

PUBLIC HEARING

**Town of Big Flats Plan Commission
Public Hearing and Regular Meeting Minutes
Wednesday, February 20, 2019, 6:00 pm
Big Flats Town Hall
1104 County Rd. C, Arkdale, WI 54613**

1. *Call to Order at 6:04 pm*
2. *Roll Call: Mark Reed, Mike Clark, Wendy Goerke, Larry Beck and Todd Peterson and five citizens present.*
3. *Certify Posting of the Meeting as Class II notice in newspaper, on all town message boards, and online.*
4. *Approval of Public Hearing and Regular Meeting Agenda: Motion to approve; Wendy, Mike seconded, all in favor.*
5. **Open Public Hearing**
6. Land Use and Zoning Amendment requested by Town Board:

SECTION 2 - DEFINITIONS:

Camping Unit: Any portable device or vehicle, whether towed or self-propelled, including, but not limited to, hitch-mount pull-behind trailers, pop-up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, trailers, slide-out units or fifth-wheels. Such vehicles may be with or without complete kitchen and toilet facilities, self-contained water and sewage systems and designed for and used as a temporary or seasonal dwelling for travel, recreation, or vacation use. "Camping Unit" does not include mobile homes, manufactured homes and "Park Models".

Agricultural Use: The use of land for agricultural purposes including general farming, dairying, pasturage, agriculture, horticulture, forestry, viticulture and animal and poultry husbandry and the necessary accessory operational uses related to the collection thereof, provided that the operation of such use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall be within the Permitted Uses under each District. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

Camping Season: Camping Season shall mean from April 1 through October 31. *Camping Season duration was discussed at length with Don Wiemer asking why we excluding the Deer-hunting season from consideration. It was ultimately decided after lengthy discussion, that any increase in RV usage during the hunting season would only be a concern if the extra RVs were left for the duration of the winter season. The dates were determined to remain the same.*

Residential Use: The residential use of land shall mean a use for permanent or quasi- permanent dwelling purpose in a single-family dwelling, or multiple-family dwelling, including placement of any habitable structure erected, constructed, reconstructed, altered or so moved and all incidental uses thereto. *Don Wiemer questioned the purpose of the word "quasi". Inquiry forwarded to Town Attorney for clarification. Attorney recommends removing "or quasi-permanent" from the Residential Use language if it causes confusion.*

SECTION 3 - ZONING DISTRICTS AND DISTRICT MAPS

Residential Districts and F-1/Recreational (i.e. under Section 3, Sub. 1, for R-1): Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional camping units not to exceed a total of three (3) may be placed on a lot during the camping and removed at the conclusion of the camping season (on or before October 31). *Mike Clark offered to add the word "season" after "camping" in the second sentence.*

Agricultural District A-1: C. Lot Size Regulations:

1. Minimum Area: Twenty (20) acres for agricultural use purposes.
 - a. When dwelling is constructed on the lot, a minimum of one (1) additional acre shall be required for residential use purposes.

Agricultural District A-2: C. Lot Size Regulations:

1. Minimum Area: Forty (40) acres for agricultural use purposes.
 - a. When dwelling is constructed on the lot, a minimum of one (1) additional acre shall be required for residential use purposes.

SECTION 4 - GENERAL REGULATIONS

G. Recreational Vehicles and Camping Units in the Town of Big Flats:

3. Service Hook-Up:
 - a. All Independent Camping Units are prohibited from any permanent hook-up to a septic system or water supply (well) except in a licensed campground. Any connections must be temporary and flexible.

- b. No auxiliary vessels external to the camper vehicle or non-permanent structure intended for the accumulation of sewage shall be allowed, including, but not limited to, rolling containers, barrels, pits, buckets. *Wendy offered to clarify item b by inserting "unpermitted" before auxiliary vessels, and "auxiliary vessels" after "holding tanks" in item e. Adams County calls them "transfer containers".*
- c. No sewage shall be permitted or be deposited upon the ground or into lakes, rivers, ponds, streams or wetlands.
- d. Commercially manufactured portable toilets, commonly referred to as "Porta-Potties", may be permitted if regularly serviced by a Wisconsin state-licensed provider of portable toilet services.
- e. All septic systems or holding tanks on the parcel shall have a sanitary permit issued by Adams County Zoning.
- f. Independent Camping Units may be hooked up temporarily to electric by way of an extension cord extending from a disconnect box. *Joe Myren suggested to change "extension cord" in item f, to "manufacturer-supplied cord to a disconnect box". The change was approved.*

