

## Report to the Manitowoc Plan Commission

**Meeting Date:** January 25, 2023

**Report:** Community Development has been made aware of a proposed rezone in the Town of Manitowoc Rapids. The 16 acre parcel is in the Town but its south line is the city limits line. The property is directly adjacent to residential uses on Kimberly Circle which is a part of Whitetail Meadows Estates subdivision. Community Development, Mayor's Office and Alderman Schei have received multiple phone calls, letters and emails from individuals voicing their concerns with the proposed mini-warehouse development.

The discussion with the Plan Commission is to see if the Commission wants to go on record regarding the proposed zone change.

Manitowoc Rapids is under the County Zoning Code. The property is currently zoned EA Exclusive Agriculture and a petition was submitted to rezone the property to RR Rural Residential. The applicant wants to construct mini-warehouses which are allowed in the RR zoning district only after issuance of a conditional use permit.

The City's future land use map shows the area as Planned Neighborhood. "The Planned Neighborhood future land use category is intended to provide for a variety of housing choices and a mix of non-residential uses such as parks, schools, religious institutions, and small-scale shopping and service areas. The Planned Neighborhood concept encourages a mix of Single-Family and Two-Family Residential – Urban, Mixed Residential, Institutional and Community Services, Parks and Open Space, and neighborhood commercial uses." The Comprehensive Plan recommends that compatible zoning districts in the Planned Neighborhood land use category be B-2 Neighborhood Business which doesn't allow Mini-warehouses.

The Town of Manitowoc Rapids' Future Land Use Map shows the area as:

*"AGRICULTURE & WOODLANDS: These areas are primarily agriculture-related, woodlands, and open space land uses. Proposed non-farm developments or low density growth proposals should not significantly impact prime agricultural lands, agricultural productivity, or cause fragmentation of large woodland and open space areas."*

The Manitowoc County Future Land Use Map shows the area as Agricultural. The property is also shown as being in the Urban Transition category. *"The Urban Transition land use category identifies ideal areas within the county where high to medium density development is expected to occur within the next 20 years. Portions of these areas are expected to be annexed by the cities and villages which would provide public infrastructure and services. Encouraging development in these designated areas will limit sprawling, suburban-type, low-density development throughout the rural areas."*

The preliminary warehouse sketch shows approximately 692 units.

Below is an excerpt from an email sent from P. Braun to other City staff.

Generally, staff doesn't have issues with the rezone to RR because it allows residential, which is consistent with our 20 year land use map **but** the RR district also allows mini-warehouses after issuance of a conditional use permit. Denying a Conditional Use Permit is very difficult.

The town of Manitowoc Rapids has already approved the rezoning. The County's Plan Commission meets January 23<sup>rd</sup> on the rezoning. The CUP does not go to the County Plan Commission, CUP's go to their Board of Adjustment. The formal CUP request has not occurred to my knowledge. I'm not sure if their Plan Commission and Board of Adjustment are aware of each-others concerns, actions or recommendations.

Here is text from the County's zoning code, detailing the criteria that should be looked at when rezoning land out of the EA Exclusive Agriculture district.

*"(7) Rezoning Land Out of the EA District.*

*(a) Land may not be rezoned out of an EA district unless the planning and park commission makes the following findings on the record, following a public hearing: (1) The land to be rezoned is better suited for a use not allowed in the farmland preservation zoning district. (2) The proposed rezoning is consistent with the town comprehensive plan and the county comprehensive plan that are in effect at the time of the rezoning. (3) The proposed rezoning is substantially consistent with the county's farmland preservation plan which has been certified under Wis. Stat. ch. 91 and which is in effect at the time of the rezoning. (4) The proposed rezoning will not substantially impair or limit current or future agricultural use of other protected farmland."*

Again the rezone to RR for residential uses is fine, the issue is the CUP for mini-warehouses is the problem, but at the CUP stage it's difficult to stop the mini-warehouse use. Other than the rezoning not passing, the best that could happen is that the CUP has some detailed conditions trying to address some of the neighborhood concerns. The County does not require site plans for Mini-warehouses.

Off the cuff here are some talking points/conditions that seem legitimate:

- Neighbors concerns with flooding, they stated to me that they have flooding currently and the increase in impervious area will magnify the rain events, I don't think the county has to follow storm water regs so hopefully the site is designed correctly to not flood other properties.
- A site plan prepared by a civil engineer showing how drainage will be addressed with the increase in impervious surfaces, are downstream culverts sized properly to avoid damming and flooding
- Landscape buffering for neighbors
- Mini-warehouses in county don't require asphalt, not sure if tracking of gravel onto Herman Road is an issue, it might be a stretch to require the whole site to be black topped.
- Delineate the wetland and protect the wetland from fill or encroachment
- Density of the development and fire access.
- Protect the drainage swale that runs through the site
- Written approval from ANR for their gas line that runs through the site.

The item is on the Plan Commission agenda to see if the Commission wants to provide an opinion on the proposed rezoning.

