

Kenosha County
Multi-Jurisdictional Comprehensive Plan Advisory Committee (MJAC)
(“Smart Growth”)

MEETING MINUTES

October 27, 2009

Present: See Attached Sign-In Sheet

Call to Order and Introduction of Members: Fred Ekornaas, Chairman, called the meeting to order at 2:05 p.m.

Approval of Minutes: Motion was made by Bill Morris to approve the August 25, 2009 MJAC meeting minutes. The motion was seconded by Dennis Faber and passed unanimously by a voice vote of the MJAC representatives.

Status Reports:

- **Bill to Extend Consistency Deadline:** Nancy Anderson stated that in April 2009, a bill was introduced in the Wisconsin State Legislature to extend the comprehensive planning consistency deadline from January 1, 2010 to January 1, 2012. She noted that the bill had certain stipulations; for example, units of government that have not completed their comprehensive plan must adopt a resolution before January 1, 2010 that commits the unit of government to enacting a comprehensive plan that would take effect on or before January 1, 2012. In addition, in its current form, the bill applies only to those communities that applied for, but did not receive grant funding from the Wisconsin Department of Administration (DOA), or communities that had not requested funding from the DOA. Ms. Anderson reported that the bill was stalled in the Assembly, and that some legislators were working to eliminate the criteria for which communities could receive extensions. John Roth reported that County Executive Jim Kreuser planned to speak on the County’s behalf regarding the comprehensive plan deadline extension. He stated that MJAC members would be kept apprised of the situation through e-mail.
- **Grant Deadline:** John Roth reminded the committee that Kenosha County had received an extension from the DOA through December 9, 2009. He stated that the DOA grants extensions only in six-month increments, and that discussions with the DOA indicated that the County could apply for, and would likely receive, another six-month extension in December.

Peggy Herrick asked what SEWRPC recommended for communities if the consistency deadline extension is not granted. Nancy Anderson stated that SEWRPC had consulted Brian Ohm, a state specialist in land use law, environmental regulation, and growth management with UW-Extension, who advised that, even if the County is granted an extension to complete the comprehensive plan, that extension would not extend the statutory requirement that zoning and subdivision actions be consistent with the comprehensive plan by January 1, 2010. She distributed an e-mail from Dr. Ohm, which notes that the legal ramifications of not having an adopted comprehensive plan are that the County, city, or villages may be sued by someone who does not agree with a land use decision; however, it is unlikely that any lawsuits would be filed before Kenosha County adopted its comprehensive plan. Ms. Anderson stated that SEWRPC and the County hoped that a draft plan would be completed and approved by the MJAC in December 2009; this draft plan would then be used by the County and local governments to guide zoning, subdivision, and official mapping decisions until the governing body adopts a comprehensive plan.

- **Schedule for Completing the Multi-Jurisdictional Plan:** Nancy Anderson stated that, of the nine elements required by State law, only the Implementation Element remained to be developed for Kenosha County. She reported that this element was expected to be completed and distributed in early November for review by the MJAC at the November meeting. A revised Issues and Opportunities Element will also

be reviewed at that meeting. Peggy Herrick asked whether local plan commissions and governmental units would have adequate time to review the chapters prior to the November MJAC meeting. Ms. Anderson stated that it was expected that the committee would review the chapters in November, but act on them in December. Following MJAC approval of the draft plan, an open house and public hearing would be scheduled in each of the participating local governments in early 2010. After the plan had been approved by all local governments, it would then be considered for adoption by the Kenosha County Board.

It was decided by the committee that the next two meeting dates would be November 24, 2009 and December 22, 2009.

