

**MINUTES  
KENOSHA COUNTY  
PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE  
Wednesday, August 9, 2017**

Minutes of the Kenosha County Planning, Development & Extension Education Committee public hearing held on Wednesday, August 9, 2017 at 6:00 p.m. in the Kenosha County Center Public Hearing Room, 19600 -75th Street, Bristol, Wisconsin.

Members Present: Supervisors Erin Decker, John Poole, Michael Skalitzky, Jill Gillmore, Steve Bostrom

Youth In Governance Representatives Present: Julia Arturi and Jonathan Filiatreault

UW-Extension Staff Present: Beverlee Baker, Area Extension Director, Amy Greil, Jeanne Hilinske-Christensen, and Terri Ward

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

Ben Fiebelkorn, Senior Land Use Planner

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. **Feature Program “Community Organizing in Uptown Brass Village and Lincoln Park Neighborhoods”:**

Amy Greil, CNRED educator, presented information regarding the programming she is working on for Uptown Brass Village and Lincoln Park neighborhoods. Amy noted that Uptown Brass Village is a central city Kenosha neighborhood looking to enhance safety, security and quality of life for residents and property owners. Community organizing is a practice to increase civic participation in one's own community. Social impact Networks are social platforms and an organizing unit that allows people to come together, leverage resources, and build trust-based relationships. Amy has been collaborating with Francisco Loyola, Executive Director of Kenosha Creative Space, who was also in attendance to provide additional information regarding the collaborative efforts for the Uptown Brass Village and Lincoln Park Neighborhoods.

3. **Youth In Governance Policy Recommendations – Updates:**

Discussion was held regarding the percentage for meeting attendance, applications and service of multi-year YIG representatives. It was determined that youth should be able to serve for more than one year (no change). Supervisor Skalitzky moved to increase the Youth In Governance Representative attendance requirement for the first half of the year from 50% to 60%. Motion was seconded by Supervisor Gillmore and passed unanimously. This change will be effective for the next group of representatives selected in 2018-19.

4. **nEXT Generation Cooperative Extension Reorganization Update** - None - due to time constraints.

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

Amy Greil, CNRED educator, gave a brief update regarding Uptown Brass Village's monthly meeting preparations and the Kenosha County Employee Survey engagement with Wisconsin Counties Association (WCA).

Jeanne Hilinske-Christensen, Interim Horticulture Educator, informed the committee about this fall's Master Gardener Volunteer (MGV) Level 1 Training, noting that there are 25 participants. The training will be offered from 1-4 pm and 5:30 – 8:30 pm on Wednesday's, September 6 – November 29 at the Festival Foods store near Somers.

6. **UW-Extension Director's Report:** None - due to time constraints.

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. **Tabled Request of Arthur A. Naber & Paul J. Naber**, 3405 S. Browns Lake Dr., Burlington, WI 53105 (Owner), requesting a **rezoning** from A-2 General Agricultural Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-2 General Agricultural Dist., R-2 Suburban Single-Family Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #95-4-119-024-0300 located in the S ½ of Section 2, T1N, R19E, Town of **Wheatland** (2:27)

Arthur and Paul Naber were in attendance to speak to this item.

- Supervisor Gillmore made a motion to **remove from the table** the request of Arthur A. Naber & Paul J. Naber requesting a rezoning. The motion was seconded by Supervisor Skalitzky and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.
  - Supervisor Skalitzky made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the request of Arthur A. Naber & Paul J. Naber requesting a rezoning. The motion was seconded by Supervisor Gillmore and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.
8. **Tabled Request - Review and Possible Approval – Proposed Amendments to Chapter 14 Kenosha County Subdivision Control Ordinance** - Proposed amendments to Chapter 14 Kenosha County Subdivision Control Ordinance updating it to be compliant with current legislation as referenced in Chapter 236 and 703 of State Statutes.

Chapter 14 of the Kenosha County Municipal Code is available for viewing at the Planning & Development office during normal business hours 8 am -noon and 1 pm - 5 pm, Monday – Friday (37:45)

This item was discussed later in the meeting to allow discussion of the Brightonwoods Orchard Inc. applications first to accommodate a number of interested parties that were waiting in the audience.

- Supervisor Gillmore made a motion to **remove from the table** the proposed amendments to Chapter 14 of the Kenosha County Subdivision Control Ordinance. The motion was seconded by Supervisor Bostrom and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.

