

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
January 8th, 2014

Chairman Tom Muellner called the meeting of the Planning Commission to order at 7:00 p.m. Members present included Lee Benes, Jim Hampton, Laura McGucken, Kevin Mataczynski, Christine Nykiel and Tom Steele. Also present was Assistant Zoning Administrator Jeff Kussow.

MINUTES:

Motion by Tom Steele to approve the November 11, 2013 regular planning commission meeting minutes. Seconded by Jim Hampton. Motion carried. Laura McGucken abstained.

PUBLIC HEARINGS:

- a) *Town of Rib Mountain requesting a Zoning Text Amendment relating to “Communication Towers” & “Mobile Service Towers” in accordance with Wisconsin State Statute §66.0404 – Mobile Tower Siting Regulations; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.056(7)(c) – Communication Tower; Docket #2012-20 & 2013-27*

Jeff Kussow stated that he introduced the new state regulation on how municipalities can govern “mobile service towers” at a previous meeting. He explained that the ordinance reflects the state regulation concerning the Town’s municipal powers over mobile service towers. Mr. Kussow went on to explain the other changes to the ordinance regarding communication towers as a whole. He explained that the changes included modifying allowable zoning districts for communication towers, minimum lot size, communication tower setbacks and detached energy systems for communication towers. He stated that allowing proof of engineered standards for a tower to collapse in a smaller area than its height as a setback was removed. Kevin Mataczynski questioned if the WE Energies tower was approved with that type of engineering standards. Mr. Kussow stated that he believed it was. Laura McGucken questioned the definition of mobile service towers. Mr. Kussow stated that it is generally cell phone towers. Mr. Kussow stated that the ordinance revision was reviewed by the Town attorney.

Motion by Laura McGucken to recommend approval of the Zoning Text Amendment relating to “Communication Towers” & “Mobile Service Towers” in accordance with Wisconsin State Statute §66.0404 – Mobile Tower Siting Regulations; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.056(7)(c) – Communication Tower. Seconded by Jim Hampton. Motion Carried.

- b) *Town of Rib Mountain requesting a Zoning Text Amendment relating to “Detached Energy Systems”, including their relation to “Mobile Service Towers” in accordance with Wisconsin State Statute §66.0404 – Mobile Tower Siting Regulations; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.056(8)(x) – Detached Energy Systems; Docket #2013-35*

Mr. Kussow explained that revisions included cleaning up numbering errors when the original ordinance was approved, and revising the districts included for conditional use regulations to include all zoning districts, not just the residential zoning districts. He also stated that the other changes are for detached energy systems for mobile service towers, which are governed by Wisconsin State Statute §66.0404. Chairman Muellner questioned the exemption for medical need. He questioned if the exempted approval is still valid if the medical need no longer exists or the homeowner moves away. The commission questioned and commented on if the Town can require a restriction or condition for removal if such exemption were permitted and the medical

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need ceased to exist. The commission recommended including with the permit approval/exemption that a conditional use must be applied for if the medical need no longer exists and the owner wishes to keep the detached energy system. Ms. McGucken questioned if the medical exemption was granted, would the owner be subject to the setback requirement. Mr. Kussow stated that they would still be subject to setback requirements. Chairman Muellner pointed out the vagueness of “No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance.” The commission questioned and commented. The commission’s consensus was to keep the ordinance as proposed.

Motion by Laura McGucken to recommend approval of the Zoning Text Amendment relating to “Detached Energy Systems”, including their relation to “Mobile Service Towers” in accordance with Wisconsin State Statute §66.0404 – Mobile Tower Siting Regulations; specifically modifying Rib Mountain Municipal Code (RMMC) Section 17.056(8)(x) – Detached Energy Systems. Seconded by Jim Hampton. Motion Carried.