# WAREHOUSE LAYOUT SKETCH

PART OF THE SW 1/4 - NE 1/4 OF SECTION 12, T.19 N. - R. 23 E.,  
TOWN OF TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY,  
WISCONSIN

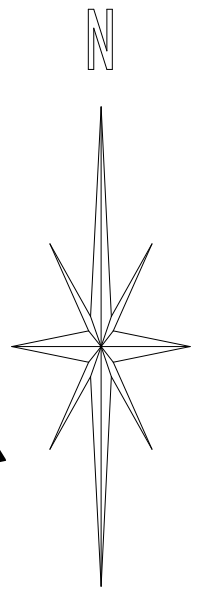
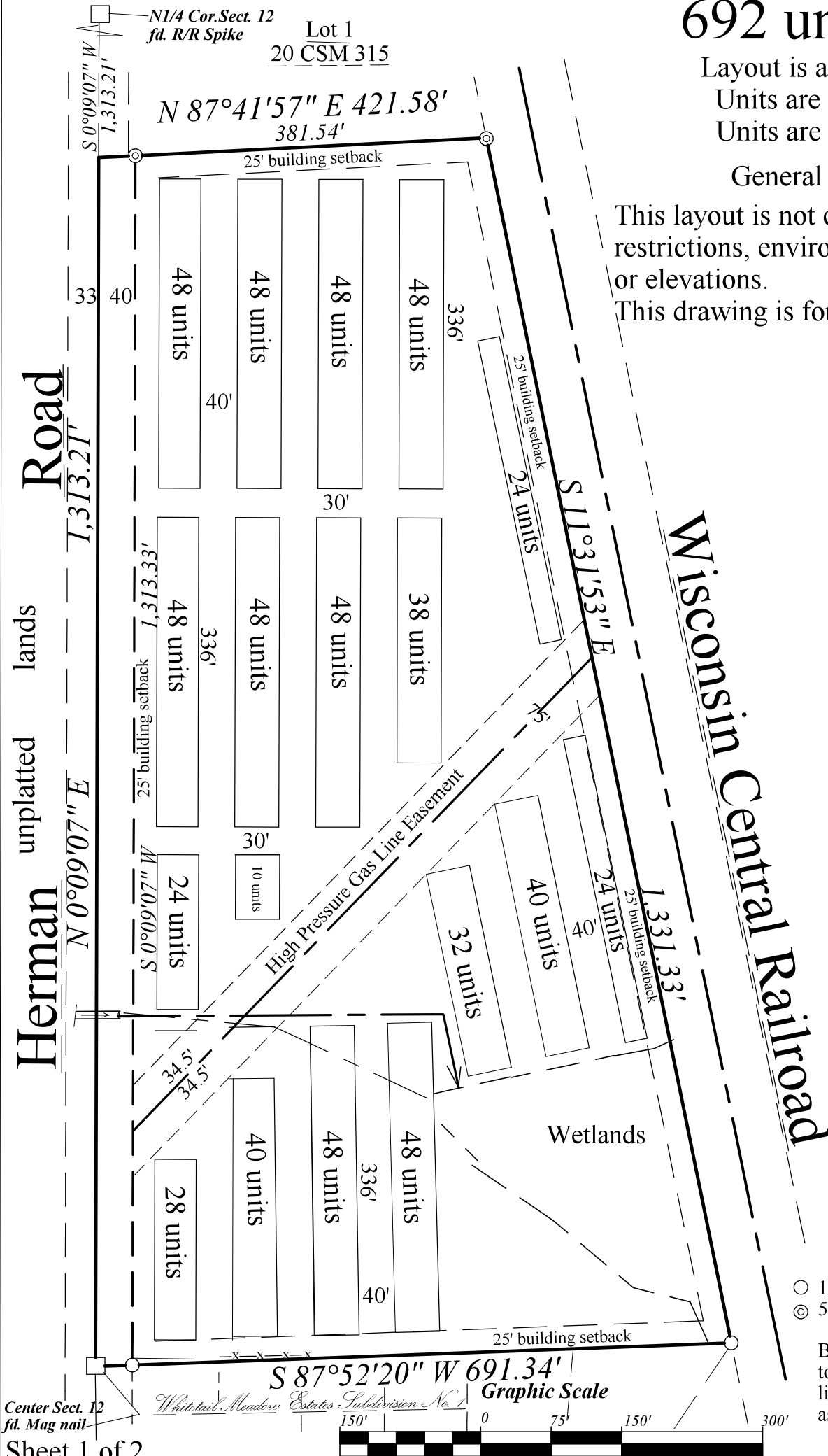
## 692 units +/-

Layout is as follows:  
Units are 14' wide  
Units are 45' deep

### General Notes:

This layout is not considering any restrictions, enviromental, drainage or elevations.

This drawing is for discussion only.