Ben Fiebelkorn, Senior Land Use Planner, noted that the specifics of this item were discussed in length at the Tuesday work session of the committee. Rick Kania, SEWRPC, was in attendance at the work session and provided an executive summary of the revisions to the committee.

Supervisor Poole noted his concern that the revisions just added another layer of requirements that could be costly to the small business owner or average resident. He felt it could save applicants between \$500 - \$1,000.

Brian Filiatreault, 26701 75<sup>th</sup> Street, Salem, noted his concern as well regarding additional cost to the small business owner.

- Supervisor Poole made a motion to **revise** Section 14.06-1(a), page 34 to read, “A Certified Survey Map prepared by a professional land surveyor registered in Wisconsin shall not be required for all minor land divisions.... The motion was seconded by Supervisor Gillmore.

Mr. Fiebelkorn noted that this is a requirement of Section 236 of the Wisconsin State Statutes and that in his opinion it would not be best planning practice to not require a CSM for smaller land divisions because at times the CSM process allows the municipality to obtain easements for infrastructure that could end up costing thousands of dollars later.

Vote on the motion – Gillmore – aye; Poole – aye; Skalitzky – aye; Bostrom – strong no; Decker – no. Youth In Governance: Arturi – no; Filiatreault – aye.

Discussion continued.

- Supervisor Poole made a motion to table the item for additional research. No second. (1:08:24)
- Supervisor Poole withdrew his motion to table. (1:09:02)
- Supervisor Skalitzky made a motion to reconsider the vote on the motion to add the word “not” to Section 14.06-1. The motion was seconded by Supervisor Bostrom. The motion passed on the following vote: Poole – no; Gillmore – no; Skalitzky – aye; Bostrom – aye;

Decker – aye. Youth In Governance: Arturi – aye; Filiatreault – aye. (1:12:35)

Additional discussion occurred.

Chairman Decker called for a re-vote on the motion to amend Section 14.06-1 by adding the word “not” to the paragraph. Vote: Gillmore – aye; Poole – aye; Skalitzky – no; Bostrom – no; Decker – no. Motion failed 3-2. (1:15:26)

Chairman Decker called for a vote on the original Ordinance as presented. Vote: Gillmore – aye; Poole – no; Skalitzky – aye; Bostrom – aye; Decker – aye. Youth In Governance: Arturi – aye; Filiatreault – no. Motion carried 4-1. (1:17:40)

9. **Referred Back to Committee - Request of Brightonwoods Orchard Inc., 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Owner), William H. Stone, 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from “Farmland Protection”, “PEC” & “SEC” to “Farmland Protection”, “General Agricultural & Open Land”, “PEC” & “SEC” on Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of Brighton (6:43)**

William Stone, agent, was in attendance to speak to this item. He noted that an agreement had been reached regarding the driveway and traffic concerns voiced at last month’s meeting.

John Kiel, Town of Brighton, briefed the committee regarding proceedings at the Town level regarding these applications noting a great deal of effort was put into the process and that the Town had recommended approval of the requests.

Mr. and Mrs. Decatur, 1081 288<sup>th</sup> Avenue, and their attorney Patrick DeMoon of Godfrey Law Firm, were in attendance and reiterated their prior concerns/objections regarding the applications for a comprehensive plan amendment, rezoning, and conditional use permit.

- Supervisor Skalitzky made a motion to **approve** and recommend to the Kenosha County Board of Supervisors the request of Brightonwoods Orchard Inc. (Owner), William H. Stone (Agent) for a Comprehensive Plan Amendment. The motion was seconded by Supervisor Gillmore and passed on the following roll call vote: Poole – aye; Gillmore – aye; Skalitzky – aye; Bostrom – aye; Decker - aye. Youth In Governance: Arturi – aye; Filiatreault – aye.
10. **Referred Back to Committee - Brightonwoods Orchard Inc., 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Owner), William H. Stone, 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Agent), requesting a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., A-3 Agricultural Related Manufacturing, Warehousing and Marketing Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of Brighton (27:53)**

William Stone, agent, 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 request of Brightonwoods Orchard Inc. (Owner), William H. Stone (Agent) for a rezoning. The motion was seconded by Supervisor Bostrom and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.
- 11. Discussion and possible reconsideration of **Request of Brightonwoods Orchard Inc.**, 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Owner), **William H. Stone**, 1072 288<sup>th</sup> Ave., Burlington, WI 53105 (Agent), requesting a **Conditional Use Permit** to allow retail sales in the A-3 Agricultural Related Manufacturing, Warehousing and Marketing Dist. on part of Tax Parcel #30-4-220-083-0301 located in the SW ¼ of Section 8, T2N, R20E, Town of **Brighton** (30:55)
  - Supervisor Poole made a motion to **reconsider** the amended Conditional Use Permit for Brightonwoods Orchard Inc. (Owner), William H. Stone (Agent). The motion was seconded by Supervisor Gillmore and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.