CERTIFIED SURVEY MAP APPROVALS: **NONE**

NEW BUSINESS:

- a) *Husbandry, Intensive Agriculture, & Private Residential Stable land uses ordinance modifications; Docket #2014-01*

Mr. Kussow explained that the amendments these zoning code sections were intended to reflect Marathon County and the State regulations and definitions. Mr. Kussow explained inconsistencies between the way Town ordinances govern livestock facilities and State Statutes. Chairman Muellner expressed concern for the setbacks of buildings being determined by the Plan Commission on a case by case basis. He stated that this would not be fair to every agricultural use within the Town and should have an established standard. Christine Nykiel questioned what the defined distance from accessory structures to the property line is for agricultural zoning districts. Mr. Kussow stated that the defined distance is 10 feet. The commission questioned and commented on appropriate setbacks for agricultural buildings. The commission suggested that a 40 foot setback may be sufficient. Chairman Muellner expressed concern for placing excessive restrictions for agricultural uses on agriculturally zoned land. Lee Benes suggested differentiating setbacks for buildings housing animals and storage buildings.

Mr. Kussow explained changes for the raising of animals in residential districts. He explained that the major changes were to eliminate the raising of animals within 1 acre zoning districts. Chairman Muellner questioned how many chickens may be allowed on a 5 acre residential property. Mr. Kussow stated that the property would be allowed 200 chickens. Chairman Muellner and the commission expressed concern with having 200 chickens on a 5 acre residential property. Mr. Kussow stated that the 200 chickens per animal unit was derived from Marathon County ordinance. Ms. McGucken questioned why the Town would even allow any of these types of agricultural animals within smaller residential districts. The commission suggested not allowing any agricultural animals in residential districts with less than 35 acre minimum lot sizes.

OLD BUSINESS: **NONE**

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CORRESPONDENCE / QUESTIONS:

a) *Shoreland Zoning Map Changes*

Mr. Kussow explained that there have been changes in the shoreland zoning map that is provided by Marathon County. He explained that there were significant increases in area that are governed by shoreland zoning. He explained that the simple explanation is that everyone within the shoreland zoning area would be required to obtain a permit and would not be allowed to build within 75 feet of the ordinary high water mark of the navigable water body. The commission expressed that the Town may have to prohibit man-made ponds since they will negatively affect surrounding properties. Ms. Nykiel suggested putting this topic in a newsletter to make residents aware of shoreland zoning. Mr. Kussow stated that he will research the topic further and report back to plan commission with more information.

b) *Red Woof Inn Signage*

Jeff Kussow explained that the owners of Red Woof Inn are seeking to replace their current monument sign with a 13 foot sign. He explained that the other businesses in this area along the highway have signs taller than the sign ordinance typically permits within traditional zoning districts. Anna Mae Buttke (owner, Red Woof Inn) stated that they have to change their sign because they changed their name to “Red Woof Pet Resort” and their current sign has stopped working. Ms. McGucken questioned the current height of the sign. Ms. Buttke stated that it is approximately 8 feet tall. Mr. Kussow explained that the current sign ordinance only allows a 10 foot tall sign. He explained the only other option would be to rezone the property to UDD. Ms. Buttke explained that the bike route sign installed by Rib Mountain is taller than their sign. The commission discussed highway signage and allowing taller signs in certain commercial areas of the Town, and the existing permitted taller signs in that area. Tom Steele questioned what would need to be done to resolve this issue. Mr. Kussow explained that the options are to rezone to UDD or wait for a sign ordinance revision to allow for taller signs. Jim Hampton expressed concern for having a significant amount of tall signage that will ruin the Rib Mountain aesthetics. The commission commented and questioned advertisement vs. business recognition, the need for taller signs for certain customer bases etc. Ms. McGucken stated that the commission does have the support of the Town Board to increase sign heights along the highway and/or commercial districts based on the joint meeting in 2013. The commission directed Mr. Kussow to modify the ordinance to allow taller signage in certain areas of the town and have it ready for public hearing for the first meeting in February. Mr. Hampton suggested some type of aesthetic standards for the new ordinance.

ADJOURN:

Motion by Kevin Mataczynski and seconded by Tom Steele to adjourn. Motion Carried.
Meeting Adjourned 8:26 p.m.

Respectfully Submitted,

Jeff Kussow, Assistant Zoning Administrator