TOWN OF RHINE PLAN COMMISSION
MEETING MINUTES
Wednesday, May 8, 2024, at 6:30 PM
Rhine Town Hall
W5250 County Road FF, Elkhart Lake, WI 53020

Join Zoom Meeting:

https://us06web.zoom.us/j/85627229137?pwd=U7bbu7fwPByFpQrPAOBaCoUREs5lhq.1

Meeting ID: 856 2722 9137 Passcode: 138505

APPROVED

1. Call to Order: Vollbrecht called meeting to order at 6:30 pm.

   Present: Jean Vollbrecht, Mark Pfaller, Christa Johanson, Derek Schukow, Larry Eberle, Amy Weber (Clerk/Treasurer).

2. Verify Compliance with Open Meetings Law: Meeting was posted and the media was notified as required by law.

3. Pledge of Allegiance

4. Approval of minutes from March 6, 2024: Motion by Pfaller to accept the meeting minutes as submitted. Second by Eberle. All in favor.

5. Public Comments of a General Nature: None.

6. PUBLIC HEARINGS:

   A. Darin Early, Owner, to rezone Parcel #59018258792 (12 acres) from C2 to A5. Address: W6654 County Road A N, Elkhart Lake, WI 53020.

   Public comments: Letter from Alice and Peter Schaff in support of the rezone read into record by Vollbrecht.

7. Discuss and act (make recommendations to the Town Board) on the following:

   A. The matter which was the subject of the above Public Hearing.

   Darin Early (owner) explained he and his wife have every intention of restoring the house and the land. They have an interest in farming the land and have reached out to the USDA for potential financing. They went through the process and hit a wall when it came to the zoning designation. He can't say definitively they will get financing from the USDA but the zoning is a stumbling block.

   Vollbrecht read the definitions of A5 and C2 zoning districts from the Town of Rhine Municipal Code.

   Darin Early explained the USDA does not accept general farming in the C2 district definition. The land needs to be zoned agricultural for the USDA to consider his request for financing. He stated

for the record that everything surrounding the property from a zoning standpoint is all agricultural, there may be conservancy uses that are being brought to bear and temporary easements. The primary intent of the conservancy zoning was endeavoring to save the historic structure and that is what they are doing. If they did not want to farm the land and have a scalable farming operation, they would not have an issue with the C2 zoning. Given they want financing A5 would be the ideal zoning.

Vollbrecht asked about the survey stakes on the land. Early explained they had the land surveyed to find out the boundaries of where they can farm, that is part of the USDA application process.

Johanson explained, looking at the map and the applicant's own indication that in fact the land is clear cut like ag land and not forested. By definition of C2, C2 is woodland, upland woodlands, and this property does not meet the definition of what C2 would normally be. In her opinion, this property is clearly agricultural property.

Eberle stated that the land can be farmed when it is zoned C2, and is concerned that the land could be split in the future.

Vollbrecht pointed out that A5 zoning will not allow the parcel to be further subdivided. A new rezone request would be required.

Motion by Eberle that the request to rezone from C2 to A5 not be approved. No second.

Motion by Schukow that the Plan Commission recommend to the Town Board approval of the rezone request from C2 to A5. Second by Pfaller.

Roll call – Eberle – no, Schukow – yes, Johanson – yes, Pfaller – yes, Vollbrecht – yes. Motion approved.

Vollbrecht reviewed the Plan Commission Decision Form, Zoning Amendment Criteria with the members (see attached form).

8. Next meeting date: Wednesday, July 10, 2024, at 6:30 pm (if needed).

9. Adjourn: Motion to adjourn at 7:26 pm by Pfaller. Second by Eberle. All in favor.

Dated: May 10, 2024
Amy Weber, Clerk/Treasurer
Town of Rhine

APPROVED

Plan Commission Decision Form
Zoning Amendment Criteria

Owner/Applicant: Landgraf Trust

Property Address/Location: County Road J

Parcel #: 59018259130 – 4.36 acres Current Zoning: A-2 Proposed Zoning: R-1

The Plan Commission must review proposed zoning amendments and provide a recommendation to the Town Board. Respond to the following statements concerning this request:

1. The amendment corrects an error made in the original ordinance: YES NO
2. The amendment is consistent with the comprehensive plan: YES ~~NO~~
3. The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole: YES NO
4. The amendment will not have a significant adverse impact on the natural environment (ex: air, water, noise, stormwater management, soils, wildlife, vegetation) or the impact could be mitigated by improvements on the site or in the immediate vicinity: YES NO
5. The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (ex: highways, streets, water, sewage, drainage, schools, emergency services): YES NO
6. The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation: YES NO
7. The amendment will not result in illegal "spot zoning" (i.e. the use is consistent with surrounding properties and serves public, rather than only private, interests): YES NO

Describe reasons why the requested rezoning does or does not meet each standard above:

1. #2 yes ~~not~~ meet standard long range "potential growth area"
2. and 2 acres or larger to be
3. when w/in 1/2 mile of village.
4.
5. #1 cup for farming when R1
6.
7.

Recommendation: X **Approve** ____ **Deny** **Meeting Date:** **July 10, 2024**

Signature of Plan Commission Chair: Jean Vollbrecht Date Signed: 7-10-2024

Plan Commission Decision Form
Zoning Amendment Criteria

Owner/Applicant: Landgraf Trust

Property Address/Location: County Road J

Parcel #: 59018259130 – .27 acres Current Zoning: B-1 Proposed Zoning: R-1

The Plan Commission must review proposed zoning amendments and provide a recommendation to the Town Board. Respond to the following statements concerning this request:

1. The amendment corrects an error made in the original ordinance: YES (NO)
2. The amendment is consistent with the comprehensive plan: (YES) NO
3. The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole: (YES) NO
4. The amendment will not have a significant adverse impact on the natural environment (ex: air, water, noise, stormwater management, soils, wildlife, vegetation) or the impact could be mitigated by improvements on the site or in the immediate vicinity: (YES) NO
5. The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (ex: highways, streets, water, sewage, drainage, schools, emergency services): (YES) NO
6. The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation: (YES) NO
7. The amendment will not result in illegal "spot zoning" (i.e. the use is consistent with surrounding properties and serves public, rather than only private, interests): (YES) NO

Describe reasons why the requested rezoning does or does not meet each standard above:

1. (#2) yes, meet standard long range "potential growth area" and 2 acres or larger to use when within 1/2 mile of village.
2.
3.
4.
5.
6.
7. cup for farming when R1

Recommendation: X **Approve** ____ **Deny** **Meeting Date:** July 10, 2024

Signature of Plan Commission Chair: Dan Vollstedt Date Signed: 7-10-2024