

**Kenosha County
Multi-Jurisdictional Comprehensive Plan Advisory Committee (MJAC)
("Smart Growth")**

MEETING MINUTES

October 28, 2008

Present: See Attached Sign-In Sheet

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 26, 2008 MJAC meeting minutes. The motion was seconded by Jeff Butler and passed unanimously by a voice vote of the MJAC representatives.

Report on Tour of Development Sites held on September 30, 2008: Todd Roehl provided an overview of the tour of development sites in Woodstock, Illinois and Walworth County, as well as a summary of the written comments submitted by tour participants. Topics of interest raised by tour participants included innovative stormwater management techniques, building close to city centers, transit-oriented development, the integration of parks and recreation into new developments, and intergovernmental cooperation. Participants' concerns included urban sprawl, "cookie-cutter" developments, affordable housing, and navigable streets. Mr. Roehl stated that the written comments would be included in the comprehensive plan as an appendix.

Nancy Washburn commented that it was critical for Kenosha County to make sure the appropriate tools are available to developers in order to promote more innovative techniques for issues such as stormwater management. She further noted that she would like the committee and other interested stakeholders to engage in more dialogue about intergovernmental cooperation and what it means for Kenosha County, particularly its smaller communities.

Preliminary Discussion Related to Land Use Element and Plan Implementation

Review and Possible Action on the Procedure for Preparing County Land Use Plan Map: Nancy Anderson of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) stated that six of the nine required elements for the Kenosha County Multi-Jurisdictional Comprehensive Plan have now been drafted, and SEWRPC has started work on the land use element. She noted that several of the participating local governments have already adopted land use or neighborhood plan maps, which will be standardized for use in the Kenosha County 2035 land use plan map. The Towns of Wheatland, Paris and Brighton and the Village of Silver Lake do not have land use plan maps, so SEWRPC staff will be meeting with their plan commissions and/or town and village boards to develop maps for use in the land use element. Ms. Anderson stated that this element would most likely be prepared for the February 2009 MJAC meeting; however, preparation of the element is dependent on each local government completing its land use plan map for inclusion in the County-wide map.

Nancy Anderson stated that one of the main issues while developing the county land use plan map is how to account for extraterritorial areas when there are discrepancies between the city or village plan and the adjacent town plans. She noted that State law is ambiguous regarding how to incorporate these extraterritorial areas in a county comprehensive plan, so SEWRPC has developed a recommendation that the county comprehensive plan incorporate the land use plan map and related recommendations of the unit of government that has zoning authority for the area in question. Although Kenosha County has zoning authority in the Towns, the County has deferred preparation of land use plan maps to each of the Towns. She further stated that, in cases where a boundary agreement exists between a town and a city or village, the future land uses agreed upon under the terms of the boundary agreement would be included in the county plan.

Review and Possible Action on the Land Use Categories for the County Land Use Plan Map: Peggy Herrick commented that the Village of Pleasant Prairie has developed its own land use categories for specific areas, and she asked how these categories will be made consistent with the categories for the land use element. Nancy Anderson replied that the land use categories used by each city, village and town will be classified into the categories as proposed in the handout, "Description of the Preliminary Land Use Categories for the Kenosha County Land Use Plan Map: 2035" (Agenda Item 4B), in order to ensure consistency across the countywide plan map. She noted that, with the exception of the Town of Somers, all towns would be using land use categories that are the same as County zoning categories, which should assist with plan implementation. In their neighborhood plans, Somers has defined some land use categories, such as mixed use, which may lead to changes in Kenosha County's zoning ordinance. Ms. Anderson further commented that some communities have phased land use plan maps, which will likely be included in the implementation element rather than the land use element.

Nancy Anderson stated that SEWRPC had received comments about the "Agricultural, Rural Residential, and Open Lands" category, with the suggestion that the category be divided into separate general (non-prime) agricultural land (A-2) and rural residential (R-1) categories. John Roth questioned whether this would mean that changing land from farmland protection use to general agricultural land use would require a comprehensive plan amendment. Ms. Anderson confirmed that a plan amendment would be necessary. She also voiced concern that the division of the category could result in a land use plan map that was very detailed, similar to a zoning map. John Roth stated that since several of the affected towns (e.g. Brighton and Salem) were not present at the meeting, this issue would be discussed again at a future committee meeting.

Nancy Washburn asked how Kenosha County handled the construction of buildings on prime agricultural (A-1) land, noting that sometimes structures were placed on A-1 land in such a way as to preclude its use for agricultural business. John Roth stated that the county was trying to discourage building on A-1 land, since it leads to complications regarding building location and size. Nancy Anderson also stated that SEWRPC's regional plan recommends the use of techniques such as lot averaging in non-prime agricultural areas, so that structures can be clustered in one area, leaving more land in agricultural use. Nancy Washburn stated her support for separate Farmland Protection, General Agricultural, and Rural Residential land use categories, with the goal of preserving and enhancing Kenosha County's strong agricultural background.

