

TOWN OF RHINE PLANNING COMMISSION
Meeting Minutes – Wednesday April 13, 2016

Chair: Ron Platz
Members Present: Larry Eberle, Joanie Fiorenza, Frank Zimmermann
and Mark Pfaller
Also Present: Lexann Hoogstra, Clerk/Treasurer
Several guests: See sign in sheet

1. Call to Order – Compliance with Open Meeting Requirements: The meeting was called to order by Planning Commission Chair, Ron Platz at 6:30 PM on Wednesday, April 13, 2016, at the Rhine Town Hall, W5250 CTH FF, Elkhart Lake, WI. The notice was published in the Plymouth Review on March 29, 2016 and April 5, 2016 to comply with the Open Meeting Law. The notice was posted on April 1 and 7, 2016.

1. Pledge to the Flag:

2. Minutes of October 14, 2015: A motion to accept the minutes as written was made by Frank Zimmermann and seconded by Joanie Fiorenza. Discussion: None. Motion carried with no nay votes.

3. Public Comments: Open for general public comments within the township, not specific to agenda items. There were no public comments, and this portion of the meeting was closed.

4. Public Hearing: To consider the request from Gary and Patti Meyer of N9224 Jung Road, Elkhart Lake, WI 53020 to rezone approximately 7 acres (+ or -) located at N9224 Jung Road, Elkhart Lake, WI from A-1 (Prime Agricultural Land) to A-2 (Small Farming Operations).

5. Public Comments:

There was one question from a gentleman who wanted to know what the difference is between A 1 and A 2. There were no other public comments on this.

Comments and Discussion from the Planning Commission:

Per Ron Platz, any information or recommendations made tonight are only advisory. A final recommendation has to go to the town board on May 3.

Ron Platz explained he has had several conversations with the surveyor, Tony Luloff, on this request. Ron Platz advised him and the Meyers not to get an initial survey until there was a final decision on the matter so they did not spend money on a survey unnecessarily. Ron Platz told

Tony Luloff to send us aerial maps and use the county plot maps. He has reviewed the material provided from Tony Luloff. There are approximately 42 acres in the neighborhood. The existing parcel is marked off in green and is closer to Jung Rd. The proposed parcel is marked as lot 1 on the drawing; it would be + or - 7 acres. If it is parceled off, the Meyers would need access to Jung Road, and they would need a driveway.

Patricia Meyer of N9224 Jung Rd. took the microphone to answer questions. How much of lot 1 is actually farmed? Patricia said none. Julie Fiorenza remarked that the property would not really fall under A 2 classification then. There was a discussion about how to possibly split the lot into 2 parcels. Mark Pfaller said they have about 42 acres now, if they extend the lot line to the north and take 12 acres out to make it compliant with the long range plan, then the back parcel would be noncompliant with the long range plan. If we are not compliant with the long range plan, then we have a quagmire with creating a precedent. If the Meyers split the land as requested, one parcel would be compliant; one would not be. The commission explained that a C2 zone is a conservancy zone and has a smaller acreage requirement. Since the back area is not farmed now (it's a tree area), it could be put into a C2 zone instead. It would increase the lot to 12 acres, making that fit into the long range plan. Patricia mentioned that their son wanted the wooded land when they passed away and the house would sell easier if that lot were only 5 acres. Mark Pfaller mentioned we have to be concerned with the present, not the future.

Mr. Meyer explained their need to have access to Jung and Snake Roads. Mark Pfaller explained the possibility of getting an easement for that. There appears to be no access from Snake Road at this time unless the trees are chopped down.

There was a lengthy discussion reviewing the history of the land. The parcel originally changed hands in 2004. The home is on the smaller parcel of 5 acres. It was supposed to be merged with the existing other 35 acres or so at the time of purchase, but it was not done at that time. The Meyers would like to rezone it to A2 with the intention of leaving the property to family members for estate planning reasons.

Ron Platz mentioned a need to consider that where they currently live there is an A1 parcel now, which is noncompliant. He has spoken with Emily in the planning department at Sheboygan County. She said it's possible it could not be merged in 2004 because it was in the forestry program at the time.

Mr. Meyer explained that when they purchased the land from the previous owners (Stones) he did not want to tear down trees to build in the woods because it was separated. There was a 5 acre lot in the field at the time and he also purchased that to make the area more square. Larry Eberle asked who signed it at the register of deeds at the county. The wooded land was in the forestry program at the time. Ron Platz commented that whatever happened when they built the home on 5 acres is not the fault of the Meyers. The plan is to find a way to make it compliant now.

