

**MINUTES
KENOSHA COUNTY
PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE
Wednesday, June 13, 2018**

Minutes of the Kenosha County Planning, Development & Extension Education Committee public hearing held on Wednesday, June 13, 2018 at 6:00 p.m. in the Kenosha County Center Public Hearing Room, 19600 -75th Street, Bristol, Wisconsin.

Members Present: Supervisors Erin Decker, Michael Skalitzky, Mark Nordigian, John Poole, and Zach Rodriguez

Youth In Governance Representatives Present: Victoria Desimoni and Haley Esposito

UW-Extension Staff Present: Beverlee Baker, Area Extension Director, Amy Greil, Jeanne Hilinske-Christensen, Leigh Presley, and Bethany Sorce

Also in Attendance for the public hearings on land use items:

Andy M. Buehler, Director, Division of Planning and Development
April A. Webb, Senior Administrative Assistant

The meeting was called to order at 6:00 p.m. by Chairman Decker.

1. **Certification of Compliance with Wisconsin Open Meetings Law:** The committee certified that all requirements of the Wisconsin Open Meetings Law had been met
2. **Review Youth In Governance Program Policies** – Area Extension Director Bev Baker noted the Youth In Governance bus tour will take place June 27, 2018. The schedule includes lunch at the Brookside Care Center.
3. **Policy Regarding YIG Members and Closed Sessions** – A motion by Rodriguez, seconded by Nordigian, to approve the following language to be added to the Youth In Governance Policy and implemented immediately. Motion carried unanimously, including Youth in Governance.

“Youth In Governance members shall not attend any closed session portions of any committee meeting and are excused for the remainder of the meeting following the closed session.”

4. **Feature Program “Agriculture Education”** – Leigh Presley, Agriculture Educator, provided a soil erosion demonstration illustrating the value of vegetative cover on soil during rain events. She discussed the work of a local collaboration involving farmers in watersheds in Racine and Kenosha counties to increase their environmental stewardship via conservation practices.

5. **UW-Extension Educator/Program updates:**

Mary Metten, Health & Well-Being Educator, informed the committee of her background in the social work field working with children and families. In her current position she will have a specific focus on food security, financial security, and social and emotional well-being working directly with adults and children, as well as agencies or other professionals serving families. She is currently getting to know the community and has attended a couple of training sessions already.

Amy Greil, Community Natural Resources and Economic Development (CNRED) Educator, noted that she continues her work on the Downtown Façade Improvement program, which is a matching grant program for members of the Business Improvement District (BID.) She provided results from the evaluation of three current façade projects. Her work with the Uptown project (22nd Avenue area) includes working with the City of Kenosha and collaborating with business owners and law enforcement regarding safety and security. The group is learning leadership development skills - decision making in groups, building consensus, working with the media for posting news and events in their areas, etc. She noted there will be a cleanup in the Uptown area on June 30th. Amy provided a brief update on recent work with the food bank concept. On June 19th the Sheboygan Food Bank director will meet with the Emergency Services Network's Hunger Prevention Council at the Kenosha Job Center to talk with food pantries in Kenosha County on "how food banks work and lessons learned".

6. **UW-Extension Director's Report:** Bev noted that the annual report was emailed to the committee and it will be distributed to the County Board. She noted the new email update has information regarding upcoming events including dates and contact information. Chairwoman Decker will report on this at the County Board and will indicate if they need more information they can contact Bev as the area extension director.

The Committee then moved the meeting to the All American Selection garden on the Kenosha County Center campus for further presentation of agriculture program information by Leigh Presley.

Chairman Decker called for a brief recess prior to reconvening for the Public Hearing portion of this meeting.

After a brief recess, the Public Hearing was called to order at 7:00 p.m. in the Public Hearing Room (Recording #2 of 2).

Chairman Decker called for introductions of committee members, youth in governance, and staff.

