

The Plan Commission conducted a public hearing in order to make a recommendation to the Town Board in regards to the adoption of the Town of Taycheedah Comprehensive Land Use Plan. The Plan Commission assembled for the seventeenth meeting on Thursday, October 16, 1997, at 7:00 p.m., at the Taycheedah Town Hall. Members present were: Chairman Ed Braun, Commissioners Kale Klitzke, Mark Kirschling, Dan Belzer and Joe Thome. Also present were Gary Peterson, Connie White and James Blaudoin of Mid-America Planning Services.

Mid-America submitted the preliminary Plan to the City of Fond du Lac.

Ed Braun motioned that the Plan Commission recommend that Mid-America Planning Services be directed to eliminate 'short and long term' from the text, use dark yellow on the plan map indicated the town growth area and change all of St. Peter to a light yellow, seconded by Dan Belzer. Motion carried, 4 aye, 1 nay. Motion carried.

Mark Kirschling motioned to delete paragraph about Comm 83 and insert 'must comply with current Wisconsin septic codes, seconded by Dale Klitzke. Motion carried.

Joe Thome motioned to increase the warning area around quarries by 25 %, seconded by Dan Belzer. Motion carried, 3 aye, 2 nay.

Ed Braun read the proposed resolution.

Dan Belzer motioned to recommend the Town Board adopt the Comprehensive Land Use Plan of the Town of Taycheedah, with the afore mentioned changes, seconded by Joe Thome. Motion carried. 5 aye, 0 nay.

Plan Commission meeting adjourned.

#### Special Town Board Meeting

Jim Huck called the Special Town Board meeting to order at 9:50 p.m.

The Board will need more time to evaluate all the changes.

Mike Nett motioned to adjourn, seconded by Jim Huck. Motion carried.

Dated: October 19, 1997

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

March 24, 1998

Plan Commission

The Plan Commission conducted a public hearing on Wed., March 24th, 1998, for the purpose of revising the Zoning Map of the Town of Taycheedah incorporating the Comprehensive Plan and the new zoning classifications in the Codification. The Town Board was also present.

The Commission was unable to accomplish any revisions due to the lack of advise from Mid-America Planning Services.

A motion and second was made to table the revision to an unknown future date in order to allow time for counseling with Gary Peterson of Mid-America Planning Services.

Dated: March 29, 1998

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



July 7, 1998

Plan Commission

The Plan Commission met on Tuesday, July 7, 1998, for the purpose of revising the Zoning Map of the Town of Taycheedah incorporating the Comprehensive Plan and the new zoning classifications in the Codification.

The Commission revised zoning to reflect the new zoning classifications.

A motion and second was made to submit the revised Zoning Map to the Town Board.

Dated: July 11, 1998

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

November 4, 1998

Plan Commission

The Plan Commission conducted a meeting on November 4, 1998, for the purpose of revising the Zoning Map of the Town of Taycheedah incorporating the Comprehensive Plan and the new zoning classifications in the Codification.

The Commission reviewed the Zoning Map parcel by parcel as revised by the Fond du Lac County Planning Department. Incorrect zoning changes were corrected. The Planning Department will incorporate the corrections.

Dale Klitzke motioned to accept the revised Zoning Map as corrected, seconded by Dan Belzer. Motion carried.

The meeting was adjourned.

Dated: November 9, 1998

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

The Town of Taycheedah Plan Commission conducted a public hearing on April 8, 1999, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of making a recommendation to the Town Board on behalf of Mr. Larry Bestor/Emerald Point Development, LLC's request to rezone 111 acres from Ag-Transitional to Residential.

Mr. Bestor displayed a conceptual map of the proposed subdivision and supplied the following information in behalf of Emerald Point, both initially and throughout the hearing:

- Taycheedah Sanitary District No. 1 is in favor of servicing the property
- the sewer line is 8" and more than capable of handling the expected 70 parcels
- the subdivision is planned to have a 15 acre park
- the property is within the residential growth area per the Comprehensive Land Use Plan
- Phase 1 development expected to take 7-10 years
- increase in the tax base
- previous development at Eastbrook and National in Fond du Lac of 20 homes
- the development could be serviced by one deep well and form a private water district, the west end would probably have to be a 600 ft. shared well
- the water table at 400 ft. or less would not be affected
- would agree to restrict blasting for basements in the covenant
- would be willing to see the property behind the homes on Fine View Rd. to those property owners so they can preserve their view of the lake
- current zoning is Ag, therefore manure and pesticides could be spread on the land
- the rezoning is a contingency on the offer to purchase
- a church has shown interest in purchasing 3 acres in the development

Public comment, questions and concerns encompassed:

- capacity in the plant for the existing homes made be absorbed by this development before the existing home can get service
- how many vacant, salable lots already exist? is the timing appropriate?
- the Town should encourage infill
- preservation of the trees
- drainage control problems are currently severe
- destruction of natural habitat of birds, hawks, owls and other wildlife
- excavation of rock and dynamiting
- limited liability corporation poses responsibility concerns
- protection of groundwater
- obstruction of lake views and the reduction of property values
- additional traffic's impact on the town's roads
- additional traffic using the current inadequate local intersections
- fire and emergency serviceability

The Plan Commission motioned and seconded to recommend to the Town Board to approve Mr. Bestor's rezoning request. However, the vote was tied at 2-2.

The Plan Commission then motioned and seconded to recommend to the Town Board to deny Mr. Bestor's rezoning request. However, that vote also tied at 2-2.

April 8, 1999

Plan Commission

2.

Therefore, the Plan Commission was unable to make a recommendation to the Town Board.

Dated: April 10, 1999

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



The Town of Taycheedah Plan Commission conducted a public hearing on May, 10, 1999, at 7:45 p.m., at the Taycheedah Town Hall for the purpose of making a recommendation to the Town Board on behalf of the request of Walter & Patricia Meyer to rezone a 39.58 acre parcel owned by them from Exclusive Agricultural to Residential.

Mr. & Mrs. Meyer explained that their retirement fund depends greatly on the sale of this property. They have operated a small dairy farm and have retired from farming. The farmland is extremely erodible and has been in the County CRP program for the past 10 years and is scheduled to come out of the program this fall. They have recently been approached by an unnamed developer who is interested in purchasing the land if rezoned. However, their heirs are opposed to a developer getting involved.

Several people spoke in support of the Meyer's. Their comments included:

- the rezoning would be positive impact on the tax base
- no one can stop progress
- Claudia Beator, Realtor, New Holstein School Dist. has very few 3-5 acre lots for sale
- an interested lot buyer, the area is very desirable to them due to the Ledge, close highway, few homes/few neighbors, limited area for future expansion, within a sanitary district with a possibility for service
- the area has a beautiful view of the lake

Plan Commission comments, concerns and questions encompassed:

- shouldn't the land go into Ag-Transitional before into Residential?
- protecting the Ag land by controlling small scattered subdivisions
- residential would increase run-off problems
- great selection of lots currently for sale
- increase in the tax base but would also increase town expenses
- not indicated in Ag-T or Residential in the Comprehensive Land Use Plan
- the land is far removed from the "planned" residential growth
- the town should be encouraging infill
- sewer service is questionable at this time
- other rezoning requests have been denied or tables pending definite sewer service plans

Dan Belzer motioned to recommend to the Town Board to deny the request of Mr. & Mrs. Meyer and to support the Town Board in evaluating the possibility of the Town purchasing this land and others for open space, seconded by John Wagner. Motion carried.

Dated: May 15, 1999

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

May 10, 1999

Plan Commission

1.

The Town of Taycheedah Plan Commission conducted a public hearing on May 10, 1999, at 8:55 p.m., at the Taycheedah Town Hall for the purpose of making a recommendation to the Town Board on behalf of the request of Jerome & Joan Schmitz to rezone 37.39 acres of land Exclusive Agricultural to Residential.

Mr. Schmitz wishes to have the property rezoned for its resale value. He currently does not intend to develop the land himself. The property front 2/3's lies within the St. Peter Area Sanitary District and within the planned residential growth area according to the Town's Comprehensive Land Use Plan. The Town attorney recommended that Mr. Schmitz request a rezoning before requesting an expansion of the sanitary district boundary.

Plan Commission concerns, comments and questions encompasses:

- shouldn't it be rezoned to Ag-Transitional before Residential
- sewer service boundary area is preliminary at this time
- Nett's request was tables because of the sewer service issue
- the sewer service issue should be more firm before a decision is made

Mike Colla motioned to recommend to the Town Board to reject the rezoning request from Mr. Schmitz, seconded by Dennis Osterholt. Motion carried.

Meetings adjourned.

Dated: May 15, 1999

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

The Plan Commission conducted a public hearing on Tuesday, July 6, 1999, at 7:30 p.m., at the Town Hall, for the purpose of considering a recommendation to the Town Board on behalf of Neal Nett's request to rezone 126.86 acres from Ag-transitional to Residential-2. The property is formerly known as the Feyen Farm. A recommendation on the request was tabled at a public hearing on September 2, 1998. Members present were: Chairman Dennis Osterholt, John Wagner, Karen Dobyns, Mike Colla and Joe Thome. Absent were: Mark Kirschling and Dan Belzer.

The Chairman called the public hearing to order. He also outlined the testimony procedure that will be follow during the hearing. The Commission members introduced themselves. The Chairman read the legal notice for the public hearing.

The floor was transferred to Neal Nett. Neal introduced Ron Cunzenhiem and Paul Sanders of Excel Engineering, the subdivision designers, and Attorney Sager. Mr. Cunzenhiem's presentation recognized the fact that the property is not included in Phase I sewer service area within the St. Peter Sanitary District. The Town's Land Use Plan indicates single-family residential. The Conceptual Plan presented on September 2, 1998, indicated 109 lots. This Conceptual Plan has been revised based upon input received at the Sept. 2 hearing, to contain 63 1 1/2 acre lots. Mr. Cunzenhiem then proceed to list the nine criteria items contained in "Standards for Rezoning", Section 13-1-52(f), giving a response for each item.

The Commission discussed rebates of new systems by the sanitary district. This is not a concern. These systems will not debatable and Nett intend to inform prospective buyers of the sanitary district. They also discussed restrictive covenants. Attorney Sager stated that they are legally binding but admitted that enforcement can be a problem. He then discussed their functions and the benefit to the home owner and the developer.

Public comment encompassed the following:

- \*new developments should be Residential-1 with public sewer
- \*Mike Nett voted in favor of the Plan and the Plan recommends new development have public sewer service
- \*Linda Bacon, real estate agent in Fond du Lac, stated she did a search for 1 1/2 acre lots for sale in the Town of Taycheedah. Her search indicated only 4
- \*question no. 7 in the survey done in conjunction with the Plan, indicates that several items would be contradict the possibility of rezoning
- \*public concern with well water contamination, recent well tests show some contamination
- \*numerous people buy double lots in order to obtain 1 1/2-2 acres
- \*the sewer issue has impacted property sales
- \*when zoning is changed, the Town loses control over the property
- \*the future indicates that large lots will become undesirable due to the extreme cost and the upkeep
- \*Will Nett's post a bond or letter of credit to protect the current property owners from well water contamination?

Commission deliberations encompassed:

- \*drainage concerns due to the topography of the property



- \*percability of the land
- \*the Plan recommends "planned open space"
- \*growth rate projections in the Town Plan would be exceeded well before 20 years
- \*approx. 130 lots currently available, concern of infilling before expansion
- \*the property is currently indicated in the 'future' service area
- \*St. Peter Sanitary District's Facilities Plan could have a major impact on the timing of service to the property
- \*Ms. Bacon's admitted her testimony was derived from a search of a multiple listing database only, this would not list lots privately listed for sale
- \*new systems vs. mounds and current conventional systems
- \*urban spawl
- \*advised to wait for the completion of St. Peter's Facilities Plan

Neal Nett's rebuttal included:

- \*the property is 100% within the planned residential growth area
- \*new septic systems claim to be better than current systems
- \*Excel claims contaminates can not be traced, therefore, if wells become contaminated, it is impossible to prove where the origin of the contamination
- \*Excel feel that mounds are functioning well, however, can not be guaranteed
- \*in 1996, water testing was voluntary. Less than 50% of the wells were tested. All wells would need to be tested in order to get a true picture of the extent of the contamination
- \*the owners of the 63 lots would help pay for the sewer system
- \*Excel admits that the property will be more difficult to develop. The Nett's will need to pay particular attention to run-off and drainage. It will need retention/detention ponds.
- \*this hearing is a question of zoning-not sewer serviceability or drainage. The Preliminary and Final Plats will address those issues.
- \*the Nett's increased the size of the lots due to the input received at the last meeting. Now we feel we should have left it the way it originally laid out. 109 vs. 63 lots
- \*the property is surrounded on 2 sides by residential

Mark Kirschling arrived shortly before the end of testimony.

Karen Jo Dobyns motioned to approve the request of Neal Nett to rezone the property based on the Town's Land Use Plan and the development zone indicated within the St. Peter Sanitary District. Motion died for lack of a second.

Joe Thome motioned to approve the rezoning request of 78.1 acres, the northern most parcel, both located in Section 28 and deny the request for the southern 47 acres located in Section 33, Karen Jo Dobyns seconded. Roll call vote: Joe-yes, Wagner-no, Dobyns-yes, Colla-no, Osterholt-no and Kirschling-no. Motion failed due to insufficient votes for approval.

John Wagner motioned to table Neal Nett's rezone request until the St. Peter Sanitary District's Facilities Plan is complete. The motion died for lack of a second.

Dennis Osterholt motioned to deny Neal Nett's rezone request, seconded by Mike Colla. Roll call vote: Thome-yes, Wagner-yes, Dobyns-no, Colla-yes, Osterholt-yes and Kirschling-yes. Motioned carried (5-1).



July 6, 1999

Plan Commission Hearing

3.

The Chairman called for a five minute recess before beginning Emerald Points rezoning request.

Dated: July 10, 1999

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Plan Commission Secretary

July 6, 1999

Plan Commission

4.

The Plan Commission conducted a public hearing on Tuesday, July 6, 1999, at 9:00 p.m., at the Town Hall, for the purpose of considering a recommendation to the Town Board on behalf of Emerald Point Development, LLC's request to rezone 51.2 acres from Ag-transitional to Residential. The property is currently owned by C-Kam. Members present were: Chairman Dennis Osterholt, John Wagner, Karen Dobyns, Mike Colla, Joe Thome and Mark Kirschling. Absent was: Dan Belzer.

The Chairman called the public hearing to order.

Mr. Larry Bestor offered to postpone the hearing for one month, to allow for the completion of the St. Peter Sanitary District Facilities Plan, or at least a Preliminary Plan.

Dennis Osterholt motioned to recommend to the Town Board to postpone consideration of Emerald Point Development's rezoning request until Mr. Bestor is ready and repititions for another hearing, seconded by Karen Dobyns. Motion carried (6-0).

Dated: July 10, 1999

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Plan Commission Secretary

The Plan Commission conducted a public hearing on Monday, November 8<sup>th</sup>, 1999, at 7:30 p.m., at the Town Hall, for the purpose of considering a recommendation to the Town Board on behalf of Mike Nett's request to rezone 38.42 acres from Ag-transitional to Residential-1. The property is formerly known as the Feyen Farm. Members present were; Chairman Dennis Osterholt, John Wagner, Karen Dobyns, Mike Colla, Mark Kirschling, Joe Thome and Joe Lemke. Also present were Mike Nett, Neal Nett and Ron Cunzenheim, Excel Engineering.

