

**WAUPACA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD SESSION
MAY 17, 2016**

Chair Koeppen called the meeting to order at 9:00 a.m. with 26 members present.

Present: Suprs. Barrington, Boyer, Craig, Ellis, Flease, Gabert, Handrich, Johnson, Jonely, Kietzmann, Koeppen, Kussmann, McClone, Much, G. Murphy, T. Murphy, Neumann, Nygaard, Penney, Poehlman, Rohan, Sorensen, Spierings, Wilfuer, Whitman, Zaug. Supr. Federwitz was excused.

Chair Koeppen made the open meeting statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

A moment of silent meditation was observed followed by the Waupaca County Honor Guard and Pledge of Allegiance.

Supr. Nygaard moved and Supr. McClone seconded the motion to approve the agenda. Motion carried 26-0. Passed the 17th day of May, 2016.

Supr. Sorensen moved and Supr. Nygaard seconded the motion to approve the minutes of the April 19 & 20, 2016 meetings. Motion carried 26-0. Passed the 17th day of May, 2016.

**AMENDMENT TO CHAPTER 34 OF THE
WAUPACA COUNTY CODE OF ORDINANCES
2016-608, Town of Weyauwega**

TO THE COUNTY BOARD OF WAUPACA COUNTY:

Petition #Z-006-16, Town of Weyauwega

The Waupaca County Planning & Zoning Committee, having considered the above petition on the 21st day of April, 2016 by **Daniel D. McFaul, Jr.** for a Petition for Zoning Map Amendment from a PVRF (Private Recreation and Forestry) District to an RR (Rural Residential) District to create additional development rights for single family development for a total of not more than four (4) parcels inclusive of the original parent parcel on approximately 26.42 acres.

The following described lands: Located in part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 11, Town of Caledonia, lying at the intersection of County Highway W and Kanaman Road, Waupaca County, Wisconsin. (Parcel #02-11-22-3)

Having held public hearings thereon, pursuant to the Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the testimony presented at the public hearing, the Committee decided to **GRANT** the Petition for Zoning Map Amendment due to the following:

- The Town of Caledonia Planning Commission and the Town Board of Caledonia have both recommended approval of this request and it is consistent with the Town's Comprehensive Plan.

Waupaca County Planning & Zoning Committee on April 21, 2016.
By: /s/ John F. Penney, Chairman

This ordinance shall be in full force and effect in the Town of Caledonia upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.

Certification of County Board Approval: 26 ayes 0 nays

I, Mary A. Robbins, Waupaca County Clerk
do hereby certify that the above Zoning Amendment
was enacted by the County Board on May 17, 2016.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Zaug moved and Supr. Kussmann seconded the motion to approve the amendments to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 17th day of May, 2016.

**AMENDMENT TO CHAPTER 34 OF THE
WAUPACA COUNTY CODE OF ORDINANCES
2016-607, Town of Union**

TO THE COUNTY BOARD OF WAUPACA COUNTY:

Petition #Z-007-16, Town of Union

The Waupaca County Planning & Zoning Committee, having considered the above petition on the 5th day of May, 2016 by **Dennison Family Trust** for a Petition for Zoning Map Amendment from an RC-N (Rural Commercial - Neighborhood) District to an AE (Agriculture Enterprise) District on approximately 7.45 acres to make the zoning the same as the adjoining parcels.

The following described lands: Located in part of the SE ¼ of the SW ¼ of Sec. 13, Town of Union, lying along Dennison Road, Fire Number E7040, Waupaca County, Wisconsin. (Parcel #19-13-34-5)

Having held public hearings thereon, pursuant to the Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the testimony presented at the public hearing, the Committee decided to **GRANT** the Petition for Zoning Map Amendment due to the following:

- The Town of Union Planning Commission and the Town Board of Union have both recommended approval of this request and it is consistent with the Town's Comprehensive Plan.

Waupaca County Planning & Zoning Committee on May 5, 2016.