### Legend

- 1 1/2" Re-bar found
- ⊙ 5/8" re-bar found

Bearings referenced to the westerly line of of the NE 1/4 assumed  $N0^{\circ}09'07'' E$

Center Sect. 12  
fd. Mag nail

Whitetail Meadow Estates Subdivision No. 1

Graphic Scale





# Manitowoc County Planning and Park Commission

\$ 505.00  
Fee (\$490) Received  
Receipt # 40357

## ZONING MAP AMENDMENT APPLICATION

JAN 04 2023

### OWNER / APPLICANT / AGENT

— SEND notification —

OWNERS  
PLANNING & PARK  
COMMISSION

Owner Boaring Eagle Dairy

Applicant/Agent

Scott Mertens

Address (1) 10219 Cty Park F

Address (1)

1605 Ruby Ln

Address (2) 7407

Address (2)

PA

City/State/Zip Newton, WI

City/State/Zip

Manitowoc, WI 54220

Phone \_\_\_\_\_

Phone

920-901-0232

### PROPERTY LEGAL DESCRIPTION

SW 1/4, NE 1/4, S 12 T 19 N 8 R 23 E Town of Manitowoc Rapids

House /Fire # \_\_\_\_\_

Tax Number 010-012-003-001.00

### PROPERTY INFORMATION

Existing Zoning District EA

Proposed Zoning district RR

Please include an air photo identifying the proposed area with dimensions or a description of the area proposed for rezoning including acreage:

Entire parcel 14.77 acres

Proposed use: (Reason for change)

Mini Storage

Return to:  
Manitowoc County  
Planning and Park Commission  
4319 Expo Drive, PO Box 935  
Manitowoc, WI 54220-0935  
(920) 683-4185

Scott Mertens 12-28-22  
Signature (applicant, owner, agent) Date

\_\_\_\_\_  
Signature (applicant, owner, agent) Date

# MANITOWOC COUNTY

## ZONING MAP AMENDMENT FACT SHEET

(Manitowoc County, Town of Manitowoc Rapids from EA to RR)

### PETITIONER

**Name:** Soaring Eagle Dairy LLC/  
Scott Mertens (applicant)  
**Address:** 7407 CTH F  
Newton WI 53063  
**Town:** Manitowoc Rapids

### PARCEL

**Location:** SW ¼, NE¼, Section 12, T19N-R23E  
**Tax#:** 010-012-003-001.00  
**Area:** 16.77 acres

### ACTION TO DATE

**Petition Submitted:** 1/04/23  
**Town Action:** Approved December 7, 2022  
**Hearing Notice Published:** 1/9/2023 & 1/16/2023  
**Advisory:** 1/23/2023  
**Hearing:** 1/23/2023

### ADJACENT USES & ZONING

Direction:	District:	Use:
North	RR	Residential
South	City	Residential
East	City	Airport
West	RR & EA	Residential & Farmland

### PARCEL USES & ZONING

**Existing Zoning District:** EA, Exclusive Agriculture  
**Existing Land Use:** Farmland  
**Proposed Zoning District:** RR, Rural Residential  
**Proposed Use:** mini storage

### MAP INFORMATION

**Farmland Preservation Designation:**  
Farmland Preservation  
**Soil Type:** Po, MbA, MsA  
**Air Photo Date:** 04/2020

### OTHER CONSIDERATIONS

**Drainage:** Poorly drained  
**Soil Limitations:** Severe – wetness  
**Sewage Disposal:** Private Onsite Wastewater Treatment  
**Road Access:** Herman Rd  
**Town Land Use Designation:** Agricultural

**Soil Test:** N/A  
**Terrain:** 0 to 3 Percent Slopes  
**Vegetative Cover:** Agricultural

These areas are primarily agriculture-related, woodlands, and open space land uses. Proposed non-farm developments or low density growth proposals should not significantly impact agricultural lands, agricultural productivity, or cause fragmentation or large woodland and open spaces.

