

Plan Commission Meeting Minutes
FROM April 15, 2021 at 5:30 PM
HELD AT THE TOWN OF SHEBOYGAN FALLS TOWN HALL

Vice-Chairperson Carol Leannah called the Plan Commission meeting to order at 5:30 PM. Notices were posted Wednesday, April 14, 2021 at 3:00pm.

Board members present were: Vice Chair Carol Leannah Secretary Jeanette Meyer and Plan Commissioner Skip Theobald. Absent was Plan Commissioner David Schueffner. Also in attendance were Town Board Supervisor Poch & Hanke, Jeremy & Doug Grégoire, Jenny & Josh Gierach, Wallace Gierach and Ed Kirchenwitz.

Approval of Minutes from March 4, 2021 Plan Commission meeting minutes – A motion to approve the minutes from the March 4, 2021 Plan Commission meeting as printed was made by Theobald, seconded by Meyer. Motion carried 3-0.

Secretary Meyer reported that she was able to get further clarification on the A-1-S vs A-2 zoning from Kevin Struck. The 1st question should be “Is the petitioner family or a 50% business partner to the currently landowner? A-1-S was created to allow for homes by those that fit the above criteria while still maintaining our Farmland Preservation Land acreage. If that answer is no, A-2 is more likely the most appropriate zoning. Land taken out of Farmland Preservation are then subject to the 4 criteria found in our A-1 zoning code.

Review / Recommendation – Land Division & Rezone request from Jim & Chris Kroeplien to split 5.00 acres currently zoned A-1 (Exclusive Agricultural Use District) to a zoning to be determined most appropriate by the Plan Commission to create a buildable lot for a single- family residence and shop. The remaining land from the parcel is contiguous to lands of the same owner and can stay A-1.

Jim & Chris Kroeplien would like to purchase 5 acres of vacant land along Alpine Rd (59026384910) from Doris Tayse to build a shop and home to run his custom planting/ combining operation. Jim & Chris are not related to Ms.Tayse or 50% business partners. As such the Plan Commission reviewed 7.21.2 (H) to reclassify lands out of A-1.

H. Rezoning A-1 Land out of Farmland Preservation Zoning (FPZ):

(1) The Town may not rezone A-1 land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

- (a) The rezoned land is better suited for a use not allowed in Farmland Preservation.
- (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

- (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

of the Zoning Ordinance for the Town of Sheboygan Falls, the following are their findings:

- A. Yes. Approximately 1/2 the proposed 5 acres is in the County's Shoreland area and the house/shed area would be in support of local farming. A home for a non family or non business partner is not allowed in A-1-S and therefore is better suited to being removed from the FPZ and rezoned A-2
- B. Yes. Being consistent with the Town's Comprehensive Plan means discouraging major increases in development in farmland preservation area. This is not a major increase in development and would be used for a farm related business.
- C. Yes. At 89%, the Town is still about 1600 acres above the required 80% ratio of the Town's "farmland preservation zoned" land to the County's "farmland preservation area" (FPZ to FPA). This small conversion will have little impact on the percentage.
- D. Yes. While the proposal includes a small single-family home, it also includes a shop for the owners to run their custom planting / harvesting business, which relates if not supports farming.

A motion to recommend to the Town Board rezoning 5 acres from A-1 (Exclusive Agricultural Use District) to A-2 (Agricultural Use District) was made by Theobald, seconded by Leannah. Motion carried 3-0. A CSM was presented and a public hearing was scheduled for May 3, 2021.

Redirected back to Plan Commission from Town Board for further review - Land Division & Rezone request from Wallace and Kathleen Gierach to split 9.95 acres currently zoned A-1 (Exclusive Agricultural Land District) to A-1-S (Exclusive Agricultural Use District - small scale) to create a buildable lot. Parcel number is 59026380487.

