

APPROVED

**PLAN COMMISSION MEETING
Town of Troy
September 6, 2018
Hudson Wisconsin 54016**

Members Present: Dan Pearson, Jan Cuccia, Paul Mahler, Joe Radlinger, David Wolf, Dean Albert

Members Absent: Jennie Boeder

Staff Present: Wendy Sander, Rob Jones

Recording Secretary: Amanda Randall

Others present: Cliff Jennings, Michael Kretz

AGENDA:

1. Call to order;
2. Pledge of Allegiance
3. Approve minutes;
4. Discuss and consider possible Chapter 170 – Zoning Ordinance text revisions including such items as Exclusive Ag district, Ag Res district, Non-conforming Uses, and Definitions;
5. Building Permits;
6. Utility Permits;
7. Committee Reports & Correspondence
8. Adjourn.

AGENDA:

1. Call to order;

Dan Pearson called the meeting of the Troy Plan Commission to order at 7:00 p.m. followed by the Pledge of Allegiance.

2. Approve minutes;

The minutes of the August 2, 2018 Plan Commission were previously distributed.

Jan Cuccia moved to approve the minutes of the August 2, 2018 Plan Commission with correction to the month in the motion to adjourn. David Wolf seconded. Motion carried.

3. Discuss and consider possible Chapter 170 – Zoning Ordinance text revisions including such items as Exclusive Ag district, Ag Res district, Non-conforming Uses, and Definitions;

Rob Jones and Wendy Sander of Cedar Corp. prepared the draft changes to Chapter 170 (Town Zoning Code). The drafts represent the suggested revisions provided to the Town by DATCP staff prior to official review for certification of the code as a Farmland Preservation Ordinance. This program applies only to land zoned Exclusive Ag. There are other suggested changes to the code as well outside of the DATCP suggestions. In the draft document, the red strike-through text is proposed to be eliminated. The green text with yellow highlighting is proposed to be added. The text in blue boxes provides language cited in adjacent clauses. Cedar Corp. will fix the incorrect page numbers in the draft. Rob Jones summarized that the main changes to the Code are that definitions have been tweaked and all other uses in Ag besides farming will be accessory to the farm, including homes. There was discussion on changes to horse boarding facilities and commercial kennels. Ag Tourism has been moved out of each district and made to be subsidiary to the home occupation code. There was extended discussion regarding the one-time family member exception to the farm plan. Under these changes, owners would have to do a conditional use or rezone to build another home on the farm. This would be an easier way for the Town to keep track of that farm plan exception and it would then be a zoning violation if the home were sold outside the family.

The Commission first reviewed the DATCP suggested revisions from their list (page numbers are as they appear in the draft, not as they are in the code):

- p. 8, Section 170-A.9 The definition of “farm” was added.
- p. 41 (follows p. 17), Section 170-B.2.b. Strike the added yellow sentence regarding accessory uses and insert the blue box text to read: “Accessory use means any of the following land uses on a farm: (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use. (c) A farm residence. (d) a business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.” Strike (e) in the blue box. There was discussion on how this applies to minor and major home occupations. Part (d) in this definition is the new Ag Tourism definition found on page 3, Section A.9.a.6. In the Ag Tourism definition, “weddings” should be changed to “barn weddings.”
- p. 45 (follows p. 17), 170-C.2. An error was corrected so now the list of zoning districts matches the zoning map.
- p. 53, 170-F Strike last sentence in Purpose section that states the Exclusive Ag District is not a farmland preservation zoning district.
- p. 4, 170-F.2.a.1. Under Agricultural Use, add: “Agricultural Uses must be for the purpose of earning an income or livelihood.”

