

03-08-2018 Draft _____ 2

03-29-2018 Draft _____ 7

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – MARCH 8, 2018**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:45 a.m. on March 8, 2018 on the Robert D. Krueger, Town of St. Lawrence property, the Haberman & Deer Trust AG, Town of Scandinavia and the William L. & Virginia Moehring, Town of Farmington.

Chm. Penney called the meeting to order at: 10:31 a.m. with the following members present: J. Penney, D. Kussmann, D. Federwitz and W. Wilfuer present. T. Murphy was excused.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:34 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for the Waupaca County Comprehensive Plan Amendments. The Waupaca County Comprehensive Plan was adopted by the Waupaca County Board of Supervisors on September 18, 2007. The proposed amendment to the Comprehensive Plan Preferred Land Map is within the **Towns of Scandinavia and St. Lawrence**. The map amendments are to ensure that the Waupaca County Comprehensive Plan remains consistent with the locally adopted comprehensive plans. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Town of St. Lawrence and Town of Scandinavia, Comprehensive Plan Amendment

Ryan Brown, Planning & Zoning Director, explained that the proposed amendment within the Town of St. Lawrence is to remove a property from Farmland Preservation to accommodate a lot split and that the proposed amendment in the Town of Scandinavia is to allow for a Zone Map Amendment to accommodate a lot combination.

Sheryl Deer was sworn in to testify. My husband, Dave Haberman, and I own both parcels of land, Town of Scandinavia; one is zoned agriculture and one is zoned productive forest. They wanted to build a shed for equipment storage, received a building permit. They did not have surveys done, Zoning used GPS not brush line, the shed is 11 ft. off the boundary line, this is why they need a zoning change and to request the double fee be rescinded.

Wayne Krueger was sworn in to testify. Represented Robert Krueger, Town of St. Lawrence to divide into 2 five acre parcel, didn't realize it was in the Farmland Preservation zone, worked with the Planning and Zoning Office. This was never farmed so not sure why it would be zoned in the Farmland Preservation zone. Would like to split this up appropriately and be buildable for the proper zoning.

David Marcy was sworn in to testify. Town Chair of St. Lawrence they are in favor of this application.

Chm. Penney called three times for any testimony in favor of the application. There was none.

Chm. Penney called three times for any testimony in opposition of the application. There was none.

Deb Giuffre read approvals from both the Town Board of St. Lawrence recommending approval of the application and Town of Scandinavia Town Board approval, both compatible land uses.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval for both of the Comprehensive Plan Amendments with final approval from the Waupaca County Board at their next meeting.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Comp Plan Amendments and Resolution No. 34, due to the following: The Town of St. Lawrence and the Town of Scandinavia Boards have both recommended approval of this request and it is consistent with the Town's Comprehensive Plan. Motion was carried without a negative vote. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:50 a.m. The motion was carried without a negative vote.

The second public hearing was called to order at 10:50 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy, was excused. Deb Giuffre read the names of persons notified of the hearing for Robert D. Krueger: Located in part of the SW ¼ of the SW ¼ of Sec. 6, Town of St. Lawrence, lying along Wesley Road, Fire Number E2597, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AR (Agriculture Retention) District to an AWT (Agriculture and Woodland Transition) District to remove the property from the Certified Farmland Preservation zoning district area to be able to create two, approximately 5 acre parcels, list of names is on file with this record in the Planning and Zoning Office. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Robert Krueger was sworn in to testify. He spoke earlier, the road access would come in off Wesley road on the west end, their own road. They do have a CSM of the 10.77. They will get access from the Town of St. Lawrence, they will do everything legally. Discussion on the road access.

Chm. Penney called three times for any testimony in favor to the application.

Dave Marcy was sworn in to testify. Town Chair St. Lawrence, they would like only one access but they will work with the property owners.

Lisa Zimmerman was sworn in to testify. She looked at this and he wants to split this width, if this was split the long way it would make more sense, the back is lowland. Jean Gliniecki mentioned that they couldn't split it the lengthwise because of the code regulations. Ryan Brown explained the process.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read one (1) letter, Town of St Lawrence Board and Plan Commission recommendation in favor of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the zone change with final approval from the Waupaca County Board.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Board and Plan Commission approval. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz —yes unanimous vote to grant the zone change. D. Kussmann moved and J. Penney seconded the motion to close the hearing. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz —yes unanimous vote to close the hearing.

