

**VILLAGE OF MARSHALL
PLAN COMMISSION MINUTES
JUNE 22, 2011**

Chairperson Hensler called the Planning Commission meeting to order at 7:00 p.m. Members present: Arnold, Kiefer, Krebs, Lowrey, Vick-Peck and Hensler. Hlavaty was absent. Others present: Meagan Ehlenz-GRAEF, Erin Ruth-GRAEF, Amber Gerber-Courier, Joan Cripps, Kathleen Stokes, Ronald Stokes, John Stuntebeck, Wm Abraham, Jon Walterscheid, Jackie Walterscheid, Carolyn Faren, Jim Faren, Stephanie Buchannan, Edward Knapton, Todd Weinberger, Ron Jacobson, Timm Kersten, Ken Stuntebeck, Linda Henning, Eugene Henning, Dave Motl, Ken Airgood, Tom Buchannan, Dean Helwig, Lonnie Benesch, Kim Kohler, Barb Kohler, Patrick LeMahieu, Dan Birrenkott, Sue Zingsheim, Jim Hannon, Sue Hannon, Linda Henning, Sam Anderson, Cecil Chadwick, Roger Chadwick, and Sue Peck-Village Clerk/Treasurer.

Pledge of Allegiance

1. Public hearing on the amendment of municipal subdivision zoning code for land divisions within the Village of Marshall Extraterritorial jurisdiction. The public hearing was opened at 7:02 p.m.

Ms. Ehlenz explained to those present the proposed subdivision ordinance change. She noted that the primary changes are in article D of the Village's subdivision code for areas in the Village extraterritorial jurisdiction (1.5 miles from the Village boundary line). Changes include a lot area policy. This policy would require a minimum lot size of 40 acres within the ETJ area for any land division. The intent is to have a consistent policy to protect the rural qualities & character of the area.

PUBLIC COMMENTS:

- A. Sam Anderson 957 Hwy 19. Mr. Anderson signed in that he was opposed to the ordinance and stated he needed some explanations. He asked why 40 acres? And if the Village would designate a small parcel and leave the balance in farm land preservation. Ms. Ehlenz said anyone who wants to split land within our ETJ would need a 40 acre minimum and there would be no preservation for small lots. Mr. Anderson asked if he had a certified survey completed and didn't have 40 acres, but had two lots that he wanted to combine could he do that? He would like the plan commission give the option to combine if less than 40 acres. He also felt anyone that maybe recertifying on small lots should be allowed to do the small lots. He preferred a smaller lot size-ex. 35 acres and requested the commission to consider his requests. Existing parcels are fine. It is only for those who are doing land splits that would need to meet the 40 acre requirement
- B. Ron Jacobson -5529 Box Elder- Town Supervisor. Mr. Jacobson preferred to purpose a plan to protect the rural character which is consistent with the Town of Medina Plan. He stated that the proposed ordinance has two implications: 1; applying that to the Town Land Use Plan and the protection of farm land. 2. Promoting 40 acre estates. He stated the Town of Medina has a density policy established based on 35 acres, once used up they won't allow further splits.
- C. Edward Knapton, 4211 Vilas Hope Road. Mr. Knapton stated he owned some land out on Oak Park Road. He said this would stop him from dividing the land and would decrease the value on the estate. He feels it is reducing the asset value of every farmer. Decreasing the ability to subdivide the land. Land splits need to be 35 acres now.

- D. Patrick LeMahieu – 5347 Missouri Road. Mr. LeMahieu stated he currently isn't interested in selling some land. He believes in private property rights. He felt with the proposed change assets would be reduced in value. He stated he worked professionally in land use planning. Feels what we are doing is the opposite of what we planned. Currently a property owner can now sell off a couple acre parcel; the balance can be in agricultural production. If have to have 40 acres, we would be creating estates. Feels it is subjective criteria. Person has to sell off an entire 40 acres. Why are we doing this? Mr. Hensler said it is protecting the Village and keeps the land farming.

The Town of Medina policy is for every 35 acres they own they have x # of splits allowed, once they reach the allowance they can't do any more splits. 1 density unit for every 35 acres (so they can have a 1 acre). 35 acres came from the old farmland preservation policy established in the early 80's. You're allowed to create a smaller lot for every 35 acres you own.

Mr. LeMahieu said the County also requires a minimum dollar amount of agricultural income to be generated for the 35 acres. Ms. Ehlenz said that is the policy of the A-1 Exclusive Agricultural district.

- E. Timm Kersten 5519 State Road 73, Town Supervisor. Mr. Kersten said when they get a split from a 35 acre parcel they try to put in a non-prime farming area.

The only authority Village has is oversight of land splits. If you are combining or splitting lots this rule would apply.

- F. Dean Helwig – 7628 Deansville Road. Town of York Supervisor. Mr. Helwig felt there was a misinterpretation of the 35 acre rule, must possess 35 acres to ask for a split. The proposal is saying a development must hold 40 acres to split. Town of York is based on ownership acres and available splits. York is based on 75 acres of ownership for every split. If you own 75 acres you have substandard land that is developable you can sell a piece, they don't allow it on prime agricultural land. He stated this is so you don't have large parcels. This also provides a mechanism to give the current land owner options to sell or split a lot off for family. He recommended the Village use language as in the Town plans. 1 to 35 acres Medina, 1 to 75 acres in York. Both towns restrict the properties from additional splits.

- G. Tom Buchannan, 399 Canal Road. Mr. Buchannan asked if the Village goes with this plan do they dictate what the property can be used for. The Village only has a say on the land split.

