

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
March 24, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on March 24, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate # 1). Andrea Rode (Alternate #2) was excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE MARCH 10, 2014 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved approval.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE MARCH 10, 2014 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Tom Terwall:

Since both of the items on the agenda tonight are matters for public hearing, we would ask that you hold your comments on those two specific items until the public hearing is held. However, if you wish to raise an issue not on the agenda now would be your opportunity to speak. We'd ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

Michael Serpe:

Before we go any further just for the Plan Commission's benefit, Kris Keckler is our new Trustee, and he's sitting next to Steve.

Tom Terwall:

Welcome. I understand you're related to Kip, is that correct?

Kris Keckler

Yeah, father and brother.

6. NEW BUSINESS.

A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-08 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

Jean Werbie-Harris:

Mr. Chairman, I'd ask if both items A and B can be brought up at the same time. I'll be making one presentation for both items.

Tom Terwall:

We need a motion.

John Braig:

So moved.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO COMBINE THE ITEMS A AND B FOR PUBLIC HEARING PURPOSES, HOWEVER WE'LL STILL MAINTAIN TWO SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AND MAP AMENDMENTS as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin: 1) to repeal Section 420-101 entitled, "A-1 Agricultural Preservation District"; 2) to repeal Section 420-14 entitled, "Amendments to Agricultural Preservation Districts"; 3) to amend the following Sections to remove references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems; 4) to amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setbacks required; 5) to delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1); 6) to amend Section 420-139 B (8) related to the average street setback and to remove the reference to the A-1 District and add a reference to the AGO District; and 7) to rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, we have two items on the agenda this evening. Both are public hearings that will be held at the same time. The first is a consideration of Plan Commission Resolution #14-08 for amendments to the Village's comprehensive plan as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

The second item is consideration of several zoning text and map amendments as a result of the Village no longer being certified in the Farmland Preservation Program by the State: 1) to repeal Section 420-101 entitled A-1 Agricultural Preservation District; 2) to repeal Section 420-14

entitled Amendments to Agricultural Preservation Districts; 3) to amend the following sections to remove the references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems; 4) to amend Section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setbacks required; 5) to delete the basic zoning district A-1 Agricultural Preservation District from 420-100 A (1); 6) to amend Section 420-139 B (8) related to the average street setback and to remove the reference to the A-1 District and add a reference to the AGO District; and 7) to rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District.

Again, as I mentioned, these items are related and will be discussed at one time, separate action being required.

On February 10, 2014, the Plan Commission adopted Plan Commission Resolution #14-05 to initiate amendments to the Village's Comprehensive Plan, the Village zoning ordinance, both text and map, as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

The Wisconsin's Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes was signed into law as 2009 Wisconsin Act 28. The Act had three main components. First, it updated the State's current Farmland Preservation Program; second, it gave the ability for farmers and local units of government to establish voluntary Agricultural Enterprise Areas; and finally it provided a State program to help with the purchase of agricultural conservation easements.

Pursuant to Section 91.10 of the Statutes, Kenosha County, is authorized to prepare and adopt a Farmland Preservation Program Plan. An agreement exists between Kenosha County and the Wisconsin Department of Agriculture, Trade and Consumer Protection known as DATCP for the County to submit a Farmland Preservation Plan and to certify that plan under 91.16 of the Statutes, and that was to be done by December 31, 2011. Adoption of a certified Farmland Preservation Plan makes farmers and landowners eligible to participate in the State tax credit programs, agricultural enterprise areas and the purchase of agricultural conservation easement program.

The Kenosha County Farmland Preservation Plan was prepared by the Kenosha County Department of Planning & Development with input from, and with the oversight of, the Farmland Preservation Advisory Committee, which included representation from the Village of Pleasant Prairie, myself, and a number of open houses and meetings were held on that plan. The plan contains data, maps, goals, objectives and policies required by and in accordance with the State Statutes. On September 19, 2011, the Village Board adopted Ordinance #11-25 to update the original 1981 County Farmland Preservation Plan as a component of the Village's Comprehensive Plan.

Kenosha County submitted the Kenosha County Farmland Preservation Plan to the State DATCP for final review and certification that indicated one property within the Village that the Village believed participated in the Farmland Preservation Program. However, the Kenosha County Farmland Preservation Plan was approved by DATCP without any preservation lands within the Village of Pleasant Prairie because we learned that no farmers were actively participating in the program. Furthermore, on January 10, 2014, the Village received a letter that's attached in your packets indicting that the Village is no longer certified for the Farmland Preservation Program for the tax year 2013 because there's no longer any participants.