4. Use:

- a. Additional "seasonal" camping is allowed (not to exceed three Recreational Vehicle or Camping Units) between April 1 and Oct 31. *Jim LaPointe suggested moving "Non-parcel owners must have written permission from the parcel owner." from b, below so as not to confuse the statement with "year-round permanent dwelling". The Plan Commission agreed.*
- b. No Recreational Vehicle or Camping Unit may be used as a year-round permanent dwelling. For purposes of this section, "permanent human habitation" means the use and occupation by a human being of a given camper vehicle or non-permanent structure as a place for shelter, sleeping, cooking, eating and other occupation typical of what is commonly understood as being that of a living quarter. Non-parcel owners must have written permission from the parcel owner.
- c. Recreational Vehicles and Camping Units shall be maintained in a safe condition and shall not have an appearance that has a negative effect on neighboring properties. Unlicensed camping units in a state of disrepair will be declared a nuisance under town Ordinance 33.
- d. A property owner may store their own camping unit on their own property (if it is an improved parcel with a dwelling, septic and water) without being subject to any limitations as long as there is a seasonal or year-round dwelling on the same parcel. *Don Wiemer suggested removing the word "limitations" from item d. The Plan Commission agreed to remove all the text after the word "property" to simplify item d.*
- e. Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional vehicles are allowed during the camping season.
- f. No Recreational Vehicle or Camping Unit allowed to be parked on parcels without first obtaining a driveway permit and fire number.

5. Improvements:

- a. No external additions, piers, deck(s) or concrete pads shall be affixed or attached to any Recreational Vehicle or Camping Unit.

6. License:

- a. All Recreational Vehicles and Camping Units must have a valid license displayed on vehicle, maintain current registration with the DOT and be "Road Ready" at all times. *Mark offered to clarify item a to add the words "as required by the" DOT.*
- b. Any un-licensed Vehicles, Recreational Vehicles or Camping Units will constitute a violation of this Ordinance and therefore be subject to a forfeiture of not less than \$50.00 for each offense.

SECTION 10 - ENFORCEMENT

A. Enforcement, Violations and Penalties:

1. Any building or structure hereafter erected or moved or any use hereafter established in violation of any provision of this Ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Town Board, who may bring action in the name of the Town to enjoin the erection of moving of such building or the establishment or such use as to cause such building, structure or use to be vacated or removed.
2. First Offense Penalty: Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may be issued a citation for such violation and shall be required, upon conviction, to forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred (\$500.00) for each offense, plus applicable surcharges, assessments and costs for each violation. Each day that a violation continues to exist shall constitute a separate offense.
3. Second Offense Penalty: Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may be issued a citation for such violation and shall be required, upon conviction, to forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand (\$1,000) *together* with all applicable surcharges, assessments and costs for each violation. Each day that a violation continues to exist shall constitute a separate offense. *After a lengthy discussion, the Plan Commission would like to increase the penalty for a "Second Offense", adding "subsequent offenses" behind, "Second Offense". And would like to see an increase in the "not less than \$50" forfeiture up to \$500 if possible. Inquiry forwarded to Town Attorney (Nick Flannigan) for consultation regarding the penalty increase. Attorney response is that the important portion of the penalty structure is doubling the penalty at the top. With that said, he is okay with doubling the fine at the bottom from \$50 to \$100.*

4. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. The Town may bring an action in the Circuit Court for Adams County, WI for the abatement of the offense and an injunction prohibiting continued and/or future use of the premise, property, etc. in a manner, which would violate the requirements of the Ordinance.

6. Citizens Input

7. **Close Public Hearing:** *Mike Clark made a motion to close the public hearing, Wendy seconded, all in favor.*

Regular Meeting:

1. Call to Order

2. Roll Call: *Mark Reed, Mike Clark, Wendy Goerke, Larry Beck and Todd Peterson and two citizens present.*

3. Consideration and possible action regarding all or part of the aforementioned amendment: Recommend all or part of Land Use and Zoning amendment by resolution to the Town Board: *The Plan Commission voted to approve all changes to the Land Use and Zoning Ordinance, including discussed revisions in red, and recommend the amendment to the Town Board. Todd motioned, Wendy seconded, all in favor.*

4. Citizens Input: *Mike Clark inquired about requesting changes to the Nuisance Ordinance. Discussion followed and Mr. Peterson said that the Ordinance was a stand-alone ordinance initiated before zoning. And therefore revisions can be initiated and resolved at the town board.*

5. Schedule Next Meeting if necessary. *No meeting scheduled.*

6. Adjourn: *Mark Reed motioned for adjournment, Mike Clark seconded, all in favor.*

Minutes submitted by: Jay Jocham, Zoning Administrator