

TOWN OF HARTLAND Plan Commission Minutes of Meeting

March 12, 2024

1. Call to order

The meeting was called to order by Chairman Bohm at 6:00 p.m. on Tuesday, March 12, 2024, at the Hartland Town Hall, W3454 County Road BE, Bonduel, Wisconsin.

	<u>Plan Commission Members</u>	<u>Staff</u>
<u>Present:</u>	Dave Bohm, Chairman Scott Schara Tim Leitemann Bill Dittman Tom McClone Kevin Watermolen	Jeff Kussow, Zoning Administrator

Excused: Peter Schmidt

2. Verification of meeting posting

Notice of meeting was properly posted at the Hartland Town Hall, in the Shawano Leader, and on the Town website.

3. Motion to deviate from the order of agenda (if deemed necessary)

Motion by Bohm, seconded by Watermolen, to add an agenda/discussion item under agenda item #9 regarding preconstruction site inspection responsibilities.

Motion carried unanimously (6-0).

4. Approval of minutes of the July 10, 2023, and December 11, 2023, Plan Commission meetings

Motion by Leitemann, seconded by McClone, to approve the minutes of the July 10, 2023 Plan Commission meeting as presented.

Motion carried unanimously (6-0).

December 11, 2023, Plan Commission meeting minutes will be put on a future Plan Commission agenda for approval.

5. Public/Committee Comments

None

6. Public Hearing(s)

- a. **Public hearing on Conditional Use Permit No. 2024-101; Johnnie Miller Vendee; Expansion of “Indoor Storage and Wholesaling” land use (i.e., “mini barn” kit assembly associated with Lakeshore Mini Barns, LLC); Tax Parcel No. 022-27430-0000; W3446 Swamp Road**

Zoning Administrator Kussow provided a brief summary of the application and proposed project.

No public comments.

Chairman Bohm questioned and the Commission generally discussed how much expansion of a commercial use in an agricultural zoning district may be allowed. Kussow stated that there is no limit described in the Town Zoning Ordinance, but a conditional use permit for expansion of a commercial use in an agricultural zoning district may be denied if the expansion would be detrimental to public health, safety, and general welfare of area residents. Kussow stated that such a conditional use permit may be denied for other reasons/concerns such as traffic concerns or the likelihood of the expanded use becoming a nuisance to area residents.

- b. **Public hearing on Conditional Use Permit No. 2024-102; Marvin Beachy/Cedar Wedge Farm; Expansion of “Compatible Infrastructure” land use (i.e., livestock butchering/slaughtering facility with accessory retail); Tax Parcel No. 022-07210-0000; W4701 Wedge Road**

Zoning Administrator Kussow provided a brief summary of the application and proposed project.

Marvin Beachy provided a brief description of the proposed additions. Beachy stated that in lieu of the “freezer box” identified on the submitted plans, he is proposing a 16’ x 44’ freezer addition to the building in the same location.

No other public comments.

7. Business/Action Item(s):

- a. **Consideration of Conditional Use Permit No. 2024-101; Johnnie Miller Vendee; Expansion of “Indoor Storage and Wholesaling” land use (i.e., “mini barn” kit assembly associated with Lakeshore Mini Barns, LLC); Tax Parcel No. 022-27430-0000; W3446 Swamp Road**

Zoning Administrator Kussow provided a summary of the application and proposed project.

Plan Commission and Johnnie Miller discussed the proposed project.

Motion by Schara, seconded by Bohm, to approve Conditional Use Permit No. 2024-101 with the following conditions:

1. The project shall comply with all applicable local, state, and federal codes/ordinance. It is the applicant’s responsibility to ensure compliance with all applicable county, state, and federal codes/ordinances.
2. Outdoor storage of products, materials, or finished “mini barns”/sheds associated with the “Indoor Storage and Wholesaling” land use or Lakeshore Mini Barns, LLC, shall be limited to four (4) units and shall be located behind (on the north side) of the subject storage shed/shop. (Storage may also occur within other existing accessory storage buildings/sheds on the subject property)
3. There shall be no retail sales conducted on-site.
4. Any substantial changes or additions to the site and/or building requires the issuance of a new Conditional Use Permit in accordance with the requirements of the Town of Hartland Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Zoning Administrator.

Motion carried unanimously (6-0).

- b. **Consideration of Conditional Use Permit No. 2024-102; Marvin Beachy/Cedar Wedge Farm; Expansion of “Compatible Infrastructure” land use (i.e., livestock butchering/slaughtering facility with accessory retail); Tax Parcel No. 022-07210-0000; W4701 Wedge Road**

Zoning Administrator Kussow provided a summary of the application and proposed project.