**County Future Land Use Designation:** Urban Transition

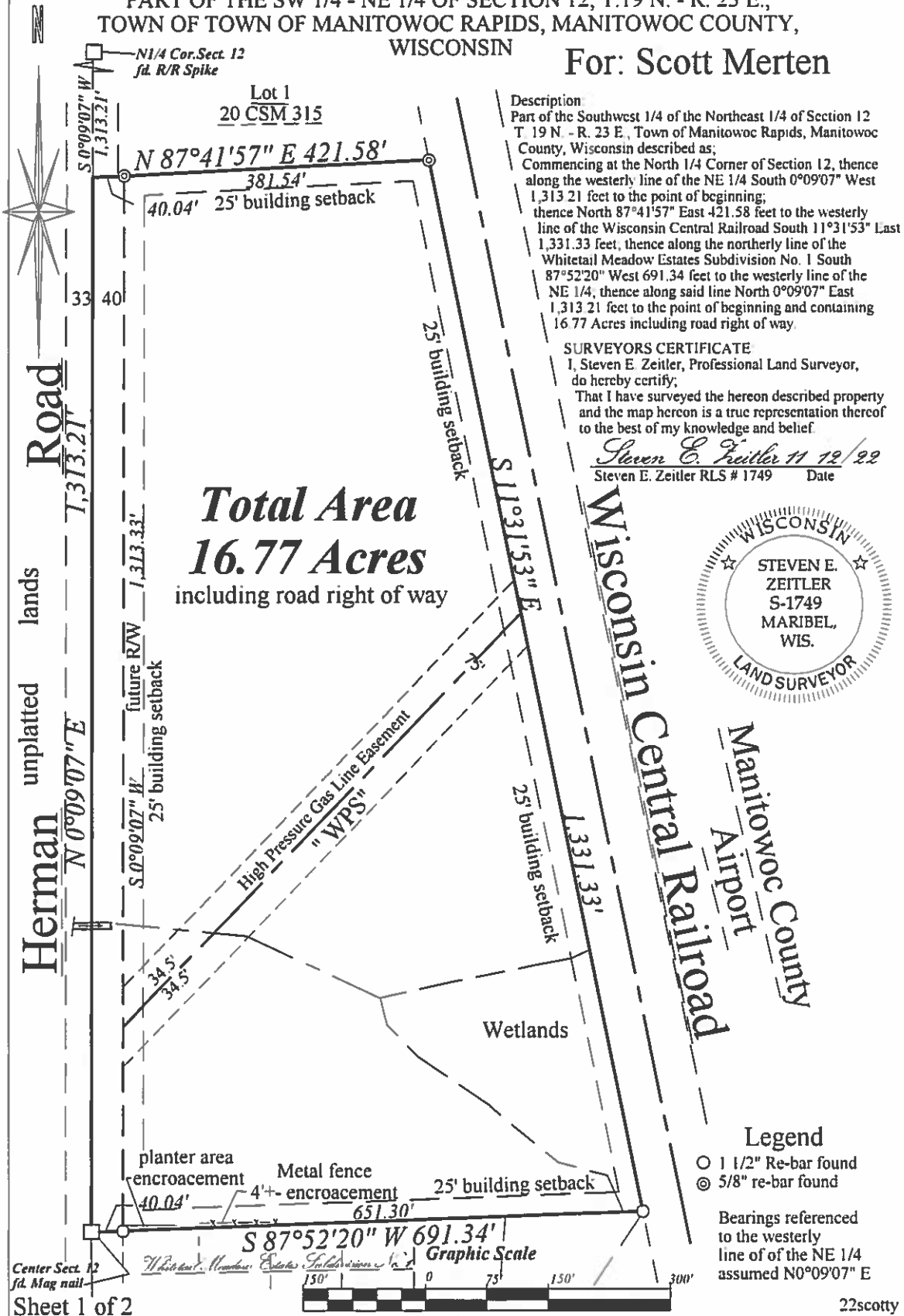
The Urban Transition land use category identifies ideal areas within the county where high to medium density development is expected to occur within the next 20 years. Portions of these areas are expected to be annexed by the cities and villages which would provide public infrastructure and services. Encouraging development in these designated areas will limit sprawling, suburban-type, low-density development throughout the rural areas.

# PLAT OF SURVEY

PART OF THE SW 1/4 - NE 1/4 OF SECTION 12, T.19 N. - R. 23 E.,  
TOWN OF TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY,

WISCONSIN

For: Scott Merten



**Description**  
Part of the Southwest 1/4 of the Northeast 1/4 of Section 12 T 19 N - R. 23 E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin described as:  
Commencing at the North 1/4 Corner of Section 12, thence along the westerly line of the NE 1/4 South 0°09'07" West 1,313.21 feet to the point of beginning; thence North 87°41'57" East 421.58 feet to the westerly line of the Wisconsin Central Railroad South 11°31'53" East 1,331.33 feet, thence along the northerly line of the Whitetail Meadow Estates Subdivision No. 1 South 87°52'20" West 691.34 feet to the westerly line of the NE 1/4, thence along said line North 0°09'07" East 1,313.21 feet to the point of beginning and containing 16.77 Acres including road right of way.

**SURVEYORS CERTIFICATE**

I, Steven E. Zeidler, Professional Land Surveyor, do hereby certify:  
That I have surveyed the hereon described property and the map hereon is a true representation thereof to the best of my knowledge and belief.

*Steven E. Zeidler* 11 12 / 99  
Steven E. Zeidler RLS # 1749 Date



**Legend**

- 1 1/2" Re-bar found
- ⊙ 5/8" re-bar found

Bearings referenced to the westerly line of the NE 1/4 assumed N0°09'07" E

# TOWN OF MANITOWOC RAPIDS

Jessica Backus, Clerk  
PO Box 123  
Manitowoc, WI 54221-0123  
(920) 901-6559

Josh Stradal, Chairperson  
3329 Branch River Rd  
Manitowoc, WI 54220  
(920) 323-0357

Manitowoc County Office Complex  
4319 Expo Drive  
P.O. Box 935  
Manitowoc, WI 54221-0935

December 10, 2022

Re: Soaring Eagle Dairy (Scott Mertens-Agent) Rezone Request

Dear Planning and Zoning Department,

The Town Board for the Town of Manitowoc Rapids has decided to approve Soaring Eagle Dairy (Scott Mertens-Agent)'s rezone request.

Enclosed you will find the Plan Commission's rezone review and the minutes from December 7, 2022 Town Meeting with a motion was made by Supervisor Jost to approve the rezone request, seconded by Supervisor Wetenkamp. The Town Board unanimously approved.