Achieving Consistency Between Land Use Plan Maps and Zoning Ordinances and Maps: Nancy Anderson stated that the State comprehensive planning law requires that zoning and subdivision ordinances be consistent with a community's comprehensive plan, including the land use plan map, as of January 1, 2010. Many communities have been concerned about pre-zoning parcels to achieve strict conformance between the land use plan map and the zoning map. She stated that the implementation element would contain guidance to help communities ensure that zoning was consistent with the comprehensive plan, with the intent of gradually phasing out current land uses that do not match planned uses. SEWRPC recommends that, in areas where there is a discrepancy between existing use and comprehensive plan recommended use, the zoning map and ordinance may be amended to include a transitional overlay district which would allow the current use to continue, but would require a conditional use permit for any subsequent changes, and the area would be rezoned at an appropriate time.

Jeff Labahn questioned whether State law required communities to develop a transitional overlay district, or whether the transitional area could be identified in the comprehensive plan instead of on the zoning map. Mr. Labahn and Pat Finnemore agreed that putting an overlay district on the City of Kenosha's zoning map could lead to several issues with residents, businesses and landowners. Peggy Herrick noted that the Village of Pleasant Prairie has opted to put an urban reserve overlay on their land use plan map, rather than on the zoning map. Nancy Anderson commented that the State has provided no guidance about how to determine whether land use ordinances are consistent with the comprehensive plan, so SEWRPC's recommendations are open to revision. Ms. Herrick then asked if amendments made to the Village of Pleasant Prairie plan would also require amendments to the county comprehensive plan. Nancy Anderson replied that State law requires that the County automatically accept any amendments to city or village plans for areas within their corporate limits.

Nancy Washburn and Jeff Labahn asked whether the multi-jurisdictional committee would explore the possibility of modernizing traditional zoning ordinances through the comprehensive planning process. Nancy Anderson stated that the comprehensive plan relies on traditional zoning, but local governments can determine whether they wish to use other development tools in their implementation phase.

Peggy Herrick asked if there were still the possibility that the January 1, 2010 comprehensive planning deadline would be changed. Nancy Anderson and John Roth responded that a recommendation had been made to the State to move the deadline to the year 2012, but at this time, the recommendation has not been acted on by the Legislature.

Nancy Anderson stated that in order to move forward with the land use element, it was first necessary for each local community to update an existing land use plan map or to develop a 2035 land use plan map—a process that should be complete by January of 2009. In addition, she stated that land use categories should be agreed upon at the next committee meeting in November.

Review and possible action on revised Chapter X, “Housing Element,” of the Multi-Jurisdictional Comprehensive Plan for Kenosha County: Nancy Anderson reviewed the revisions to Chapter X, “Housing Element,” which included:

- Table X-3d was revised to present recent information from Kenosha Realtors’ Association.
- The addition of Table X-5e, which presents information on the number of condominiums in Kenosha County as of 2006.
- The addition of information on the condition of housing units in Kenosha County, ranging from unsound to excellent. (pg.6-6a) Ms. Anderson also noted that the unsound units were scattered throughout the county, not concentrated in one area.
- The addition of information on the housing needs of non-resident workers. (pg.10)
- The inclusion of information on the Kenosha County requirements for rebuilding structures on non-conforming lots. (pg.34)
- The addition of the program: *“Encourage the home-sharing program, which allows single-family homeowners, typically older residents, to rent a room to another person for money or help around the residence. The program conforms to zoning codes because utilities and other rooms are shared.”* (pg.38)
- The revision of the program: *“Consider reducing or waiving impact fees for all proposed subdivisions that include and demonstrate affordable and/or senior housing that are reviewed under local and county land division ordinances”* (p.38), replacing “impact fees” where the program had previously referred to subdivision review fees.

Jeff Labahn made a motion to accept the revised Chapter X as presented. The motion was seconded by Bill Morris, and passed on a voice vote of MJAC members.

Citizen Comments: None

Any Other Business Allowed by Law: Nancy Anderson stated that the next meeting would be held on November 25, 2008, and the committee would review revisions to the agricultural, natural and cultural resources element, the transportation element, and possibly the utilities and community facilities element. There will not be a meeting in December.

Adjournment: A motion to adjourn was made by Bill Morris, seconded by Jeff Butler, and passed unanimously by a voice vote of the MJAC members. The meeting adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kristen Lie".

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

Approved: November 25, 2008