7. **JEFF A. BADTKE – COMPREHENSIVE PLAN AMENDMENT – PARIS – APPROVED**

Jeff A. Badtke, 1520 136th Ave., Union Grove, WI 53182 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection", "SEC" and "Non-Farmed

Wetland” to “Farmland Protection”, “Rural-Density Residential”, “SEC” and “Non-Farmed Wetland” on Tax Parcel #45-4-221-111-0302 located in the NE ¼ of Section 11, T2N, R21E, Town of Paris.

Jeff Badtke, owner, was in attendance to speak to this item.

- Supervisor Skalitzky made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the comp plan amendment request of Jeff A. Badtke. The motion was seconded by Supervisor Nordigian and passed unanimously by those PDEEC members present. Youth In Governance: Desimoni – aye; Esposito – aye.

8. **JEFF A. BADTKE – REZONING – PARIS - APPROVED**

Jeff A. Badtke, 1520 136th Ave., Union Grove, WI 53182 (Owner), requesting a rezoning from A-1 Agricultural Preservation Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., R-1 Rural Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #45-4-221-111-0302 located in the NE ¼ of Section 11, T2N, R21E, Town of Paris.

Jeff Badtke, owner, was in attendance to speak to this item.

- Supervisor Skalitzky made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the rezoning request of Jeff A. Badtke. The motion was seconded by Supervisor x and passed unanimously by those PDEEC members present. Youth In Governance: Desimoni – aye; Esposito – aye.

9. **ROBERT J. & KRISTI HOUIN (OWNER), NICOLE RYAN (AGENT) – CONDITIONAL USE PERMIT – BRIGHTON - APPROVED**

Robert J. & Kristi Houin, 28005 41st Street, Salem, WI 53168 (Owner), Nicole Ryan, 4822 85th St., Kenosha, WI, 53142 (Agent), requesting a Conditional Use Permit to allow a kennel in the A-1 Agricultural Preservation Dist. on Tax Parcel #30-4-220-294-0360 located in the SE ¼ of Section 29, T2N, R20E, Town of Brighton.

Nicole and Noel Ryan were in attendance to speak to this item.

Supervisor Rodriguez voiced concerns regarding whether or not the applicants could be considered operating a business if they are charging for puppies if or when one would be requested and noted he could not support the application at this time due to that concern.

One of the co-owners of Ms. Ryan’s dogs (Dawn Daley) spoke in support of the petition noting the Ryan’s are responsible, loving, and knowledgeable pet owners.

- Supervisor Rodriguez made a motion to **table** the request – Motion failed for lack of a second.

Further discussion ensued regarding Supervisor Rodriguez’s concern regarding whether this could be considered commercial vs. non-commercial.

The Ryan's continually explained and confirmed that they were hobbyists and pet owners and that this was not an application for a commercial operation.

Town Supervisor Susan Crane from the Town of Brighton explained the process and review of the application at the town committee and town board meetings.

- Supervisor Rodriguez made a motion to **add** Condition #4 with language that no commercial breeding or boarding shall take place on the premises. Seconded by Supervisor Nordigian for purposes of discussion.

After lengthy discussion, Supervisor Skalitzky Called the Question. A roll call vote was taken: Skalitzky – aye; Poole – aye; Rodriguez – no; Nordigian – aye; Decker – aye. Youth In Governance: Desimoni – aye; Esposito – aye.

A vote was taken on the motion to add Condition #4: Skalitzky – no; Poole – no; Rodriguez – aye; Nordigian – no; Decker – no. Youth In Governance: Desimoni – no; Esposito – no.

Chairwoman Decker asked if anyone wanted to speak For the petition – no one came forward.

Chairwoman Decker then asked if anyone wanted to speak Against the petition:

Sandra Molinaro, Kenosha, WI, spoke against the petition due to the concern on the number of dogs that may be on the premises, health and safety, and that the plan appeared vague at this time.

- Supervisor Skalitzky made a motion to **approve** the Conditional Use Permit request of Robert J. & Kristi Houin (Owner) and Nicole Ryan (Agent), subject to the conditions as stated originally as follows:
 1. Subject to the application stamped received by the office of Planning and Development on May 10, 2018.
 2. Subject to that approved by the Town of Brighton at their June 11, 2018 Town Board meeting (Exhibit A, attached).
 3. Subject to the conditions present in the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Section 12.29-8(b)57 a through d; Kennels (commercial or non-commercial) in the A-1 District (shown below):
 - a. All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.

