

Town of Trenton

Official Minutes of the regular meeting of the Town of Trenton Plan Commission held on Monday, January 8, 2024, at 7:00 PM at the Town Hall, 1071 State Highway 33 East.

Present: Joan Baumgartner & Scott Schweizer (via Video Conference), Ray Werhand, Tony Thoma, Bob Roden, Jay Konitzer. Other Town officials present Chairman Mike Lipscomb, Town Administrator Cindy Komro, Clerk Heather Krueger, Town Attorney Jake Curtis, and Supervisor Barb Davies.

Excused: Dennis Kay

Members of the public: 29

Call to order: Chairman Lipscomb called the meeting to order at 7:00 PM

Pledge of Allegiance: Lipscomb invited those in attendance to stand and join in reciting the Pledge of Allegiance.

Affidavit of Posting: Lipscomb confirmed that the meeting notice was properly posted.

Determination of Quorum: Per Lipscomb, quorum is satisfied.

Approve Minutes of the December 11, 2023 Public Hearing Minutes: Text Amendment regarding Permitted Uses. Werhand moved, and Baumgartner seconded to approve the minutes of the December 11, 2023, Public Hearing. Motion carried 6-0.

Approve December 11, 2023, Public Hearing Minutes: Comprehensive Plan Amendment and Zoning Map Amendment: Patrick and Dean Growth. Item tabled until the February Plan Commission meeting.

Approve December 11, 2023, Plan Commission Meeting Minutes. Item tabled until February Plan Commission meeting.

Public Comment:

Steve Lloyd 2236 Wallace Lake Rd. would like to find out why he is being charged for Wallace Lake Sanitary District on his taxes when he does not live on the lake, is not connected to the sanitary district, and does not have any more access to the lake than anyone else in the community. Per Komro, this is an item for the town board, not the plan commission.

Per Lipscomb, Emily Kearns, 3559 CTH Y asked for time to speak directly to the Plan Commission regarding the rezoning and the petition that was submitted at last month's meeting. The agenda had already been posted so Lipscomb agreed they could present it during public comments. The Friends of Trenton presented a packet for the Plan Commission members for their review. Three presenters will speak before the commission.

Cheryl Nenn: Works with the group Milwaukee River Keepers whose focus is water quality and wildlife habitat of the Milwaukee River basin. She presented a PowerPoint focusing on water quality in the river basin.

Jim Reinartz, 360 Cedar Sauk Rd. Ph.D. in plant ecology with 40 years of experience working in wetlands, hydrology in wetlands, and plant communities in wetlands and is a long-time resident of the Town of Trenton. Reinartz asks the Plan Commission to consider what effect this CAFO may have on the town, more cattle means more manure that will be disposed of as close to home as possible. The DNR would regulate further which is a positive, but there is still the fact that there will be more manure in our township. The North Branch of Cedar Creek is affected as the Roden farm is directly on the creek.

Attorney Ron Stadler, representing the Friends of Trenton This rezone is not good for the town of Trenton. Seven hundred people signed the petition to deny the rezoning. There is no public support and no public benefit to the town for the rezone. It benefits the farm operation but nothing else. It is not the obligation of the Friends of Trenton or anyone else in the town to prove that there should be a rezoning, it's the applicant's burden to prove it. Weigh this carefully when making this decision.

Lipscomb asks Town Attorney Jake Curtis to give the Plan Commission thoughts concerning presentation, zoning, and instructions.

Attorney Curtis: The item before this body is the rezoning application, it's important to stay focused on the procedure. Anything relating to the DNR is irrelevant at this point, that's the applicant's authority, not the town's. There are clear factors in §380-122 in the zoning code that lay out the elements that need to be considered by the commission. There is a checklist that the commission should follow when making the decision, he will provide objective advice on the procedural factors that need to take place.

Scott Schweizer Asked the DNR last month, if the DNR approves the CAFO permit, does the town have any say in this as we can't be more restrictive than the State? How are we going to stop it if it gets approved by the DNR?

Curtis: Not exactly. Under the new zoning code AE, there is authority from the town's perspective with the conditional use permit that needs to be requested by the applicant. The town can't be more restrictive than the DNR in the conditional use permit. Under §380-145 there is an entire section on conditional uses. The new AE zoning code does have compliance monitoring and the town would have authority to ensure compliance.