The Chairman called the public hearing to order and announced the format for the hearing.

Petitioner's presentation included:

- This is the fourth meeting/third rezone request.
- Request was reduced from 126.86 acres to 38.42 acres.
- Concerns heard at the July, 1999, Ag-T to R-2 rezone hearing were basically:
  - Lack of sewer service,
  - The size of the project,
  - Traffic concerns,
  - Drainage issues.
- Nett's have petitioned St. Peter Sanitary District for sewer service.
- The Town is in the process of purchasing capacity in the Fond du Lac treatment facility for St. Peter and Johnsburg Sanitary Districts, which would include future capacity for the Nett's development.
- Nett's believe the property is suitable for development and would not adversely affect the surrounding properties.
- Erosion control would be addressed at a future hearing for plat review.

Commission questions and comments:

- Discussed the sewer capacity issue.
- Number of homes projected?
- Commission requested an explanation of cluster subdivision. This would offer a product different than any of the other lots on the market. It's important to have a variety.
- Status of sewer service.
- Soil testing could indicate a major change to the Phase I sewer area. Timeframe for development of future phases is unknown.
- Would like to see more infilling before another development is approved.
- Town government needs to act so as not to negatively affect the Town. It's their obligation to decide what is in the best interest of the property owners and the Town.
- Discussed previous water contamination problems.
- Would sewer increase the assessed value of property?
- R-1 would create an obligation

Public comment:

- Homes on Fine View Road will be forced into Phase I for sewer if this development is approved.

Nett's and Excel's comments:

- The size and number of lots will need to be balanced with the cost of the sewer. Anticipate developing 1/2 of the parcel into lots and incorporating green space and roads with the remainder. 40-60 lots would be realistic.
- Nett intends to design cluster subdivision. Fence-line would be incorporated in the design as a buffer.
- St. Peter Sanitary District will not consider service to the parcel without residential zoning.
- There is a shortage of desirable lots on the market.
- Request complies with the Town's Comprehensive Plan.
- Additional lots would decrease the cost for operation and maintenance for the sanitary district.
- Nett's do not desire to develop the woods.
- The sanitary district is currently driving the market for lots in the St. Peter area. Sales of lots on Sunset Drive have become stifled.
- The Nett's do not desire to incur large debts on this development. The cost of the lots would make them unsellable.



March 6<sup>th</sup>, 2000

Plan Commission

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on March 6<sup>th</sup>, 2000, at 7:30 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the request for zoning change submitted by LaSol Development. Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mike Colla, Mark Kirschling, Joe Lemke, Dan Belzer and Secretary Brenda Schneider. Also present were Trond LeFluer, Chris Solberg, Ron Cunzenhiem and Scott Schatschneider of Excel Engineering.

The Chairman called the meeting to order.

LaSol Development petitioned for a zoning change of Ag-T to R-1 of approximately 13 1/2 acres in the NW 1/4 and the SW 1/4 of the SW 1/4 of Section 31. The parcel is contiguous to Cheetah Meadows and would be Phase II of the subdivision.

Points made during Excel Engineering's presentation were:

- ⌚ The land is not suitable for ag use
- ⌚ Utilities will be installed by the owners
- ⌚ LaSol does not have plans for the north 5 acres. Admits there is potential for commercial development after the major highway re-constructions are final.
- ⌚ Land slopes 1/2% north and a little toward the west, the lots will drain toward the retention area
- ⌚ Original drainage plan included the use of a large culvert. Excel advised against installing a culvert
- ⌚ Four lots remain for sale in Phase I
- ⌚ Covenant states owner must build within one year
- ⌚ Eyebrows with islands were used in the plat in order to meet the corner lot frontage requirements
- ⌚ Nearby lot owners usually cut the lawn on the islands
- ⌚ Cheetah Meadows offers competitive median household income housing \$115,000-\$150,000 with lot
- ⌚ No multi-family lots are proposed in Phase II

Plan Commission concerns:

- ⌚ Eyebrows and islands would be inconvenient for the snowplow drivers
- ⌚ Lack of open space or set-aside

Mike Colla motioned to recommend to the Town Board to approve the rezoning request contingent upon the submittal of and acceptable plat and drainage plan, seconded by Karen Dobyns. Motion failed (0-7).

Continued Plan Commission discussion:

- ⌚ Concern of lack of play area for children
- ⌚ Commission requested the five acres to the north be set aside for open space. LaSol not willing to set aside the additional land
- ⌚ Design must benefit the Village and the Town as a whole
- ⌚ Code requires .04 acres per lot set aside
- ⌚ Code revision will increase that figure and possibly add a per lot fee
- ⌚ LaSol feel 5 acres is extreme
- ⌚ Commission discussed the possibility of tabling LaSol's petition until the Code revision on set aside is adopted

Extensive discussion took place regarding the park area/set aside. LaSol would agree to a \$600 per lot fee in exchange for set aside.

Dennis Osterholt motioned to recommend that the Town Board approve the rezoning request of LaSol Development, LLP, contingent upon the payment of \$600.00 per lot, 75% of the payment will be due when 50% of the lots are sold and the remainder due when 75% of the lots are sold, seconded by Karen Jo Dobyn. Motion carried by a vote of 6-1.

The public hearing then considered making a recommendation on the Preliminary Plat.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Commission Secretary



March 6<sup>th</sup>, 2000

Plan Commission

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on March 6<sup>th</sup>, 2000, at 9:25 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the Preliminary Plat of Cheetah Meadows First Addition submitted by LaSol Development, LLP.

Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mike Colla, Mark Kirschling, Joe Lemke, Dan Belzer and Secretary Brenda Schneider. Also present were Trond LeFluer, Chris Solberg, Ron Cunzenhiem and Scott Schatschneider of Excel Engineering.

The Chairman called the meeting to order.

Excel/Lasol's testimony:

- ⌚ Berm will be located within 50 feet of Hwy 151 setback
- ⌚ Excel will adjust the eyebrows and islands

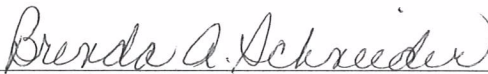
Commission concerns:

- ⌚ Noise and visual abatement
- ⌚ Berm completion was a contingency on Phase I
- ⌚ Berm should have 3 foot high shrubs
- ⌚ Alter the covenant regarding the formation of the association

Karen Jo Dobyns motioned to recommend that the Town Board accept the Preliminary Plat of Cheetah Meadows First Addition with an alteration removing the eyebrows and present to the Town Board for their consideration, seconded by John Wagner. Motion carried by a 7-0 vote.

Public hearing was adjourned.

Attest



Brenda A. Schneider  
Commission Secretary

March 13<sup>th</sup>, 2000

# Plan Commission

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, March 13th, 2000, at 7:30 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the behalf of Bob Norris' request to rezone approximately 20 acres in Section 31 from Agricultural Transitional (A-T) to Residential with Public Sewer (R-2). The parcel lies between the abandoned railroad bed and the escarpment from Golf Course Drive to South Peebles Lane. Members present were Chairman Dennis Osterholt, Mark Kirschling, Joe Lemke, Joe Thome, John Wagner, Mike Colla and Secretary Brenda Schneider. Karen Jo Dobyns was not in attendance.

Mr. Norris has an agreement with Dan LaFleur, which will expire in the fall of 2000. Mr. Norris has exclusive rights to the land with first option to purchase. Mr. Norris presented a conceptual plan. The Plan utilized the land for the maximum number of lots. The proposal begins at the west edge of the Kiekhaefer outlot, proceeds around his ranch and then to the east edge of the abandoned railroad bed. Mr. Norris plans to preserve the natural beauty of the area.

13-1-181 of the Code of Ordinances states that the owner of record or the leasee can petition a rezone. The Commission recognized the current agreement between Mr. Norris and the owner of record and recommended proceeding with the public hearing.

Mr. Norris asked about a proposed 250-foot setback from the Ledge. The east lots of the Norris proposal would lie within the 250 feet. If the Town Board adopts the setback, Mr. Norris' stated that his project would be terminated. Mr. Norris was told that at a working meeting, the Town Board mutually decided, after debate and compromise, to present to the Plan Commission, for public hearing, a 250 foot Escarpment setback. The setback has yet to be presented and approved. The intention of the setback is to preserve the remainder of the Ledge. The Plan Commission also has the right to recommend imposing the setback as a condition of the rezone approval.

Additional Plan Commission concerns and comments were as follows:

- ☐ A restrictive covenant could create less obtrusive
- ☐ Long cul de sac would cause a greater strain on public services and further delay emergency response vehicles. Mr. Norris asked about the possibility of creating two cul de sacs; one from Golf Course Drive and the other from South Peebles Land. Mr. Norris also stated that he contacted the Dept. of Transportation and was advised that Golf Course Drive will not cross the proposed Hwy. 151 bypass.
- ☐ The road could possibly be moved to the west

The Plan Commission must determine what is in the best interest of the town. The tools used to make this determination are the Code of Ordinances and the Comprehensive Plan. The Plan does not contain a reference to an Escarpment setback but does contain a number of recommendations on preservation of the Escarpment. The Plan indicates that the proposed area should remain agricultural.

Public comments and concerns were as follows:

- ☐ 25 years ago, another individual was forced to abandon their proposals because the County would not allow a driveway on the curve to access the parcel (*The County no longer has jurisdiction. The road has since become a Town road.*)
- ☐ Numerous accidents on Golf Course Drive. Mr. Norris stated that Ernie Winter & Steve Chicka, Fond du Lac County Highway Dept., Ron Cunzenhiem, Excel Engineering, and engineer Dave Beator believe that a driveway on Golf Course Drive would not be a concern. Ernie Winter, Highway Commissioner told him that the speed limit and setbacks could compensate the reduced sight line.
- ☐ Surface water drainage was diverted by Mr. Norris, which caused problems for Fishelson's. Mark Kirschling, Commission member, sympathized with the Fishelson's and accused Mr. Norris of acting irresponsibly for changing the waterway. Mr. Norris informed the Commission he worked with the County on the drainage ditch. All the concerns and decisions were presented to the Town through the Town Chairman. The project did not violate any ordinances. Mark Kirschling stated the Mr. Norris dealt irresponsibly with his neighbors. Mr. Norris explained that someone built a dam on his property, which diverted the water toward his stables. He suffered \$1000's in damages before he contacted the Soil Conservation Dept. The dept. discovered the dam. The persons that built the dam were irresponsible. Lynn Mathias recommended removing the dam. His engineers supervised while Tim Preston did the excavating. Chairman Huck was aware of the entire process. Mr. Fishelson then built a dam on the other side of the property line. The Chairman was notified. The Chairman stated that it is a



civil issue between Mr. Norris and the Fishelson's. Mr. Fishelson stated his appreciation of Mr. Norris' concern and that he did have a big problem with flooding. Mr. Fishelson stated that they now know, the problem was caused by a former rail bridge collapsing thus creating a dam.

- ☐ Proposed road would need a large culvert to handle the drainage of the area
  - ☐ The type of proposal would bring crime to the area.
  - ☐ A sewer development would be good environmentally.
- Additional Plan Commission questions and concerns were as follows:
- ☐ Would the residential development interact with the ranch? Norris: the ranch will be buffered by a fence line and naturally by trees and brush.
  - ☐ Mr. Norris stated he intends to create larger lots than what is indicated in the conceptual plan. His intention is to create 10-12 lots.
  - ☐ Commission concern for loss of trees. Norris: intends to not develop in the woods. He would like to keep the woods for the horses. However, he would have to run the sewer extension through it.

The Commission was ready to make their recommendation. However, Mr. Norris indicated he was about 1/5 through his presentation. Mark Kirschling motioned to adjourn. Motion was withdrawn. Chairman Osterholt informed Mr. Norris he would have a half an hour to present the remainder of his proposal. Mr. Norris objected. The Chairman called for a brief break.

The public hearing reconvened. Mr. Norris and the Plan Commission discussed applicability of the Plan. Particularly, the references to the lack of recreational areas and trails. The lack of passageways being of great concern.

Mr. Norris respectfully requested an adjournment, due to the attitude and temperament of the proceedings, which are not conducive to an organized presentation. The Chairman stated he had given a half an hour for Mr. Norris to give his presentation. Mr. Norris protested the proceedings and again asked for adjournment. He said he would reschedule the meeting.

Joe Thome motioned to recommend to the Town Board to deny Mr. Norris' rezone request, due to the facts presented and the Ledge setback currently under consideration by the Town Board, seconded by Joe Lemke. Mike Colla called for discussion. Mike stated he wasn't comfortable with the motion. Mark Kirschling stated that the Plan Commission recommendation is only advisory. Chairman Osterholt reminded the Commission that Mr. Norris was given the opportunity to continue and he refused. He stated he wished to reschedule. Roll call vote:

- |   |     |
|---|-----|
| <input type="checkbox"/> Mark Kirschling  | yes |
| <input type="checkbox"/> Joe Lemke        | yes |
| <input type="checkbox"/> Dennis Osterholt | no  |
| <input type="checkbox"/> Joe Thome        | yes |
| <input type="checkbox"/> John Wagner      | yes |
| <input type="checkbox"/> Mike Colla       | no  |

Motion carried 4 yes, 2 nos, 1 absent, to deny the rezone request.

Mark Kirschling motioned to adjourn, seconded by John Wagner. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

3/13/00

P.C. Norm's Rezoning.

Chair called to order at 7:35

Read notice

MC, JH, DO, JT, JW, MC.

Karen & Dobyns. absent

Mr. Morris presented his proposal

plans to preserve the Hedge

setback - Bd. discussion not yet appr.

proposal begins at West edge of Kieckhafer  
R.R. bed. Confusion on the 2 R.R. beds.

clarified drawing on chalkboard

1<sup>st</sup> option of purchase

exclusive rights \$500 @ yr.

13-1-181 owner of record as case

Bd. recognized & recommended proceeding

back yard area. of east lots

240 ft. setback

\* Norms

if asked to abide by a 250' setback - the  
project would be terminated

MC.

working committee mtg noted 30. at  
working mtg. needs to be present for  
review and approval

2 Norms. indicated note taken Clerk stated  
no note no opinions stated

Norms. - no ~~any~~ official noted etc. to estab.  
250 ft.



# Colla It is the spirit and intention of the Bd to establish the setback best interest of the town - ~~Keep~~ intention to preserve the remainder of the ledge. Bd. debated the distance & compromised official order. ? No. Colla.  
Norm. B P.C. right to <sup>impose</sup> establish the setback  
Ost. can be a condition

Norm. guided by Codes & Ord. Plan  
D.O. Plan, Codes, &

based on opinion <sup>some areas</sup> as to others less  
MK. the spirit of ledge preserv. - possible other position of lots or covenants could be done to blend in less obtrusive is zoning appropriate & should there be covenants.  
long cul de sacs <sup>not</sup> desire thru street from Deerpath.

