

**TOWN OF SAUKVILLE  
PLAN COMMISSION MINUTES  
JUNE 9, 2009**

**Call to order/Attendance**

The meeting was called to order at 7:00 p.m.

**Present:** Chairman Jobs, Todd Korb, Tom Ravn, Kathryn Golsteyn, Ginny Pierson, Kate Smallish and Tom Uttech.

**Also Present:** Mike Heini, Daniel Stonek, Bonnie Schaefer, Tony Schaefer, Kay Danielson, Rick Tesker, Pam Tesker, Curt Rutkowski, Phil Beitz and Erhard Jobs.

**2. Pledge of Allegiance.**

**3. Public Notice**

This meeting has been given public notice in accordance with Sections 19.83 and 19.84 of the Wisconsin Statutes, to apprise the public and news media of the subject matters intended for discussion, consideration and action.

Chairman Jobs read the public notice.

**4. Approval of the May 12, 2009 Public Hearing and Plan Commission minutes**

Motion made by Ms. Pierson, second by Mr. Uttech to approve the minutes as presented. Motion approved unanimously.

**5. Discussion/Recommendation to the Town Board regarding a request for a minor land division of parcel (08-009-09-001.00) located at 4255 Cty Hwy I, Saukville, WI., 120 acres, currently zoned A2, for the purpose of creating a new 35.33 acre A2 parcel. The remaining 84.67 acres will retain the original A2 zoning. This request brought by owner Richard Tesker of Big Hill Investments LLC.**

Ms. Smallish asked Rick Tesker who owns the land being considered? Mr. Tesker responded that he is the owner. Mr. Ravn asked if the culvert serving the property would need to be lengthened? Mr. Tesker responded the culvert will be lengthened an additional 18 ft. to the south. Mr. Uttech asked if the 35 acre parcel is going to remain in farming? Mr. Tesker responded the property will remain A-2 and he will build a house on the property. Chairman Jobs stated this division is creating a new A-2 farm property. She also asked about some blue colored pieces of machinery she noticed, located along a fence row to the North, what will be done with them? Mr. Tesker responded that they would be moved in the next few months.

Motion made by Mr. Korb, second by Ms. Golsteyn to approve the land division as presented. Motion approved unanimously.

**6. Discussion/Recommendation to the Town Board regarding a request for a minor land division of parcel (08-024-10-001.00) located at 3422 Hwy O, Saukville, WI. 15.149 acres, currently zoned A5, for the purpose of creating two A5 parcels, one 8.781 acre parcel and one 6.368 acre parcel. This request is brought by owners Daniel and Alice Stonek.**

Chairman Jobs stated the land being considered is zoned A-5. Mr. Stonek presented his plans for the property. They include the construction of a new home on the parcel being divided to the South. Commission members noted septic and soils reports.

Motion made by Ms. Smallish, second by Mr. Ravn to approve the land division as presented. Motion approved unanimously.

**7. Discussion/Review of the Comprehensive Plan (CP) for the Town of Saukville 2035**

Chairman Jobs introduced Andrew Struck, Director of Parks and Planning for Ozaukee County, who made a presentation. He stated that Townships all over the State are being required to adopt Comprehensive Plans before the year 2010. The Town was assisted in this effort by Ozaukee County. A grant was provided to help in the effort, with a match from the County and the Southeast Wisconsin Plan Commission. The Town is responsible for implementing their own CP. It is the result of work done on all 9 elements. The State statute calling for Comprehensive Plans didn't change the powers of the Towns, Villages, Cities and Counties. He quoted from the CP, "This plan shall guide all the land use processes and procedures in the Town." If municipalities want to continue to zone land, they must have a CP and a Land Use Plan (LUP). Chapter 9, the Implementation chapter guides the changes to the CP. The County must also change their CP and LUP after the Town makes changes. There are strict guidelines established for County review. Unless there is also current County jurisdiction, they won't regulate what the Town changes. The minimum public participation required by statute calls for a public notice 30 days prior to any amendment, sent to all adjacent local governments.

Chairman Jobs noted that the public participation process for the Town began in March of 2005. In April of 2008 Mr. Ben Logan had noted a significant change in the configuration of the LUP being previously considered. The change was a drastic swing back toward agricultural uses. Mr. Struck noted that existing residential uses (5 acre) were removed as being permitted in the future. Mr. Struck explained the extra-territorial review powers of the Villages of Newburg, Saukville and Fredonia. Ms. Smallish noted that if on a 5 acres parcel just South of Fredonia, if a house was heavily damaged in a storm, it likely would become non-conforming. She wondered if this would constitute a taking? Mr. Struck responded no, that is a zoning matter, not land use. He said that under this scenario, the Town would need to amend the CP to provide for a continuation of that residential use. Mr. Ravn asked if we have a copy of the proposed LUP that existed before April of 2008? He asked what process is required for the County to change their CP? Mr. Struck responded the same as the Town. It would take at least 3 months or more. Mr. Ravn asked what would happen if the County didn't approve the Town's change? Mr. Struck responded this is unlikely, although it could happen if the change was in conflict with current regulatory requirements regarding issues like shoreland and wetland considerations. Mr. Ravn asked who called for the 500 foot buffer zones? Mr. Struck responded the Town had asked for them.

Mr. Uttech asked if, under extra-territorial plat review, a neighboring jurisdiction could reject a planned change. Mr. Struck responded that case law is not completely clear if

such a matter would be tested in the courts. Mr. Uttech wondered if the lack of delineated 5 acre lots on the LUM really means anything to us. He asked who evaluates if a proposed change meets the spirit of the five questions in Chapter 9? Mr. Struck responded this is a grey area. Probably case law would dictate the answer. Mr. Korb asked if zoning variances would affect the CP? Mr. Struck responded that this is a land use based plan, and zoning matters do not apply. Ms. Pierson stated she felt our Zoning Code, which the Town worked very hard to develop has worked for us quite well. She liked the elasticity of the Zoning Code as it applied to land use issues. Now, we are in a regulatory environment where no adjustments can be made unless we amend the CP and that this makes us feel uncomfortable. Chairman Jobs stated that when we consider a proposed land use or zoning change, perhaps we will want to look at a map that shows current uses. Mr. Ravn noted the potential high cost of changing the CP. Mr. Struck noted that the grant timeline is coming to a close. The resources provide by grant funding is past.

Bonnie Schafer asked how all that has been said would affect her proposed rezoning? Mr. Struck responded that under the current land use designation for their property, the use they propose isn't consistent with the land use in the CP. Chairman Jobs stated the Schaefer land will stay S-2 unless we amend the CP. That process would require that the Schaefer's show how the proposed zoning fits with the criteria outlined in the CP. Mr. Struck agreed, saying the Schaefer's would need to request a change to the CP land use map. Essentially, they need to petition the Town to amend the LUP and the CP. This process begins with the Plan Commission, including a Public Hearing and then approval of a Resolution, which is forwarded to the Town Board, who may approve the change with an Ordinance.

**8. Standing item to discuss items related to Plan Commission member education.**

None

**9. Any other business as may properly come before the Plan Commission.**

Mr. Mike Heili, President of the Village of Newburg asked that for all proposed land divisions within 1.5 miles of Newburg Village limits, that Newburg be notified. He stated for the record, that Newburg wants to work with the Town of Saukville.

**10. Adjourn**

Motion made by Mr. Ravn, seconded by Mr. Uttech to adjourn. Motion approved unanimously. Meeting adjourned at 9:28 p.m.

**Respectfully submitted,  
Christopher B. Lear, Town Clerk**