Lipscomb: Do you feel our first attorney, Ian Prust led us down the correct path with the AE zoning?

Curtis: There was discretion, but in his view by adding AE the town has given itself more authority to ensure compliance if the rezone is from EA to AE.

Stadler: If you don't rezone and leave this in its current zoning, there can be no CAFO, there will be no DNR permit, and they will never be able to get to that point. Your control is to deny the rezone.

Lipscomb: Then you will never get the 100' set back from Cedar Creek either.

Attorney Curtis, Is there any merit to spot zoning?

Curtis: Spot Zoning is very case-specific, it's not illegal in WI but requires a case-by-case analysis.

Jay Koenitzer: He understands that the town is required to create a zoning district to allow for a CAFO, which we did, but do we have any control over whom we give a permit for that type of

operation and where in our town would it be appropriate for the health and safety of our community?

Curtis: Creating the new AE zoning was procedural and wasn't related to one specific property. The question was asked, "Does the town have some ability to rezone such that a CAFO would be an option within that zone." Whether it should or shouldn't be allowed concerning a specific parcel is the point of the town making the decision or an individual property owner applying, which is what we are deciding now.

Werhand: When we rezone, is that the proper time to put the conditions of this particular property in place?

Curtis: No, it is a separate process.

Komro: The first thing the AE zoning code states is that anything that is allowed in EA is allowed in AE, and it also allows for these conditional uses.

Baumgartner: Does the applicant for the rezone have any mandate for explaining the need for the amount of acreage for the project? Can the Plan Commission ask for a reply?

Curtis: Yes, §380-122 the Commission has the authority to request additional information as may be required from the applicant.

Koenitzer: Would like a more detailed map of where high-risk areas are in the town and where this zoning could be allowed from the River Keepers Organization.

Nenn: Yes, we can provide that.

Lipscomb: Manure spreading would be a DNR-related issue, not town regulation. We have no say now where manure is being spread in the town.

Koenitzer: Who can an individual contact when we see illegal dumping of manure?

Lipscomb: There is a DNR 800 number available for reporting.

Baumgartner: Please make this information public so others can report as well.

Additional Public Comments:

Jeffrey Koenig 1711 Mapledale: Would like to put in a ground solar array but no place would have clear access to the sun except 60 feet in front of the property. This would be 900 feet from the road. Is this considered a permanent structure, or can he get a variance? Trees would still need to be removed. Neighbors have been asked and don't have a problem with location and size. Would like approval so he can begin ordering parts.

Komro: This was not on the agenda, so this commission cannot act on this right now. The purpose was to show the Commission the reasons for considering different rules for ground solar arrays regarding accessory structures in the front yard.

Preliminary Discussion: Land Division, Comp Plan Designation Rezoning: Julie Konen, 1523

Wallace Lake Rd. Per Komro: The CSM is final, the Comp Plan designation is what they would like to rezone. The Plan Commission has discussed and agreed that this would be something the board would consider. **Schweizer moved to schedule a public hearing for the rezone at 6:45 on March 11, 2024, seconded by Roden. Motion carried 6-0.**

Architectural approval (changes): Lot #73 Jamestown East Condo Association, 6780 Jamestown Dr, Tax Key T11 0158073. Per Komro, any architectural changes made need to be approved by the Jamestown Condo Board as well as the Plan Commission. Jamestown has approved the

changes made to Lot #73. **Werhand moved to approve, Konitzer seconded. Motion carried 6-0.**

Architectural approval (changes): Lot #56 Jamestown East Condo Association, 2109 John Ct, Tax Key T11 0158056. The color of the windows and the siding color have changed. This has not been approved by the Jamestown Condo Board. **Werhand moved to deny because the Condo Association has not approved this change and they would like to see a color swatch of the proposed pant color, seconded by Schweizer. Motion carried 6-0.**

Reports. None

Review of Correspondence None

Adjournment. **Roden moved to adjourn the Plan Commission meeting at 8:03 PM, seconded by Thoma. Motion carried 6-0.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Heather Krueger".

Heather Krueger, Town Clerk

Subject to Approval: These Minutes will be considered for approval by the Plan Commission at its February 12, 2024 meeting.