

PLAN COMMISSION MEETING MINUTES
TOWN OF GRANT
June 7, 2021

PRESENT: Thomas Reitter (Chairperson - via phone), Charles Gussel, Ron Patterson, Nathan Wolosek, Ron Becker (Commissioners), Marty Rutz (Zoning Administrator), Kathleen Lee (Secretary)

CITIZENS: Sharon Schwab

CALL TO ORDER

The meeting was called to order at 6:37 pm by T. Reitter.

STATE OF PUBLIC NOTICE

It was stated that the agenda was posted at two posting stations (the Grant Town Hall and the Grant Transfer Station) and on the Town's website.

MINUTES

It was moved by N. Wolosek and seconded by R. Patterson to approve the May 11, 2021. The motion passed with unanimous ayes.

CITIZEN INPUT

K. Lee reported that Mr. Zuelke is not ready to proceed with his CUP application at this month and requested to be placed on the July agenda. He is working on deed issues. The commissioners have concerns regarding intermittent heating contributing to mold.

S. Schwab reported on the former Pete Rekoske property on Town Line Road. A letter was mailed in March to the property owner regarding the clutter. A copy of the letter could be provided to the Plan Commission. A property file is being accumulated with plans for counsel to review the file. The Town Board may decide to issue a citation. Several citations must be issued prior to condemnation. The property is being looked at because of complaints. Counsel has recommended examining at the municipality in quadrants to identify similar problems and then use the citation process with those property owners. The Rekoske procedure could be used as a template. The Town may be able to clean things up without developing an ordinance. M. Rutz provided an overview of the history of the property including several recent quitclaim deeds. It was once thought that the property fell under Shoreline Zoning and Portage County jurisdiction, but it has been removed from Shoreline Zoning and reverted back to the Town of Grant. Sanitary issues could be addressed, which would be under County jurisdiction.

There have been two citizen complaints regarding dirt bike noise coming from 9110 Lake Road. One complaint is from a citizen at 3030 95th Street S. The other is from a citizen at 3321 Ryans Way. Neither citizen has in attendance. The noise can be heard from 2130 95th Street South. C. Gussel lives directly across the road from where the dirt bikes are ridden and has talked with the property owner about the risk of citizen complaints. A bike belonging to someone other than the property owner is the loudest. Dirt bike noise is a new problem, starting this spring. C. Gussel also cautioned the property owner about dust. The owner does plan to

water the track. The property owner does have other parents sign an agreement/liability release. The exact nature of the relationship between the property owner and non-family riders is not clear. He does not plan to allow riding after dark. The property in question is low density residential. If an ordinance was developed regarding noise, it would be difficult to enforce. A county sheriff deputy is often reluctant to enforce a town ordinance. It was asked if this is a planning and zoning issue or if the Town Board should take it up if an ordinance is required. The June 17th meeting will include an agenda item regarding directives from the Board for the Plan Commission. It was suggested that instead of an ordinance, a Town official talk with the property owner to negotiate an agreement. N. Wolosek said there are decibel level limits when operating an off road vehicle on a public trails. He is not sure if the limits apply to private property. Town Supervisor Provost may know the answer to that question. A sound barrier structure could be a remedy. The property is surrounded by trees/vegetation on three sides which offers some buffering of the noise. R. Patterson suggested looking at the County ordinance (chapter 2). Portage County 2.1.5 addresses Operation of a Motor Vehicle with Excessive Noise, but this is likely not something we would want to use. Ordinance 2.12 addresses nuisances.

Motion – Invite the property owner to a Plan Commission meeting to make them aware of the complaints and discuss options to address the complaints. Moved by R. Becker and seconded by C. Gussel. The motion passed with unanimous ayes.

K. Lee will draft a letter to invite the property owner to our next meeting. Copies will be sent to Greg Hakala and Cindy Steltenpohl.

N. Wolosek questioned who the current supervisor of roads is. S. Schwab replied Heather Grys-Luecht is the Town Highway Superintendent. She can be reached at 715.697.3612. This number is also available on the town website.

RECENT BOARD OF ADJUSTMENT ACTION ON PROPERTY AT 2921 SOUTH 80TH

M. Rutz reported that the property owners were seeking a variance for a six foot setback for porch off the east lot line. The Board of Adjustment granted the variance on May 24th. A letter regarding the approval was sent to Portage County by Clerk Zimmerman. The property is in Shoreline Zoning and will require an additional variance from the Portage County Board of Appeals. The lot is 70 feet wide. All lots in that subdivision are long and narrow and tend to have setback issues. This home is four feet from the lot line.

ZONING ADMINISTRATOR REPORT

There were four permits for a total of \$330. This includes two ponds, a deck, and a raze. Nothing further has been heard regarding the boat storage CUP mentioned last month.

ZONING ORDINANCE

- T. Reitter continued to provide an overview of Act 67. This is a continuation of the presentation started in April. Copies of the slides were provided to the Plan Commission members.
- It may be useful to review some of the court cases listed on slide #7.
- Slide #9 States a CUP must be granted, except in extreme circumstances. What an “extreme circumstances” is not clear.

- Slide #11 includes a definition of “conditional use.” We should compare this definition to the one in our Zoning Ordinance’s list of definitions.
- Appeal process – we need to look at what is appropriate for towns. Statute 60.61(4e) and 60.62(4e) may help.
- The roles of the local government and CUP applicants were reviewed along with the permit decision. Conditions must be practical, reasonable, and measurable. There must be “substantial evidence” to support a decision to approve or deny an application.
- It was suggest to contact Kristin Johnson, Planner, of the Portage County Planning and Zoning Department to learn how the county has taken into consideration Act 67.
- The slides we are using were developed by Rebecca Roberts, Land Use Specialist of UWSP-Extension. She could be an additional resource.
- R. Becker stated cases tend to end up in court when a governing body did not follow proper procedures or notifications.
- Our zoning ordinance’s list of definitions does not include “substantial evidence”. That definition should be added (as long as it is in the text). Substantial evidence provides facts that are accepted by reasonable persons.
- We do have a history of writing conditions that are consistent with the intent of the district.
- Applications must provide details so that there is proof of substantial evidence.
- There is a question if we follow through on whether conditions have been satisfied after a permit was approved. Typically it only happens if there is a complaint. Recently Supervisor Grys-Luecht questioned if there is “centralized record of all issued CUPs, as well as a triggering mechanism for review for time-bound conditions.”
- Discretion varies with a decision. There is little or limited discretion for permitted uses, more discretion for conditional uses, and the most discretion when developing the ordinance.
- A 5 point check list for ordinance review was discussed (slide 18).
- We will continue with discussion of these slides with slide #20.

FUTURE MEETINGS

July 21, 2021 and August 18, 2021. T. Reitter is working with Supervisor Grys-Luecht on Town technology. This technology will help facilitate Zoom meetings and having a projection screen.

ADJOURNMENT

The meeting was adjourned at 9:01 pm.

Respectfully submitted,

Kathleen D. Lee

Plan Commission Secretary

Approved 07/28/2021