By: /s/ John F. Penney, Chairman

This ordinance shall be in full force and effect in the Town of Union upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.

Certification of County Board Approval: 26 ayes 0 nays

I, Mary A. Robbins, Waupaca County Clerk

do hereby certify that the above Zoning Amendment was enacted by the County Board on May 17, 2016.

/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Penney moved and Supr. Zaug seconded the motion to approve the amendments to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 26-0.

Passed the 17th day of May, 2016.

AMEND WAUPACA COUNTY CODE OF ORDINANCES CHAPTER 34, WAUPACA COUNTY ZONING ORDINANCE

The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Zoning Ordinance, Chapter 34:

Amend Table 4:

"PURF (Public Recreation and Forestry) District" – change the rear yard setback from 20 feet

Create “CV (Conservancy) District” with the minimum area being 5 acres, no maximum acreage required and 100 feet minimum width

Change the rear yard setback 15 feet in the “AWT (Agriculture and Woodland Transition) District”, “RR (Rural Residential) District”, “RR-O (Rural Residential - Overlay) District”, “SR (Sewered Residential) District”, “PD (Planned Residential Development) District” and “H (Hamlet) District”.

Amend Footnote #9 – Base Zoning District Regulations remain the same within the Farmland Preservation Overlay Districts.

Add Footnote #10 to “CV (Conservancy) District” – No structures allowed as per Sec. 6.10

Amend Table 5:

Add “Group Day Care Center Facility – Accessory to a Principal Use” – should be “P” (Permitted) in Hamlet, RC-N and RC-G; should be “C” (Conditional Use Permit) in PURF, PVRF, AE, AR, AWT, RR, SR and PD.

Create “CV (Conservancy) District” – Agriculture, Agriculture - Animal Husbandry and Forestry Management should all be “P” (Permitted) and Outdoor Public Recreation should be “C” (Conditional Use).

Add “Off-Site Commercial Parking” – should be “C” (Conditional Use Permit) in PURF, PVRF, AE, AR, AWT, PD, H, RC-N, RC-G, RI-G and RI-I.

“Agricultural Accessory Use” – delete the “C” in RR (Rural Residential) District; should not be allowed in residential districts

Add Footnote #4 to all uses listed in “CV (Conservancy) District” – No structures allowed as per Sec. 6.10

Amend Table 5.1:

Create “CV (Conservancy) District” – Agriculture, Agriculture - Animal Husbandry and Forestry Management should all be “P” (Permitted) and Outdoor Public Recreation should be “C” (Conditional Use)

Add Footnote #9 to all uses listed in “CV (Conservancy) District” – No structures allowed as per Sec. 6.10