- p. 53, Roadside stands are now an Ag Tourism use in the home occupations section. Roadside stands were struck from many sections for organizational purposes. A roadside stand is a minor home occupation if it's under 300 square feet in size and a major home occupation if over 300 square feet. Roadside stands have to be tied to the farm activity. There was discussion on limiting number of days.
- p. 53, 170-F.2.a.6.a. Permitted Uses. Under (7)(a), the sentence should read: "An owner of the farm on which the dwelling is located" instead of "an owner of the parcel..."
- p. 54, 170-F.3.b. under Conditional Uses: insert the language in the blue box regarding utility uses instead of simply listing the statute.
- p. 55, (f) horse boarding or training facilities. It appears most current horse boarding facilities in the Town are in Ag Res so this would not affect them. Any new facilities would need to meet the statute requirements in s. 91.01(1). There was discussion on how many commercial kennels are within the Town and if any are in Exclusive Ag.
- p. 94, Section X Changes and Amendments. This sections contains suggested language regarding rezoning. The Town has received verbal assurances from the State that property owners would be able to rezone out of Exclusive Ag. Rob Jones advised that the Town should move forward with this language but not adopt it until we have something more formal from the State. Subsection (3) regarding the County is important since the County plan states that farmland should not be subdivided. However, both the State and County have said that due to the Town's TDR program, rezoning some land out of Ag for residential use is substantially compliant with their overall plan. This section should reference Chapter 135 and preserving farmland. Wording should be changes so that any applicant that comes in under Chapter 135 with an approved farm plan will be deemed to have met the criteria in Section X. This section should have language that any rezoning out of Exclusive Ag requires a farm plan. Cedar Corp. will further develop this section.

Other Zoning Code changes not on the DATCP list:

- p. 60, 170-R Home Occupations. The allowable home occupations section has been struck. Under minor home occupations, roadside stands under 300 square feet have been added. Under minor home occupation, (5) should be added to read "Ag Tourism other than roadside stands and barn weddings for up to 130 consecutive days or 24 non-consecutive days." Barn weddings will be a major home occupation requiring a Conditional Use Permit.
- p. 62, (the second p. 62). In the first paragraph under major home occupations, strike (5) so as to not limit the Town on allowed times and in (6) correct the typo referencing the wrong section.
- p. 87, Section U, Nonconforming Uses. This has been a confusing section for both the Town and residents. This section mostly pertains to structures within the setback. The section on nonconforming lots was struck. There was extensive discussion on unplatted setbacks. Going forward, residents whose setbacks are not shown on a plat/CSM will

need to either: demonstrate the setbacks at the time the lot was created are being met; or conform to our current setbacks; or apply for a variance. Residents could also prove that their desired setback substantially conforms to the neighborhood; as policy, Staff would make the decision on if the setbacks conform to the neighborhood. The fallback would be to come in for a variance. If the setback can't be proven then you must follow policy of the town. Policy can be referenced in the Code.

- There was substantial discussion on gravel pits. Currently, gravel pits are only allowed as a CUP in Ag Res on more than 20 acres; the County non-metallic mining ordinance must be followed as well. There was discussion on moving gravel pits to Industrial. The Town currently has no Industrial area so an applicant would need to request to rezone. The consensus was to remove gravel pits from the code completely.
- Riverway setbacks: when the Town re-adopts the moratorium on Riverway zoning, language should be added stating that the County does all variances on the one permit. The County had been sending applicants back to the Town for side and rear setback variances.

Cedar Corp. will come back with a revised draft including the changes. The first Public Hearing will be October 4th and the notice will need to be in to the paper by September 14. A draft needs to be available at the time the notice is published. The public hearing and approval timeline was reviewed. Cedar will get a draft to DATCP and the County as soon as possible to begin review.

The County passed the resolution the Town drafted for them regarding the Ag Enterprise Area. That approved resolution has been forwarded to DATCP and is part of the AEA petition. The petition has gone through their committee and is now awaiting a vote. If approved, it will go to the Secretary to ratify. The Town should know by the end of September.

4. Building Permits;

Building permits were reviewed.

5. Utility Permits;

Utility permits were reviewed. St. Croix Gas overpaid on one permit.

6. Committee Reports & Correspondence

The packet included a Riverway CUP at 262 Salishan to replace support posts on an existing stairway going down to the river. Also included was a census memo regarding the estimate on the Town's population growth since the 2010 census. There is also a workshop coming up on legal issues and approaches to effective intergovernmental cooperation agreements.

7. Adjourn

Jan Cuccia moved to adjourn the meeting of the September 6, 2018 Plan Commission at 9:45 p.m. David Wolf seconded. Motion carried.