As a result the Village is proposing to amend the Comprehensive Plan to note that as of December 31, 2012, the Village is no longer certified in the Farmland Preservation Program by the State of Wisconsin and to repeal the adoption of the Kenosha County Farmland Preservation Plan which is the 2011 update as a component of the Village's Comprehensive Plan. Specifically, the Comprehensive Plan amendments include and, again, these are changes that we are making to the Comprehensive Plan. Those that are identified in red on the overheads and on your screens identify the changes that we're making to the Comp. Plan.

1. In Chapter 6, page 206 of the Plan, it's entitled Soil Suitability for Agricultural Production, we are going to be amending that paragraph with that last sentence that says as of December 31, 2012, the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.
2. In Chapter 6 on page 277 of the Plan, the following recommendation related to Agricultural Resources is being deleted: Continue to participate in and support the Wisconsin Farmland Preservation Program which provides income tax credits to eligible farmland owners in the Village.
3. The third change is in Chapter 9 of the Plan. The last sentence is being added to the second to the last paragraph as it relates to land use plan, background data and maps. And it's that same sentence as previously read with respect to the Village no longer being certified in the Preservation Program.
4. The Village's Comp. Plan is being adopted to delete Section 390-6 E of the Comprehensive Plan Ordinance that relates to the plan of 2011 update. So the Kenosha County Farmland Preservation Plan will no longer be listed as a plan.

And since the Village is no longer certified for the Farmland Preservation Program, the zoning ordinance as attached, both the text and the map, need to be amended, and the following amendments are being made.

1. To repeal Section 420-101 entitled A-1 Agricultural Preservation District.
2. To repeal Section 420-14 entitled Amendments to Agricultural Preservation Districts.
3. To amend all the sections, again, that I read previously into the record that were interwoven throughout the zoning ordinance that related to that A-1 District.

4. To amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts with respect to street setbacks.
5. To delete the basic zoning district the A-1 District.
6. And this is related to average street setbacks to remove the reference to the A-1 District and add a reference to the AGO District.
7. To rezone portions of the property, again, the one last participating property in the Village that's no longer participating located at 6109 85th Street, rezone it from A-1, Agricultural Preservation District, to the A-2, General Agricultural District. Please note that any other portions of that property that are currently zoned C-1, Lowland Resource Conservancy District; FPO, Floodplain Overlay District or are located within the shoreland jurisdictional district will remain on that particular property.

So while the Village has had an A-1 District since 1984 when the Town of Pleasant Prairie adopted the zoning ordinance, we find that it is no longer necessary or needed. And, in fact, since we have no farmers participating within the State's Tax Credit Program any longer it was appropriate then to remove all the references in the zoning ordinance. We don't do this very often, but it's a necessary step so that we comply with everything within the Village's ordinance and the Comprehensive Plan. This is a matter for public hearing for both Items A and B.

Tom Terwall:

Is there anybody wishing to speak on these items? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'll open it up to comment and questions.

Michael Serpe:

I'm a little in a fog on this. If a farmer would have participated in the preservation of his land could he ever get out of it, or would he have to stay in it for a certain time? How does that work?

Jean Werbie-Harris:

It was a 25 year program. And if he chose to get out of the program early then he would be responsible to reimburse the State some of the tax credit. Not all of them but a portion of the tax credit. It was a penalty if he got out early. But one by one I think that the farmers had been dropping out over the years. And Mr. McCalis was the only one that was left and wanted to be associated with the A-1 District. It really doesn't affect from our purposes and assessing office, it doesn't affect the value of his property or what he can do with his property as an agricultural use.

Don Hackbarth:

Mr. Chairman, I move we approve Resolution 14-8 the amendments to the Village Comprehensive Plan.

Michael Serpe:

Second.

Tom Terwall:

ANY FURTHER COMMENTS? WE HAVE A MOTION BY DON HACKBARTH WITH A SECOND BY MIKE SERPE TO APPROVE RESOLUTION 14-08 AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. We need a motion now for Item B.

Wayne Koessl:

Mr. Chairman, I move we approve Item B and send a favorable recommendation to the Village Board to approve the zoning map and text amendments as presented.

John Braig:

I'll second it.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND TEXT AMENDMENTS AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Jean Werbie-Harris:

And just a reminder we do have a special Plan Commission meeting on Monday, April 7th.

Meeting Adjourned: 6:15 p.m.