Mark Pfaller explained the option of obtaining an easement and how that would work. Frank Zimmerman offered more comments and explanation of C2 zoning. He said if we are going to make zoning changes we should make them to the entire amount of land to make everything compliant. He would like to see how they can incorporate an A5 and C2. They could legally get 2 parcels out of a C2 zone. Make lot 1, A5 with the addition of 5 more acres to get it to 12 acres. Lot 2 would be zoned C2, upland conservancy per Frank Zimmerman. Patricia Meyers wanted to know how this would affect taxes. Mark Pfaller explained that the difference in the zoning does not result in a significant change in taxes.

Patricia Meyer asked Ron Platz to explain these ideas again. Ron Platz suggested looking at increasing lot 1 to 12 acres, making it a 12 acre minimum. The lot lines could be anyway they want and they could keep access off of Jung Rd. Lot 2 would rezone to C2, conservancy land. It also has a 12 acre minimum to build.

Larry Eberle mentioned that this is a serious matter and he thinks the Meyers should go home and discuss this as a family. They are welcome to meet with the commission again next month at no charge. That gives them time to consider their options and look at opportunities with the surveyor. Mr. Meyer asked about the differences between an easement and driveway requirements. Platz will call Tony Luloff and describe his suggestions.

Mark Pfaller motions to table this item until the Meyers can come back in a month or two. Seconded by Joanie Fiorenza. There were no nays.

6. Public Hearing: To consider the request from Jill Shaffer and Michael Plonske of 3323 N. Casaloma Drive, #58, Appleton, WI 54913 to rezone 5 acres located at W4719 Gerber Lake Road, Plymouth, WI 53073 from A-1 (Prime Agricultural Land) to A-4 (Farm Consolidation and Agricultural Living District) for the purpose of selling the home and 5 acres of the land.

Public Comments: No public comments.

Comments and Discussion from the Planning Commission:

Frank Zimmerman said he has looked at the property and does not feel like there is a problem with the request. Larry Eberle asked about the intent with regards to farm consolidation.

Jill Schaffer spoke and gave her address (3328 N. Casaloma Drive, #58, Appleton, WI 54913). She owns 80 acres now and wants to sell 5 acres and keep the other 75 acres as agricultural. It is being farmed now. Larry Eberle says it's not farm consolidation and he brought up a state law regarding this. He feels it should not be rezoned from A 1 to A4 but from A1 to A2. There is an issue with it complying with zoning according to state law. Ron Platz thinks A4 is written incorrectly in our ordinance book. He said we have granted these requests in the past. Frank Zimmerman confirmed. Mark Pfaller asked about the long range planning. There was a discussion among the members regarding what the state law says vs. what our ordinance says. Mark Pfaller wanted to know what would happen to the long range planning if this is granted.

Joanie Fiorenza had a question about some zoning and commented that ordinances in the town of Rhine are intended to provide for small farming operations. Ron Platz re-stated that we have done this in the past and he thinks it should be approved now. Larry Eberle feels that if this is granted then the Meyers' request should also be granted.

There was a discussion on the definition of the word "consolidation". Ron Platz feels there needs to be flexibility and the town should be willing to work with people when possible. Based on precedent, Joanie Fiorenza motions that we recommend to the board to accept this rezone from A1 to A4. Seconded by Frank Zimmerman. Joanie Fiorenza also strongly recommends that the ordinance committee look at the current ordinances and take action to make corrections that may be needed to resolve any discrepancies.

Roll call. Frank Zimmerman, yes. Mark Pfaller, no. Joanie Fiorenza, yes. Larry Eberle, yes. Chairman Platz, yes. Request approved.

The commission spent some time reviewing the long term planning information. Larry Eberle will bring in a copy of the state law at the next meeting.

7. Chairman's Report: The ordinance committee is working on setting up a new zoning for cemeteries in the township. Currently there are 8 cemeteries with 4 different zones. The goal is to provide consistency for cemeteries including guidelines for setbacks and building structures on the cemetery. We are looking at possibly rezoning all cemeteries in the town. This will be on the next planning commission meeting in May.

Ron Platz appointed Todd Purkey as chairman of the planning commission. He feels that it is a conflict of interest for him to remain as both the chair of the planning commission and the town board.

Frank Zimmerman made a motion to appoint Todd Purkey as new chairman of the planning commission. Seconded by Joanie Fiorenza. No nays.

8. Next Meeting Date: May 11, 2016 at 6:30 pm.

9. Adjournment: At 6:45 PM, a motion to adjourn was made by Frank Zimmermann, seconded Joanie Fiorenza. Discussion: None. Motion carried with five (5) voting members.

Respectfully submitted,
Lexann Hoogstra, Clerk/Treasurer
Town Rhine

approved