

MINUTES
TOWN OF RHINE PLAN COMMISSION
Wednesday, August 9, 2017

GENERAL MEETING

1. **Call to Order:** – Called to order at 6:35 PM by Todd Purkey.
Present: All members and Paul Dirkse, legal counsel.

2. **Compliance with Open Meeting Requirements:** Published August 3 and July 26, 2017. Also posted in 3 places and on the town's website.

3. **Pledge to the Flag:**

4. **Minutes of the June 14 meeting:** Motion to accept by Zimmermann. 2nd by Eberle. No nays.

5. **Public Comments:** None.

6. **Public Hearing - to discuss and possibly act on the following 3 items:**

A. Public Hearing 1

To invite the owners and neighbors of all cemeteries in the Town of Rhine to review the creation of a Cemetery Zone in the Town of Rhine.

Purkey gave a brief history of the previous zoning of the cemeteries in the town. He offered a description of the and recommended adapting it.

Public Comments: Paul Boocher – As a member of the ordinance committee, he has done a lot of the work on the rezoning. He has checked, and all of the cemeteries in the town now have an address and an address sign. This makes it easier to locate and identify them. There were no other public comments.

Planning commission's discussion and action on this request: Pfaller asked for clarification on the procedure for this and if the neighbors would be notified. They have been. Fiorenza made a motion to approve the creation of a Cemetery Zone. 2nd by Zimmerman. No discussion. Roll call vote: All in favor. No nays.

B. Public Hearing 2

To consider the request of Craig Tennies and Bernie Reichert of N7950 Willow Road, Plymouth, WI 53073 (Parcel 59018256591) for a Conditional Use Permit to operate a dog training facility and kennel at the same location for up to 20 dogs. Property is zoned A1.

Public Comments on this: There were no public comments on this request.

Planning Commission's discussion and action on request:

Fiorenza asked Craig Tennies how long he has been training dogs, and he replied for 26 years. Craig also gave an explanation of his affiliation with different clubs and competitions he has participated in throughout the United States. He has a history of training at a number of facilities, and he has a license for training dogs as well as a Wisconsin Guide's license. She also inquired about training methods, and he explained how he trains.. The farm already has a Game Bird License. The proposed kennel would operate under AKC regulations.

Purkey had questions about the facilities. They will be link and steel prefab, 60 x 60 with 9 ½ foot walls. Each dog will have a 5 x 10 run. His plan to control waste disposal and odor was also explained briefly.

Pfaller asked if they have received a building permit yet. It has not been applied for yet.

There was a question from Jim Mavis (audience). He owns the farm across the road from the proposed application. He wanted to know where the building would be located and if there would be another driveway. The building and training will be on the back of the lot and nowhere near the road.

Fiorenza feels the town can put together a CUP based on AKC regulations and their requirement for this kind of operation, including pen and shelter requirements.

A motion to approve the application of Craig Tennies for a CUP for a dog kennel/training facility was made by Zimmermann. 2nd by Fiorenza. A CUP will be drawn up. Roll call vote: All in favor. No nays. It will be sent to the Town Board for review.

C. Public Hearing 3

To consider the request of Rhine Boarder Farm, LLC (Joseph Koenig) of W4741 County Road A, Elkhart lake, WI 53020 for a Conditional Use Permit to conduct a heifer raising operation at the same location. (Parcels 59018256640, 59018256581, and 59018256751)

Purkey explained that the town also has the application drawn up by Roach and Associates. Rhine Boarder Farms is an existing operation. There are plans for future expansion

Public Comments:

Julie Stodolka addressed the planning commission with several concerns. She lives nearby and has been concerned about the farm becoming too large and smelly. She has questions for the owners as far as the extremely technical aspect of the application. She is concerned about the risk of manure being discharged into waterways and odor management. She feels these things could affect homeowners in the area.

Her questions for the CAFO owners are:

Does Mr. Dahm intend to be bound by the application as well? He did not sign the CUP application.

There is a mention in the application of how the runoff control failed in the past. How will this be prevented again?

When will the new barn be built?

She has a question regarding a blank line on the nutrient management plan (worksheet 3).

The maps indicate wells at the houses. What is the status of the wells?

How many animals are on the property? When will there be an expansion?

She would like to see the addresses and phone numbers of all owners included on the application.

Has the town certified to Rhine Boarder Farms that its application is complete?

Ken Smurtsdorf: He has a follow up question concerning water quality and possible leaks. Who would be responsible should there be a leak or spill at the site? He cited an episode at the Marsh a few years ago where there was a leak and spillage. Should there be an accident, who is responsible for contamination, etc?

Jim Mavis: He owns 90 acres around the area on Willow Rd. and the SE Corner. His concerns are regarding water flow, drainage, odor control and air quality, manure disposal, and possible road damage from large manure trucks.

Greg Holmstead: He has a complaint about our PA system. He did not understand all of the comments that were made. He has concerns about semi trucks running through the community.

MaryAnn Hurt: She inquired about how many animals are currently on the farm.