Note: Based on the submitted site plan of operation submitted in the application narrative, both the existing 30' x 40' pole barn, its proposed lean-to additions and the associated proposed fencing will all lie 100 feet or more from the property

boundaries. Therefore said condition (a) is satisfied.

- b. Adequate provisions shall be made for the proper disposal of animal waste.

Note: The applicant has stated in their application narrative that they will separately bag and dispose of animal waste in a dumpster to be located onsite. Therefore said condition (b) is satisfied. Said dumpster shall be properly screened from the public view by installation of a minimum 6-foot high privacy fence or equivalent evergreen planting.

- c. Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.

Note: According to a submitted application narrative the applicant will be fully insulating the existing building so as to deaden noise. Therefore said condition (c) is satisfied.

- d. In no case shall the parcel be less than ten (10) acres in size.

Note: According to a submitted survey document dated December 22, 1997 completed by J.K.R. Surveying, Inc. and made part of the submitted application narrative, the subject property is 10.085 acres in size. Therefore said condition (d) is satisfied.

4. Subject to any newly proposed outdoor lighting installations being reviewed and approved by the Kenosha County Department of Planning & Development prior to installation. Any subsequent modifications to existing light fixtures (repair/replacement, etc.) or installation of new lighting fixtures shall be made in accordance with Kenosha County site plan review lighting standards requiring full cutoff fixtures with light shields parallel to yard grade.
5. Subject to all rules and requirements of the Kenosha County Sanitary Code and Private Sewage System Ordinance and Comm 83 and 85 of the Wisconsin Administrative Code.
6. Subject to all rules and requirements of the Kenosha County Stormwater Management, Erosion Control and Illicit Discharge Ordinance.
7. Subject to a zoning permit being applied for and issued by the Department of Planning and Development prior to commencing construction or placement of any building(s), fencing, signage, etc.....
8. No changes or expansion of the submitted plan of operation, change in use, and/or proposed addition(s) to any existing building(s) or proposed new building(s) shall take place without the petitioner reapplying for a Conditional Use Permit to the Planning, Development and Extension Education Committee for its review and approval.

9. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until such time as the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.
10. If property ownership shall happen to change then it is the responsibility of the person(s) that signed these conditions to notify new owner of all above stated conditions of approval. Any changes or deviations from the above referenced approved plans will require additional review and approval and will be subject to additional fees by Planning and Development.
11. Pursuant to section 12.29-5(k) of the Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance, this conditional use permit approval shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 5 days after the issuance of the permit. Any recording fees shall be paid by the applicant. Said recording document is to be prepared by the Kenosha County Department of Planning & Development.

The motion was seconded by Supervisor Poole and passed on the following roll call vote: Skalitzky – aye; Poole – aye; Rodriguez – no; Nordigian – aye; Decker - aye. Youth In Governance: Desimoni – aye; Esposito – aye.

10. **CERTIFIED SURVEYS AND OTHER LAND DIVISIONS**

- Supervisor Rodriguez made a motion to **approve** the following certified surveys, subject to conditions. The motion was seconded by Supervisor Nordigian and passed unanimously, including YIG.
- 1) Jeff A. Badtke, 1520 136th Ave., Union Grove, WI 53182 (Owner) and Badtke Holdings LLC, 1520 136th Ave., Union Grove, WI 53158 (Owner) – Part of the NE ¼ of Section 11, Township 2 North, Range 21 East, Town of Paris. For informational purposes only, this parcel is located at the southwest corner of the intersection of CTH "A" (7th Street) and CTH "MB" (136th Ave.), excluding the appx. 40 acres on said corner.

Requesting approval of a Certified Survey Map (dated March 16, 2018, Revised May 22, 2018 by Mark R. Madsen of Nielsen Madsen & Barber) to create one (1) 5.00-acre parcel and (1) 93.98-acre parcel from Tax Parcels #45-4-221-111-0302 and 45-4-221-111-0101.

