

**Public Hearing Minutes**  
**Thursday, December 12, 2013, at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 7:35 p.m.**  
**Adjourned at 9:05 p.m.**

The Clerk and all Town Board members were present along with the residents noted on the list attached hereto and incorporated herein by reference. Chairman Cashman introduced the Board, Treasurer, and the Clerk to the public. Chairman Cashman explained that the Department of Agriculture, Trade, and Consumer Protection (DATCP) agency changed its Farmland Preservation program to the Wisconsin Lands Initiative program. Due to these changes a new zoning map and ordinance must be adopted by the Town prior to the end of the year. Additionally, these changes require the Agricultural Transition Overlay District and Exclusive Agricultural District to be removed. The new Exclusive Agriculture District will now be called Agricultural Farmland Preservation District.

Supervisor Van Vonderen explained that this is a DATCP mandated program. It is required in order for the Town of Rockland to be certified farmland preservation and so that farmers can receive credits under this state program. Supervisor Van Vonderen further explained that in order for the Town of Rockland to be certified under the Farmland Preservation program, it first had to inquire which farmers wanted to stay in the farmland preservation program or opt out of it. This information was then forwarded to Brown County who formulated their map demonstrating which parcels were in or out of farmland preservation. Brown County's map was then certified by DATCP last year which enabled the Town to move forward with its certification process. DATCP preliminarily approved the proposed parcels requesting to participate in the Farmland Preservation program earlier this year. Tonight's hearing represents the last step necessary to move the ordinance and map towards final adoption.

Following the explanation for the public hearing, the Board then received comments on Item #18 Proposed Town of Rockland Zoning Classification Changes by property parcel number:

**Public Comments:**

1. Alan Lasee, 2259 Lasee Road, asked how many people took agricultural farmland credits. Chairman Cashman explained that approximately 10-20 residents are taking such credits. In the ATO District, several remain. The Board referred to the map on the wall that detailed which owners were in the program and which opted out of the Working Lands Initiative Program. Chairman Cashman also referred to the new proposed map which demonstrated the difference between those choosing to remain in the AG-FP Agricultural Farmland Preservation District and those still farming but opting out of the program and being designated as NPWLI- Non Participating Working Land Initiative.
2. Dan Hendricks, Parcel 3675 Bower Creek Road, De Pere, WI, Parcel R-388-1, asked when De Pere went three miles out with their extraterritorial review is the three miles affected this program. Chairman Cashman explained that their review does not affect an owner's ability to participate in the Farmland Preservation program. The City of De Pere does have the ability to review parcels that are going to be split into sizes less than 10 acres.
3. Norb Scray- 5451 Tower Road, De Pere, WI, asked where does the three mile review extend from Ryan and Midway Road? Chairman Cashman explained it extends from the city limits of De Pere and offered a copy of the map to any residents interested in receiving one.

4. Russ Gilson, 2435 W. Prospect Avenue, Appleton, WI, Parcels R-190, R-191, R-320 & R-321 asked whether the 25 acre size requirement is something new. Chairman Cashman explained that a requirement of 25 acres is a new requirement under Non-Participating Working Land Initiative District. Supervisor Van Vonderen explained that a general agricultural district had to be created under the DATCP program. Under current zoning, the districts went from ER-10 (10 acre) to Exclusive Agriculture (35 acres). If the NPWLI was not created, would have only had these two districts and the farmers who wanted to farm but did not want to be involved in the AG-FP program would not fit. As part of creating this new general agricultural district, the minimum acreage was set at 25 acres.
5. Rose Hockers, 3362 Eiler Road, De Pere, WI, asked if outside the three mile jurisdiction of De Pere would an owner still De Pere's approval for a land split. The answer was "no."
6. Dan Hendricks, R-388-1, stated that his parcel is 12.99 acres. It is currently being used as farmland but would eventually want to be changed to residential. Asked that it not be NWPLI but rather be zoned ER-10, Estate Residential 10 acre.
7. Dave Verhagen, 1810 Midway Road, De Pere, WI, asked what the purpose of the new zoning was. The main purpose of this meeting is farmland tax credits. The proposal gets rid of the old program and brings in the new program. It also is to remove the ATO District and clean up the rezoning on the other parcels.
8. Audrey Adams, 2698 County Road ZZ, De Pere, WI, Parcels R-260, R-261, R-262, asked when did their parcels become 5 acre parcels? She thought they had always been 10 acre parcels. Supervisor Van Vonderen stated that the records Rockland had received designated these parcels as Exclusive Agricultural. These parcels are proposed to be rezoned to NPWLI. Adams requested that they be rezoned to R-5. She understands the requirements and restrictions under the ER-5 Zoning District.
9. Rose Hockers asked whether there are owners in Rockland who have parcels that are more than 10 acres in size that are zoned Estate Residential 5 acres. The answer was "yes." Chairman Cashman explained that parcels R-55 and R-55-1 are great examples of this. Owner, Bill Thomamsa has two parcels that total 23 acres. They were proposed to be rezoned to ER-10. But because he would like to develop it someday and it currently is at ER-2 and his neighbors are at ER-2, he would like to keep those parcels at ER-2 rather than have those rezoned.
10. Chris Skaletski, 5620 Goldust Court, De Pere, WI, R-440-2, his current property is zoned EA and proposed to be changed to ER-5, Estate Residential 5 acre. He was wondering if the uses allowed under his property will change. Supervisor Van Vonderen explained that yes it will change. The neighboring lots in Moonriver Estates are ER-5.
11. Norb Scray, 5451 Tower Road, De Pere, WI, R-392-3, current zone is EA and proposed to be ER-2. He asked whether all parcels on Tower Road will be rezoned to ER-5? Supervisor Van Vonderen explained that Parcel R-292-1 is approximately 7 acres and is already zoned ER-5. Proposing zone for R-392-3 is ER-2 because the parcel is just under 4 acres.