There were no other public comments;

Planning Commission's discussion and action on request:

(Questions asked from commission members - unless otherwise noted. Answers from Joe Koenig.)

How many animals are there now? The applicant answered that currently there are 950 animals, which equates to 700 animal units. The new facility is on hold right now. If completed, it would hold up to 1200 head (950 animal units), but there are no plans to proceed with building it at this time.

Is Kevin Dahm bound to the application? Yes.

Timing of the new barn? This is currently on hold and probably won't be needed in the near future.

Nutrient management plan – blank line. He works with Country Visions for their Nutrient Management plan, and they follow it.

Does DNR check or regulate the amount of manure that is spread? They don't come out to monitor it. Country Visions does monitor it. Pfaller asked if that varies per property depending on soil tests. Yes, it does. Eberle said he has worked with Country Visions COOP, and he feels they hire the best people available, and that they comply with any state requirements and regulations. He has no problem with the applicant's plans here.

Concerns about the water wells: They have not been tested regularly. However, everyone living there uses the water with no problems.

Contact info for the DNR regarding property owners: Koenig didn't realize this information was missing on the application. However, DNR does have information.

Has the town certified that the application is complete? Eberle said there is no way the township can invest the money to do everything the state has verified and approved. It should stand that way.

Manure disposal? He does take neighbors into consideration. They try not to haul on weekends. He only hauls manure 5 or 6 days out of the year. There have been no incidents since the pit was installed in 2000.

Air quality concerns: He doesn't feel that air quality should be an issue. The neighbors to the east said they have had no problems with odor, except possibly when the pit is being pumped out. He has not heard of any complaints regarding odor at this point. He feels this will remain under control in the future even if more animals are added.

Damage to roads: He hauls 5 to 6 days a week, so hauling is kept to a minimum.

Further Discussion:

Legal counsel, Paul Dirkse, mentioned that a review of the application and future monitoring of it is up to the Town, not DNR. The town would be taking on monitoring of this voluntarily. In the past the town wanted to regulate the size of CAFO's. The Town uses the state regulations that would be applicable.

Mary Ann Hurt commented that at one time the town did have a CAFO regulation and wanted to know what happened to it. It is in chapter 4 of the ordinances. Her question is regarding regulation of a CAFO.

Paul Booher: He explained the regulation Ms. Hurt is questioning in section 4. It covers CAFO's and how many animal units are allowed. It prohibits large animal feeding operations in 2/3 of the sections of the town. Dirkse gave further clarification of this.

Jim Mavis inquired if the application was for a CUP is revocable and under what conditions would a CUP be revocable? It would be whether the terms of the CUP were being complied with or not, and facts, not opinion. The planning commission would prepare the CUP, and it would go to the Town Board for further action.

Zimmermann made a comment about putting a condition in the CUP regarding regulation of manure hauling. He is concerned about possible road damage. He would like to have the town be notified when hauling is planned.

Sheryl Dahm: Rhine Boarder Farms is NOT the only farm that is hauling manure with semis in the Township. Other farmers are also using semis. So, Rhine Boarder Farms should not be blamed for all of the damage. If that requirement is made for Rhine Boarder Farms, then it should be required of everyone. Booher said that the IOH permit has been created and opted into by the state. All haulers must abide by these rules.

Pfaller said notifying the town of hauling plans does not jeopardize the applicant, it helps protect them. Dahm said this is unfair if no one else has to tell the town when they are hauling.

Dirkse explained that if anyone wants to use the towns roads and the equipment exceeds applicable weight limits, then they should be coming to the town for a permit because of the Implements of Husbandry Permit. Mavis asked who enforces the weight limits? Is the town capable of doing it?

Comments were made regarding possible insurance requirements. Booher reminded the committee that the town already has an ordinance regarding IOH and road hauling. These concerns are already addressed.

Stodolka said that she doesn't think the town can put a lot of stipulations in the CUP other than that Rhine Boarder Farms carry out its business as laid out in the application by Roach and Associates. The permit the town writes has to be simple, in her opinion. She asked again how it would be carried out and monitored.

Eberle recommends to the Town Board that the Town of Rhine discontinue its regulation of large dairy farms.

A motion to grant the applicant's request for a CUP was made by Eberle. 2nd by Pfaller.

Discussion: Frank is still considered about roads. Purkey said this part of the ordinance could be revisited. Fiorenza agrees the CUP should be kept simple. Pfaller expressed the need for members of the board who are farmers to be included in drafting the CUP.

Roll call vote: Zimmermann - yes. Eberle - abstained. Fiorenza - yes. Pfaller - yes. Purkey, chair - yes. It will now be sent to the Town Board for review and action.

7. **Next meeting date** – (as needed)

8. **Adjournment:** Motion to adjourn at 8:07 by Zimmermann. 2nd by Fiorenza. No nays.

NOTICE IS HEREBY ALSO GIVEN that although a quorum of Rhine Town Board may be present and may take part in these discussions, no formal action or vote may take place at this meeting.

ANY PERSON REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE CLERK AT 876-3413 24 HOURS PRIOR TO THE MEETING