If there are any questions please contact me at (920) 901-6559.

Sincerely,

Jessica Backus, Clerk/Treasurer

**TOWN OF MANITOWOC RAPIDS  
MINUTES FROM THE DECEMBER 7, 2022**

The December 7, 2022 meeting of the Town of Manitowoc Rapids meeting was called to order by Chairperson Stradal at 7:00 pm at the Town Hall, 8624 CTH JJ, Manitowoc, WI.

**ROLL CALL**

The roll was called, and members present were: Josh Stradal-Chairperson, Tom Wetenkamp-Supervisor 1, John Jost-Supervisor 2, Jeremy Stradal-Road Foreman, Jessica Backus-Clerk/Treasurer, and Jim Wiesner-Constable. Scott Tennessen-Assessor was excused.

**APPROVAL OF MINUTES – APPROVAL OF AGENDA**

Chairperson Stradal presented the minutes from the November 9, 2022 meeting. Supervisor Wetenkamp moved to approve the meeting minutes, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

Chairperson Stradal presented the December 7, 2022 agenda. Supervisor Jost moved to approve the agenda, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

**TREASURER'S REPORT**

Clerk Backus presented the cash flow report. Supervisor Wetenkamp moved to approve the cash flow report, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

**PUBLIC COMMENT**

Chairperson Stradal opened public comment at 7:06 p.m.

No one present wished to speak, subsequently Chairperson Stradal closed public input at 7:06 p.m.

**REPORTS**

*Constable* – Constable Wiesner reported he received one dog call and a complaint about mud on the road.

*Highway* – Road Foreman Stradal presented the two quotes for furnace in the back storage garage-Schaus Quote \$5070.00 and Lakeshore \$6,975.00. Supervisor Jost moved to accept the quote from Schaus, seconded by Supervisor Wetenkamp. Upon vote, unanimously approved.

He reported there are cedar trees that need to be trimmed on Cedar Lane. Clerk Backus will send a letter to notify property owners that the trees will be trimmed soon.

*Assessor* – Nothing to report.

**NEW BUSINESS**

*Discussion and possible action to adopt the 2023 Proposed Budget and 2022 Tax Levy*

Supervisor Wetenkamp moved to adopt the 2023 Proposed Budget and 2022 Tax Levy; seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action regarding Fire Department Contracts*

Supervisor Wetenkamp moved to approve the Fire Department Contracts for Branch, Rockwood, and Silver Creek, seconded by Supervisor Jost. Upon vote, the motion carried with Supervisor Wetenkamp and Supervisor Jost voting aye, Chairperson Stradal abstained.

*Discussion and possible action regarding First Responder Contracts*

Supervisor Jost moved to approve the First Responder Contracts for Branch and Silver Creek, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action regarding Ambulance Agreement*

Supervisor Wetenkamp moved to approve the City of Manitowoc Ambulance Agreement, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.



*Discussion and possible action on Clerk/Treasurer Contract*

Chairperson Stradal moved to approve the Clerk/Treasurer contract for 2023, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Fuel Contract*

Supervisor Jost moved to approve the fuel contract with Maribel Grain Company, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Sand Contract*

Supervisor Wetenkamp moved to approve the sand contract with Jim's Excavating, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on MOU between Wisconsin Election Commission and the Town*

Clerk Backus informed the board that the Wisconsin Election Commission was providing a security grant which would cover the cost of our IT support, anti-virus software, and security seals for the tabulator. Chairperson Stradal moved to approve the MOU with WEC, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and action on the Rezone Request for Brad Kurtzweil*

Randy Drumm reported on the rezone request and recommended approval of the rezone request. Supervisor Wetenkamp moved to approve the rezone request for Brad Kurtzweil from Exclusive Agriculture to Rural Residential, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and action on the Rezone Request for Soaring Eagle Dairy (Scott Mertens-Agent)*

Randy Drumm reported on the rezone request and recommended approval of the rezone request. Supervisor Jost moved to approve the rezone request for Soaring Eagle Dairy (Scott Mertens-Agent) from Exclusive Agriculture to Rural Residential, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Resolution 2022-3 to Amend the 2022 Budget*

Supervisor Wetenkamp moved to approve Resolution 2022-3 to Amend the 2022 Budget, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Resolution 2022-4 Adopting Posting Legal Notices*

Chairperson Stradal moved to approve Resolution 2022-4 Adopting Posting Legal Notices, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Pay Schedule Policy*

Clerk Backus explained the current pay schedule for the elected officials and clerk/treasurer and how it affects the new budget year with the year-end carryover. She requested the pay schedule for the elected officials be changed to the payroll checks being issued on the last day of the quarter serves were performed, along with the clerk/treasurer's payroll check being issued the last day of the month for the monthly services performed effect immediately. Chairperson Stradal moved to approve the new pay schedule policy, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Recycling Center Items*

Supervisor Jost recommended increasing the garbage bags/stickers from \$1.00 to \$2.00 to subsidize the increase of garbage pickup as of the first of 2023. Chairperson Stradal moved to approve an increase in garbage bag/stickers fees, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Presentation on Rural Mutual Insurance Review*

Insurance Agent Randy Pingel provided the presentation.