Norm. Plan C is a consideration <sup>double</sup> cul de sac.  
San Tobias prefers long cul de sac.  
Golf Course will terminate at 15/  
MK. no develop should go in - on very long cul. s. - great strain on public services & emergency response



Q.W. Consideration of moving proposed  
rd to West - would end the  
ranch business

Calla 9 Criteria  
PC TB free to go beyond when  
considering a proposal.

free to act in the best interest  
legal setback does not exist but  
does in spirit if determined  
proposal will have a negative  
effect the Bd can deny, is  
the decision reasonable ~~these~~  
choice would be to ligagator

How. May or may not be defensible  
TB PC may or may not have a  
right to decide or opinion

~~best~~ Atty <sup>verbal</sup> Corres. Codes then Plan guides  
? powers of unofficial setback

QSP said landmark Supreme Court  
Case rendered city PC had  
authority to deny ~~based~~ *Mequon vs.*  
*Lake City Corp.* — S. Ct determined  
the Plan is regulation — thus  
making Plan defensible — Plan  
does not reference a setback

Calla. Plan contains a # of recomm. or preserv.  
Hedge etc.



preserve natural beauty  
Kemke - ? Plan indicates proposed area  
to remain ag or open space / Conserv.  
(Zoning is AT)

~~XXXXX~~ Mrs. Fishelson (Sherri)

bought 2 acres in 1972 - driveway permit  
on 90° curve. - driveway dictated  
by City. - 1975 Bueters - proposed  
driv. against <sup>their</sup> lot line - needed to  
abandon plan - proposed makes  
less totally useless. - degraded  
Morris - Fishel. needed to accomodate  
drainage issues on property - accused  
Morris for reverting H<sub>2</sub>O causing problems  
Bob Fishelson <sup>digging ditches etc.</sup> 20+ yrs. - numerous  
accidents on Golf Course. ~~Morris~~

City 475 ft. either way vision <sup>clearance.</sup> ~~through~~ -  
would have it one way questionable  
the other way.

~~actual~~ proposed location of driveway <sup>would</sup> ~~is~~ be.  
extremely dangerous.

road would need huge culverts to  
handle the H<sub>2</sub>O. - move driveway  
away from curve

~~XXXXX~~

M.K.

Sympathetic w/ Fish. irresponsible  
of Morris for change to H<sub>2</sub>O way



Concerned if rezoned - things will done properly - rezon. H. Course cut of Hwy 151 - worst decision - long C & S from Cty. U.U. - increase density on that side of 151

Norm B. irrespons. - aware episode - decision & concern presented to Town - did I do anything the Town was unaware of. - verbal notification - not against ordin.

Kir. dealing w/ neighbor crisis  
Norm B. Someone installed a dam - diverted H<sub>2</sub>O to Fish's driveway - Norm B. & Kate. suffered \$1000's of damage - the dam builders was irrespons. Lynx Mathias recom @ remove dam his engineers supervised while Tim Preston removed it. Soil Conservation discovered dam. Mr. Heck aware Fish built a dam on the other side of the property. Heck was notified. Heck stated it's a civil issue. Heck's know: Grace's basement flooded 2 1/2 ft. of H<sub>2</sub>O from rain coming down ledge. Heck advised Fish could do whatever he needed to on his property to rectify to flooding problem  
Fish appreciate Bob's concern I did have a big problem was a former rail



bridge that collapsed & created a  
dam - could have been remedied  
by Culvert

DO back to issue of rezoning

Hom3. Corner - Steve Check, Ron Cungen  
Ernie Winters & Eng. Dave Beaton  
no concern w/ S. Course - FPH City  
Sully Comm. line of vision - govern.  
by speed limit & setbacks 455 ft.  
City rd at 55 MPH.

travelled at 40 MPH - extremely  
dangerous - curve leave  
Sunset to Cheeta 25 mp. sign by  
RD E-W - nothing beyond  
until cul. - town needs to get  
better posting on S. Course - Winters  
Manual of Uniform Traffic Control  
dictates placement etc of safety  
measure

Q. Home when agreement made to Fleur  
claim its development property?  
La Fleur: Morris beta had intent  
to build on the parcel.

Q. abgner concern about drive on curve  
plus adding 30 more cars a day  
don't like Cul de sac  
S. Course cut of will <sup>leave</sup> max problem



Benke R-develop. interacting w/ ranch activity? no buffer zone?  
Norm. buffered by fence line, etc. naturally by trees, brush.  
Normis: H2O not an issue tonight  
Crew - Cuylenheim #1 regon Codes would govern the driveway  
66' R.O.W. would allow cars to go enough up hill & down hill  
~~Speed~~ not an issue if it meets Code  
whole development must meet the Codes - all aspects  
Resid. - Lot 7 Niagara Est.  
sewer environmentally good.

design is a proposal indicating the max use of land.

Norm. intends to have larger lots not a boat camp.

Sam Tobias does not want more than 72 lots - never intended to have sm. lots. 10-12 lots in entire

MKirs. - Cost effectiveness may dictate more lots than intended

Norm. lot size - R.Crew.



D.O. concerned about # of trees — intent  
Norm. is to not develop the woods — keep  
for horses — rein sewer through  
for connection — woods is gorgeous. —  
~~resid.~~ ~~Preserv Hedge~~ — spirit of setback  
Norm. about 1/5 thru presentation

MK not to adj. W/Dracek

D.O. 1/2 hr. for Norm. present.

decline object. brief break

~~Norm.~~

Norm. — City thru City so need weight put on Plan  
Plan indicates — references are  
important

Calla. function Plan advisory tool for town

Norm. — Calla ref. 2 mths. ago. importance  
of trail rec. came from Plan  
#1 concern: problem lack of rec. passage-  
way.

~~Norm.~~ ONE — passway #1 prob: concerns

Norm. respectfully request because of  
attitude: temperment we

D.O. no professional. No. not  
condescending on original presentation  
asked to move on from on issue  
I deem important ... Have passion  
about what is right & fair. Request  
adj.

P.O. Give you 1/2 hr. please make your presentation.

Norm. On the record.

Norm. protest the proceeding ask for adj. for a more orderly debate w/ Mr. Morris will reschedule the mtg. Both parties believe to have dealt.

J. Thorne not to deny <sup>recomm</sup> request. feels he has adequate facts. <sup>per</sup> because of Hedge Sitback currently under consideration by <sup>T.D.</sup> go home glad.

~~NAK~~

Calla dis. less. not comfortable w/ motion

M. Kirs. advisory not binding T.D. decision

P.O. give opportunity to continue Norm. wishes to reschedule - <sup>Norm</sup> refused to continue until 10:00 then come motion.

MK. yes. to deny

J. L. yes. to deny

P.O. no.

J. T. yes. to deny.

J. W. yes.

M.C. no.

MK not to dg. J. W. 2<sup>nd</sup> mot. covr.

H - yes.

2 - no.



April 18, 2000

Plan Commission Workshop Meeting

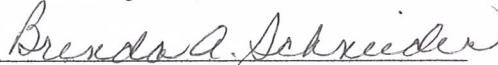
1.

The Plan Commission and Town Board of the Town of Taycheedah conducted a workshop meeting on Tuesday, April 18<sup>th</sup>, 2000, at 7:30 p.m., at the Town Hall. Board members present were Chairman James Huck, Supervisors Mike Colla and Dan Freund and Clerk Brenda Schneider. Plan Commission members present were Chairman Dennis Osterholt, Joe Lemke and Mark Kirschling.

Chairman James Huck called the workshop to order. The intention of the workshop meeting was to provide an open forum for the Plan Commission and the Town Board to discuss the intentions of the proposed revisions.

Dated: April 22, 2000

Attest:



Brenda A. Schneider

Town Clerk

Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, April 24, 2000, at 7:30 p.m., at the Taycheedah Town Hall for the purpose of considering a recommendation to the Town Board on the attached proposed amendments to the Code of Ordinances. Members present were Chairman Dennis Osterholt, Mike Colla, Joe Lemke, John Wagner, Mike Wirtz, Joe Thome and Mark Kirschling, Secretary Brenda Schneider and Attorney John St. Peter. The Chairman called the hearing to order and announced the procedures of the hearing.

The Commission and the public developed the following list of revisions that they wished to discuss individually:

- 13-1-24(f)(8) Niagara Escarpment setback
- 13-1-140(b)(5) square footage of accessory buildings
- 13-1-42(c)(13) limitation on cats and dogs
- 13-1-44(d)(2) limitation on cats and dogs
- 13-1-45(d)(2) limitation on cats and dogs
- 13-1-46(d)(2) limitation on cats and dogs
- 13-1-47(d)(2) limitation on cats and dogs
- 13-1-48(d)(2) limitation on cats and dogs
- 11-6-3(o) unlicensed vehicles
- 11-6-3(p) farm equipment

Mike Colla motioned to recommend to the Town Board to approve all the revisions to the Code of Ordinances with the exception as listed above, seconded by Mark Kirschling. Motion carried (7-0).

The Secretary read the correct wording of 11-6-3(o). An error was made in the text supplied to the Commission and Board members. Mark Kirschling motioned to recommend to the Town Board to approve 11-6-3(o) as read by the Secretary, seconded by Joe Lemke. Motion carried (7-0).

11-6-3(p) The farm equipment restriction was clarified to pertain to equipment in complete disrepair, unmoved for an extended period of time. Mike Colla motioned to recommend to the Town Board to approve 11-6-3(p), seconded by Joe Thome. Motion carried (7-0).

13-1-24(f)(8) Niagara Escarpment Setback was discussed at great length.

\*John Lent began the discussion by reading aloud a letter by John and Marlys Welsch. The letter recommended striking 13-1-24(f)(8). The following public comments, questions and concerns were voiced:

\*Some residents don't believe that the land use survey completed as a part of the town of Taycheedah Comprehensive Land Use Plan creates a mandate.

\*The Ledge ceases to exist because of home construction. The public can't walk near any portion of the escarpment without trespassing on private property. 82% of the respondents to the survey want the see the Ledge preserved.

\*A resident's opinion was that the top of the Ledge is a good base for home construction. Below the Ledge is not good because of the sand base. Resident believes private ownership is the best way to preserve the Ledge.

\*A great deal of escarpment from Oakfield to Niagara Falls, Canada has been preserved and aside strictly for the public to enjoy it.

\*A 250 foot setback would force his lot to be deemed unbuildable. His intention has not been to build at the immediate base of the Ledge. Attorney St. Peter advised the alternative of petitioning the Board of Appeals for a variance.

\*What is the definition of "grandfathering"? Attorney St. Peter explained "nonconforming structures and uses". It was also clarified that a 250 foot setback would not allow any additions, decks, pools, sheds, etc., to be erected within the setback.

\*Residents concerned about the remaining platted lots that are not sold.

\*The setback would condemn the property to what it has on it, yet he would have to continue paying taxes on the land at the current rate. Define 90 slope or outcroppings on the horizontal surface.

\*What determined the 250 feet? The distance was a compromise of the existing Board's intent for the best interest of the township.

\*Resident recommended that additions be allowed on homes located within the setback area.

\*Resident unsure if his property would be impacted by the setback. He suggested creating an overlay district so that affected property owners will know if they will be impacted. Specific construction standards could be implemented.



- \*Resident asked who was surveyed for the Plan survey. He did not receive a survey. He purchased his property after the Plan was developed and approved. He also questioned if this issue isn't addressed by the restrictive covenant of Niagara Estates. He spent a considerable amount of time and money deciding where to build and which lot to purchase.
- \*Another property owner asked where the setback would apply? The area needs to be more clearly delineated.
- \*Eric Fowle, a Certified Planner from East Central Wisconsin Regional Planning Department discussed his involvement with escarpment planning issues in Oakfield, Eden and Empire. Eric is concerned about the Town's definition of the setback area, conflict with existing uses, application, location. He feels the Board should create some type of temporary measure to restrict further development and destruction, in order to create a more detailed ordinance. He offered his assistance. He would be able to help define, map, and clarify an escarpment ordinance. He feels the setback needs to be addressed in more detail. The Town's Plan does not provide good direction about what degree of preservation is desired.
- \*Attorney St. Peter explained the very restrictive Oakfield and Empire Ledge preservation ordinances. Both also restrict wetlands and tree cutting and require an environmental analysis be done for any project.
- \*Resident claimed that the land is far from pristine and that the lots in Niagara Estates are 4 to 7 acres. Resident feels that the larger lots preserve the land and the Ledge.
- \*Resident concerned about tight restrictions and future projects.
- \*Resident question if a tornado destroyed their house; would they be able to rebuild the house at its current location. Attorney St. Peter verified they would. Resident feel the Niagara Estates subdivision is not damaging the Ledge or endangering its preservation.
- \*Resident stated that the hall was filled with people concerned about preserving the Ledge. He doesn't find homes built on the edge to be intrusive, but does feel quarrying is far more intrusive. He believes that if the Town wishes to obtain a public walking path along the Ledge, the Town should compensate the owner or owners and provide liability insurance. He doesn't feel it's right for the Town to even be considering a Ledge setback.
- \*Resident questioned if the Town will consider purchasing his property. If any setback is approved; his land would be unbuildable. Eric Fowle stated that compensation of loss would be one of the many issues evaluated. Attorney St. Peter clarified a regulatory taking. State law requires just compensation. The Supreme Court doesn't know how to handle this issue. Wisconsin has been very liberal. No compensation is due unless the restriction removes all or nearly all reasonable use of the land. A land owner is not automatically entitled to compensation if the Town approves a 250 foot setback. Obvious research needs to be done before adoption of an overlay ordinance.
- \*Commission member shared his research on the fact that historically, both in Wisconsin and elsewhere, residential lots abutting a conservation area of a subdivision, sell for considerably more than the lots that do not abut the conservancy.
- \*Resident questioned when do we collectively take a position? At what point in time do we consider the future? In the near future, every plat remaining will be petitioned for development. A majority of the land is already platted.
- \*Commission member discussed the extensive survey done during the planning process. The entire Comprehensive Land Use Plan is based on the survey results. Eighteen months of public meetings took place during the process. The issue of an escarpment overlay district was discussed several times during the planning process. He felt that currently platted lots should be allowed to build. He believes that a 250 foot setback would be a start and that the Board should place an expiration on it.
- \*Commissioner believes that the definition is far too broad. It is unclear exactly who would be impacted and who wouldn't be impacted.
- \*Commissioner agreed that the definition is not specific enough. The Board needs to develop an overlay ordinance supplemented with exhibits indicating the exact location. Oakfield, Eden and Empire "grandfathered" current platted lots. The 250 foot proposal is extremely loose and unrestrictive in comparison to the other ordinances.
- \*Commissioner feels the Board should be careful of the impact of current plat owners.
- \*Commissioner recommends the adoption of the 250 foot setback, exempting existing platted lots, for a term of 1 year.
- \*Commissioner discussed his desire to hold public meetings in which the public would have an opportunity to hear escarpment-related issues from professionals with such expertise. A committee could be formed.



Niagara Estates restrictive covenant regulates buildings and the land but not what can or can not be done to the escarpment or the trees, etc. We need to protect what is done to the Ledge.

\*Resident clarified that the planning survey was mailed to all property owners, not just the Ledge owners. He also advised that the committee should have balanced membership.

Mark Kirschling motioned to adopt the 250 foot setback, excluding lots of record zoned residential, with a sunset on the setback to 1 year from today or upon the completion of an overlay ordinance. Motion failed due to lack of a second. Attorney St. Peter offered to rephrase the motion.

Commission discussed the exclusion aspect of the motion. Resident asked if the exclusion would be discriminating against the agricultural land owners. Attorney St. Peter advised that the failed motion does make a reasonable distinction and that it would be defensible in a court of law.