Table 4.0

Zoning District	Residential Density		Lot Size			Setbacks		Maximum Building Height
	Minimum	Maximum (See Appendix A for Examples)	Minimum Area	Maximum Non-Farm Residential Lot Area ²	Minimum Width	Front Yard: Per Section 2.08		
						Waterfront: Per Shoreland Zoning		
						Minimum Side Yard	Minimum Rear Yard	
CV¹⁰ Conservancy	-	-	5 Acres	-	100 Ft	None ¹⁰	None ¹⁰	None ¹⁰
PURF Public Recreation and Forestry	-	-	1 Acre	-	-	20 Ft	50 20 Ft ⁶	35 Ft
PVRF⁹ Private Recreation and Forestry	-	1 Unit / 10 Acres ⁷	1 Acre	-	150 Ft	20 Ft	20 Ft ⁶	35 Ft
AE⁹ Agriculture Enterprise	-	1 Unit / 40 Acres ⁸	1 Acre	2 Acres	100 Ft	20 Ft	20 Ft ⁶	35 Ft
AR⁹ Agriculture Retention	-	1 Unit / 10 Acres ⁷	1 Acre	-	100 Ft	20 Ft	20 Ft ⁶	35 Ft
AWT Agriculture and Woodland Transition	-	1 Unit / 2 Acres	1 Acre	-	100 Ft	15 Ft	20 15 Ft ⁶	35 Ft
RR Rural Residential	-	1 Unit / 1 Acre	1 Acre	-	100 Ft	15 Ft	20 15 Ft ⁶	35 Ft
RR-O Rural Residential - Overlay	-	-	2 Acre	-	100 Ft	15 Ft	20 15 Ft ⁶	35 Ft
SR Sewered Residential	-	-	20,000 SF	-	100 Ft	10 Ft	20 15 Ft ⁶	35 Ft
PD Planned Residential Development	To be determined through the Site Plan Review Process According to the County and Local Comprehensive Plans				75 Ft	10 Ft	20 15 Ft ⁶	35 - 60 Ft ⁴
H Hamlet	-	-	15,000 / 20,000 SF (Per Unit: 5,000 / 10,000 SF) ³	-	50 Ft	10 Ft	20 15 Ft ⁶	35 Ft
RC-N Rural Commercial - Neighborhood	-	-	-	-	50 Ft	None ⁵	20 Ft ⁶	35 - 60 Ft ⁴
RC-O Rural Commercial - Overlay	-	-	1 Acre	-	50 Ft	None ⁵	20 Ft ¹⁰	35 - 60 Ft ⁸
RC-G Rural Commercial - General	-	-	10,000 SF	-	75 Ft	None ⁵	20 Ft ⁶	35 - 60 Ft ⁴
RI-G Rural Industrial - General	-	-	20,000 SF	-	150 Ft	20 Ft	20 Ft ⁶	35 - 60 Ft ⁴
RI-I Rural Industrial - Intensive	-	-	10,000 SF	-	75 Ft	10 Ft	20 Ft ⁶	35 - 60 Ft ⁴

Notes:

- ¹ The statement, "Please refer to the Waupaca County Density Management Tracking System maintained by the Waupaca County Planning & Zoning Department (811 Harding Street, Waupaca, WI) for current information on available residential development rights on this/these parcels," shall be recorded on each Certified Survey Map, plat, and plat of survey created for parcels within the PVRF, AE, AR, AWT, and RR zoning districts.
- ² Maximum lot areas, where required through base zoning district regulation or overlays, may be increased up to ten (10) acres in area for the purpose of consolidation of farm structures. Site plan review (Level 1) is required.
- ³ Lots served by public sewer/water: minimum lot area: 15,000 square feet; minimum lot area per residential unit: 5,000 square feet. Lots served by private sewer/water: minimum lot area: 20,000 square feet; minimum lot area per residential unit: 10,000 square feet.
- ⁴ One additional foot of extra height may be added above 35 Ft for each additional foot of side or rear yard.
- ⁵ Minimum side yard setback shall be the same as neighboring lot zoning unless the neighboring lot is zoned RC-N or RC-G.
- ⁶ Accessory Uses and Structures less than 200 square feet in area in the rear yard can be located within 7.5 feet from any property line.
- ⁷ One dwelling unit per ten (10) acres or a 1/64 of a section.
- ⁸ One dwelling unit per forty (40) acres or a 1/16 of a section.
- ⁹ Base Zoning District Regulations remain the same within the Farmland Preservation Overlay Districts.
- ¹⁰ No Structures allowed per Section 6.10