**UNFINISHED BUSINESS**

*Update on N Union Rd/Branch River Bridge*

Chairperson Stradal informed everyone the bridge was now open, but there is a list of small items that will be reviewed in the spring.

**OTHER BUSINESS**

*Items for Next Month's Agenda*

Reduced Speed Limit on Hwy H

*Vouchers*

Clerk Backus presented the December vouchers. Chairperson Stradal moved to approve the vouchers as presented for the month of November, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

**NEXT MEETING DATES**

Monthly Meeting – January 11, 2023 at 7:00 p.m.

There being no further discussion, Supervisor Wetenkamp moved to adjourn; seconded by Supervisor Jost, and the motion was adopted by acclamation. The meeting was adjourned at 7:49 p.m.

Respectfully submitted,  
Jessica Backus, Clerk/Treasurer

PLAN COMMISSION RECOMMENDATIONS

Name: Scott Mertens (Agent) Searing Eagle Dairy (Owner)

Date Request Received: 11/30/2022 Fee Received: \$150.00

Date Committee Met: 12/7/2022

Committee Findings: (List the reasons why it is being recommended for approval – i.e. rocky, marginal farmland, marsh land, steep topography, etc)

Committee approved w/ conditions  
- needed to sign Right to Farm, which was done  
after the meeting.

Recommendation to the Town Board:

Approve as petitioned.

Town Board Decision:

Town Board approved the rezoning request from  
EA to RR.

**Town of Manitowoc Rapids Planning Commission  
Rezoning Review Criteria**

Applicant Scott Mertens  
 Address 11205 Ruby Lane, Manitowoc  
 Location S1/2 1/4 NE 1/4  
 Tax Parcel # 010-012-003-001.00

Owner Soaring Eagle Dairy  
 Address 10219 CTH F, Newton  
 Section 12 Town 19 Range 23

**Background Information**

Is the Letter of Intent application complete for review purpose?

Yes  No

Was applicant/agent present for review?

Yes  No

Have all abutting property owners been properly notified?

Yes  No

Existing Land Use EA

Proposed Land Use RR

The proposed rezoning will occur in the following Preferred Land Use Management Area(s) as identified in the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*:

- |   |  |
|---|--|
| <input type="checkbox"/> Agriculture/Natural Features | <input type="checkbox"/> Primary Residential         |
| <input checked="" type="checkbox"/> Rural Residential | <input type="checkbox"/> Industrial                  |
| <input type="checkbox"/> Branch Rural Center          | <input type="checkbox"/> Planned Unit Development    |
| <input type="checkbox"/> Commercial                   | <input type="checkbox"/> Planned Commercial District |

**Existing Zoning District**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Agriculture (A-3) | <input type="checkbox"/> Industrial (I-1)              |
| <input type="checkbox"/> Agriculture (A-2)            | <input type="checkbox"/> Estate Residential (ES)       |
| <input type="checkbox"/> Agriculture (A-1)            | <input type="checkbox"/> Small Estate Residential (SE) |
| <input type="checkbox"/> Residential (R-1)            | <input type="checkbox"/> Lake Residential (LR)         |
| <input type="checkbox"/> Residential (R-2)            | <input type="checkbox"/> Principal Agriculture (PA)    |
| <input type="checkbox"/> Residential (R-3)            | <input type="checkbox"/> General Agriculture (GA)      |
| <input type="checkbox"/> Business (B-1)               | <input type="checkbox"/> Natural Area (NA)             |
| <input type="checkbox"/> Business (B-2)               | <input type="checkbox"/> Conservancy (C1)              |

**Proposed Zoning District**

- |   |  |
|---|--|
| <input type="checkbox"/> Agriculture (A-3)            | <input type="checkbox"/> Industrial (I-1)              |
| <input type="checkbox"/> Agriculture (A-2)            | <input type="checkbox"/> Estate Residential (ES)       |
| <input type="checkbox"/> Agriculture (A-1)            | <input type="checkbox"/> Small Estate Residential (SE) |
| <input type="checkbox"/> Residential (R-1)            | <input type="checkbox"/> Lake Residential (LR)         |
| <input checked="" type="checkbox"/> Residential (R-2) | <input type="checkbox"/> Principal Agriculture (PA)    |
| <input type="checkbox"/> Residential (R-3)            | <input type="checkbox"/> General Agriculture (GA)      |
| <input type="checkbox"/> Business (B-1)               | <input type="checkbox"/> Natural Area (NA)             |
| <input type="checkbox"/> Business (B-2)               | <input type="checkbox"/> Conservancy (C1)              |

**Review Questions**

1. Is the rezoning in compliance with the Zoning District Compliance Table? (Attached)

Yes  No

2. If the subject parcel is currently zoned A-3, will the A-3 (Exclusive Agriculture) Rezoning Criteria be met? (See Attached)

Yes  Yes with Conditions  No  N/A

If No, please list reasons:

3. If the rezoning is proposed to accommodate structures, do the subject parcels include an area with one or fewer criteria as identified by Map-8-8 within the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

Yes  No

4. Does the proposed use for the rezoned area meet the intent of the impacted Land Use Management Area objectives as identified in the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

Yes  Yes with Conditions  No  N/A

If No, please list reasons:

5. Is the rezoning consistent with the General Land Use Policies identified in the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*? (See attached.)