Dennis Osterholt motioned to recommend, for a period of 12 month from the date of adoption, no structure shall be erected within 250 feet of the escarpment. Escarpment defined as a slope of 90\* or visual exposure of rock outcropping(s) on the horizontal surface. The preceding setback shall not apply to lot owners of record zoned residential. The setback restriction shall expire in 12 months from the effective date of the ordinance or upon completion of an escarpment overlay study, whichever occurs first. Seconded by Mike Colla. Motion carried (7-0).

13-1-140(b)(5), Accessory buildings maximum square footage is 780 and proposed to be increased to 864. The restriction applies to R-1 to R-7 zoning. Resident questioned his ability to erect additional sheds on his property. Mike Colla motioned to recommend approving the increase accessory building square footage from 780 sq. ft. to 864 sq. ft., seconded by John Wagner. Motion carried (7-0).

13-1-42(c)(10), 13-1-43(d)(2), 13-1-44(d)(2), 13-1-45(d)(2), 13-1-46(d)(2), 13-1-47(d)(2) and 13-1-48(d)(2)-limitation of 2 dogs and 2 cats was discussed. Dennis Osterholt motioned to approve the cat and dog limitation for the R-1 to R-7 zoning districts, seconded by Mark Kirschling. Motion carried (6-1).

Mark Kirschling motioned to adjourn, seconded by John Wagner. Motion carried (7-0).

April 26, 2000

#### Special Town Board Meeting

The Town Board met for a special Town Board meeting immediately following the Plan Commission hearing. Members present were Chairman James Huck, Supervisors Mike Colla and Dan Freund, and Clerk Brenda Schneider. The Chairman called the meeting to order at 10:20 p.m.

Jim Huck motioned to approve all proposed revisions with the exception of 13-1-24, the escarpment setback, seconded by Mike Colla. Motion carried (3-0).

The Board briefly discussed the Ledge setback. Jim Huck motioned to approve the Escarpment Setback, for a period of 12 month from the date of adoption, no structure shall be erected within 250 feet of the escarpment. Escarpment defined as a slope of 90\* or visual exposure of rock outcropping(s) on the horizontal surface. The preceding setback shall not apply to lot owners of record zoned residential. The setback restriction shall expire in 12 months from the effective date of the ordinance or upon completion of an escarpment overlay study, whichever occurs first. Seconded by Dan Freund. Motion carried (3-0).

Jim Huck commented on the fact that an obvious overwhelming majority of the people in attendance at the meeting supported preserving the Ledge. Jim said that would hope that there is no more tree cutting, rock removal or change of any kind to the Ledge during the next 12 month period. Volunteers were asked to sign up to be on the committee.

Jim Huck motioned to adjourn, seconded by Mike Colla. Motion carried (3-0).

Dated: May 1, 2000

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk





# Clinic of Orthopedic Surgery, Chartered

John A. Welsch, M.D.  
Alan W. Roetker, M.D.  
G. Joseph Kemp Jr., M.D.

April 20, 2000

Town Board and Plan Commission  
Town of Taycheedah

Dear Members of the Plan Commission,

Due to prior commitments we are unable to attend the important meeting of the Town of Taycheedah Plan Commission on the 26th of April, 2000.

We are requesting that our concerns be read into the minutes of the Plan Commission meeting. We are urging the Plan Commission to reject the present proposal for revision to the Code of Ordinances 13-1-24 (f) (8). This implies the need for a 250 foot setback from the Niagara escarpment i.e. the ledge.

Over the years there have been many homes built by good families on or near the ledge. Throughout the past years these homes have been accepted by their neighbors and we believe, have added to the value of the township of Taycheedah, both monetarily and aesthetically. Except for the building of the homes, there has been no disruption to the Niagara escarpment. There has been no need for any restrictive ordinances in the past and we do not believe that there is any need for restrictive ordinance at the present time.

We have been co-owners of an area of the ledge for the last 25 years. We had purchased this land because we recognized it was a unique region. We have been good stewards of this land, preserving the ledge as a wild life area, maintaining it in its unique state, picking up hundreds of bags of litter from the roadside and not allowing any disruption of the ledge area.

In short we have enjoyed its beauty. Our intentions are to continue doing this in the future if we are allowed to do so by the Town of Taycheedah. Because there has been some recent unjust criticism of a single structure being built on the ledge and the perception of being looked down upon by a few people, we do not believe that all the owners and neighbors and stewards of this area should be punished.

Town Board and Plan Commission

-2-

April 20, 2000

The passage of this ordinance would be an erosion of the freedom of use of land privately owned. We believe that this restriction of freedom is unjust and can only lead to additional restrictions of freedom in other areas in the future.

We are urging the Plan Commission to listen to the families who are expressing concerns and reject this punitive restrictive ordinance.

Respectfully,

*Marlys Welsch April 2, 2000*  
*John Welsch*

John and Marlys Welsch



## 13-1-24 (F)(8) Escarpment Setback

John & Marley Welsch → written comment  
read by John Kent. ... recommend  
striking ~~the~~ 13-1-24(F)(8).

Kent will send a copy.

John Jensen. questionnaire also  
generally doesn't believe survey  
creates a mandate

Ed Schneider ? Hedge cease to  
exist because of home construction  
82% | can't wait it w/out trespassing.  
want to see it preserved.

JoAnn Alexander Lot 13 Niagara Est.  
top of Hedge good base for houses  
below " is bad for homes - sand  
based Believes private ownership  
preserves the Hedge

Angie Prull - Oakfield to Canada  
private for only you to enjoy it.

Vic Mayer - Niagara owner 250 ft.  
may push him off rock. Not plan  
ring or building at the edge.

Related subdivision - lot unbuildable ?

Bd of Appeals ? QSP - ask for a variance

M. Kir.

Code-Rev. Notes



OK interpret from the horizontal point.

Mike Penn legal definition of grandfathering → 35' "non conforming case" explained <sup>in addition, design, plans</sup>

Mike Spaulde Lot 4 Niag Est.

35 lots → 50 spec.

rights of the remaining lots... 4

remaining (houses) lots would be by the road → existing platted lands need to be considered

Dax Bertram - condemning the property (3 1/2) to what he has on it.

Paying taxes on an 3 1/2 acres.

define 90° slope or outcrop or a horizon...

rock cropping can be found in fields

D.O. advisory Bd - must decide to approve or disapprove. <sup>35'</sup> But can recommend cags.

Paul Wagner, Niag Est. what determined 35 ft.

MC 250' was the average amongst the Bd. at a revision workshop.

Mike Penn recom. add. he allowed on existing homes.

Dick Wilkner - ensure if his property will be affected by the setback. suggested creating an overlay dist so that affected



prop. owners will know if they  
are impacted? Bd. of App. be able  
to dictate construction standards  
please consider

Jeff Alexander #13 High Est.  
who was surveyed? When. Didn't  
get one. if platted land done  
in 1991 - Shouldn't this issue have  
been ~~done~~ <sup>dealt</sup> w/ restrictive covenants.  
spent time, & deciding where to build  
which lot.

John Kent - environmental issue?  
Yes. Platted land grandfathered?  
will be discussed.

Jason Meyer 40 acres. Hedge  
on slope - 4 ft. is 90° - where  
would this apply.

Eric Fawell, Cert. Planner w/ ECEP.  
involved w/ escarp. plan issue Oakfield  
Econ Empire concern about defin.

Conflict of uses, application, location  
the temp measure in order to <sup>to stop further destruction</sup>

Create a more detailed ordinance  
offered assistance - Can define,  
map, clarify, need to address  
in more detail



J. Thome, compensation for loss.  
E.F. ~~it's a~~ Option, Cost sharing

Land use planning was an over-riding concern.

TojT. Plan does not provide good direction about exactly what degree of preservation is desired

overlay dist  
JSP - listed Oakfield nothing 150 ft. no devel.  
300 ft. → certain restrictions go out for 1 mi. → to some degree.

Empire → 600 ft. → except. Exist lots of record. → also restrict trees, wet land.  
environmental ~~anal~~ analysis

Jeff Sol(?) → before building, → snow track → TNT led to close cases on Southern end. → stone moved →

land is far from a pristine land → lots are ~~4-7~~ acres → could have been 1 acre → ~~be~~ preserve the land. Sledge

Dick Wekner - comm. on Sledge → how long has this issue been worked on?

P.O. workshop discussion of this being initial step → do overlay, etc.

JSP → could have a sunset



Brian Johnson Niagara Est. → he is in → affects neighbors → tightly restricted = concerned about future projects → var. Bd of Appeals → and other land owners.

Mike Mike Toronto TSP. would rebuild Bob Alexander Lot 2 Niagara Area beauty appealed to them → 6+ acres add trees to add beauty. des doesn't feel the subdiv. is damaging the hedge or preservation

Mike Freund → have filled w/ people trying to preserve the hedge → doesn't find home on edge intrusive → quarrying far more intrusive → Town should pay so public can walk along this property w/ least issues → <sup>doesn't feel it's right even</sup> suggested the Bd consider setback

Oakfield had very little opposition very little housing → mostly farms & quarries

Dave Wallerstein → specific area → no → my area → escarp. in town → yes. Against setback → doesn't feel it's right

Jason Meyer → town considering buying this property →

M Colla lots adjacent to conservation land  
Sells are ~~at the time~~ sell for more



Alexander → Ming. Est paying for the  
view

Ed Schneider → <sup>assume</sup> centerline of hedge

When do we choose to take a  
position? 1 person allowed to build →  
What point in time do we consider  
the future → Every plot will be  
taken up in near future → when do we  
start?  
5-7 acres → 1 home

restrictive covenants → regulates  
outbuilding, etc. nothing will  
change from how it is now.

Bob Morris → M. Cella increase  
value by near conserv. land →  
TSP → to node can rebuild → not  
written → Pol. will change no  
guarantee →

TSP Regulatory taking → requires  
just compensation → how far is  
too far → Supr. Ct. doesn't know  
how to handle → Wis. very liberal →  
no comp is due unless restriction  
~~red~~ removes all or nearly all  
reasonable use of the land → you're  
not automatically entitled to  
compensation if 25' setback is  
approved



many disagreements amongst  
all parties involved. ~~the~~ obvious  
research be done before adoption  
of a pit back.

M. Ker. ~~effects pro pocket books~~

long range planner - extensive  
survey which was basis for plan.  
A lot of work, hearings. Escarpment  
& Lake → decrease desirability.  
Issue has been discussed before  
formal consideration recently.

"Scenic Corridor"

plat lots → should be allowed to be used.  
also <sup>some</sup> Escarp. is not plat ... 250 pit back  
would be a start adopt 250 of  
Sunset grandfather plat lots.

J. Wagner → who will be impacted  
definition is very broad.  
Where does it begin & end

J. Henke definition is not specific enough  
~~there~~ should be a step gap ordin  
supplemental exhibit indicating  
exact location  
Oakfield, Eden, Empire grand.  
fathered current plats → careful consid.



250' extremely loose and unrestricted  
line in comparison to other ordinances

J. Thorne Mutual overlay dist → need  
to spend alot more time on this  
~~issue~~ studying this issue agrees  
with a stop guide

M. Wirtz public ownership vs. private  
ownership should be careful  
of the impact of current ~~plat~~ plat  
owners.

PO <sup>opinion</sup> recom T. Bd. adopt 250' w/ <sup>except</sup> ~~exclus~~  
for existing platted lots w/ 1 yr.  
Sunset

M. Colla hope to bring in experts to teach  
us at series of public mtg. Form  
Committees → combine efforts to  
develop a policy → severe regulatory  
action for the 4 lots in Aliag Est. →  
Restrict Corven. → on house and on  
property → can cut trees or alter  
the escarpment however you <sup>desire</sup> ~~wish~~  
Need to protect what is done to the  
Ridge



Berry Hodgkinson. Survey went to all people not just hedge owners. Committee would need to mix up the make up.

M. Kirschling <sup>not to</sup> adopt 2B 'set back' excluding a <sup>sup or before zone</sup> parcels of record w/ a sunset on the set back to 1 yr. from today 4/26/01 (or completion of overlay) ~~SP-rephrased~~ not. failed due to lack of a second.

McColla would support of more restrictive as far as grandfathering clause

P.C. discussed exclusion

Bob Norris → asked TSP if exclusion would be discriminatory to the other →

TSP → makes a <sup>reasonable</sup> distinction → ~~not a~~ <sup>basis for</sup> legal action would be defensible in a court of law.

RAWKOTZ

P.D. <sup>not</sup> for R has no structure... as revised, set back shall not apply to lot of rec. zoned res. ... shall expires in 12 mos or completion  
MC. 2nd (70)



DO not to recommend for a period of 12 mos  
from date of adoption no structure  
(as written) over. The preceding  
setback shall not apply to lots of  
Vuc zoned Res. The 250 setback  
restriction shall expire ~~upon~~ 12  
~~at~~ mos from effective date of  
the order. or ~~the~~ ~~con~~ upon the  
completion of an escarp. Overlay  
study, whichever occurs first  
2nd by M. Coda (70)

13-1-140(b)(5)

~~RECOMMEND~~ R-1 to R-7 restriction  
only. 780 sq. ft. increase  
to 864 sq. ft.

Don Calvery ? Ed. an add'l building on his  
lot. → zoned R-2 → no Cant.

MC not to recommend app. increase access limit. from  
13-1-140(b)(5) 780 sq ft to  
864 sq. ft. J. Wagner 2nd (7-0)



Brian Johnson asked for clarification  
of 14-1-81 (d)  
discussed dedication, open space

13-1-~~44~~ 42 (c)(10)  
43 (d)(2) 2 dog 2 cats.  
44 (d)(2)  
45 (d)(2)  
46 (d)(2)  
47 (d)(2) & 48 (d)(2)

Angie Ruel → what prompted this  
revision? T.Bd. suggestion  
humane issue

JSP. Town problem, town liability,  
town control  
5 dog. zoned R-2 now

D.O. met. app. 2 dog 2 cat prov. in  
R-1 to R-7 M.Kir. 2nd. (6-1)

M.K.M. to Adj. J. Wagner. 2nd (7-0)



T. Bd. 4/26/00 10:20 p.m.

Chain called to order. <sup>Tn. Bd. meeting</sup>

JH not to app. all ~~es~~ <sup>except</sup> ~~revis~~

13-1-24 escarp.  
MC 2nd 3-0

Niagara Escarp

JH. not as read by P.C. DF 2nd  
~~3-0~~ 3-0

P. Freund apology

J. H. preserve ledge

all agreed. no tree cutting.  
no rock moving  
to. save the ledge.

M. Colla chair committee

riders will be asked to

sign up.

JH not to app. MC 2nd Mot. Carr (3-0)

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, June 12, 2000, at 8:40 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the behalf of James Bloomer's Preliminary Plat of East Winn Subdivision. Members present were Chairman Dennis Osterholt, Mark Kirschling, Mike Colla, Joe Thome, John Wagner, Joe Lemke and Mike Wirtz. Also present were James Bloomer and James Mayer, Mayer Land Surveying.

The Chairman called the public hearing to order.

Charlie Mathison spoke on behalf of Bob Schmidt, President of the Willow Lane Beach Association. Charlie presented a history of the subject parcel, along with the history of the impact of the land to the beach. Charlie also presented numerous photos showing the drainage problems of the parcel and their impact on the beach.