Table 5.0	Zoning Districts													Land Use Definition and Requirements (Section #)		
	CV	PURF	PVRF	AE	AR	AWT	RR	SR	PD	H	RC-N	RC-G	RI-G		RH	
Land Uses	Conservancy District ⁴	Public Recreation and Forestry	Private Recreation and Forestry	Agriculture Enterprise	Agriculture Retention	Agriculture and Woodland Transition	Rural Residential	Sewered Residential	Planned Residential Development	Hamlet ¹	Rural Commercial - Neighborhood	Rural Commercial - General	Rural Industrial - General	Rural Industrial - Intensive		
INDUSTRIAL LAND USES																6.07
Light Industrial Accessory Activity as an Accessory to												C				1
Light Industrial												C	P ¹	P ¹		2
Heavy Industrial													C	C		3
Contractor Shop			C	C	C	C					C	C	P ¹	P ¹		4
Truck, Freight or Bus Terminal															C	5
Mineral Extraction (Non-Metallic)			C	C	C	C							C	C		6
Salvage Yard															C	7
Solid or Hazardous Waste Facility															C	8
PUBLIC / INSTITUTIONAL LAND USES																6.08
Community Living Facility - 1 to 8 Residents			C	C	P	P	P	P	C	P						1
Community Living Facility - 9 to 15 Residents			C	C	C	C		C	C	C						2
Community Living Facility - 16 or More Residents			C	C	C	C		C	C							3
Outdoor Institutional			C	C	C	C	C	C	C	C	P ¹	P ¹				4
Airport					C	C							C	C		5
Minor Indoor Institutional		C	C	C	C	C	C	C	C	P ¹	P ¹	P ¹				6
Major Indoor Institutional		C	C	C	C	C	C	C	C		C	C				7
Public Service and Utility			C			C		C	C	C	C	C	C	C		8
Small Solar Energy Systems		P	P	P	P	P	P	P	P	P	P	P	P	P	P	9
Large Solar Energy Systems			P	P	P	P					P	P	P	P	P	10
PARK / RECREATION LAND USES																6.09
Outdoor Public Recreation	C ⁴	P	P			P	P	P	P ¹	P	P	P				1
Outdoor Public Recreation - Active		C	C			C	C	C	C		C	C				2
Shooting Ranges for Firearms		C	C	C	C	C						C				3
Temporary Events		P	P	P	P	P				P	P	P	P	P	P	4
Temporary Events (greater than 750 people)		C	C	C	C	C				C	C	C	C	C	C	4
Campgrounds and Camping Resorts		C	C		C	C			C							5
Vehicle Course or Track		C	C	C	C	C						P	P	P		6
OPEN LAND / AGRICULTURE USES																6.10
Agriculture	P ⁴		P	P	P	P	C									1
Agriculture - Animal Husbandry ³	P ⁴		P	P	P	P	C									2
Agriculture - Related Use				C	C	C					C					3
On-site Agricultural Retail				P	P	P										4
Agricultural Accessory Use				P	P	P	€									5
Outdoor Storage of Motor Vehicles, Farm Machinery			C	C	C	C										6
Agriculture Home Occupation			P	P	P	C										7
Farm Residence			P	P	P	P										8
Secondary Farm Residence			P	P	P	P										9
Forestry Management	P ⁴	P	P	P	P	P	P									10

¹ Permitted use subject to site plan review as outlined in Section 10.0.

² Mobile Service Facilities & Support Structures - New Structures and Class 1 Collocations require a Conditional Use Permit and Class 2 Collocations require a Land Use Permit as outlined in Chapter 48 Mobile Service Facilities & Support Structures Ordinance.

³ See Section 6.10.2 for permitted animal units within the PVRF zoning district and non-farm residential lots within the AE, AR, and AWT zoning districts.

⁴ No structures allowed as per Section 6.10.