The third public hearing was called to order at 11:05 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for Haberman & Deer Trust AG: Located in part of the SW ¼ of the SW ¼ of Sec. 31, Town of Scandinavia, lying along Stoltenberg Road, Fire Number N4990, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AE (Agriculture Enterprise) District to a PVRF (Private Recreation and Forestry) District to accommodate a boundary line adjustment between two adjoining parcels, one being in an AE (Agriculture Enterprise) District and one being in an PVRF (Private Recreation and Forestry) District on approximately 34 acres. An onsite inspection was conducted. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Sheryl Deer was sworn in to testify. Sheryl stated that she was sworn in previously and has nothing further to add, would like to see the border moved, so the zoning would be the same to be able to move the boundary.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read two (2) letters from the owner Haberman & Deer Trust AG, use unchanged meets all criteria. Town of Scandinavia Board and Plan Commission recommending approval of the Petition for Zoning Map Amendment and Conditional Use Permit with conditions.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the zone change with final approval from the Waupaca County Board at their March meeting.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment but deny refund of the double fee for the after the fact due to the following: Deputy Zoning Admin. Jason Snyder explained the inspection process. The Town of Scandinavia Planning Commission and Town Board have both recommended approval of this request and it is consistent with the Town's Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz —yes unanimous vote to grant the zone change, but deny the refund of the double fee for the after the fact building. Motion carried

D. Kussmann moved and J. Penney seconded the motion to close the hearing at 11:13 a.m. The motion was carried.

The fourth public hearing was called to order at 11:13 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for William L. & Virginia Moehring: Located in part of the NE ¼ of the SW ¼ and also part of the SW ¼ of the SW ¼ of Sec. 31, Town of Farmington, lying along Edminster Road, Fire Number E251, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to an AWT (Agriculture and Woodland Transition) District to correct a mapping error on approximately 24.13 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

William L. Moehring was sworn in to testify. Two months ago it was brought to my attention that the zoning needed to be changed to Agriculture. Ryan Brown mentioned that the Town of Farmington thought it was part of the Hartman’s Creek property, it was an error when the Planning Commission first designated this area as PURF, and it should have been the AWT District.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read the minutes from the Town of Farmington Plan Commission and Board, the zoning district on these four parcels was in error, the Township approves of the change of zoning district from PURF to AWT. Letters on file.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the zone change with final approval from the Waupaca County Board.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the Petition for Zoning Map Amendment from a PURF district to an AWT district due to the error that was made on the original Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz —yes unanimous vote to grant the zone change. The motion was carried.

D. Kussmann moved and D. Federwitz seconded the motion to reopen the hearing for the Petition for Zoning Map Amendment from a PURF district to an AWT district. Voice vote was carried without a negative vote. Motion carried.

Frank Schubert was sworn in to testify. Mr. Schubert shared with the committee a problem with zoning issues on the Moehring property with the horses. Concerned with the stench and potential contamination of the stream and air quality. Owned property since 1992.

D. Kussmann moved and Wayne Wilfuer seconded the motion to CLOSE the public hearing. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz —yes unanimous vote to close the hearing.

The fifth public hearing was called to order by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing. Deb Giuffre read the names of persons notified of the hearing for: Mark Gaigg: Located in part of the SE ¼ of the SE ¼ of Sec. 7, Town of Lebanon, lying along Island Road, Fire Number E7740, Waupaca County, Wisconsin; for a review of a Conditional Use Permit application for a structure to be used for human habitation that doesn't meet the 22 foot minimum width requirement in an AWT (Agriculture and Woodland Transition) District on approximately 10.20 acres. (There was no on-site inspection done on this property.)

Mark Gaigg was sworn in to testify. Any questions for him? Why hasn't the mobile home been removed? Mobile home will be removed by July of this year. Plan is for sale, it is 16 x80 mobile home, no wheels under it yet. Can't move it to another farmland for sale.

Candace Bauer, Land Use Code Enforcement Officer gave a report of this review. Two Conditional Uses have been granted for this issue and the deadline for the removal of the mobile home is approaching in July. We are seeking a recommendation on a deadline for the mobile home to be removed.

No further questions.

The Planning and Zoning Committee clarified that the structure intended for human habitation that doesn't meet the twenty-two (22) foot minimum width requirement be removed from the property by July 9, 2018.

Motion by D. Kussmann and W. Wilfuer seconded the motion to close the hearing for the review of the Conditional Use Permit in an AWT District. Motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Abby Sheppard requesting that an after the fact Land Use Permit application fee for a carport be waived located in Sec. 25, Town of Farmington. Motion: D. Kussmann moved and D. Federwitz seconded the motion to deny waiving the After the Fact Fee. Motion was carried.
- Discussion on Electronic Communications Policy.
- Resolution in support of the Agriculture Enterprise Area.

Schedule Upcoming Meetings.

The next Planning and Zoning Committee meetings have been scheduled for March 29, 2018 and April 12, 2018.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 12:00 p.m. The motion was carried.

Jason Snyder
Recording Secretary

cc: County Clerk

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – MARCH 29, 2018**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:45 a.m. on March 29, 2018 on the David K. Hoffman, Town of Helvetia.

Chm. Penney called the meeting to order at: 10:00 a.m. with the following members present: J. Penney, D. Kussmann, D. Federwitz, T. Murphy and W. Wilfuer present.

