

**RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE****SUMMARY MINUTES - MONDAY, May 18, 2015 - 6:00 p.m.**

**Ives Grove Office Complex Auditorium  
14200 Washington Avenue, Sturtevant, WI 53177**

Committee present: Mark Gleason, Monte G. Osterman, Bob Grove, Tom Roanhouse,  
Tom Hincz, Mike Dawson

Committee excused: Tom Pringle

Youth in Governance  
Representatives: Caleb Celano and Garret Wilkins

Staff present: Brian Jensen, Development Services Superintendent  
Rhonda McCormick, Staff Secretary

Chairman Gleason called the May 18, 2015, Racine County Economic Development and Land Use Planning Committee Public Hearing and Committee meeting to order at 6:00 pm. He introduced the Committee and staff and explained public hearing and meeting procedures. Following are the agenda items and the Committee's actions.

**PUBLIC HEARING**

1. Gallagher Family Revocable Trust & Robert & Margaret Reinholtz, Owners  
6:03  
6:55

Amendment of Land Use Plan from the plan designation of Prime Agricultural Land and Extractive Resource to Other Agricultural, Rural Residential, and Open Land.

Rezone approximately 9.92 acres from A-1 Farmland Preservation District to A-2 General Farming & Residential District II; 34009 Janesville Road (Lots 1 & 2); Section 5, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id. Nos. 016041905-058, -020 & -030)

For informational purposes only: The purpose of this land use plan amendment and rezoning is to allow construction of a single-family residence on Lot 1 and to acknowledge an existing single-family residence on Lot 2.

Brian Jensen reviewed the petition and public hearing testimony using text, maps, and slides. The surrounding zoning was identified on maps. A-2 zoning is located across the street from this property. At the time the land was split and the certified survey maps were created, the land division was compliant with the Farm Land Preservation Ordinance requirements. The county ordinance requires 40,000-square feet in area and 150-foot frontage for the A-2 zoning district. It was noted that the Town can be more restrictive in their minimum requirements. Margaret Reinholtz, petitioner, was present and answered questions from the committee. Tom Hincz stated that the Town of Waterford reviewed and approved this petition.

**STAFF RECOMMENDATION(S)**

Staff recommends approval of the petition, as both parcels were created in compliance with the A-1 zoning district requirements that were in effect at the time of their creation in 2007, and the current the farmland preservation ordinance was formally adopted in 2014; the proposed zoning is compatible with surrounding zoning and is consistent with the 2035 Land Use Plan; and the Town of Waterford Plan Commission and Town Board recommended approval.

DECISION

**GROVE MOVED, seconded by Osterman**, to approve the petition, as both parcels were created in compliance with the A-1 zoning district requirements that were in effect at the time of their creation in 2007. The Committee recommended approval, as the Town of Waterford Plan Commission and Town Board recommended approval; this rezoning will not adversely affect the surrounding property values; and this proposal is compatible with surrounding zoning and uses.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

Tom Hincz noted that the Town of Waterford and the owner agreed to deed restrict this land to prevent any further division.

2.	Himebauch Farms, LLP	<u>Conditional Use</u> to re-establish a sand and gravel extraction operation, including crushing, stockpiling, and reclamation; 33319 Hill Valley Road; located in the M-4 Quarrying District; Section 29, Town 4 North, Range 19 East, <b>Town of Waterford</b> (Parcel Id. No. 016041929001000)
6:09	Johnson Sand & Gravel, Inc.,	
7:02	Applicant	

*Supervisor Tom Hincz stated that earlier in the day he had a discussion with Racine County Corporation Counsel and was advised to recuse himself from this issue based on 'perceived conflict'. Hincz left the auditorium at 6:10 p.m.*

Jensen reviewed the petition and public hearing testimony using text, maps, and slides. The surrounding zoning was identified on maps. Jensen then provided a brief history of activity on this property. The property was rezoned and a conditional use was approved in 1998 for the nonmetallic mining operation. In 2002, the County approved a change in the mining and reclamation operation plan to allow excavation of additional material below the water table. This change would alter the reclamation plan by creating a pond, with the remaining lands to be rezoned to the A-1 zoning district after final reclamation was complete. The County approved the proposed changes. However, the Town denied this request. The property has been vacant since the Town's denial. Currently, there are 10 acres open from previous mining. A portion of the property has already been reclaimed. A safer access was also proposed for truck traffic to access the site via Maple Road.

Randy Johnson, applicant, was present and answered questions from the committee.

SPEAKING IN FAVOR

Jeff Halbach, former county supervisor, was present and gave a brief history of the property. He stated that a permit was issued for a gravel pit, the gravel operator started the project and then walked away leaving a half-open gravel pit, which does not look appealing. Halbach noted that what is of importance is to allow the gravel pit to finish excavating so the land may be restored back to agricultural use.