Table 5.1	Zoning Districts						Land Use Definition and Requirements (Section #)
	Conservancy District ⁹	Private Recreation and Forestry	Agriculture Enterprise	Agriculture Retention	Rural Residential - Overlay	Rural Commercial - Overlay	
Land Uses	CV	PVRF	AE	AR	RR-O	RC-O	
INDUSTRIAL LAND USES							6.07
Light Industrial Accessory Activity as an Accessory to Retail Sales or Service							1
Light Industrial							2
Heavy Industrial							3
Contractor Shop ⁴		C	C	C		C	4
Truck, Freight or Bus Terminal ⁴		C	C	C			5
Mineral Extraction (Non-Metallic) ⁶		C	C	C			6
Salvage Yard							7
Solid or Hazardous Waste Facility							8
PUBLIC / INSTITUTIONAL LAND USES							6.08
Community Living Facility - 1 to 8 Residents ⁵		C	C	C	P		1
Community Living Facility - 9 to 15 Residents ⁵		C	C	C			2
Community Living Facility - 16 or More Residents ⁵		C	C	C			3
Outdoor Institutional ⁵		C	C	C	C	P ¹	4
Airport ⁴				C			5
Minor Indoor Institutional ⁵		C	C	C	C	P ¹	6
Major Indoor Institutional ⁵		C	C	C	C	C	7
Public Service and Utility ⁸		C				C	8
Small Solar Energy Systems		P	P	P	P	P	9
Large Solar Energy Systems ⁴		C	C	C		P	10
PARK / RECREATION LAND USES							6.09
Outdoor Public Recreation	C ⁹	P			P	P	1
Outdoor Public Recreation - Active ⁵		C			C	C	2
Shooting Ranges for Firearms		C	C	C			3
Temporary Events		P	P	P		P	4
Temporary Events (greater than 750 people)		C	C	C		C	4
Campgrounds and Camping Resorts ⁷		C		C			5
Vehicle Course or Track ⁷		C	C	C			6
OPEN LAND / AGRICULTURE USES							6.10
Agriculture	P ⁹	P	P	P	C ³		1
Agriculture - Animal Husbandry	P ⁹	P	P	P	C ³		2
Agriculture - Related Use		C	C	C		C	3
On-site Agricultural Retail		P	P	P			4
Agricultural Accessory Use		P	P	P	C		5
Outdoor Storage of Motor Vehicles, Farm Machinery and Collectibles		C	C	C			6
Agriculture Home Occupation		P	P	P			7
Farm Residences		P	P	P			8
Secondary Farm Residence		P	P	P			9
Forestry Management	P ⁹	P	P	P	P		10
¹ Permitted use subject to site plan review as outlined in Section 10.0							
² Mobile Service Facilities & Support Structures - New Structures and Class 1 Collocations							
³ See Section 6.10.2 for permitted animal units within non-farm residential lots							
⁴ Conditional use Permit shall be compliant with Wis Stats 91.01(1)							
⁵ Conditional use Permit shall be compliant with Wis Stats 91.46(5)							
⁶ Conditional use Permit shall be compliant with Wis Stats 91.46(6)							
⁷ Open Space Use Only, unless there are permanent structures and for public use then compliant with 91.46(5)							
⁸ Conditional Use Permits shall be compliant with Wis. Stats 91.46(4)							
⁹ No Structures allowed as per Section 6.10.							

Amend Sec. 1.07(28):

28. Height: Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure.

Add to Sec. 2.04(3) & delete (4):