D. Kussmann moved and W. Wilfuer seconded the motion to approve the agenda as presented. The motion was carried.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the minutes of January 11, 2018 and February 15, 2018. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:00 a.m. by Chm. Penney. Vice Chm. Kussmann read the order and instructions for the meeting.

Jean Gliniecki read the names of persons notified of the hearing for David K. Hoffman: Located in part of the NE ¼ of the NE ¼ of Sec. 16, Town of Helvetia, lying along Carper Road, Fire Number N8790, Waupaca County, Wisconsin; for an **after the fact** Conditional Use Permit application for the placement of a recreational vehicle intended for temporary living purposes in excess of 30 days in a PVRF (Private Recreation and Forestry) District on approximately 20.57 acres. Copy on file in the Planning and Zoning Office.

Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

David K. Hoffman was sworn in to testify. I put an RV trailer on the property for deer hunting, placed on the property three days prior to deer hunting. Little building belongs to Steve Hudy who owned the property. Need a date to remove the small structure that is on the property. Supr. Murphy stated the property is owned by you and that makes you the responsible party for this building. Not opposed to setting a deadline to have the structure removed. You will need to have a code compiling sanitary system, a Porta Potty is permissible.

Chm. Penney called three times for any testimony in favor of the application. There was none.

Chm. Penney called three times for any testimony in opposition of the application. There was none.

Jean Gliniecki, Zoning Administrator, received the Town Recommendation form from the Plan Commission and Town Board of Helvetia for approval of the application. Jean added from the Planning & Zoning Office recommends approval with the structure to be removed by June 1st and an acceptable sanitary system applied for through the Planning and Zoning Office.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the conditional use with the conditions that the structure is removed no later than June 1st and that they obtain a County approved sanitary system. The motion was carried without a negative vote. Based on the facts and evidence

presented, the Committee's decision was to **GRANT** the application for Conditional Use due to the following:

- The Town of Helvetia Planning Commission and Town Board have both approved this request and it is consistent with the Town Comprehensive Plan.

With the following conditions:

- The recreational vehicle must have a county approved sanitary system. (Please contact the Planning & Zoning Office.)
- The small structure that is currently on the property **MUST** be removed by **June 1, 2018**.

D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:18 a.m. The motion was carried.

The second public hearing was called to order at 10:19 a.m. by Chm. Penney. Roll call was taken with the following members present J. Penney, D. Kussmann, D. Federwitz, T. Murphy and W. Wilfuer. Vice Chm. Kussmann read the order and instructions for the meeting.

Jean Gliniecki read the names of persons notified of the hearing for Cody and Kelly Meyer: Located in part of the SE ¼ of the SE ¼ of Sec. 16, Town of Larrabee, lying along Yaeger Road, Fire Number N10971, Waupaca County, Wisconsin; for a continuation of a Conditional Use Permit application to allow for Animal Husbandry (2 mini-cattle) in an RR (Rural Residential) District on approximately 2.046 acres. (There will be no on-site inspection done on this property.); list of names is on file with this record in the Planning and Zoning Office. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Kelly Meyer was sworn in to testify. They have met with the Town Board of Larrabee twice. V. Chm. Kussmann mentioned the shoreland of the Pigeon Lake District, concern with the animal waste near the Pigeon Lake. Ms. Meyer stated there is a fence all along the property. They wanted to adopt animals with medical needs, but they are no longer available. If they decide on horses would have to come back to committee. Planning Director Ryan Brown explained animal units for the horses and land available, that's why they need to know what types of animals they will have on the land. If this was approved it may take one or two years to do the mini cattle.

Chm. Penney noted that there was no one else present to provide testimony either in favor or against.

Jean Gliniecki, Zoning Administrator, Town Board recommended approval and the Planning & Zoning Office recommends approval of the Conditional Use permit with conditions.

D. Federwitz moved and D. Kussmann seconded the motion to approve this and review this in a year and limit it to the fenced area, with the following conditions:

- Register your animals with the Wisconsin Department of Agriculture, Trade and Consumer Protection Livestock Premises Registration by calling (888) 808-1910 or online at: <http://www.wiid.org/pdf/AH-LP-100-Premises-registration-form-2012.pdf>
- The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the construction of any structures on the property.
- The applicant must contact the local Building Inspector to verify if a Building Permit is necessary for the construction of any structures. (Paul Hermes (920) 858-0102)

- The Committee will be reviewing this Conditional Use Permit in one (1) year from today's date, which will be by **March 29, 2019**.

D. Kussmann moved W. Wilfuer seconded the motion to close the hearing at 10:32 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTIONS:

Potential Planning Grant for Farmland Preservation expansion project. Ryan Brown contacted DATCP.

Next meeting dates: April 12, 2018 and May 3, 2018

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn at 10:40 a.m. The motion was carried.

Jason Snyder
Recording Secretary

cc: County Clerk

DRAFT