Yes  Yes with Conditions  No  N/A

If No, please list reasons:

6. Is the proposed use compatible with the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

Yes  Yes with Conditions  No  N/A

If No, please list reasons:

**Other Conditions (When Applicable)**

- Farm Consolidation  Requires "Drainage" Statement  
 Non-Conforming Lot(s)  Requires Road Dedication  
 Non-Conforming Use  Requires Utility or Service Easements  
 Family Transfer or Sale of Property

Planning Committee Recommendation - Approve  Approve with Conditions  Deny  Table

Justification/Comments:

*Approved w/ Condition right of  
Farm*

**A-3 (Exclusive Agriculture) Rezoning Criteria**

The following standards should apply to all land proposed for rezoning out of Exclusive Agriculture (A-3).

*Manitowoc County Standards*

The following standards are contained in Section 91.77 of the Wisconsin Statutes and must be found to exist before land can be rezoned out of the Exclusive Agriculture District (A-3).

1. A county, city, village or town may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:
  - a. Adequate public facilities to accommodate development either exists or will be provided within a reasonable time.  
 True                       False  
Comments: \_\_\_\_\_
  - b. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.  
 True                       False  
Comments: \_\_\_\_\_
  - c. The land proposed for rezoning is suitable for development and the development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.  
 True                       False  
Comments: \_\_\_\_\_

The following "standards" are applied when considering areas that may be excluded from agricultural preservation area in the county plan. It follows that these same types of conditions should exist when a consideration is being given to removing land from the protection of the exclusive agricultural zoning district. Therefore, the following findings should be made for land that is proposed to be rezoned out of an exclusive agricultural zoning district.

1. Existing or planned activities adjacent to the identified parcel to be rezoned are compatible with an agricultural use.  
 True                       False  
Comments: \_\_\_\_\_
2. The area to be rezoned is not economically viable for agricultural use.  
 True                       False  
Comments: \_\_\_\_\_
3. Substantial urban growth in the area to be rezoned or planned urban expansion has created a public need to convert agricultural land use to other uses.  
 True                       False  
Comments: \_\_\_\_\_
4. Maintenance of the area in agricultural use is not consistent with the goals and objectives of a county agricultural preservation plan. (To be determined by Manitowoc County.)

Finally, a proposed rezoning out of an Exclusive Agricultural District (A-3) may be approved if it can be determined that such a use would not conflict with agricultural use and is found to be necessary in light of alternative locations available for such uses. The "mistake" and/or "change of conditions" rules should apply also.