Conditional Approval subject to the following:

- a) Compliance with any conditions put forth by the Town of Paris.
- b) Subject to revising the CSM to address review comments from the Wisconsin Department of Administration's April 17, 2018 review letter (Exhibit A, attached).

- c) Subject to making the following revisions to the CSM:
1. Add an additional 17' (for a total of 50' half right-of-way) along both CTH "A" and CTH "MB" to be "Dedicated for Public Road Purposes".
 2. Illustrate the wetland areas on the proposed Lots.
 3. Illustrate the boundary of the Secondary Environmental Corridor.
 4. Add a note indicating the existing AND proposed zoning (existing zoning is A-1, C-1 and C-2 & the proposed zoning is A-1, R-1, C-1 and C-2).
 5. Add note which states that there shall be no filling, excavation or building within the wetland areas.
- d) Subject to all rules and requirements of Chapter 15 of the Kenosha County Sanitary Code and Private Sewage System Ordinance and SPS 383 and 385 of the Wisconsin Administrative Code. Complete soil and site evaluations have been conducted on each lot and where required by County Ordinance. The report is on file with the Kenosha County Department of Planning and Development. Any change in the location of the dispersal cell area must result in another soil and site evaluation by a licensed State of Wisconsin soil tester prior to changing the location of a prospective Private Onsite Wastewater Treatment Systems (POWTS). It is recommended that any desired change in the location of the dispersal cell be done prior to any transaction of property. All tested areas shall be protected and preserved by the developer and any subsequent owner from any disturbance which includes: cutting and filling of existing soil surface, compaction from vehicles, installation of roads and driveways, installation of stormwater devices and excavation for utilities. Destruction of a POWTS site may result in a parcel being unbuildable. None of these lots may have their dwellings served by holding tanks.
- e) Subject to sending an electronic copy of the revised CSM showing the aforementioned changes to the Kenosha County Department of Planning and Development office to receive sign-off prior to the surveyor preparing the recordable CSM document for signatures. The county contact is Luke Godshall who can be contacted at the following e-mail address: luke.godshall@kenoshacounty.org.
- f) No land division shall be recorded if any portion or part of the parent parcel has any unpaid taxes or outstanding special assessments without prior approval of the local and Kenosha County Treasurer.
- g) Subject to receiving the original certified survey as approved by the Town of Paris.
- h) Subject to submitting the recordable copy of the Certified Survey Map (CSM) with signatures to the Kenosha County Planning & Development office along with the appropriate Register of Deeds recording fees within twelve (12) months of receiving conditional approval from the Kenosha County Planning, Development & Extension Education Committee. The Kenosha County

Planning & Development office will submit the CSM along with the appropriate fees to the Register of Deeds for recording immediately upon receiving the recordable CSM and fee payments. Failure to submit the CSM with the required fees within the twelve (12) month time limit will render the CSM null and void. Failure to meet these conditions will require that the CSM be resubmitted for approval by the Kenosha County Planning, Development & Extension Education Committee.

11. **APPROVAL OF MINUTES**

- Supervisor Skalitzky made a motion to approve the minutes as presented of the May 9, 2018 Planning, Development and Extension Education Committee meeting. The motion was seconded by Supervisor Rodriguez and passed unanimously, including YIG.

12. **CITIZEN COMMENTS - NONE**

13. **ANY OTHER BUSINESS ALLOWED BY LAW**

Mr. Buehler noted that there are no new applications for the July 11, 2018 meeting agenda and added that zoning ordinance revisions may be scheduled for that agenda.

14. **ADJOURNMENT**

- Supervisor Skalitzky made a motion to adjourn the meeting. The motion was seconded by Supervisor Poole and passed unanimously by those PDEEC members present. The meeting was adjourned at 8:19 p.m.

The next regularly scheduled meeting of the Planning, Development & Extension Education Committee will be held on Wednesday, July 11, 2018.