William Stone, agent, was in attendance to speak to this item.

- Supervisor Skalitzky made a motion to **approve** the amended Conditional Use Permit for Brightonwoods Orchard Inc. (Owner), William H. Stone (Agent). The motion was seconded by Supervisor Gillmore and passed unanimously. Youth In Governance: Arturi – aye; Filiatreault – aye.

12. **CERTIFIED SURVEYS AND OTHER LAND DIVISIONS** (1:18:22)

- Supervisor Skalitzky made a motion to **conditionally approve** the following certified surveys, subject to conditions and final determination by the County Board on the Amendments to Chapter 14. The motion was seconded by Supervisor Bostrom and passed unanimously, including Youth In Governance.
- 1) Arthur A. Naber & Paul J. Naber (Owner) – Part of the South Half of Section 2, Township 1 North, Range 19 East, Town of Wheatland. For informational purposes only this parcel is located on the north side of 73<sup>rd</sup> Street at the intersection with 332<sup>nd</sup> Avenue.

Requesting approval of a Certified Survey Map (dated May 24, 2017 by Robert J. Wetzel of B.W. Surveying, Inc.) to create one (1) 10.07-acre parcel, one (1) 40,784-sq. ft. parcel, one (1) 40,024-sq. ft. parcel and one (1) 16.16-acre parcel from Tax Parcel #95-4-119-024-0300.

Conditional Approval subject to the following:

- a) Compliance with any conditions put forth by the Town of Wheatland.
- b) Subject to revising the CSM to address the review comments from the Wisconsin Department of Administration's June 29, 2017 review letter.
- c) Subject to making the following revisions to the CSM:

1. Revise the Principal Structure Setbacks note to specify required setbacks for both A-2 and R-2 zoning districts.
  2. On Sheet 2, re-label "Survey For" as "Owner/Subdivider".
  3. Represent the area of Lots 2 and 3 in acres as well (in addition to square feet).
  4. Add a note to the CSM which states that all Lots to be served by POWTS (Private Onsite Wastewater Treatment System).
  5. Add the additional soil boring locations necessary for Lots 2 and 3 to the face of the CSM.
  6. Add a note to the CSM which states that there shall be no filling, excavation or building within the wetland areas.
  7. Add a note to the CSM stating "Wetlands delineated by TRC Solutions, September 9, 2015".
  8. In the Surveyor's Certificate, indicate compliance with the Kenosha County Subdivision Control Ordinance.
- 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 the rezoning being approved from "A-2 General Agricultural District", "C-2 Upland Resource Conservancy District" and "C-1 Lowland Resource Conservancy District" to "A-2 General Agricultural District" & "R-2 Suburban Single-Family Residential District", "C-2 Upland Resource Conservancy District" and "C-1 Lowland Resource Conservancy District".
- f) The certified survey map shall not be released for recording until the rezoning ordinance is signed by the County Executive.
- g) Subject to sending an electronic copy of the revised CSM showing the required revisions 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](mailto:Luke.Godshall@kenoshacounty.org).

- h) 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.
- i) Subject to receiving the original certified survey as approved by the Town of Wheatland.
- j) 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.

13. **APPROVAL OF MINUTES - APPROVED**

- Supervisor Poole made a motion to approve the minutes as presented of the July 12, 2017 Planning, Development and Extension Education Committee meeting. The motion was seconded by Supervisor Skalitzky and passed unanimously.

14. **CITIZEN COMMENTS**

Mary Ann Decatur, 1081 288<sup>th</sup> Avenue, thanked the committee for their work and attention on the Brightonwoods Orchard Inc. matters noting she was appreciative of everything that had been done in the process of the applications.

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

Staff noted there were currently two applications for the September agenda.

16. **ADJOURNMENT**

- Supervisor Gillmore made a motion to adjourn the meeting. The motion was seconded by Supervisor Poole and passed unanimously. The meeting was adjourned at 8:25p.m.

The next regularly scheduled meeting of the Planning, Development & Extension Education Committee will be held on Wednesday, September 13, 2017.