*SPEAKING IN OPPOSITION*

Bob Langmesser, former Town of Waterford Chairman, was present and gave the committee a brief summary of his experience dealing with this property in the past. He stated that the property was approved for mining, subject to a horse stable being built and the extracted sand and gravel only being used for personal use. Surrounding neighbors have many concerns and asked Langmesser to speak on their behalf. Langmesser encouraged the committee to deny this request.

Carol Hoppe, an abutting property owner, was present and expressed concerns about the common lot line setback. Hoppe stated she does not support this request based on what her property would look like after the reclamation was complete. Jensen responded to this concern by stating that in 1998, the Racine County Board of Adjustment granted a variance for the Himebauch property for a reduced setback to the west property line from 200 feet to 15 feet.

*COMMUNICATIONS*

- Andy Oakes, Racine County Engineering Technician, confirmed Maple Road's designation as a Class-B Rustic Road. This designation reduces truck weights to 60% of the normal legal load; however, trucks loaded up to 100% of the normal legal load may deliver to locations on rustic roads. [Wis. Stat. 348.16(3)]. Maple Road may be used as a haul road. In addition, Maple Road is in the jurisdiction of Racine County.
- Chad Sampson, Racine County Conservationist, visited the site. He met with both Randy Johnson and Dale Himebauch to discuss the proposed plan and reclamation plan. The proposed operation will meet minimum requirements.
- A 14-page email was received from the Town of Waterford Clerk, providing perspective from the Town on this issue. EDLUPC members were provided a copy and a copy was placed in the file.

*Supervisor Hincz returned to the auditorium at 6:42 p.m.*

*STAFF RECOMMENDATION(S)*

*Supervisor Hincz left the auditorium at 6:57 p.m.*

Staff recommends approval, subject to a permit being applied for access to the site from Maple Road. The site complies with the zoning district and complies with the 2035 Land Use Comprehensive Plan. Underlying zoning permits this use. Jensen clarified that the 1998 approval was for the extraction of the hill only and for a riding stable to be established. In 2002, the County approved the change in the restoration plan and the Town denied the change.

*DECISION*

**GROVE MOVED, seconded by Osterman**, to approve the petition, as this use appears to be permitted by underlying zoning; based on other things going on in the area, the proposed use appears to fit with the uses in the district; and the use appears to be in the public interest by providing a valuable site asset and promoting the welfare of the community. Discussion followed regarding bonds, reclamation, setbacks, protecting wells and hauling on Maple Road. Supervisor Osterman suggested adding a condition for a four-year sunset clause.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 5/0, with Supervisor Hincz abstaining**

*Supervisor Hincz returned to the auditorium at 6:58 p.m.*

3. Mark Krupp, Owner Conditional Use to operate a therapeutic equine-assisted riding center for children and young adults with special needs through the use of equine-assisted activities and therapies; located in the A-1 Farmland Preservation District; 7404 Northwest Hwy., Section 7, Town 4 North, Range 19 East, **Town of Waterford** (016041907002010)  
6:40 Jennifer Pape (d/b/a Willow Creek Ranch, Inc.), Applicant

Jensen reviewed the petition and public hearing testimony using text, maps, and slides. The surrounding zoning and wetlands were identified. Chad Sampson, Racine County Land Conservationist, visited the site and discussed manure management with Jennifer Pape. The sanitation system on site is adequate for the use. This use is allowed in the A-1 district, per state statute. Willow Creek Ranch, Inc., is a non-profit 501(c)3 corporation registered with the State of Wisconsin.

Jennifer Pape, applicant, and Marty Hren, volunteer, were present and answered questions from the committee. Mark Krupp, owner, was present and voiced his support for this request.

STAFF RECOMMENDATION(S)

Staff recommends approval of the petition, as this use is allowed in the A-1 Farmland Preservation District, per Wisconsin Statute 9146.

DECISION

**GROVE MOVED, seconded by Dawson**, to approve the petition, as this use is not hazardous, harmful, offensive, or otherwise adverse to the environmental quality or property values in the county and its communities; this use appears to be permitted by underlying zoning; and based on other things going on in the area, such as agricultural uses, the proposed use appears to fit with the uses allowed in this district by state statute.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

COMMITTEE MEETING

**PLEASE NOTE: While the following agenda items are up for discussion and action before the Committee and the Committee may ask questions of the petitioners or affected neighbors, this portion of the agenda is a committee meeting and not a public hearing, and public hearing testimony may not be taken. All are welcome to attend.**

1. Decision on preceding petitions
2. Review, discussion & possible approval of the April 20, 2015, summary minutes  
7:30

DECISION

**GROVE MOVED, seconded by Dawson,** to approve the April 20, 2015, summary minutes.  
**Motion carried unanimously. VOTE: 6/0**

3. James & Barbara Dailey  
7:30  
7:31  
Temporary Use Unclassified, Unspecified Uses for the "M.A.D. Dash", a one-day (August 1, 2015) charity, "fun-run" team event to help bring awareness to the cause of the M. A. Dailey Foundation and raise money for future kids' events; located in the A-2 General Farming and Residential District II; 3940 & 3868 80<sup>th</sup> Street; Sections 28 & 30, Town 4 North, Range 21 East, **Town of Raymond** (Parcel Id Nos. 012042128-025030 & -025010)

Jensen reviewed the petition using text maps and slides. This is a temporary use to raise funds for a 501(c)3 non-profit organization registered with the State of Wisconsin.