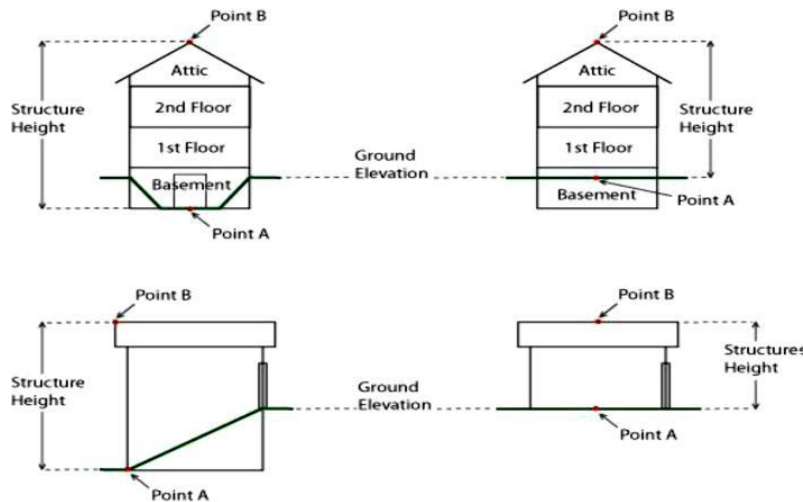
2.04 Use Regulations

1. Restricted Uses: In any zone no building or land shall be used and no building shall be hereafter erected, structurally altered, or relocated except for one or more of the uses as hereinafter stated for that zone and in compliance with the regulations hereinafter established for that zone.
2. Accessory Uses: In any zone accessory buildings and uses customarily incidental to the permitted uses in that zone shall be permitted subject to such requirements as may be hereinafter designated for that zone in which they are located.
3. Change in Uses: If a change in the use of the property occurs and that use is listed as a permitted use, then a Land Use Permit is required. If the new use is listed as a Conditional Use, then a Conditional Use Permit is required.

Amend Sec. 2.06:

2.06 Height Regulations

1. Height: Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code. (Refer to Table 4)



2. Exemptions: Heights of the following structures may exceed Ordinance limits as identified in Section 4.0 for the zone in which they are to be located: Cooling towers,

stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

Amend Sec. 2.15(1):

2.15 Accessory Uses and Structures

1. Accessory buildings, structures and uses shall be compatible with the principal uses on a parcel. An accessory structure may be placed on a parcel prior to a principal structure if approved by the Planning & Zoning Director or designee, and if the following conditions are met:

Add to Sec. 2.15(4):

4. Portable Storage Facilities (includes shipping containers, portable on demand storage (PODS), and store and move (SAM) containers), buses, heavy-duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items which are no longer in use for their designated purpose are prohibited from being used as an accessory structure.

Add to Sec. 2.16(4):

4. The County reserves the right to require a survey, at Owner's expense, prior to issuance of a permit when a proposed structure is located, in the County's judgment, at or near the required setback to a property line.

Add Sec. 2.19:

2.19 Side Yard, Rear Yard and Public Roadway Setback Exemptions

The following shall be exempted from side yard, rear yard, and roadway setback requirements except where necessary to provide visual clearance at roadway intersections as described in Section 2.07:

- (1) A four (4) foot by six (6) foot open platform for safe access to an existing egress/ingress on a principal structure.

Create Sec. 3.07:

3.07 CV: Conservancy District

The intention of this district is to provide for general agricultural and open-space activities with the prohibition of any structures or buildings. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be used for agriculture.

Amend Sec. 6.01:

6.01 Land Use Interpretation

Section 5.0 broadly categorizes potential land uses in Waupaca County as Permitted (P), or Conditional Use (C) within the Zoning Districts. Definitions and additional requirements for these land uses are included in Sections 6.05 through 6.10. Any use not identified as Permitted (P) or Conditional (C) within a Zoning District is prohibited.

Amend Sec. 6.02:

6.02 Conditional Uses

Certain uses are of such special nature and their effects are dependent upon specific circumstances as to make it impractical to determine in advance of where and when and under what conditions they should be permitted. These Conditional Uses may be appropriate within a specific zone provided conditions can be met as set forth in Sec. 14.05. These uses may be authorized upon application to the Planning and Zoning Committee and are subject to the Committee's authorization of a Conditional Use Permit pursuant to Sec. 14.05.

Add Sec. 6.04(6):

6. Off-Site Parking that is identified as a Conditional Use (C) in a Zoning District must be located within the same zoning district as, and within 500 feet (measured nearest lot line to nearest lot line) of, the property being served, and shall be governed by the provisions of Sections 6.02 and 14.05 relating to Conditional Uses.

Add to Sec. 6.06(12):

12. Group Day Care Center Facility: Land uses in which qualified persons provide child care services for nine (9) or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization, which may require a Conditional Use Permit.

Delete Sec. 6.06(16):

Add to current Sec. 6.10(5)(5):

5. A facility used for manure storage or bunker silo. Yard and roadway setbacks for manure storage facilities are measured from the inside liner.

