

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 9-22-20

TIME: 7 p.m

PRESENT: Dawn Goodman, Gary Jonet, Jason Miller; Brad Dechamps, John Metzler, Mike Gilson

ABSENT: Dylan Mercier. **OTHERS PRESENT:** Attorney Parmentier, Town Clerk Debbie Mercier, Town Chairman Cary Dequaine; Supervisor Ryan Debroux; Supervisor Matt Boman; Residents Mark and Briana Joski.

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 8-25-20 meeting minutes were reviewed. **MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Gary Jonet. **AYES:** 6 **MOTION CARRIED.**

ISSUE #1: Zoning Amendment Request #1228-J for Mark and Briana Joski to rezone GB-472 from Agriculture to Residential. (7:02-7:07pm). The Planning Commission reviewed the map of the parcel and the accompanying information. Zoning Administrator Gary Jonet stated he did not see anything objectionable or in need of change. The Joski's stated they are hoping to eventually build a home with a "small shop" on the parcel. They stated they are keeping it simple.

MOTION MADE BY: Jason Miller to recommend to the Town Board: Accept the Zoning Amendment Request #1228-J for Mark and Briana Joski to rezone GB-472 from Agriculture to ER-Estate Residential. **MOTION 2NDED BY:** Brad Dechamps. **AYES:** 6 **MOTION CARRIED.**

A Public Hearing was scheduled for Tuesday October 13, 2020 at 6:45 pm.

Note 1: The Joski's left the meeting.

Note 2: Attorney Parmentier was delayed in his arrival to the meeting due to a prior commitment. The Town Board members also were delayed due to a prior commitment.

Issue #2: Continued work with Attorney Parmentier on the Town of Green Bay Code of Ordinances & Update of the Farmland Preservation. (7:32-9:35pm).

Attorney Parmentier gave all of the PC members, Debbie Mercier, and Town Board members updated materials to add to our Binders for the "Code of Ordinances 2020 Draft". All pages of the prior binder are replaced with the newest materials, as of this date, 9-22-20.

The materials included:

1. A new front binder cover sheet.
2. A copy of the New Franken Fire Department Operating Agreement, noted as Attachment 1, to be added behind Section 3.
3. Remove old and insert new Section 8, Solid Waste & Recycling. The are that was revised was Section 15, the first paragraph. (References to pick-up schedule were removed.
4. Remove old and insert new Section 11, Zoning Ordinance. This is the draft that has been submitted to DATCP. It also included a copy of the new zoning map.

Attorney reviewed the entire draft binder with the PC, Clerk Mercier and the Town Board members. He drew special attention to the following items :

1. General Provisions/Penalty. He explained the importance of having this provision because it allows for situations where a provision/penalty is needed.
2. Uniform Dwelling. *The Town's Inspector did not provide his standards at this time, so the Attorney*

utilized standards that most towns utilize.

3. *Public Nuisance. Attorney stated not much will change in this section. He reminded all that just because there is a violation, does not mean the Town has to enforce it. He cited “prosecutorial discretion.” There were questions regarding cleaning up hoarding situations. He stated the Town can proceed with a “Nuisance Abatement Warrant” (he gave the example of hiring a company to clean up the property and billing the property owner on their taxes. He stated it might make a foreclosed property more profitable if it goes up for sale).*
4. *Solid Waste & Recycling. A number of PC members noted that this section was updated with current DNR language & statute references. BUT, PC members noted that some of the language and methodology and materials mentioned are still incorrect. PC Secretary Dawn Goodman and Town Clerk Debbie Mercier will go through the newest version to change and further update more information for the Attorney ASAP. All agreed we should include Advanced Disposal’s information from their website. It was again noted that Contract re-negotiations are expected and more changes may occur soon. Attorney will make changes accordingly.*
5. *ATV-UTV—newly added; statute references; added names. The thought is this will not go into effect until signs are put up, which would involve posting them at entrances to the Town. The hope is to adopt it yet this year.*
6. *Sex Offender Residency. Attorney stated he will provide the Town with a file that includes Evidential Cases to show anyone who questions the ordinance. He noted that exemptions are now covered. He explained the necessity of a “Residence Board”. He stated it can wait or members can be appointed now. Someone asked if the Board of Appeals could do this. The Attorney stated that was an option.*
7. *Adult-Oriented Establishments. Attorney stated he will provide the Town with a file that includes Evidential Cases to show anyone who questions the ordinance.*
8. *Wind Energy Systems. Attorney cautioned that it is hard to deny a request for these. The Town would need to hire a specialist to do that.*
9. *Zoning Ordinance. This section, added to binder last time, remained almost the same, with minor changes (see below). It is awaiting approval/edits from DATCP. He included a copy of the new zoning map for review. It was noted that there are 8 parcels that DATCP has questioned. Once those are clarified with Brown County Planning, the process should be complete. The attorney and Town Clerk Debbie Mercier will be working more with Brown County Planning and DATCP to resolve the issue.*