Review of Revised Chapter IX, “Land Use Element,” of the Multi-Jurisdictional Comprehensive Plan for Kenosha County: Nancy Anderson first reviewed the materials that had been distributed to the committee in addition to the element. These included:

- Appendix S: Comparison of County and Local Land Use Plan Categories: This appendix provides information for local governments to understand how their community land use categories fit into the County land use categories.
- Tables C-7 through C-9 and Maps C-1 through K-1: These provide information about existing land uses in each participating local government in 2007.
- Tables C-8 through K-8: These tables provide information about equalized values in each of the participating local governments. Nancy Anderson noted that a footnote had been added to these tables since the August draft to explain that in 2005, “Ag Forest” was added as a new Real Estate Class, which resulted in many of the lands classified as “Forest” in 2003 being reclassified as “Ag Forest” in 2007. This resulted in a loss of acreage and a decrease in equalized value in the “Forest” classification.
- Tables C-9 through K-9, C-13 through K-10, C-11, D-11, E-11, G-11, and I-11, Figures C-2 through K-2, and Maps C-2, J-2, and J-3: Nancy Anderson stated that, in communities where land use categories were very different than the categories on the County land use plan map, SEWRPC created two tables to show planned uses, one based on the County land use plan map and the other based on the local government land use plan map. These tables also show projected land use needs for each community in five-year increments. Ms. Anderson stated these tables assumed that equal growth would occur within each five-year period.

Ms. Anderson then reviewed the information presented in Chapter IX, “Land Use Element,” which included:

- Existing land use conditions and trends: This section includes information required by the comprehensive planning law, such as existing land uses, land use trends (land supply and demand, and land price) and opportunities for redevelopment and Smart Growth areas.
- Plan framework and development techniques: Nancy Anderson reminded the committee that the County land use plan map was a patchwork of all the local community land use plan maps. She also stated that, where a boundary agreement is in place between communities which specified a land use, that use was displayed on the County land use plan map. Where there is no boundary agreement, the County map shows the land use specified by the town’s land use plan map. Ms. Anderson further noted that when cities and villages annex land, the city or village comprehensive plan will apply at the time the land annexed becomes part of the city or village. This section also provides information on development techniques, such as mixed-use development, traditional neighborhood development, and transit-oriented development, as well as community design and sustainability techniques. -----County land use plan: This section contains a table and description of the County land use plan, the plan map, and the land use categories. Nancy Anderson stated that the Federal Emergency Management Agency (FEMA) Map Modernization program was not expected to provide Kenosha County’s updated floodplain maps until March 17, 2010, so SEWRPC incorporated the best information currently available for the County and local land use plan maps. This section also provides the County’s land use projections, in five-year increments, of future residential, agricultural, commercial, and industrial land uses. The projections set forth in the chapter assume that the same amount of growth would occur in each five-year period.

- City, village, and town land use plans: this section provides information for all local communities in the County, including those not participating in the multi-jurisdictional comprehensive planning effort. It also provides information on the Village of Genoa City, since the village has parcels of land which extend over the county line. Nancy Anderson stated that land uses shown within city and village planning areas outside their current limits are shown on their local land use plan maps, but not on the County map, unless a boundary agreement is in place. Ms. Anderson then asked committee members to review their local land use plan maps and descriptions, and to contact SEWRPC with any revisions so that the draft can be revised prior to the December meeting.
- Potential land use conflicts: Nancy Anderson stated that most cities and villages did not plan outside their current boundaries/boundary agreement areas, so there were only two potential conflict areas identified: between the Village of Genoa City and the Town of Randall, and between the Village of Silver Lake and the Town of Salem. Ms. Anderson stated that developing boundary agreements is the best way to avoid conflicts in the future.
- Land use goals, objectives, policies, and programs: Nancy Anderson stated that because the land use element is so connected with the other elements, the only new goals, objectives, policies and programs in the chapter were directly pertaining to land use (pp. IX-34 and IX-35). She also noted that one program had been included at the suggestion of Pat Meehan, which stated that communities – including towns – could establish urban and rural design guidelines, for which compliance may be mandatory or voluntary. Towns would establish these Town-specific urban and rural design guidelines as a Town ordinance, provided that the guidelines are first approved by Kenosha County.

Any Other Business Allowed by Law: None

Next Meeting: Fred Ekornaas reminded the committee that the next meeting would be held on November 24, 2009, and the following meeting would be held on December 22, 2009.

Adjournment: A motion to adjourn was made by Bill Morris, seconded by Dennis Faber, and passed unanimously by a voice vote of the MJAC members. The meeting adjourned at 2:45 p.m.

Respectfully submitted,



Kristen Lie, Kenosha/Racine Community Planning Educator
Kenosha County Department of Planning and Development

Approved: November 24, 2009