- H. Dan Birrenkott – Birrenkott Surveying, on behalf of Scott Ollerman. He feels the ordinance doesn't help farm land preservation. This policy would have the Town losing capability to preserve Ag land. He stated we would be creating 40 acre estate lots. Estate lots use up Ag land and they can't create the 1 acre lot. In the end the Village defeats the purpose because it stops development and it becomes disorganized for a future development of a plat. In Columbia County it used to be required to have 35 acres; there are a lot of houses on just 35 acres. He stated the Town can't preserve Ag land and this ordinance is trouble.

- I. Steve Schulz, 1027 W Medina Road – Town Chairman. Mr. Schulz provided an illustration of 3-40 acres parcels being split and what the Town's current policy is on land divisions and the affect the changes would have on land divisions. He stated the Town does create small parcels to preserve Ag land. He thought they have approximately 80 parcels that have the availability for 1 to 35 acres units. He also felt this policy would be detrimental to financing for the

landowners. He requested that the commission take out all lines that are deleted in section 2 and keep one unit to 35 acres; which would be a no change from the current policy. He also stated the land split acreage is based on historical data when the land use plan was first established in the 80's.

- J. Ron Jacobson stated he had an article, which he didn't locate prior to this meeting, when Mr. Hensler was President previously, and the article stated he wanted to have a meeting with their Plan Commission. The meeting was never held.

Mr. Hensler said he did speak with the Town Chairman and invited him to meetings and he further invited him/Town to meetings when the Extra Territorial Zoning (ETZ) was being put in place. Mr. Hensler it was an open forum at all times with the ETZ. The Village went along with everything Medina suggested during the ETZ process, the Village paid for it and we went along with the process to see if an agreement could be worked out; we thought it would have a chance but it didn't; it was basically 3 from the Village Plan Commission and 3 from the Town to have discussions. Mr. Hensler said he was surprised that it kept being brought up that we weren't communicating. People put in a lot of time and effort trying to make a plan work. Mr. Hensler stated at least the people are here and we are giving the people the opportunity to speak.

Last call for testimony. No further testimony was heard.

2. Close public hearing. **A motion was made by Arnold and seconded by Lowrey to close the public hearing at 8:07 p.m. Motion carried unanimously.**
3. Recommendation to the Village Board on the amendment of municipal code Title 14, Articles C, D, and G for land divisions within the Village of Marshall Extraterritorial jurisdiction. Discussion: Mr. Hensler questioned Town of York has 75 acres, bare minimum to divide off 1 acre. After that point, the balance would be deed restricted with no further development. The proposed ordinance would stop the small land divisions and people would need to sell a minimum of 40 acres to develop.

Ms. Ehlenz said given the comments there are potential options; keep minimum 40 acres, pull back exception and keep language to allow the division of a small acre for rural residential dwelling. You could be more specific for each Town if we wanted ex. 1-35 Medina & 1-75 York. In accordance with their plan, where any original or instance where the town has more restriction.

Mr. Kiefer said he doesn't like the requirement of 40 acres.

A motion was made by Lowrey and second by Kiefer to postpone recommendation to the Village board on zoning amendment 2011-01 until the next plan commission meeting to be held on July 27, 2011 with a further request to hear further language amendments as discussed and action to be taken at that time. Motion carried unanimously.

4. Discussion on proposed Village of Marshall master plan amendments.

Ms. Ehlenz said the initial master plan was done in 2002. Her focus on the proposed amendments was to getting a few things consistent with the Village's zoning ordinances. Changes are proposed in the following areas:

- a) Chapter 2 – goals & policies – clarifying this section.

- b) Chapter 8 – changed the objective. The intent is to have clear wording that we have a coordinated way to develop around the municipal boundaries. Long term vision. Trying to work in a coordinated fashion.
- c) Chapter 9 – Land use Plan. Some of the numbers are old; put language in to support the rural character. Changes are Town of Medina’s comp plan. Those areas outside of the municipal boundary some had residential commercial uses- pulled back to agricultural and environmental preservation. Outside village we are looking at agricultural preservation and rural character. Within the 1.5 miles of the Village boundaries looking to keep it rural character; until a property is in the Urban Service Area it would remain agricultural.
- d) Chapter 9(d) added objective to strongly support the environmental corridors – will change to match subdivision ordinance.

Ms. Ehlenz has this is a short term fixed for now. Much of the plan is outdated. Every 10 years the plan needs to be updated. There are no grant opportunities for planning grants. They could check into other opportunities if the Village wanted them to. The plan could be updated in sections.

Ms. Vick asked if we are covered in regards to high-density residential; are we protected? Ms. Ehlenz said we do have flexibility in our subdivision codes and we should be covered.

We need to have our master plan backing us up – smart growth requires the subdivision to support one or the other.

Ms. Ehlenz will working on the verbiage exception to allow for farm related dwellings and for rural residential dwellings.

- 5. Consideration on scheduling a public hearing in regards to amending the Village Master Plan (July 27, 2011) **A motion was made by Arnold and seconded by Krebs to schedule a public hearing on July 27, 2011 for the amending of the Village master plan and land use map. Motion carried unanimously.**

IDENTIFICATION OF TOPICS FOR FUTURE DISCUSSION AND/OR ACTION

- 1. Next regular meeting 7/27/11.

Adjournment

Having no further business a motion was made by Lowrey and seconded by Krebs to adjourn at 8:46 p.m. Motion carried unanimously.

Respectfully submitted,

Sue Peck
Clerk/Treasurer