Further Discussion regarding the Zoning Ordinance Section:

- The 8 parcels in question seem to have changed around the time of 2017. Possible solutions include: 1. The Town rezones them to General Agriculture. 2. The County fixes it to put the parcels back into A-1 Agriculture. 3. Have DATCP certify it anyway (attorney will be speaking with them on Thursday 9/24/20. Approving them (the map), would cover that. On October 13, during the Town meeting, it could be added to the Town’s agenda with the Rezone.
- The A-1 Exclusive Agriculture section has been revised to meet DATCP standards regarding verbiage. Our words now match DATCP’s.
- Attorney thought a Land Division Ordinance was a good idea, but we did not opt to do that. So instead, he added language that all CSMs must come before the Town for approval beforehand.
- 2 Large changes he noted:
 1. **Mobile Tower Siting** is now included. Tower applications must be submitted to the Zoning Administrator AND Town Clerk (2 people receiving the request should help the review meet the strict/tight time deadlines). Attorney suggested that one way of better reviewing them is to deem them “incomplete”, allowing the plan to be continued for further, deeper review.
 2. **Regulation of Signs** were changed considerably to comply with new federal standards and allow for the Town to update its own standards as well.
- Town Clerk Debbie Mercier questioned how the attorney addressed **Storage Units**. Attorney stated they are now included, as a “Conditional Use”.
- Zoning Administrator Gary Jonet told the attorney that there have been issues with the **Culvert requirements**

and who has authority to deal with them. Attorney agreed to clean up the verbiage on it so that the Zoning Administrator has that authority.

- Zoning Administrator Gary Jonet also stated that verbiage concerning *Curbs* should be dropped since there are few, if any situations where they occur at this time.
- **Earth Excavations (Chapter XX)** were then discussed. Attorney noted that the County and DNR have most oversight on these. The attorney stated that the Town still may control Operations, including: dust control; hours of operation; access; a reclamation bond. Attorney recommended they be required to:
 - get a **Conditional Use Permit**, which would need to be VERY DETAILED;
 - there would be a **short renewal time** and then an **extended renewal time** if compliant;
 - it would be the **applicant's obligation to renew their application**;
 - there can be an **annual inspection**;
 - **existing ones are grand-fathered in**, unless they have grown beyond their original footprint, in which case they would then be covered by the new rules.

The Attorney will tweak the wording to reflect all of this.

The Attorney then handed out a “**Resolution Recommending the Adoption of the Ordinances**” (see attached).

A MOTION WAS MADE BY: Jason Miller to recommend to the Town Board the following:

“The Plan Commission of the Town of Green Bay, upon proper notice and with quorum present, hereby adopts the following resolution regarding the Town of Green Code of Ordinances:

RESOLVED, that the plan commission recommends that the Town of Green Bay Town Board conduct a public hearing on and adopt the Town of Green Bay Code of Ordinances in the form presented to the Plan Commission at its September 22, 2020 meeting subject to the following:

- 1. That the Town Attorney makes any edits to the Town of Green Bay Zoning Ordinance and Zoning Map necessary to obtain certification thereof under Chapter 91 of the Wisconsin Statutes.”**

MOTION Was 2NDED BY: Mike Gilson. **AYES:** 5 (Note: Brad Dechamps had to leave prior to the vote).

MOTION CARRIED.

Projected Final Procedure/Timeline once DATCP approval:

Town holds public hearing (requiring a Class 2 legal notice) and approves the new materials.

Town Ordinance is available for review at the Town Hall, in its entirety, via appointment.

In addition (as stated at the August meeting): Attorney and Town will develop a Fee Schedule and Application Fees. It was noted that if done correctly, the Town can then make motions to so (without a public hearing), when necessary, to change prices. Also, attorney clarified fines do NOT go in a Fee Schedule.

Old Business: None at this time.

Any Other Business as authorized by law: None

Tentative Date/Time Next Planning Commission Meeting were set for: Tuesday, October 20, 2020 at 7pm.

Motion to Adjourn Made by: Jason Miller. **2nded:** by Gary Jonet. **AYES:** 5 **Motion Carried.**

Adjournment time: 9: 49 pm.

Planning Commission Chairperson

Planning Commission Secretary