Create new Sec. 6.10(11):

11. Conservancy District:

The intention of this district is to provide for land uses that include general agricultural and open-space activities with structures or buildings prohibited. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be used for agriculture.

1. Permitted Principal Uses:

a. Agricultural

b. Agricultural – Animal Husbandry, in accordance with the animal unit allowances of Appendix B – Animal Density Unit Standards

c. Forestry Management

2. Conditional Uses:

a. Outdoor Public Recreation

3. Requirements:

a. Minimum of five (5) acres, no maximum acreage required

b. Consistent with all Planning Districts found within the Preferred Land Use Map, except for Residential

c. Requires no development rights. Any existing development rights may exist but cannot be used in this district. They can be transferred in accordance with Sec. 7.06(2) and Sec. 8.07(1)(d).

d. Any existing or new structures are prohibited

e. Property owners may rezone into the Conservancy District with approval of a Petition for Zoning Map Amendment and a document recorded detailing the acreage under the Conservancy District.

f. Once in the Conservancy District, property owners may adjust the acreage as long as it results in a greater or equal amount of acreage that remains in the Conservancy District. This procedure would also require a Petition for Zoning Map Amendment and a new document recorded detailing the change in acreage.

g. This Conservancy District is not the same as Chapter 47 Waupaca County Voluntary Conservation Easement Donation Ordinance which is administered through Land & Water Conservation Department.

Add to Sec. 7.06:

7.06 Transfer of Development Rights (TDR): For Non-Farmland Preservation properties (for Farmland Preservation properties see Sec. 8.07(1)(d)).

Amend Sec. 8.07(1)(c):

c. The minimum lot size for non-farm development allowed as a rezone within this overlay will be 2 acres. A lot size larger than the minimum will require additional development rights at the rate of 1:2. For fractional sizes, the necessary development rights will be determined by dividing the proposed lot size by 2 then rounding up to the nearest whole number. For example, for a 9 acre proposed lot, $9/2=4.5$ which rounds up to 5 development rights. Exceptions would include:

(1) For the purpose of consolidation of farm structures. The lot area may be increased up to ten (10) acres in area with Township approval. This would only require one (1) development right.

(2) For the conveyance of large tracts of land that would consist of one-half (1/2) of a quarter-quarter (1/4, 1/4) will be allowed as an exemption of the development right rate of 1:2. A Homeowner Assignment of Density Rights form must be completed for these land divisions as required by Sec. 7.03(B)(5).

Amend Sec. 8.07(1)(d):

d. The transfer of development rights will be allowed from this overlay into lands outside, but not vice versa. The transfer of development rights will also be allowed if the parcels are zoned differently or if the transfer is between farms, provided that the owner is in common, without regard to contiguity of the parcels, and are all within the Farmland Preservation Overlay. The transfer of development rights will not be allowed to cross any Township boundaries;

Amend to Sec. 14.03(5)(a)(1)(b):

(b) Before any building or structure or any parcel or tract of land is changed as to use.

Add to Sec. 14.03(5)(a)(2)(e) & (f):

2. Exceptions: A Land Use Permit shall not be required for the following:
- (a) Above ground swimming pools that are erected seasonally and do not have accessory decking.
 - (b) Retaining walls located outside the jurisdiction of Chapter 32 Shoreland Zoning Ordinance.
 - (c) Signs, however, must comply with applicable regulations.
 - (d) Rooftop and building mounted small solar energy systems.
 - (e) A four (4) foot by six (6) foot open platform for safe access to an existing egress/ingress on a principal structure.
 - (f) The construction or maintenance of a hunting blind (maximum size limited to thirty-two (32) square feet).

Amend Sec. 14.05:

14.05 Duties of the Planning and Zoning Committee

The Waupaca County Planning and Zoning Committee shall have those duties and responsibilities assigned to it by this Ordinance, by other actions of the County Board and by Section 59.69 of the Wisconsin Statutes.