**Other public questions, concerns and comments were as follows:**

- ⌚ The qualifications of the engineer that did the stormwater run-off calculations.
- ⌚ Drainage plan is less the adequate.
- ⌚ Shared private ownership of the ponds. Suggested utilizing the ponds as open space and incorporating the ponds as retention area.
- ⌚ The scenic easement dictates larger lots on the east portion. The public would like to see larger lots throughout the subdivision.
- ⌚ North easement is not acknowledged on the plat.
- ⌚ Lack of support by Bloomer of a verbal agreement to attempt to deal with drainage problems.

**Plan Commission questions and comments were as follows:**

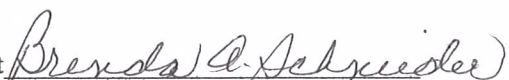
- ⌚ The Code gives the Board the power to seek review by the Town Engineer at the developer's expense. The beach owners should be allowed to speak with the engineer.
- ⌚ The plat should show all existing easements. All easements should be noted on applicable deeds.
- ⌚ North road is dead-ended at the Section line. From a maintenance aspect, the Town has frowned on the use of cul de sacs.
- ⌚ Section 14-1-63 of the Code requires that drainage be sufficient to contain 100-year frequency storm. The Town, nor the Commission, was not supplied with recent calculations.
- ⌚ Want drainage problems to disappear. "Not become any worse", as stated by Mr. Mayer is not acceptable.
- ⌚ Form a committee comprised of Lynn Mathias, Sam Tobias, and representatives of the Willow Lane Beach Association and the Elm Beach Association to work with Mr. Bloomer to resolve the drainage problems.
- ⌚ Restrictive covenant should inform the buyers of the scenic easement. The line of site shall not be obstructed.
- ⌚ Construct the subdivision in two phases.
- ⌚ Utilize a conservation design instead of a cookie-cutter design.
- ⌚ Complete lack of open space. Plat must have between 2.16 to 10.8 acres.
- ⌚ Incorporate bike/pedestrian paths.
- ⌚ Street names may be offensive.

**Petitioner comment and questions were as follows:**

- ⌚ The Willow Lane Beach owners will need to grant an easement in order to get the water from the parcel to the lake.
- ⌚ Denied participating in a verbal agreement with the beach owners to deal with the drainage problems.
- ⌚ Doesn't believe the easement along the north of the parcel still exists.
- ⌚ Would not be feasible to use the ponds as retention.

Mark Kirschling motioned to recommend to the Town Board to deny the East Winn Preliminary Plat, seconded by Dennis Osterholt. Motion carried (7-0).

The Plan Commission instructed Mr. Bloomer to redesign his subdivision incorporating changes based upon the comments and concerns stated at the hearing.

Attest   
Brenda A. Schneider  
Plan Commission Secretary



The Town of Taycheedah Plan Commission conducted a public hearing on Monday, June 12, 2000, at 7:30 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the behalf of LaSol Development's Final Plat of Cheetah Meadows First Addition. Members present were Chairman Dennis Osterholt, Mark Kirschling, Mike Colla, Joe Thome, John Wagner, Joe Lemke and Mike Wirtz.

The Town has received letters from the Dept. of Transportation and the Dept. of Administration stating no objection to the Preliminary Plats. LaSol submitted a draft letter from Renee Powers, Dept. of Transportation, stating no objection to the Final Plat.

Commission concerns:

- ⌚ Access to the Open Space Outlot-6-foot easement between Lots 41&42
- ⌚ Lack of submittal of a drainage plan-submitted with Phase I
- ⌚ Noise abatement-height, width and plantings
- ⌚ Vision triangle at the south outlot
- ⌚ Dept. of Transportation noise level disclaimer printed on the Final Plat be included in the Restrictive Covenant and Maintenance Agreement that must be signed by all lot owners

LaSol requested approval contingent upon revisions made to address the Commission's concerns.

Mike Colla motioned to recommend to the Town Board to grant conditional approval of the Final Plat of Cheetah Meadows First Addition contingent upon the following:

1. The Town Board be supplied with the updated drainage map
2. Completion of the berm, soil and planting, based upon state specifications
3. Noise abatement disclaimer be added to the Restrictive Covenant and Maintenance Agreement
4. LaSol grant a 12-foot easement from the current Hwy. 151 through the residential property currently owned by Trond LaFleur to the South line of the SE ¼ of the SE ¼ of Section 3, thence running parallel to the south line to the Open Space Outlot
5. The Town Board receives notification of Dept. of Transportation approval of the vision triangle on the south outlot and approval of the drainage plan

Seconded by Mark Kirschling. Motion carried (7-0).

Public hearing adjourned.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Plan Commission Secretary

October 5, 2000

Plan Commission

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, October 5<sup>th</sup>, 2000, at 7:30 p.m., for the purpose of making a recommendation to the Town Board on the adoption of a moratorium of telecommunication facilities. Members present were Chairman Dennis Osterholt, Mike Colla, Joe Thome, John Wagner, Joe Lemke, Mike Wirtz and Mark Kirschling. No one from the public was in attendance.

The Chairman called the hearing to order.

Chairman Osterholt had contacted Wayne Rollin, Planner for the City of Fond du Lac. Mr. Rollin provided a copy of the City's Wireless Telecommunication Towers and Antenna Ordinance.

The Commission also discussed the recent article in the Fond du Lac Reporter about the City's request for local municipality support on towers.

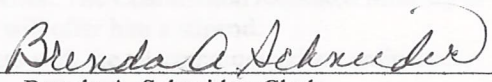
The Commission agreed the SBA tower recently constructed is too close to the road. The Commission was informed of a proposed ordinance revision stipulating that towers must be the distance from that the lot lines as it is high.

The Commission spent a considerable amount of time debating an appropriate length of time for the moratorium.

Mike Colla motioned to recommend the Town Board adopt a 6 month moratorium on telecommunications facilities, seconded by John Wagner. Motion carried (7-0).

Mike Colla motioned to adjourn, seconded by Mike Wirtz. Motion carried (7-0).

Attest:

  
Brenda A. Schneider, Clerk



January 8, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, January 8<sup>th</sup>, 2001, at 7:30 p.m., at the Town Hall. Members present were Chairman Dennis Osterholt, Joe Lemke, John Wagner, Mike Wirtz, Mark Kirschling, Joe Thome and Mike Colla. Also present was Secretary Brenda Schneider.

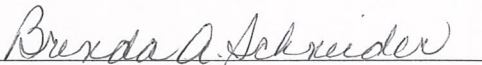
Richard Oldenburg, Midwest Tower Partners, Milwaukee, attended the meeting at the Plan Commission's request. Midwest Tower primarily purchases existing towers and replace them with towers suitable for multiple users. Midwest owns the tower located by St. Charles Cemetery in the Town of Taycheedah. Mr. Oldenburg has attended numerous meetings in order to help municipalities develop tower ordinances.

The meeting continued on a question/answer basis. The following are a few of the comments made by Mr. Oldenburg:

- ⌚ Cell towers are rarely over 250 feet
- ⌚ A good ordinance has a series of tests to determine the need for the tower
- ⌚ A good ordinance contains a co-locate review of the town's towers as well as neighboring town towers
- ⌚ Petitioner normally pays for expert review(s)
- ⌚ The Telecommunications Act of 1996 is a Congressional Act that stipulates a municipality must give reasonable reasons for denial
- ⌚ Parks and schools are generally off-limits as sites
- ⌚ Very close proximity to a tower can be a danger to health
- ⌚ When Midwest places a tower on a building (in a city), they post danger signs on the rooftops of nearby buildings
- ⌚ Advised contacting a reputable consulting firm for assistance
- ⌚ Advised obtaining and reviewing the Dane County and Columbia County tower ordinances

The next meeting of the Plan Commission was scheduled for Monday, February 12, 2001, at 7:30 p.m., at the Town Hall.

Attest



Brenda A. Schneider  
Town Clerk

February 12, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, February 12<sup>th</sup>, at 7:30 p.m., at the Town Hall for the purpose of compiling a communications ordinance. Members present were Chairman Dennis Osterholt, Joe Thome, Joe Lemke, Mike Colla, John Wagner, Mark Kirschling and Clerk Brenda A. Schneider. Mike Wirtz was not in attendance.

The Chairman called the meeting to order.

The Commission agreed to use the sample ordinance obtained from Portage County as a basis. The Commission made additions and deletions to the sample ordinance.

The next meeting will be on Monday, February 26<sup>th</sup>, at 7:30 p.m., to continue the ordinance compilation.

The meeting was adjourned.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



February 26, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, February 26<sup>th</sup>, at 7:30 p.m., at the Town Hall for the purpose of continuing to compile a communications ordinance. Members present were Chairman Dennis Osterholt, Joe Thome, Joe Lemke, Mike Colla, John Wagner, Mike Wirtz and Clerk Brenda A. Schneider. Mark Kirschling was not in attendance.

The Chairman called the meeting to order.

Chairman Osterholt contacted the WDNR. He feels the impact of towers on migratory birds is an issue that needs to be addressed. The DNR also is concerned about neo-tropical birds that fly north and south with the seasons. Chairman Osterholt distributed material he obtained on the bird issue. The information recommends keeping towers under 200 feet, away from the roads, the escarpment, wooded areas and wetlands. Towers can also impact bats.

Chairman Osterholt also asked the DNR about requiring an environmental impact statement. The DNR recommends an independent statement be required.

The Commission discussed:

- Striking 'wireless' and 'tele'. Attorney St. Peter will be contacted.
- Can petitioner be required to renew a Conditional Use Permit every four years? JSP will be asked.
- Can a proposed ordinance ban second tower by existing towers in the prohibited areas? JSP will be asked.
- The cost of removing an out-of-date/use tower.
- Creating a 1000 foot corridor northwest of and to the east of Cody Road, to the center of Tower Road, north to County Trunk Q, then follow section line of 10 & 11 and 14 & 15.
- Add 'replacement of existing towers are encouraged'. The sites would be grandfathered.

Dennis Osterholt motioned to adjourn, seconded by Mike Colla. Motion carried.

The next meeting will be March 19<sup>th</sup>, at 7:00 p.m.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

March 19, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, March 19th, at 7:00 p.m., at the Town Hall for the purpose of compiling a communications ordinance. Members present were Chairman Dennis Osterholt, Mike Wirtz, Joe Lemke, Mike Colla, John Wagner, and Mark Kirschling. The Clerk, Brenda A. Schneider and Joe Thome was not in attendance.

The Chairman called the meeting to order.

The Commission continued revising the sample ordinance obtained from Portage County. The Commission made additions and deletions to the sample ordinance.

The next meeting will be on Monday, March 26th, at 7:00 p.m., to continue the ordinance compilation.

The meeting was adjourned.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



March 26, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, March 26th, at 7:00 p.m., at the Town Hall for the purpose of compiling a communications ordinance. Members present were Chairman Dennis Osterholt, Mike Wirtz, Joe Lemke, Mike Colla, John Wagner, Mark Kirschling and the Clerk, Brenda A. Schneider. Joe Thome was not in attendance.

The Chairman called the meeting to order.

The Commission continued revising the sample ordinance obtained from Portage County. The Commission made additions and deletions to the sample ordinance.

The next meeting will be on Wednesday, April 4th, at 7:00 p.m., to continue the ordinance compilation.

Mike Wirtz motioned to adjourn, seconded by John Wagner. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

April 4<sup>th</sup>, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Wednesday, April 4th, at 7:00 p.m., at the Town Hall for the purpose of compiling a communications ordinance. Members present were Chairman Dennis Osterholt, Mike Wirtz, Joe Lemke, Mike Colla, John Wagner, Joe Thome, Mark Kirschling and the Clerk, Brenda A. Schneider.

The Chairman called the meeting to order.

The Commission continued revising the sample ordinance obtained from Portage County. The Commission made additions and deletions to the sample ordinance.

Mike Colla motioned to approve the wireless telecommunications ordinance as revised and submit to the Town Board, seconded by John Wagner. Motion carried unanimously.

The Plan Commission agreed to request the Town Board to extend the moratorium for one month.

Dennis Osterholt motioned to adjourn, seconded by Joe Lemke. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



May 7<sup>th</sup>, 2001

Plan Commission

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, May 7<sup>th</sup>, at 7:00 p.m., at the Town Hall, for the purpose of considering a recommendation to the Town Board in regards to the adoption of a Wireless Telecommunications Ordinance. Members present were Chairman Dennis Osterholt, Mark Kirschling, Michael Wirtz, Joe Thome, Angie Prull, John Wagner and Secretary Brenda Schneider.

The Chairman called to public hearing to order. The Chairman gave a brief background of the development of the proposed ordinance.

Public comment and questions:

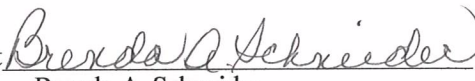
- Exempt personal television antenna height of 25' seems too low,
- Environmental impact statements are costly and lengthy,
- Would co-locating of an antenna need a Conditional Use Permit? Exemption is unclear,
- Town property is listed as a possible siting location for revenue purposed and to attempt to service directly below the Ledge
- Is the \$500.00 fee justifiable?
- Is it necessary to provide one parking stall for each user?
- Why would the land lease agreement have to be provided?
- Why would the Town need the \$25,000.00 bond?
- Is \$25,000.00 enough for removal? Chairman will attempt to verify a proper amount,

Joe Thome motioned to recommend the Town Board adopt the Wireless Telecommunications Ordinance with the following revisions:

1. 6B.4(B)(1)(a) replace wording to be consistent with 13-1-130(e)(4)(a)&(b),
2. 6B.4(A) strike the word 'antenna'.

Motion seconded by Michael Wirtz. Motion carried.

Mark Kirschling motioned to adjourn, seconded by John Wagner. Motion carried.

Attest   
Brenda A. Schneider  
Town Clerk

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, July 16<sup>th</sup>, 2001, at the Taycheedah Town Hall for the purpose of making a recommendation to the Town Board on the Niagara Escarpment Management Plan. Members present were: Chairman Dennis Osterholt, Mike Wirtz, Mark Kirschling, Joe Thome, John Wagner, Ann Simon and Angie Prull was slightly tardy.

Chairman Osterholt called the public hearing to order and read the public notice.

Chairman Osterholt apologized for not having had enough time to review the entire document. Therefore, he will chair the meeting but will not partake in the discussion or vote.

Dr. Welsch, Chairman of the Escarpment Advisory Committee, commented that the Advisory Committee's report was a consensus of the Committee, compiled by the Committee. Secretary Brenda Schneider read aloud the Advisory Committee's Report. Dr. Welsch requested that the report and plan be combined into one recommendation for the Town Board.

Plan Commission member John Wagner commented that he attended all but one of the Committee's meetings. He commended the diverse group on being able to arrive at a consensus. He also commented that he had investigated 'takings' and doesn't agree with it and that a majority of the property owners have been good stewards of the land.

The Plan Commission reviewed and discussed several items located in the Niagara Escarpment Management Plan as compiled by East Central Regional Planning. Items discussed, with public input, were:

- The number of impacted parcels, page 67,
- The Committee's vote change, page 68
- East Central Regional Planning's recommendation, page 69,
- Aesthetic qualities, page 68,
- Preliminary Plat reviews at the Plan Commission and Town Board levels,
- Property owners concerned about the impact of additional regulations,
- The Scenic Easement along Hwy. 151, compensation was made to the property owners,
- Concern that the opponents were misinformed,
- Concern about habitat preservation,
- Advisory Committee consensus was that the existing Codes and ordinances are sufficient,
- The Town Board intends to dissolve the Land Acquisition Contingency Fund soon,
- Without compensation, additional regulations would be a 'taking'.

