

**1. Meeting called to order**

President Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin via ZOOM.

**2. Roll Call/Introductions**

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Jonathan Schattner, Bill Folk, Joseph Minorik and Tim Just. Trustee Wishau and Trustee Martin were also present.

Absent: None

Also Present: Development Director Peter Wagner

**3. Approval of Minutes**

Knitter thought the minutes should reflect the request to explore how the City of Franklin deals with their quarry complaints and use of a complaint form. President Dobbs stated that this matter was sent to Public Works for further review and direction. Knitter felt the request should still be reflected in the minutes.

Motion by Knitter to approve the minutes from the July 27, 2020 Plan Commission meeting with the modification of the City of Franklin quarry complaint exploration. Seconded by Schattner. Motion carried unanimously.

**4. Citizens' Comments**

No comments were made.

**5. Non-Public Hearing Items**

**5A. PC CONSULT – Review a conditional use amendment proposal for the property located at 8700 Foley Road allowing the applicant to process timber into firewood and have outdoor storage of firewood and related materials and equipment. (Parcel ID No. 104-04-22-02-064-000)**

Peter Wagner read from his Plan Commission Report dated August 31, 2020:

“The purpose of this consultation is to provide the applicant guidance prior to submitting a request to amend an existing conditional use to operate a firewood production facility on the property located at 8700 Foley Road. If the applicant submits an application, the applicant will also submit a site plan showing where the use will occur on the property. This request is being made as a result of a complaint regarding the importing of timber to the site and processing it into firewood. Before the applicant proceeds with a hiring a professional to draw a site plan, the applicant is looking for guidance. The property is currently zone A-2, Agriculture and has been granted a conditional use permit allowing the storage and maintenance of equipment and vehicles associated with “Great Lakes Tree & Clearing.” This zoning district permits the property owner to operate a farm and forestry uses on the site. Forestry is generally defined as the growing and/or harvesting of trees on a property for commercial or related purposes. It does not include the importing of timber for commercial production of forestry products, such as lumber or firewood. These uses would be conducted off site in a zoning district that was commercial or industrial. As stated earlier, this property has a conditional use. Condition of Approval No. 7 states the prohibition of commercial processing of firewood on site and that only trees harvested on the parcel are permitted to be processed onsite into firewood. Condition No. 8 states that the storage and processing of logs from job sites are not allowed.

The applicant is proposing to amend the conditions of approval for the conditional use permit. The applicant is requesting that Conditions No. 7 & 8 from the conditional use permit be deleted and replaced with a condition allowing logs from job sites to be brought on site and be stockpiled, stored, and processed into firewood. Included in this report packet is a report from the applicant's lawyer making the case that firewood processing is a permitted forestry use. Staff has reviewed the submitted letter and conferred with Village Counsel and have come to the conclusion that firewood processing is not a forestry use when importing timber to the site. Only on-site trees harvested and processed into firewood would meet the definition of incidentally forestry use.

Village Code Section 20-1011 provides the Village the authority to review unclassified or unspecified uses for a zoning district and make a determination that a use is similar in character to a principal use permitted in a zoning district. It is up to the Plan Commission and ultimately the Village Board to determine whether the importing of timber and processing it into firewood is similar in character to other permitted uses in the A-2 District and be conditionally allowed at 8700 Foley Road.

No action is required by the Plan Commission. The Plan Commission may provide the applicant with concerns, comments, or suggestions regarding the proposed conditional use permit modifications. The applicant may or may not choose to move forward with the amendment request based on the Plan Commission's discussion."

#### **5A. Commission Deliberation**

The applicant, Ryan Jossart was present and felt Wagner did good job explaining what he was trying to do. Wagner received a complaint inquiring if the applicant was allowed to run a major wood processing plant in which they witnessed a semi bringing in logs onsite, and resulted in Wagner flagging a violation in Jossart's Conditional Use because no outside wood is permitted to be brought in for firewood production.

Schattner was concerned about setting a precedence with allowing Commercial use on an Agriculturally zoned property. To bring the product onsite and process it goes above and beyond forestry. Forestry is allowed on an agricultural site, but this is a new use that may be better suited for a Commercial area. Jossart said he does use stock from his own acreage and is processed on site but admittedly had been bringing in an outside source. Once processed it is kiln dried to eliminate any harmful issues that could be transported (mold, insects, etc.) and then delivered. Tree service material is not brought on site as of now, because his conditional use does not allow him to sell the offsite material. Jossart did not continue to allow wood to be brought on site once flagged by Wagner. Jossart thought he was ok because he is complaint for state forestry processing and was not aware that he was in violation locally. The Commission and applicant discussed equipment held on site and how he has been operating this capacity for the last three years. There was further discussion regarding the number of deliveries during the winter season.