Plan Commission and Marvin Beachy discussed the proposed project.

Chairman Bohm mentioned a new sign advertising Cedar Wedge Farm along STH 29. Marvin Beachy explained that the sign was constructed in 2023 and is 200 sq. ft. in area. Beachy stated that he consulted with Shawano County and the Wisconsin Department of Transportation, but missed discussing the sign with the Town. Zoning Administrator Kussow stated that construction of a sign without a permit is a violation of the Town Zoning Ordinance and the sign would not comply with Town requirements anyway. Plan Commission and Kussow discussed the Town’s sign regulations. Plan Commission decided they are open to reviewing and possibly amending the Town’s sign regulations. Plan Commission decided to postpone any enforcement action for the sign until the sign regulations are reviewed at a future Plan Commission meeting.

Motion by Watermolen, seconded by Leitermann, to approve Conditional Use Permit No. 2024-102 with the following conditions:

1. The project shall comply with all applicable local, state, and federal codes/ordinance. It is the applicant's responsibility to ensure compliance with all applicable county, state, and federal codes/ordinances.
2. Any substantial changes or additions to the site and/or building requires the issuance of a new Conditional Use Permit in accordance with the requirements of the Town of Hartland Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Zoning Administrator.

Motion carried unanimously (6-0).

8. Other Item(s):

a. **Farmland Preservation Zoning Re-Certification by DATCP**

Zoning Administrator Kussow updated/reminded the Plan Commission that the Town's Farmland Preservation Zoning Ordinance will need to be re-certified by DATCP by December 31, 2024, in order to maintain eligibility in the State Farmland Preservation Program and maintain eligibility for Town land owners in the Farmland Preservation Zoning (FP) District to collect tax credits associated with the State Farmland Preservation Program.

Kussow explained that the ordinance may be amended to require rezoning of parcels out of the FP District for nonfarm residences in lieu of requiring conditional use permits and tracking nonfarm residence density and base farm tracts. Kussow stated that the rezoning option is being adopted by some communities due to the rezoning option being easier to administer. Plan Commission was open to adopting the rezoning option and requested Kussow to provide additional information.

b. **OneEnergy Renewables request for Town to release decommissioning Letter of Credit due to sale of solar energy system on Tax Parcel Nos. 022-13210-0000 & 022-13120-0010 to WE Energies**

Zoning Administrator Kussow explained that the solar energy system on the Rehn property on Zachow Rd is nearing completion and will be sold to WE Energies. Kussow explained that the developer, OneEnergy Renewables, is requesting the Town to release their decommissioning Letter of Credit due to the system being sold to WE Energies.

Plan Commission discussed the previous conditional use permit and its conditions. Plan Commission determined that an equivalent decommissioning performance bond from WE Energies will need to be provided to the Town prior to releasing OneEnergy Renewables' Letter of Credit. Requiring a performance bond in lieu of a Letter of Credit is required per the conditions of the conditional use permit.

9. Future Agenda Item(s):

- a. **Dannie Borntrager/Premier Custom Cabinetry Conditional Use Permit Application; Expansion of “Light Industrial” building/land use (i.e., cabinet manufacturing); Tax Parcel No. 022-18230-0001; N3966 Valley Road**

Zoning Administrator Kussow provided a brief introduction/summary on the Dannie Borntrager/Premier Custom Cabinetry Conditional Use Permit Application.

Zoning Administrator Kussow also explained that he is anticipating the following applications to be submitted in the near future for a proposed “Indoor Storage and Wholesaling” land use on PIN 022-07240-0010 (Rocky Ln):

1. Comprehensive Plan Amendment Application to amend the future land use designation of the subject property.
2. Rezoning Application to rezone the subject property.

b. **Preconstruction Site Inspections**

Chairman Bohm asked the Plan Commission if they want preconstruction site inspections for permits to be conducted by the Town Chairman instead of Zoning Administrator Kussow. The purpose would be to reduce costs to the Town for consulting services. Plan Commission discussed and agreed that the Town Chairman should assume preconstruction site inspection duties.

10. Set Next Meeting Date and Time

Next Plan Commission meeting is scheduled for April 9, 2024, at 6:00 p.m.

11. Adjourn

Motion by Bohm, seconded by Leiterman, to adjourn.
Motion carried unanimously (6-0)

Meeting adjourned at 7:19 p.m.

Respectfully submitted: Jeff Kussow, Town Zoning Administration