12. Bill Thomamsa, 3044 Old Plank Road, De Pere, WI, parcels R-55 and R-55-1, asked whether the parcel on Ryan Road is owned by De Pere. He also asked whether this parcel is under zoning jurisdiction of Rockland.

Chairman Cashman explained that the city of De Pere purchased that piece of property and is under De Pere's zoning.

12. Duane Tetzlaff, 5177 Tetzlaff Road, De Pere, WI, asked how big the lot was that was purchased by De Pere.

Chairman Cashman explained that it was approximately 35 acres in size.

13. Mark Eichorst, 5460 Moonlite Drive, De Pere, WI, Parcel R-194, asked how his property would be affected by the extraterritorial review if he split it. Supervisor Van Vonderen explained that he owns a 30 acre parcel that could be split into three ten acre lots without De Pere's review. Anytime, there is a parcel split, the zoning must still be reviewed. By state statute, everyone has the right to request a rezoning of their property.

14. Alan Lasee, 2259 Lasee Road, De Pere, WI, Parcel R-322, asked whether you could sell a farm home on less than 10 acres in a farm area. It was answered "yes." It was explained you need to go to De Pere for approval if you are going to split your property, it is less than 10 acres, and you are located within the three mile jurisdiction. For rezoning issues, that comes before the Town Board, not De Pere.

15. Beth Luedeman, Midway Road, Parcels R-201, R-203, R-206, R-207 & R-210, was asking whether the rezone had to be done tonight. She will advise the Board on whether she wanted to have these parcels rezoned by Friday.

16. James Blauert, 3085 Shirley Road, De Pere, WI, R-412, R-413, R-416, does not think that R-416 should be part of Farmland Preservation Program. It is proposed that R-416 be rezoned to Farmland Preservation. Blauert thought he had opted out of Exclusive Agricultural program. Blauert will get back to the Board on whether he wants the parcel to remain in Farmland Preservation program.

### **Proposed Amendments to Chapter 18, Zoning Ordinance:**

Chairman Cashman then went through each of the following zoning ordinance amendments and explained why each was necessary:

#### **Repeal Article VII, Exclusive Agriculture (35 Acre), of 18-13.00 Appendix**

Chairman Cashman explained this is the old ordinance that is being replaced by the Agricultural Farmland Preservation Ordinance, Sec. 18-01.23 so it needs to be repealed.

No questions or comments received.

#### **Repeal Article VIII, Agriculture Transition Overlay District, of 18-13.00 Appendix**

Chairman Cashman explained that the Agricultural Transition District is no longer needed nor is it allowed under the new program so it too is being repealed.

No questions or comments received.

### **Create and Enact new Section 18-01.23 Agricultural-Farmland Preservation (AG-FP) Zoning Ordinance**

Chairman Cashman explained that this is the new ordinance required under the new program. Supervisor Van Vonderen explained that this ordinance was approved by DATCP prior to this hearing.

No questions or comments received.

**Repeal, re-create, and enact Section 18-01.16 Agricultural Non-Participating Working Lands Initiative (NPWLI) Ordinance**

Chairman Cashman explained that this is new general agricultural district. If an owner is not part of the farmland preservation program but still farming the land this is the new zone that the parcel would fall under.