Knitter questioned the legality of firewood being labeled as an agricultural product, and if there are any permits Jossart would need to obtain or should have held for harvesting the firewood. Wagner stated firewood is permitted, and the growing and harvesting of timber is a forestry use which is permitted in an A2 district, and any firewood harvested on site is acceptable. It did not allow outside wood to be brought onsite to be processed, because of the self-limiting factor of firewood production limited by duration or quantity. Jossart stated the only permits to hold is a cutting notice permit with the Racine County Clerk for any trees on the property. It is used to ensure property taxes are paid on property that is harvesting a natural resource. Wagner explained that the Village has the authority to review unspecified uses for a zoning district and decide that a use is similar in character to a principal use permitted in a zoning district. It is up to the Plan Commission and ultimately the Village Board to determine whether the importing of timber and processing it into firewood is similar in character to other permitted uses in the A-2 District and be conditionally allowed on Foley Road. The applicant is seeking direction in if this is viable, and if it were what the Commission would like to see to make this operation possible.

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Trustee Wanggaard wondered if Jossart could clear his whole property of lumber and was concerned if that would cause a disruption to surrounding areas and felt a middle ground could be found. The forest on the west side of the horse trail is intended to be cut down. There are almost 120 semi loads back there, and there are loggers who could come move out the lumber quicker. Jossart has not been aggressively harvesting wood on the property because of how wet the trees are from several particularly wet seasons.

President Dobbs was concerned with the semi loads being delivered on Foley Road, and was worried about the road being able to hold that weight. He thought we should consult with Public Works Director Tom Lazcano on what kind of long-term damage could be imposed. Foley Road was just repaved three years ago. Just wondered if Jossart would post bond to any damage to this road and Jossart stated this something he would be willing to do.

Trustee Wishau thought the concern should be focused on how loud the processing is and less about when the deliveries are happening. The conveyor is the loudest machine and is used to process the logs. Trustee Wishau stated there was video proving there are semi deliveries happening in all seasons and Wagner played a video that supported this.

Minorik questioned the hours the loud equipment is being ran for this? Jossart stated the hours of operation are 7:30am to 4pm and is often started and stopped but generally goes on for about 80 hours a month. The decibel ratings can be given to the Wagner on how loud these machines are and if this may exceed any restrictions in the Village noise Ordinance. Jossart was not opposed to a Village or County representative coming out to witness/measure the noise occurring during peak operation. Just stated that the noise level produced by machines would be dictated by OSHA and should be safe

This was a consultation with the Plan Commission, and no motion was required.

**5B. ELECTION – Annual Election of Vice President**

**5B. Commission Deliberation**

Motion by Trustee Wanggaard to appoint Joe Minorik as Vice President. Seconded by Folk. Motion carried unanimously.

**ROLL CALL**

Thomas Knitter	Aye
Trustee Wanggaard	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye
Jonathan Schattner	Aye

**Motion carried unanimously.**

**5C. PC RESOLUTION 2020-03 – Resolution of the Plan Commission of the Village of Caledonia Recommending the Acquisition of the Interests of Land as Set Forth in Village Board Substitution Resolution No. 2019-60 in the Matter of an Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia Affecting Property Needed to Extend 5 Mile Road and Establish a Neighborhood Park in the Village of Caledonia (affecting Parcel ID No: 104-04-23-16-021-000)**

**5C. Commission Deliberation**

This is a procedural requirement per code. The Plan Commission would need to approve this in order to acquire the Ryder property and confirming that the Village is pursuing land acquisition that is in line with TID 5.

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Motion by Knitter to approve PC RESOLUTION 2020-03 – Resolution of the Plan Commission of the Village of Caledonia Recommending the Acquisition of the Interests of Land as Set Forth in Village Board Substitution Resolution No. 2019-60 in the Matter of an Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia Affecting Property Needed to Extend 5 Mile Road and Establish a Neighborhood Park in the Village of Caledonia (affecting Parcel ID No: 104-04-23-16-021-000) . Seconded by Minorik. Motion carried unanimously.

**ROLL CALL**

Thomas Knitter	Aye
Trustee Wanggaard	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye
Jonathan Schattner	Aye

**Motion carried unanimously.**

**6. - Adjournment**

Motion by Trustee Wanggaard to adjourn. Seconded by Minorik. Motion carried unanimously. Meeting adjourned at 7:22 p.m.

Respectfully submitted,  
Joslyn Hoeffert  
Deputy Village Clerk