Bob Norris read aloud a letter drafted by him, dated July 16, 2001. A copy of the letter is attached to the minutes.

John Wagner motioned to accept the Advisory Committee's Report as submitted to the Plan Commission, seconded by Ann Simon. Roll call vote:

Ann Simon	yes
Angie Prull	no
John Wagner	yes
Joe Thome	no
Dennis Osterholt	abstained
Mark Kirschling	yes
Mike Wirtz	yes

Motion carried (4-yes, 2-no, 1-abstention).

Mark Kirschling motioned to adjourn, seconded by Joe Thome. Motion carried (7-0).

Attest



Brenda A. Schneider

Town Clerk

Plan Commission Secretary





# NORRIS SUNSET STABLES



W4569 Golf Course Drive • Fond du Lac, WI 54935 • (920) 921-0180 • (920) 922-9388 • VM (920) 922-4000

July 16, 2001

Mr. Jerry Guelig, Town Board Chairman

Ms. Ann Simon, Town Board Supervisor

Mr. Tim Simon, Town Board Supervisor

Mrs. Brenda Schneider, Town Clerk

Mr. Dennis Osterholt, Town Plan Commission Chairman

All Town Plan Commission Members

Members of the town of Taycheedah

Re: Niagara Escarpment Setback

Gentlemen;

On April 26, 2000, the town of Taycheedah plan commission conducted a public hearing at the direction of the Taycheedah town board. This hearing was immediately followed by a special town board meeting to consider amendments to the towns existing codes and ordinances. Town attorney, John St. Peter, sat in attendance on both panels. A great majority of both meetings dealt directly with the issue of regulatory land conservation regarding the Niagara Escarpment. This was of great interest to me in that I had recently petitioned the town to rezone a parcel of land which is regarded by many, the reason for the town board's urgent push to get a land conservancy ordinance on the books. Just prior to the April 26, 2000 meeting, I was made aware of the then, chairman of the town board, Jim Huck, and town supervisor, Mike Colla's, urgent insistence that town clerk, Brenda Schneider, quickly complete all the modifications of codes and ordinances which were pending so the board could also quickly rush into ordinance, along with those changes, an escarpment setback ordinance which prior to my petition had no formal recognition at any town assembly, nor had it ever been on any town agenda. This was established on the record of my town plan commission meeting on

By Mike Colla who stated, first incorrectly, that the ledge setback had been discussed at a town meeting and the decision to develop ordinance language was voted on and carried. Brenda Schneider then, at my request, noted, for the record, that no formal meeting had ever dealt with the issue and that no vote, as Colla was indicating, had ever taken place. Colla then, for the record, again at my insistence, acknowledged his statement was incorrect and that as of the date of that meeting, no action had taken place to <sup>INDICATE</sup> indicate a land conservancy ordinance. Colla's attempt to document untrue facts, which support the

setback issue, did not surprise me. I was already becoming aware of instances in which I considered his actions, possible misuse of office. It became evident to me, that special interests of some members of the town board and the town's plan commission were poised to take action which would not only threaten the financial security of the town by exposing taxpayers to legal ramifications, but also deny town members the rights to their lands as provided in the United States Constitution. I had already, out of necessity, secured legal advice and had at that time a well balanced knowledge of the state of Wisconsin and the Supreme Court's methods of establishing a recognized "taking" by means of land conservation. I urge all to consider the vast financial crush which will surely be levied upon town taxpayers if regulatory land conservancy comes to Taycheedah, and all should consider it is the taxpayers who pay the town attorney to defend the town against law suits which will surely follow.

After lengthy discussion of the setback issue which was conservatively, 90 percent against any implementation of any land restrictions which weren't already in place in the town's ordinances, and at the insistence of many that the issue was an infringement of rights of landowners, the town planning commission, with Dennis Osterholt at chair following the push from the town board, voted unanimously, with total disregard of the urging of the members present, to put in place a moratorium on land uses which denied many land owners their rights for a period of one year.

Town attorney, St. Peter, answered many questions in such fashion it was obvious he was asked to attend the combined meeting to support the town board's rushed conception of a regulatory setback ordinance. I urged him to recognize that any action, which devalues individuals land, is a serious issue.

The town board met immediately after the plan commission meeting and quickly, with the same disregard to objections and concerns of the majority of town members present, voted 3-0 to establish the one-year moratorium.

I suggest that any town board member or plan commission member who would so blatantly thrust the town into unknown financial jeopardy with the establishment of any ordinance which can be construed as, taking, is not working in the best interest of the town and should in fact be considered one driven by his own special interests and recognized as a threat to the security of the town.

I would ask, who are the proponents of this setback issue, and what do they have to gain or loose? And of equal interest, how few or many are they in number? I would like to see the supporters of this measure rise at this assembly, and face the town members who's land they are suggesting they be allowed to control and devalue. I would like to hear each of their explanations as to how they feel they possess rights to control and use another man's land, which give them greater power than the owner himself.

I ask of each member of this plan commission and each member of the now unseated town board, who voted unanimously to support the setback, have any of you taken the time to compile a list of names of taxpayers and town members who's land you are



suggesting you have the right to control? Are those landowners the ageing farm couple who have watched the value of their land appreciate through the years, and thanked God for his blessing, and planed their well-earned retirement accordingly? Or is it the individual who invested in a parcel of land to live on and developed to help pay the expenses? Or is it the widow who has always known she can get just enough for her land to provide a bit of financial security in her later years? I suggest the proponents of ledge setback know little or the financial hazards which lay waiting. How many landowners' plans would be wiped out? Is there no regard for the hopes and dreams of those who own the land you suggest you control and devalue? Has any supporter of this set back measure ever suggested he donate his land and his legal right to use his land to land conservancy? Has he suggested he would buy land on the ledge and donate it to the town for conservancy?

I suggest each promoter of the ledge setback ordinance who has so openly demonstrated disregard of the rights of land owners, hold your heads low in shame in the presence of the honest and honorable members of this town who's rights you so clearly suggest be denied.

Respectfully submitted, Robert Norris

Landowner, Taxpayer, Concerned Citizen

*Robert H. Norris* 7-16-01

Cc: Jerry Guelig

Ann Simon

Tim Simon

Brenda Schneider

Dennis Osterholt

July 30<sup>th</sup>, 2001

Plan Commission

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on July 30<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the request for zoning change submitted by Sandy Davis. Members present were Joe Thome, John Wagner, Ann Simon, Mark Kirschling, Angie Prull, Mike Wirtz and Secretary Brenda Schneider. Chairman Dennis Osterholt was unable to attend. Joe Thome chaired the hearing.

Joe Thome called the meeting to order.

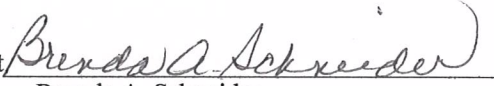
The Davis' wish to build a house on the parcel. The pit on the parcel is in the process of being reclaimed. The parcel has a limited amount of road frontage, which is currently being used, as a driveway. The frontage does not meet the limited amount necessary to build a house. The frontage issue will have to be evaluated further if zoning change is approved.

The Plan Commission suggested a zoning change to R-8 instead of R-2. R-8 requires larger lots but is more flexible on accessory structures. The Plan Commission can approve, deny or modify the request.

Mark Kirschling motioned to recommend the Town Board approve the Davis' rezone request to R-8 with the condition that the Plan Commission and the Town Board has the legal authority to make such modification and that the Plan Commission re-meet if the Plan Commission and Town Board lack such authority, seconded by John Wagner. Motion carried.

John Wagner motioned to adjourn, seconded by Mike Wirtz. Motion carried.

Attest

  
Brenda A. Schneider  
Town Clerk

July 30<sup>th</sup>, 2001

Special Town Board Meeting

1.

The Town Board of the Town of Taycheedah met for a special meeting on Monday, July 30<sup>th</sup>, 2001, at 8:10 p.m., at the Town Hall. Members present were Supervisors Tim Simon and Ann Simon, and Clerk Brenda Schneider. Chairman Jerry Guelig was unable to attend.

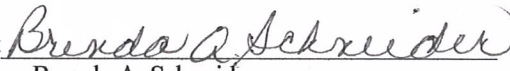
Supervisor Tim Simon called the meeting to order.

The proceedings of the Plan Commission public hearing were reviewed.

Ann Simon motioned to approve the Davis' rezone request to R-8 contingent upon the Town Board's legal authority for such modification, seconded by Tim Simon. Motion carried (2-0-1).

Tim Simon motioned to adjourn, seconded by Ann Simon. Motion carried (2-0-1).

Attest

  
Brenda A. Schneider  
Town Clerk



The Plan Commission of the Town of Taycheedah conducted a public hearing on August 13<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the request for zoning change submitted by John Janssen, John Lent and John Welsch. The request is to rezone 77.79 acres in Sections 5 & 6 from A-T (Ag-Transitional to R-2 (Residential without public sewer). Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Ann Simon, Angie Prull, Mike Wirtz and Secretary Brenda Schneider. Mark Kirschling was not in attendance.

The Chairman called to public hearing to order, read aloud the letter of rezone request submitted by the petitioners and announced the format for the hearing.

The petitioner's statements were as follows:

- Long-term timeline is yet to be determined.
- Short-term timeline is to leave the property as is.
- The boundary agreement with the City of Fond du Lac expires in about 15 years.
- The property abuts the City of Fond du Lac and annexation is possible.
- The petitioners have been long-term residents.
- There have been no conflicts with the neighbors.
- The petitioners have been good stewards of the land.
- They have planted 100's of trees and intend to plant more.
- The farmland is rented. The lease agreement requires crop rotation, no-till farming, and limited use of herbicides and pesticides.
- The petitioner's home sites abut the property. Therefore, their intention of the project is to be very environmentally sound.
- No trees have been cut on the Ledge, nor have the flora and fauna been disturbed.
- Petitioners intend to subdivide into large lots. However, some of the lots may be reduced to 3 acres due to the lay of the land.
- Petitioners contacted most of the abutting property owners. Those who were talked to were encouraging.
- Perc tests were not conducted. The property is similar to the Niagara Estates.
- Ordinance indicates the development plan is a separate process.
- The property is not located within a sanitary district.
- If the property does not pass perc, the state, county and town will not approve development plans.
- Sewer is located across Golf Course Drive. The petitioners stated they would like to stay in the Town but could choose to go into the City.
- The petitioners would gladly request a rezone to R-1 if sewer could be provided.
- If it's not developed for 5-10 years, the petitioners could invest a lot of money in unnecessary perc tests.
- If sewer comes before the development stage, they will gladly sewer the development.
- The petitioner's homes are 25 years old and do not currently have septic problems.
- The petitioners would like to develop the plan. They don't believe their children would abuse the land.
- Petitioners believe there is a need for large lot developments. Niagara Estates is full.
- Developer's road would get less stress than a county road and would therefore last longer.
- The petitioners will have to reappear before the Plan Commission when they are ready to develop.

Plan Commission comments were as follows:

- The Comprehensive Plan indicates the west edge of the property is not conducive to septic systems.
- The Plan indicated future residential development on the upper 2/3's portion of the property and the Ledge area and below to remain ag-zoned.
- The Niagara Estates area has set a precedence by having R-2 zoning on the Ledge.
- Previous petitioners have provided the Plan Commission with documentation such as a plat plan and soil test data. A rezone request without such data is unusual. Perc test data is a factor when requesting a rezone for an unsewered subdivision. Commissioner suggested the petitioners return with a plan.
- A large deer population, fox, turkey, etc. use the area for habitat.
- Commissioner questioned the need for the development.
- Commissioner questioned if road maintenance would become a burden to the Town?

August 13<sup>th</sup>, 2001

Plan Commission

2.

Public comments were as follows:

- Niagara Estates contains mound systems close to the rock.
- Comprehensive Plan indicates no new development without public sewer.
- Groundwater is easy to pollute through crevices in the Ledge rock.
- Large, valuable homes add considerably to the tax base.

Dennis Osterholt motioned to recommend to the Town Board to accept the petitioner's proposal to rezone 77.79 acres from Ag-T to R-2, seconded by Ann Simon. Roll call vote:

Ann Simon                      yes

John Wagner                yes, but would prefer sewer

Joe Thome                    abstain due to possible conflict of interest

Angie Prull                   yes

Mike Wirtz                   yes

Dennis Osterholt          yes                              Motion carried (5-0-1 abstention).

Angie Prull motioned to adjourn, seconded by Mike Wirtz. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



August 20<sup>th</sup>, 2001

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, August 20<sup>th</sup>, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following amendment to the Zoning Ordinance:

*All newer subdivisions located within the boundaries of a sanitary district shall be sewered if cost effective and feasible and satisfies the Sewer Service Area Plan administered by the Department of Natural Resources and East Central Wisconsin Regional Planning.*

Members present were Chairman Dennis Osterholt, John Wagner, Joe Thome, Mark Kirschling, Angie Prull and the Clerk, Brenda A. Schneider. Mike Wirtz and Ann Simon were not in attendance. Also present was Jim Hovland, Chairman of St. Peter Area Sanitary District.

The Chairman called the meeting to order and read the public hearing notice.

The Plan Commission discussed:

- ☐ the wording of the amendment,
- ☐ the definition of a subdivision,
- ☐ designating possible exempt areas,
- ☐ cost-effective determination by whom?
- ☐ 9/9/99 St. Peter Sanitary District adopted a similar resolution.

John Wagner motioned to recommend the following Zoning Ordinance amendment:

*All new subdivisions, as of (insert approval date), located within the boundaries of a sanitary district shall be sewered if cost-effective and feasible, as determined by the sanitary district, and satisfies the Sewer Service Area Plan administered by the Department of Natural Resources and East Central Wisconsin Regional Planning.*

The motion was seconded by Joe Thome.

Roll call vote:

Joe Thome	yes
Angie Prull	yes
John Wagner	yes
Mark Kirschling	yes
Dennis Osterholt	yes

Motion carried (5-0-2).

Mark Kirschling motioned to adjourn, seconded by Joe Thome. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

The Town of Taycheedah Plan Commission met on Monday, August 27<sup>th</sup>, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following amendment to the Zoning Ordinance:

*13-1-52 A-1 Exclusive Agricultural District and 13-1-53 A-T Agricultural Transitional District*

*Current subsection (e)(1)(a)*

*The minimum lot size to establish a residence or farm operation is thirty-five (35) acres.*

*Proposed subsection (e)(1)(a)*

*The minimum lot size to establish a residence or farm operation is five (5) acres.*

Members present were Chairman Dennis Osterholt, John Wagner, Joe Thome, Mark Kirschling, Angie Prull, Mike Wirtz, Ann Simon and the Clerk, Brenda A. Schneider.

The Chairman called the meeting to order and read the public hearing notice.