**Town Standards**

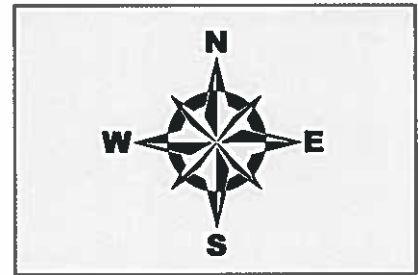
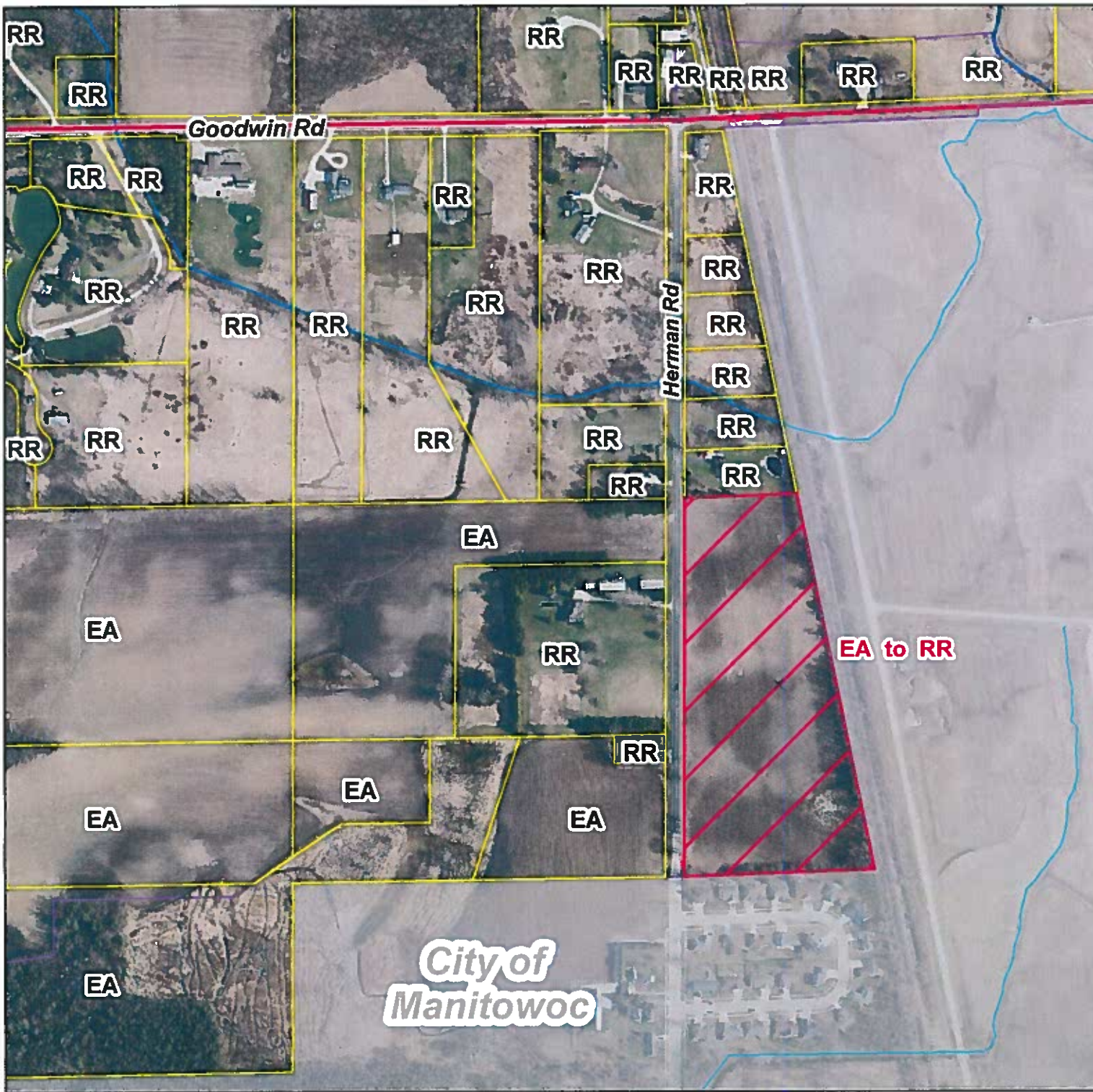
The following are local town standards which shall apply to all Exclusive Agriculture (A-3) rezones. These standards are in addition to the previously listed Manitowoc County standards. These standards are intended to fulfill the objectives of the Agriculture/Natural Features Management Area as identified within Map 8-9 of the *Manitowoc Rapids Year 20-Year Comprehensive Plan*.

1. The property owner is not an active participant in the Manitowoc County Farmland Preservation Program (i.e. receiving tax credit).  
 True       False  
Comments: \_\_\_\_\_
2. A majority of the farmland included in the rezoning is not classified as "Best" for agricultural production as classified by Manitowoc County using the Land Evaluation and Site Assessment (LESA) system (see Map 8-6).  
 True       False  
Comments: \_\_\_\_\_
3. A majority of the land proposed for rezoning contains one or fewer criteria as identified by Map 8-8 of the *Manitowoc Rapids 20-Year Comprehensive Plan*.  
 True       False  
Comments: \_\_\_\_\_
4. The land proposed for rezoning is not within 1,000 feet of any active farming operation (see Map 8-7).  
 True       False  
Comments: \_\_\_\_\_
5. The land proposed for rezoning does not fragment a useable farm field.  
 True       False  
Comments: \_\_\_\_\_
6. The land owner for which the rezone is proposed is willing to sign appropriate documentation which would hold harmless area farmers/land owners and their farming operations and practices from normal nuisances which occur as part of farming procedures (nuisances include but are not limited to noise from farm equipment, hours of operation, inconvenience of farm equipment travel on public roads, occasional smell and dust).  
 True       False  
Comments: \_\_\_\_\_

**Other Considerations**

7. The land is being rezoned to accommodate a use (i.e. housing unit or business) which will support commercial agricultural production (i.e. farm employee residence, equipment repair, etc.).  
 True       False  
Comments: \_\_\_\_\_
8. Farmland contained within the rezoned area is of unique proportion which limits the ability of farm equipment to work efficiently.  
 True       False  
Comments: \_\_\_\_\_

A-3 to A-2, PA, NA, and OA rezones should only be reviewed if the proposed rezoning includes proposed uses of agricultural nature or contains a conservation easement which restricts further fragmentation of the parcel. Limits of Disturbances (area accommodating buildings and accessory features) within the allowed rezone districts shall be limited to 2 acres in size.



Soaring Eagle Dairy LLC  
 SW 1/4, NE 1/4  
 Section 12, T19N-R23E  
 Town of Manitowoc Rapids

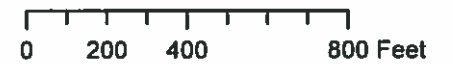
From: EA To: RR  
 Approximately 16.77 acre(s)

-87.690, 44.133 Degrees

**Map Overview**

Manitowoc Rapids

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



**Legend**

- Section Line
- Zoning Line
- Parcel Line
- Streams