No questions or comments received.

**Amend Section 18-01.10 Establishment of Zones, specifically, subsection A. Zone Districts**

Chairman Cashman explained that this section is being amended to add the Agricultural-Farmland Preservation District and amending the name of the Non-Participating Working Lands Initiative.

No questions or comments received.

**Amend Section 18-01.09, General Provisions, specifically, subsection C.4(g), Size and Number of Accessory Structures and subsection H.1. Driveways**

Chairman Cashman explained that the amendment is a change in the heading.

No questions or comments received.

**Amend Section 18-02.01, Purpose, specifically, subsection B**

Chairman Cashman explained that this amendment is a change in the heading.

No questions or comments received.

**Amend Section 18-04.09 Signs Not Requiring Permit, specifically, subsection A.3.and subsection A.6**

Chairman Cashman explained that in these sections, NPWLI and AG-FP were added.

No questions or comments received.

**Amend Section 18-04.14 Signs Allowed By Permit, specifically, subsection C**

Chairman Cashman explained that in these sections, NPWLI and AG-FP were added.

No questions or comments received.

**Amend Section 18-07.03, Location, specifically, subsection A. and subsection B**

Chairman Cashman explained that in these sections, NPWLI and AG-FP were added and the old EA was removed.

No questions or comments received

**Amend Section 18-08.01 Applicability, specifically, subsection B.Applicability and Permit Requirements- Gravel Pits and Stone Quarries**

Chairman Cashman explained that in these sections, NPWLI and AG-FP were added and the old EA was removed.

No questions or comments received

**Amend Section 18-09.01, Purpose, Intent, specifically, subsection A.1(b) General**

Chairman Cashman explained that new language was added to this section.

No questions or comments received.

**Amend Section 18-10.10 Amendments, specifically, subsection A.2. and subsection E.3.**

Chairman Cashman explained that language was added to specify that DATCP must certify the farmland preservation program. Also, EA was removed and replaced by AG-FP.

No questions or comments received.

**Amend Section 18-10.11 Conditional Uses, specifically, subsection F.2. and subsection G.1(g)**

Chairman Cashman explained that in these sections, AG-FP were added and the old EA was removed.

No questions or comments received

**Amend Section 18-12.06 Calculation for the Number of Livestock allowed, not including Dogs & Cats, specifically, subsection A. Minimum Acres, and subsection B.**

Chairman Cashman explained that in these sections, NPWLI and AG-FP were added and the old EA was removed.

No questions or comments received

**Proposed Amendments to Chapter 1, General Provisions:**

**Amend Chapter 1, General Provisions, Sec. 01-01.05 Definitions and Rules of Construction, to create the definition “Demolition.”**

Chairman Cashman explained that this amendment has nothing to do with this rezoning process. The Board is recommending adding this definition due to a situation which arose with one the homes involved in a fire.

No questions or comments received.

**Repeal and re-create the Official Zoning Map adopted September 6, 2011 and enact the proposed zoning map**

Chairman Cashman explained that the Board will be adopting the Draft Zoning map along with proposed changes made at tonight’s public hearing.

Supervisor Van Vonderen explained that the Town Board will adopt these changes along with the new map at Monday night’s meeting. Thereafter, a summary notice will be published in the paper and the final map and ordinances will be sent to DATCP.

Clerk Charette verified the following zoning changes requested by the owners of such parcels:

Parcel R-388-1 requested zoning to be ER-10

Parcel R-55 and R-55-1 to remain at ER-2

Parcel R-362 to remain at ER-5

Parcels R-260, R-261, R-262 to be zoned ER-5

Parcel R-279 to be zoned NPWLI

Parcel R-66 to be zoned ER-2

Parcels R-201, R-203, R-206, R-207 & R-210 to get back to Board on designation

Parcel R-269 & R-276 to be zoned ER-10

**Final Comments:**

Gonzalo Hernandez asked whether the revised code will be placed on the website. Supervisor Van Vonderen explained that the code with the adopted revisions will be placed on the website in a few weeks.

M/M by Chairman Cashman to adjourn; seconded by Supervisor Schwalbach. Motion carried unanimously by voice vote 3-0.

Meeting adjourned at 9:05 p.m.

All minutes have been taken truthfully and honestly and to the best of my knowledge and ability.

Jann B. Charette,  
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on December 16, 2013.

Dennis J. Cashman  
Town Chairman