The Plan Commission comments and questions:

- ☐ Why did the Town Board initiate this proposed amendment?
- ☐ Wisconsin has decreased building on farmland since removing the 35 acre minimum,
- ☐ 35 acre parcels are purchased by developers and the wealthy, it discriminates against the average person,
- ☐ The Town has been trying to avoid leap-frog zoning (urban sprawl),
- ☐ The law clearly states that the 'new' lot and structures must be consistent with ag-uses,
- ☐ Long Range Plan indicates the Town wants Ag to be successful by not encouraging residential development in the Ag area.
- ☐ The Plan survey showed very little support from the people to allow residential development scattered in the ag area
- ☐ R-8 zoning district was developed to address:
  1. existing larger parcels that were non-conforming with residential and whose uses were more consistent with ag, i.e., not restricted by the accessory building limitations, allow horses and other animals
  2. a low-density, conservancy measure to be applied in sensitive areas
  3. local control of additional development
- ☐ Issues if the Town reduces or eliminates the 35 acre minimum:
  1. Legislation is currently pending to reinstate the 35 acre minimum at the state level
  2. The Dept. of Ag will require re-certification of our ordinance, which could jeopardize current farmland preservation credits
  3. The Dept. of Ag would still require 35 acres of land in order to qualify for farmland preservation tax credits.
  4. The Dept. of Ag will review our ordinance looking for checks and balances to ensure uses consistent with ag
  5. Dept. of Ag will review our farmland preservation plan back to 1983, some farmland owners may become unqualified for credits
- ☐ Wisconsin loses 100,000 acres of ag-land a year
- ☐ Dept. of Ag will enforce Stat. Chapter 91 to the fullest extent
- ☐ We have fewer farmers with larger farms, changing the 35 acre minimum would cause a slow death of the farms
- ☐ Continued reduction of farms could cause an increase in the price of commodities
- ☐ Farmland is also wildlife habitats, scenic views and environmental corridors; we have a scenic easement and the Ledge along Hwy. 151. It would be a shame for that area to be developed.
- ☐ Long Range Plan encourages both residential and ag in their own areas
- ☐ The 35 acre minimum been not been a problem. We would probably feel pressure if we were closer to Milwaukee.
- ☐ Our ordinance has provisions for exceptions and exceptions have been made in the past.
- ☐ Recommending a change to the 35-acre minimum would be a dereliction of duty as a Plan Commission.

Public comment and questions:

- What if someone buys 80 acres and, one by one, sells 5-acre lots? Sooner or later, the farmer will be surrounded by a subdivision.



August 27<sup>th</sup>, 2001

Plan Commission

2.

- Long Range Plan took 17 months to create. Numerous people and opinions contributed to the Plan.
  - Zoning Ordinance has R-8 (5 acre lot minimum)
  - Concerned about future complaints about the sights and smells of farms. City noses near country smells.
  - Will future farm kids still be able to buy land to build a house?
  - Pheasant Run subdivision restrictive covenant contains a clause warning buyers of other land uses surrounding them.
  - Residents of a subdivision in Fond du Lac County were extremely upset when the local farmer spread liquid manure near their homes. Changing the acreage would open a can of worms.
  - The Town has so much land zoned A-T, intended for future transition out of Ag zoning. Why open the door for development in the Ag area?
  - The 1970's ordinance allowed on the farmhand to build on ag-land. The Town may have made a mistake when it increased the exemptions.
  - Residential growth should be allowed adjacent to current residential areas. The growth needs to be orderly.
  - Farmland would be eroded by construction.
  - When the sewer comes to St. Peter, people will rush to buy 5-acre lots.
  - Fond du Lac County Planner, Sam Tobias is not in favor of the Town changing the 35-acre minimum.
- Dennis Osterholt motioned to recommend the Town Board leave the ordinance as currently written,

Seconded by John Wagner.

Roll call vote:

Ann Simon	no
John Wagner	yes
Joe Thome	yes
Angie Prull	yes
Mark Kirschling	yes
Mike Wirtz	yes
Dennis Osterholt	yes

Motion carried (6-1).

Mike Wirtz motioned to adjourn, seconded by Angie Prull. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk

September 10<sup>th</sup>, 2001

Plan Commission  
Nett rezoning

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on September 10<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the request for zoning change submitted by Nett Land & Development. Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mark Kirschling, Angie Prill and Mike Wirtz. Ann Simon was not in attendance.

Chairman Osterholt called the meeting to order, read aloud the public hearing notice and announced the format for the hearing.

Nett Land & Development was represented by Mike, Lyle, Neal and Joel Nett, as well as Ron Cunzenheim of Excel Engineering. The Netts requested a zoning change of 86.347 acres, in sections 28 & 33, from Ag-Transitional to R-1 (Residential with public sewer).

Ron Cunzenheim presented written and oral testimony addressing 13-1-52(f), Standards for Rezoning in the Town of Taycheedah's Code of Ordinances (attached):

1. Adequate public facilities to serve the development are present or will be provided,
2. Provision of these facilities will not be unreasonable burden to local government,
3. The land is suitable for development,
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas,
5. The potential for conflict with remaining agricultural uses in the area,
6. The need of the proposed development location in an agricultural area,
7. The availability of alternative locations,
8. The productivity of the agricultural lands involved,
9. The location of the proposed development to minimize the amount of agricultural land converted.

Ron and the Netts also presented testimony addressing past and current issues:

- Water consumption/recharge and traffic.
- One-third of the property is currently zoned R-1
- Entire farm is in the Sewer Service Area approved by East Central Wisconsin Regional Planning Commission and is currently awaiting DNR review,
- Development will start on the south end,
- Fond du Lac County will demand methods of erosion control,
- Project will be done in phases,
- Economics will dictate the timeline,
- Believes there will be a strong demand for lots due to the new high school and the bypass,
- It is better to have a master plan than to piece-meal a development,
- Will build spec homes as well as allow other contractors to build within the development,
- They expect to build homes similar to what they have in the past: ranches and 2 stories-1800 sq. ft.-3 bedrooms/2 baths,
- The project will be a conservation-type subdivision with the intention of preserving the woods as much as possible.
- The Comprehensive Plan approves the area for residential development.
- It is possible to sewer the project without extending the sewer onto Fine View Road.
- Hope to preserve the tree-lined rock fence.

**Public comment, questions and concerns:**

- The number of vehicles added and the impact on the nearby intersection. Also, traffic on Ledge Road is too fast now.
- Fine View Road property owners sent letters requesting the sewer not be brought to the area. This proposal would expedite a sewer extension to Fine View Road,
- Is it a good practice to rezone the entire development now? It may be better to wait to rezone a portion due to the upcoming Smart Growth planning. Suggestion to rezone a portion then wait for 50% infilling before rezoning more.
- Don't need another subdivision. If she wanted to see 150 homes out her window-she would live in the city.



September 10<sup>th</sup>, 2001

Plan Commission  
Nett/Feyen Farm Rezone Petition

2.

- The town needs to plan for the long-term. He doesn't want the area to look like a city.
- Existing Fine View Road development (west side of road) has restrictive covenants requiring a minimum of 2400 sq. ft. homes. The housing stock in this development could depreciate their property value. The housing stock needs to be similar.
- Suggestion that the town uses a certified planner or a consultant when the preliminary plat is reviewed. Such expense can be born by the petitioner according to our Code.

**Commission comment, concerns and questions:**

- ✓ Sewered lots require 15,000 sq. ft. minimum. What is the intended lot size? Nett's intend to create lots larger than the minimum, unless they are required to create substantial open space. The lots will vary in size,
- ✓ Concerned about the plat map seen in the past-168 lots is too many-128 lots may be more reasonable. The Nett's created a maximum density map at the request of Foth & Van Dyke, engineers for St. Peter Sanitary District.
- ✓ Plan Commission should consider further evaluation of the woods. Woods are the best source of recharge and could be an asset for the entire development.
- ✓ Water retention areas should be more spread out.
- ✓ Sanitary District needs to plan for service to the entire development.
- ✓ Commission will be hard-nosed on the density issue. Conservation/clustered subdivision with lots of open space.
- ✓ Long-term residents have a right to be involved with the development stage-preliminary plat review.
- ✓ Comprehensive Plan recommends working on infill from the center out. Concerned about leap-frog development (urban sprawl).
- ✓ Commissioner doesn't agree with Ron's claim that the ag land is marginal in production.

John Wagner motioned to recommend the Town Board to approve the Nett's rezone from Ag-T to R-1.

Mark Kirschling motioned to amend the motion to approve the rezoning contingent upon:

- 1) Feasibility for sewer service by the St. Peter Sanitary District
- 2) A development concept approved by the Plan Commission and the Town Board.

After extensive discussion by the Plan Commission, Mark Kirschling withdrew his amend motion.

Mike Wirtz seconded John Wagner's original motion. Roll call vote:

Joe Thome	yes
John Wagner	yes
Mark Kirschling	no
Angie Prull	yes
Mike Wirtz	yes
Dennis Osterholt	yes

Motion carried 5-1-1absent.

Angie Prull motioned to adjourn, seconded by Mark Kirschling. Motion carried.

Attest Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



**REQUEST TO REZONE PROPERTY  
OWNED BY THE NETT FAMILY  
TOWN OF TAYCHEEDAH  
September 10, 2001**

The Nett family thanks the Town of Taycheedah for the opportunity to apply for the rezoning of their Fine View Road farm. The property is presently zoned A.T. The Netts wish the property to be rezoned R-1. As you know, this zoning will allow single family residential housing connected to a public sanitary sewer system.

The Nett family recognizes that the Town of Taycheedah has spent a large amount of resources on revising its ordinances and on the adoption of a new Comprehensive Plan. The Town did this to promote orderly growth and to protect developing properties as well as those areas of existing development. The Netts are confident that their request meets the expectations and standards of the Town. With respect to the "Standards for Rezoning" listed in Section 13-1-52(f) of the Town Zoning Ordinance we offer the following:

**1. Regarding the need for additional public facilities;**

The Town of Taycheedah has created a new sanitary sewer district for the purpose of providing sanitary sewer to an area in and around St. Peter. The Netts have requested that their property receive that service even though the soils on the farm are suitable for on-site systems. The Netts understand that they must construct the sanitary sewer within their development, at no cost to the Town or District.

It should be pointed out that the Town and existing Sanitary Districts have expended considerable resources in purchasing sewer and plant capacity from the City of Fond du Lac. Provisions have been made for a 20 year population of 3,267 (1,257 homes) and a 50 year population of 3,751 (1,443 homes). The Town cannot recoup its expenditures unless connections to the system are made. Denial of the rezoning will prevent, or at a minimum, delay sewer connections and consequently repaying the Town for capacity purchased.

The capacity purchased by the Town was intended to service this property. As evidence to that fact, East Central has included the property within the 5 year sewer service area.

No other public facilities are needed. The installation of roads, electrical and gas service, telephone and cable are all the recognized responsibility of the Nett development.



**2. Will the provision of these facilities be an unreasonable burden to local governments?**

The Wisconsin Department of Natural Resources requires sanitary districts to budget for operations and maintenance costs. These costs are recouped through user rates charged to their patrons. In essence, the system users pay their own way. No costs are passed on to the Town.

At a recent Town rezoning meeting, the past Town Chairman stated that the annual cost for maintaining a town road is \$4,000 per mile. The Nett development contains 2 miles of new road.

Town R-1 zoning allows 15,000 sf lots. Based on that zoning, it is theoretically possible to create 290 lots on a 122 acre parcel. (I only mention this maximum number of lots so that everyone knows the limits of possibilities. The Netts have no intention of creating 290 lots.) Let us assume that 150 homes are created and that they have an average value, lot and house, of \$200,000. The development would have a value of \$30,000,000. The current Town tax rate of \$1.425/1,000 would yield \$42,750/year in taxes for the Town. This is offset by the \$8,000 expense caused by the new road construction.

**3. Land Suitability for Development**

The Town's Comprehensive Plan has identified this area as a residential growth area. In making that decision, the Town adequately and correctly considered the suitability of the soil for development. Our site tests agree with the Town's analysis.

**4. Impact on rare or irreplaceable natural areas. Will development cause air or water pollution?**

The area is presently a farm area. The land was prepared many years ago for that purpose. Consequently, original flora and fauna are not present on the site. No rare or irreplaceable natural areas exist.

The use of a public sewer system will alleviate fears that sewage will enter the water supply. The displacement of an agricultural practice should do the same with respect to animal waste and pesticide impact used in farming.

Erosion control will be managed by two means. Firstly, we will provide an erosion control plan for the project. This plan will explain erosion control measures required to construct the project. Local officials as well as DNR officials will have copies of that plan and are charged with the enforcement of the plan. Secondly, our plan will include the use of an on-site

retention/detention as a water management technique. The use of such a practice further controls erosion.

**5. Conflict between remaining agricultural uses;**

The existing area has residential properties bordering agricultural uses along a border been approximately 7,000 feet in length. Rezoning of this property will move that interface and result in a common border approximately 4,500 feet in length. The rezoning does not exacerbate any problems, but rather shortens and moves the border between land uses.

It should be pointed out that the Nett's plan to address such conflicts in their project covenants. Prospective buyers are advised of the potential conflicts and the need to accept agriculture land uses as existing legitimate land uses.

**6. Is there a need for this development within an agricultural area;**

As mentioned, this project borders existing residential land uses as well as ag uses. Consequently, the use of this land may fit either category of land uses. The Town's Comprehensive Plan addresses this issue. This is a transitional area and as such is intended for development prior to other agricultural areas. Additionally, the Town's land use plan shows the area as future residential.

Since the adoption of the plan, some of the areas planned for development have done so. Specifically, Niagara Estates and the Epli lands have developed. Additionally, some 60 acres of land immediately west of the Nett lands were sold for non-development. This effectively removes those areas from the development inventory. The rezoning of this parcel merely replaces that inventory.

**7. Are alternate locations available?**

The Nett family has owned this parcel for some time. The parcel abuts existing residential areas on three sides and has existing roads along two sides. The area lies within the area planned for public sewer. These factors together with the size of the parcel make it economically viable for development. No other available parcel meets these standards.

**8. The productivity of lands involved;**

The productivity of this land is marginal. The Comprehensive Plan recognizes that fact. As such, the land is better suited for development than for ag uses.

**9. Will the location of the development minimize the conversion of agricultural lands?**



The proposed rezoning is for a R-1 zoning having a minimum allowable lot size of 15,000 sf. The Nett family understands that the Town Plan Commission and Town Board will have input into the ultimate size of lots. The Netts also believe the presence of a public sewer system will result in a project density greater than if no sewer were available. A higher density results in less land ultimately being utilized to meet housing demands. Therefore, rezoning the parcel to R-1 lands served by public sewer will reduce the conversion of productive ag lands.

#### Other Points:

Water consumption: The question of water consumption has been brought up at past meetings. One must remember that water resources are under the protection of the State of Wisconsin and as such belongs to all of us. The Nett family has as much right to those waters as do surrounding users. The fact that adjacent residents utilize the underground reservoir should not preclude the Nett family from also doing so.

That being said, the Geology & Ground Water Resources of Fond du Lac County, WI, as published by the Dept. of Interior in 1962 indicates that the shallow aquifers utilized by residential users are recharged by percolation from above. The report states that for the entire Fond du Lac County watershed, the very conservative average rate of percolation is 10% of the annual rate of precipitation. The report goes on to state that the rate is at its highest where fractured rock is near the surface, as it is in the St. Peter area.