STAFF RECOMMENDATION(S)

Staff recommends approval, subject to approval by the Town of Raymond and possibly law enforcement for the bike route on Highway U.

DECISION

**GROVE MOVED, seconded by Osterman,** to approve the temporary use.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

4. Timothy Hoppe, Owner  
7:32 Carol Hoppe, Life Estate  
7:34 Occupant & Applicant  
Temporary Use for camping from July 25-July 27, 2015 & August 8-August 10, 2015 (for up to 150 paying customers for camping); located in the A-1 Farmland Preservation District; 33701 Hill Valley Road; Section 29, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id. No. 016041929004030)

Jensen reviewed the petition using text maps and slides. The last correspondence from the Racine County Public Works and Development Services Department to Carol Hoppe recommended that for-profit camping would need to be rezoned to the P-2 Recreational Park District and would require conditional use approval by the Town and the County. A land use plan amendment would be needed as well.

STAFF RECOMMENDATION(S)

Because the ordinance has not changed since 2009 and the request remains similar to the previous request, staff recommends denial of this petition.

DECISION

**OSTERMAN MOVED, seconded by Dawson, to deny the petition.**

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

5. Kim Ellis, Owner  
7:35 Zachary Schell, Agent  
7:36 Temporary Use for a wedding, reception & associated overnight camping from June 6-7, 2015 (50-100 non-paying guests/campers anticipated); located in the A-1 Farmland Preservation District; 35111 Hill Valley Road; Section 29, Town 4 North, Range 19 East, **Town of Waterford** (Parcel Id. No. 016041930010030)

Jensen reviewed the petition using text maps and slides. This will be a one-time event. No money will be paid to Ms. Ellis for the use of the property and no money will be collected from the campers. There will be approximately 50 to 100 guests. The Ellis property consists of 94.5 acres.

STAFF RECOMMENDATION(S)

Based on the submittal, staff recommends approval of this petition.

DECISION

**GROVE MOVED, seconded by Dawson, to approve the petition.** Discussion followed. Supervisor Osterman expressed his opinion that there are too many people that would be allowed to camp on the premises. Supervisor Hincz noted that the Town of Waterford ordinance allows two people per acre.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried. VOTE: 5/1** with Supervisor Osterman dissenting.

6. Review, discussion & possible recommendation the following plat:  
7:41 Dover Ridge - Preliminary Plat  
Section 7, Town 3 North, Range 20 East, **Town of Dover**

Jensen informed the committee that the applicant has requested that this item be removed from the meeting for consideration, due to some objections to the plat from the Department of Transportation..

7. Preliminary Review, discussion, and possible recommendation(s) on an ordinance amending  
7:47 Secs. 20-1, Definitions and 20-144 Hearings; repealing Secs. 20-1142 Banded Racing Pigeons,  
7:48 20-1339(a)(6) Highway Oriented Uses, and creating Secs. 20-1021 Beekeeping, 20-1022  
Beekeeping Notification and Plan Review, 20-1023, Prohibited Conduct, Inspection and Hive  
Removal, and renumbering portions of Chapter 20, Zoning, of the Racine County Code of  
Ordinances.

Jensen gave a brief explanation of the ordinance changes to the committee. Supervisor Osterman requested that Patti Nagi, UW Extension Horticulturalist, be present at the public hearing at which time beekeeping will be discussed.

**DECISION**

**GROVE MOVED, seconded by Roanhouse**, to schedule the proposed amendments for public hearing on June 15, 2015, for consideration by the Economic Development and Land Use Committee.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

8. Review, discussion, & possible action on referrals from the Racine County Board of Supervisors  
7:46

**GROVE MOVED, seconded by Dawson**, to receive and file a DNR "Notice of Final Determination to Reissue a Wisconsin Pollutant Discharge Elimination System", Town of Norway Sanitary District 1.

**YOUTH REPRESENTATIVES' ADVISORY VOTES:**

Youth Representative Celano: aye  
Youth Representative Wilkins: aye

**Motion carried unanimously. VOTE: 6/0**

9. Other business as authorized by law  
7:47

There will not be an Economic Development and Land Use Planning Committee on June 1, 2015. If the need arises, a special meeting may be scheduled on a date to be determined. The January 15, 2015, public hearing/meeting will remain as scheduled.

10. Adjourn  
7:48

There being no further business, **OSTERMAN MOVED, seconded by Dawson**, to adjourn at 7:48 p.m.

**Motion carried unanimously. VOTE: 6/0**