The Town Board redirected its consideration of the rezone request back to the Plan Commission from its April 12 meeting for further review. New information came up during the public hearing that they felt should be visited:

1. One resident stated a document was signed when Josh & Jenny Gierach's 2.5 acres was split stating no other divisions from the parcel 59026380487. The Clerk did find the paperwork related to the 1st split approved in 2001, recorded in 2004. There was no reference to any such document nor is there anything in the file. The Clerk contacted the town attorney for guidance. He stated that if there are no surveyor notes on the CSM or nothing was recorded on the deed, there is nothing further the Town needs to do. Jeremy Gregiore was in attendance and stated he did not have a copy either.
2. How many more times can the parcel be split? According to Kevin Struck, if a parcel is divided into 5 lots in a 5-year period, it becomes a subdivision by County ordinance. Only one, 2.5 acre lot, was split in 2004. Any other land mergers done since then were not recorded via a CSM.
3. How are the water issues going to be addressed? According to the Town legal counsel, the Town is under no obligation to address the water concerns. They could have the Engineer

render an opinion at the petitioner's expense, if desired. The Plan Commission did allow discussion on the water. No recommendation was made.

Why A-1-S vs A-2? After hearing Secretary Meyer's clarification from Kevin Struck, the Plan Commission reviewed the recommended zoning class from the March 4th PC meeting.

Wally confirmed the new owners are not family or 50% business partners in the farm. The previous recommendation to A-1-S will need to be changed. As such the Plan Commission reviewed 7.21.2 (H) to reclassify lands out of A-1.

H. Rezoning A-1 Land out of Farmland Preservation Zoning (FPZ):

(1) The Town may not rezone A-1 land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

- (a) The rezoned land is better suited for a use not allowed in Farmland Preservation.
- (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
- (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

of the Zoning Ordinance for the Town of Sheboygan Falls, the following are their findings:

- A. Yes. Only 9.95 acres will be coming out of the current parcel. A home for a non family or non business partner is not allowed in A-1-S and therefore is better suited to being removed from the FPZ and rezoned A-2
- B. Yes. Being consistent with the Town's Comprehensive Plan means discouraging major increases in development in farmland preservation area. This is not a major increase in development and owners plan to allow Wally to continue to farm a portion of the land.
- C. Yes. At 89%, the Town is still about 1600 acres above the required 80% ratio of the Town's "farmland preservation zoned" land to the County's "farmland preservation area" (FPZ to FPA). This small conversion will have little impact on the percentage.
- D. Yes. All of the surrounding small parcels with homes already on them are zoned A-2. Farming will continue on a portion of the parcel.

Upon review by the Plan Commission, a motion to recommend to the Town Board the land division and rezone request to split 9.95 acres from A-1 to A-2 (changed from A-1-S) and keep the remaining land from the parcel in A-1 was made by Theobald, seconded by Meyer. Motion carried 3-0. Public hearing scheduled for May 3, 2021.

5. Review and revise section 7.30 of the Town of Sheboygan Falls Municipal Code – "Signs"

Since the Town adopted the updated sign section as part of the zoning code on 11-4-2019, there have been 3 businesses that have obtained a building permit for sign installation. 2 of them changed the height of their proposed sign to meet the regulation of the ordinance, 1 received a variance to exceed the sq ft restriction. A 4th business owner is waiting to find out if restrictions for B-1 will be revised and will pursue a variance, if they are not. Secretary Meyer suggested perhaps only the B-1 related sign restrictions need to be revisited. She was asked to provide examples from Town of Plymouth, Sheboygan and Greenbush for the next Plan Commission meeting.

6. Review / Recommendation – Review and create Solar Regulations for the Town of Sheboygan Falls Municipal Code

Secretary Meyer reported that she has been receiving phone calls about possible solar farms on parcels in the Town. Town of Holland is currently working thru one right now. Theirs is over 100 megawatts so they have little to no control. Perhaps now is the time to explore. An example ordinance was obtained from the Town's counsel. The item will be added to the May 5 agenda.

Correspondence / Communication – Nothing to report.

Adjournment - A motion to adjourn was made by Meyer, seconded by Theobald.
Meeting adjourned at 7:15 pm.

Respectfully submitted,

Jeanette Meyer, Town Clerk
Town of Sheboygan Falls