Our area receives, on the average, 31 inches of precipitation. Our site contains 128 acres of land. Based on these two parameters, some 10,800,000 gallons of water will enter the aquifer each year. Assuming again that 150 homes will occupy the site and that each user will require 60 gallons of water per day, then 8,200,000 gallons of water will be withdrawn from the aquifer by residents of the development. Since the recharge exceeds the use, the development will not harm the aquifer.

Traffic: Local roads presently carry between 550 to 800 vehicles per day. Each lane will carry between 275 to 400 vehicles per day. Typical traffic patterns have peaks. These peaks usually happen in the morning and afternoon as people go to and return from work. Peak hourly rates are normally 10% of the daily traffic, in this case between 30 – 40 vehicles per hour, per lane. How does this compare to maximum usage? Maximum usage on a two lane rural road will be 1,800 vehicles per lane per hour.

Again, using 150 homes, 1,500 driveway trips or 750 round trips will be added. This will add approximately 75 vehicles to peak hourly volumes. These trips will be distributed to the existing road system; that is traffic will exit the site in a variety of directions. If all the vehicles left in one direction, the existing peak hour

volumes would increase by about 75 vehicles. Total peak hourly volumes would be between 105 and 115 vehicles per hour, well below the maximum capacity of the roads.

The Netts believe that their project passes the tests for rezoning. They believe that they have provided accurate, factual information showing that the project will do nothing to adversely effect either the health or safety of the community. We agree with the past decisions of the Town that the eventual use of the property should be residential in nature.

Finally, the Nett family is respectfully requesting that you act favorably on their petition tonight. It is no secret that the Netts have tried repeatedly to rezone this parcel. They have listened to community concerns about those requests, acting with the best interests of the community in mind. As patient as the Netts have been, they now feel that there is nothing further to be gained by delay.

Thank you.



November 12<sup>th</sup>, 2001

Plan Commission  
Ambrose Stephanie Rezone Petition

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on November 12<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the request for zoning change submitted by Ambrose Stephanie. The request is to rezone a parcel in Section 27 from B-2 (Business without public sewer) to R-2 (Residential without public sewer).

Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Ann Simon, Angie Prull, Mike Wirtz, Mark Kirschling and Secretary Brenda Schneider.

The Chairman called the meeting to order and announced the format of the hearing.

The property is the former Stephanie's Grocery store located at W3591 Hwy. 149. Mr. Stephanie has received an offer to purchase. The buyer insists that the property be zoned solely for residential purposes.

The public comment supported the rezoning due to the fact that residential zoning would conform to the neighboring property uses.

John Wagner motioned to recommend the Town Board approve the rezoning petition submitted by Ambrose Stephanie, seconded by Mike Wirtz.

Roll call vote:

Mike Wirtz        yes

Angie Prull       yes

Joe Thome        yes

Mark Kirschling yes

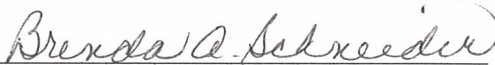
John Wagner    yes

Ann Simon        yes

Dennis Osterholt yes        Motion carried (7-0)

Mike Wirtz motioned to adjourn, seconded by Joe Thome. Motion carried.

Attest



Brenda A. Schneider  
Town Clerk

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, November 12<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following revision to the Zoning Ordinance:

***Nonmetallic Mineral Extraction***

- 13-1-73(d)(2) *All reclamation plans, approved locally prior to August 1, 2001, contain adequate provisions that all final slopes around the area be flatter than a three to one (3:1) horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this Section; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation, the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Board of Appeals or its agent. The reclamation plan shall indicate the proposed use or uses of the site; however, the proposed re-use of the site for a clean materials disposal site shall have the concurrence of the Board of Appeals. Reclamation plans developed for mineral extraction operations after August 1, 2001, must be submitted to the Fond du Lac County Code Enforcement Department for their review, approval and administration. The Town of Taycheedah retains the right to submit a recommendation to the Fond du Lac Code Enforcement Department prior to their review and approval of reclamation plans.*
- 13-1-73(d)(8) *In the A-1 or the A-T District, nonmetallic mineral extraction, including clay and gravel extraction, may be continued, with Board of Appeals approval, as a conditional use. The conditional use would be subject to an approved reclamation plan. The mineral extraction site, as established prior to August 1, 2001, shall remain subjected to the locally-approved reclamation plan, which was submitted by the mine operator or person proposing to perform the nonmetallic mineral extraction to the Town of Taycheedah Board of Appeals that provided for the restoration of the nonmetallic mineral extraction site to agricultural use. All mineral extraction operations proposed after August 1, 2001, shall conform to a reclamation plan approved and administered by the Fond du Lac County Code Enforcement Department.*

Members present were Chairman Dennis Osterholt, John Wagner, Joe Thome, Mark Kirschling, Angie Prull, Mike Wirtz, Ann Simon and Clerk Brenda Schneider.

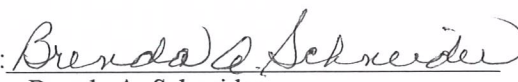
The Chairman called the meeting to order and read the notice.

Plan Commission comments and questions were as follows:

- The State has approved NR135. Now the County had to adopt a non-metallic mining reclamation ordinance.
- The County has hired a full-time person to administer the reclamation ordinance.
- The Town has approved reclamation plans for all of the quarries. The County will administer anything opened at the pit after August 1, 2001. It is unknown exactly how it impacts the Town's enforcement of the approved reclamation plans. There was also a question of what involvement or input will the Town have with the County.
- The Plan Commission also discussed the current 3:1 slope and whether or not the slope would be acceptable for farm production.
- The Plan Commission discussed viewing the County's ordinance.

Dennis Osterholt motioned to table further consideration of the ordinance revision, seconded by Angie Prull. Motion carried.

Dennis Osterholt motioned to adjourn, seconded by Mark Kirschling. Motion carried.

Attest:   
Brenda A. Schneider  
Town Clerk



The Town of Taycheedah Plan Commission conducted a public hearing on Monday, November 12<sup>th</sup>, 2001, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following revision to the Zoning Ordinance:

***Zoning Ordinance***

*Increasing the minimum square footage of a buildable lot for residential purposes to the following:*

<i>Lots With Public Sewer</i>	<i>between 32,670 sq. ft. and 43,560 sq. ft. (3/4 and 1 acre)</i>
<i>Without Public Sewer</i>	<i>between 65,340 sq. ft. and 76,230 sq. ft. (1 1/2 and 1 3/4 acre)</i>

Members present were Chairman Dennis Osterholt, John Wagner, Joe Thome, Mark Kirschling, Angie Prull, Mike Wirtz, Ann Simon and Clerk Brenda Schneider.

The Chairman called the meeting to order and read the notice.

Public comment and questions were as follows:

- The Town Board would like to see larger lots to keep an open concept. Space is needed for outbuildings, drainage control areas and kids play area.
- Lake lots have drainage problems. If development takes place between the Ledge and the lake it would be disastrous. The Town needs to adopt a drainage plan.
- Conservation subdivisions have more green space to absorb the water.
- Tom Grebe offered several comments. He stated that the ordinance is a good one and should be left as is. Large lots are generally not for the common good. Mid-America Planning Service suggested 10,000 sq. ft. for sewered lots; the Town Board increased it to 15,000. The City of Fond du Lac is 10,000 sq. ft. Large lots will damper the efforts for future development. Extending municipal services becomes very costly with large lots. The Plan Commission should do the Town a favor and leave it alone. Stormwater basins and wetlands along the lake should help control drainage.
- Small lots mean more wells.
- Mike Nett offered several comments. He stated that drainage and lot size are two separate issues. Increasing the lot size will decrease affordability. Large lots increase costs and the price per lot. Hidden Prairie sold out at \$13,000 per lot. Niagara Estates lots have been on the market for 15 years. It still is not full. There are no starter homes in Niagara Estate. Large lots will create snob zoning. Sewer capacity was purchased by the Town for the sanitary districts. The Town will not be able to recoup the money if sewered lots are unaffordable. The current trend is small lots with less lawn care, less chemicals and more open paths and open space. The Comprehensive Plan is only 1.5 years old. It cost a lot of money to develop. The Town was required to plan for affordable housing. Mike recommended the Plan Commission and Town Board view a video tape on conservation subdivisions before deciding on the issue. The open space is owned and regulated by the subdivision property owners. If they don't control weeds; the Town has the authority to cut the weeds and bill the property owners. Most houses being built are for young couples and retiring couples wanting small yards. Some homes are built for competition or vanity reasons.
- Neal Nett commented that large lots will accelerate the loss of farmland and increase urban sprawl. The biggest threat to the rural character is not a house; it is the sheet water coming off of manicured lawns. We need to create green spaces with tall grasses and trees to help absorb the sheet water. Cluster developments would maintain the rural character and be more visually pleasing.
- Dr. Lent commented that the biggest cost to developing lots in the City of Fond du Lac is the sewer construction. Large lots would be even more expensive. The size of the lots will be determined by how the sewer will be assessed. Acreage currently not in the service are would be developed with mound systems; then the sewer comes with a great deal of cost due to the large lots.

Plan Commission statements and deliberation were as follows:

- Small cities are being built within the Town. We're losing the country setting. Developers will have to substantially reduce their prices. Ann Simon proposed a two acre minimum regardless if the lot is sewerred. Two acre lots could eliminate the green space requirement.
- Dennis Osterholt was concerned about maintaining affordability and possibly developing something specific for the area between the Ledge and the lake. He also agreed with the need for a water control plan and disagreed with a blanket increase.
- Joe Thome felt that a large lot requirement would eat up a lot of property. He also commented that very few new lots come in at the current minimum; they are usually considerably larger. Joe was also concerned about groundwater. He suggested the ordinance be left as is and evaluate each subdivision as it comes in.
- The more building; the more taxes go up.
- Green space means uncontrolled weeds blowing seeds into fields. Then farmers have to use more chemicals to control them.
- The Town needs to find a balance between farming and residential needs. Large lots will eat-up more land and the sewer costs will skyrocket.
- Retiring farmers would barely be able to afford a lot with the sale of their farms. The lots would be way too expensive.
- Mark Kirschling commented that the land use plan mentions the same issues; the question is how do you implement it? He was also concerned about the future and whether or not we are creating a sustainable community. How would the groundwater and aesthetics be impacted? Mark suggested modifying the ordinance with sustainable growth in mind. Mike Nett added that Jim Hovland, through the Extension Office did a study on the groundwater supply of the area. He found more than adequate supply of water. Mark suggested adopting an amendment to the ordinance for conservation subdivisions or research other options.
- John Wagner liked the conservation subdivision idea.
- The market will dictate the demand. Cheetah Meadows has small lots. The first phase is selling out quickly.

Ann Simon motioned to recommend the Town Board approve one acre-lots for sewerred and 1.5-acre lots for unsewerred. The motion died for lack of a second.

Mike Wirtz motioned to recommend the Town Board leave the ordinance as is at this time and to research developing a cluster subdivision ordinance, seconded by Angie Prull. Roll call vote:

Mike Wirtz	yes	Angie Prull	yes
Joe Thome	no	Mark Kirschling	no
John Wagner	yes	Ann Simon	no
Dennis Osterholt	yes	Motion carried (4-yes, 3-nos)	

Joe Thome motioned to adjourn, seconded by Mark Kirschling. Motion carried.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk



The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, December 10<sup>th</sup>, 2001, at 7:40 p.m., at the Town Hall. Commission members present were Chairman Dennis Osterholt, Mike Wirtz, John Wagner, Joe Tome, Angie Prull and Mark Kirschling.

Chairman Osterholt called the public hearing to order.

Roger Braun requests approval of the Preliminary Plat of Glacier Ridge subdivision.

The subdivision will be served by sanitary sewer. It will be constructed by the St. Peter Area Sanitary District as part of their main construction project.

Stormwater will run off to Hwy. 149 through a 36" culvert, then through a gulley past the Fife's house.

The Plan Commission discussed lot sizes, the lack of green space and the length of the cul de sac.

The lots will average 1.9 acres with the roads.

Braun Drive will deadend at the conservancy land to the south. The plows will need a cul de sac in order to be able to turn around.

Restrictive Covenants could be place on Lots 4,5 and 14 for height limitations. Lot 1 could be restricted for its front setback in order to not block the view of the property owner on Fine View Road.

The Plan Commission discussed other restrictive covenant issues, such as: outbuilding size, home business restrictions, signs, boats, etc.

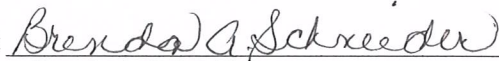
The Plan Commission would also like to see a berm with evergreens along Hwy. 149 (Lot 10 and 11) for noise abatement, an access path to the Hwy. 149 for access to the bike path and some type of water retention.

Dennis Osterholt motioned to recommend the Town Board approve the Preliminary Plat of Glacier Ridge under the following conditions:

- Assure the minimum green space, as required by ordinance, be included in an easement to Hwy. 149,
  - Recommendation to the contractors, as they build, to consider some type of water retention on each lot to encourage water saturation,
  - Lot 1 construction be placed as close as possible to the 63' front setback from Jenni Lee Court.
- The motion was seconded by Joe Thome. Motion carried unanimously (7-0).

Mike Wirtz motioned to adjourn, seconded by Mark Kirschling. Motion carried (7-0).

Attest



Brenda A. Schneider

Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, December 10<sup>th</sup>, 2001, at 7:15 p.m., at the Town Hall. Commission members present were Chairman Dennis Osterholt, Mike Wirtz, John Wagner, Joe Tome, Angie Prull, Ann Simon and Mark Kirschling.

Robert and Cheryl Mohr request a rezone from A-1 (Exclusive Agriculture to R-2 (Residential without public sewer) of two acres located on Lap Road.

The parcel is located between two existing homes.

The Mohr's purchased the property in 1999. At that time, the land was zoned for residential development. They were told that they could build a home on it. Recently, they were denied a building permit because the land was rezoned into agriculture.

The Mohr's have signed a contract with a builder to build a four-bedroom home on the parcel.

After the completion of the Comprehensive Plan and the Code of Ordinance, the Zoning Map was comprehensively revised. The process took almost one year to complete and each meeting was publicly noticed. The goal was to rezone property to its current use. At the time of the revision, the parcel was being used for agricultural purposes.

The Plan Commission discussed grandfathering the parcel and non-conformance issues pertaining to the pole building recently built on the parcel.

Dennis Osterholt motioned to recommend the Town Board approve the Mohr's request to rezone 1.98 acres in the SE 1/4 of the SE 1/4 of Section 2 from A-1 (Exclusive Agriculture) to R-2 (Residential without public sewer), seconded by John Wagner. Motion carried (7-0).

Attest. Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk  
Plan Commission Secretary



December 10<sup>th</sup>, 2001

Plan Commission Workshop Meeting

1.

The Plan Commission and Town Board of the Town of Taycheedah conducted a workshop meeting on Monday, December 10<sup>th</sup>, 2001, at 6:30 p.m., at the Town Hall. Board members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon and Clerk Brenda Schneider. Plan Commission members present were Chairman Dennis Osterholt, Mike Wirtz, John Wagner, Joe Tome, Angie Prull and Mark Kirschling.

The Town Board and Plan Commission members watch a video by Randal Arendt, Creating Open Space Networks through Conservation Subdivision Design.

The workshop meeting adjourn at the conclusion of the video.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
Town Clerk  
Plan Commission Secretary