Huenink

August 6, 2013