Conditional Use Permit Decisions. Certain uses are of such special nature that their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this Ordinance for the determination of such cases as Conditional Uses (C) in a Zoning District as identified in Sections 5.0, 5.1 and 6.0. A Conditional Use Permit may be granted in a Zoning District only upon approval by the Planning and Zoning Committee.

- (1) Conditional Use Permit Review Process: Waupaca County's process for each Conditional Use Permit request is as follows.
 - (a) Step 1—Application: Application for a Conditional Use Permit may be filed with the Planning & Zoning Director on forms prepared by the Planning & Zoning Director and approved as to form and content by the Zoning and Land Use Planning Committee.
 - (b) Step 2—Initial Recommendation from Town: Following the application for a Conditional Use Permit, the County will forward the complete application to the Clerk of the affected Town, or the Town Chair if that particular Town has designated the Chair as the receiving party, along with a Town Recommendation Form. The consultation process may vary from town to town, and may involve the Town Plan Commission and/or Town Board. The Town shall have forty-five (45) days from the date the application materials and Town Recommendation Form were forwarded by the County to provide the County with a recommendation regarding the potential application. After forty-five (45) days, if the

affected town has not provided a recommendation to the County regarding the potential application, and provided the applicant has attempted to meet or has met with representatives of the Town, the County shall schedule the public hearing before the Planning and Zoning Committee.

- (c) Step 3—Notice and Analysis: Upon receipt of a complete application and town recommendation, if received in the allotted time period, the Planning & Zoning Director shall direct the scheduling and notice of a Planning and Zoning Committee public hearing per Wisconsin Statutes. Before the hearing, the Planning and Zoning Office staff shall prepare a written analysis of the application against relevant plans, ordinances, criteria, and sound planning and zoning principles. As soon as practical following receipt of a complete application, but in no case fewer than ten (10) days prior to the date of the public hearing, the Planning & Zoning Director shall mail via U. S. regular mail to the owners of record of properties which are located within three hundred (300) feet of the parcel involved in the application, Town Board Chair, Plan Commission Chair, and Clerk of the affected town a copy of all submitted application materials, notice of the hearing.
- (d) Step 4—Committee Public Hearing and Recommendation: The Planning and Zoning Committee shall conduct a public hearing to hear testimony on the Conditional Use Permit application at a date, time, and location specified in the public hearing notice prepared under Step 3. In the event that the scope, range of uses, or geographic area of the request is substantially increased from that noticed or presented at the public hearing, the Committee shall cause to be noticed and conduct an additional public hearing before taking action on the request. As soon as possible following the final public hearing, the Committee shall approve, approve with modification from the original application or with conditions, or deny the proposed Conditional Use Permit requested through the application. All actions shall be accompanied by reasons based on the criteria for consideration of a Conditional Use Permit included in Section 14.05.2. A Conditional Use Permit application may be dismissed by the Planning and Zoning Committee upon notice to the applicant if one (1) year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal during this step shall not limit the ability of the applicant to file a new application.
- (e) Step 5—Notice of Action: Within ten (10) days of final Planning and Zoning Committee action on the Conditional Use Permit request, the Planning & Zoning Director shall provide written notice of Committee action, including any required conditions of approval, to both the applicant and the affected town. Approval of

a Conditional Use Permit does not eliminate the requirement to obtain the appropriate Sanitary, Building and Land Use Permits. Decisions on any application for a Conditional Use Permit are appealable to the Board of Adjustment pursuant to Section 14.04.

(2) Conditional Use Permit review criteria: In its review and action on each Conditional Use Permit application, the Planning & Zoning Committee shall find that all the following standards are or will be met, unless a particular standard is inapplicable to the proposed conditional use, and shall include such findings in writing as basis for approval:

- a. The proposed conditional use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
- b. The proposed conditional use will not materially impact the established character and quality of the area, architecture and aesthetics, and is generally compatible with surroundings, traffic impact and circulation, environmental impacts, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effects resulting from noise, dust, smoke, or odor.

(Remaining Subsections Renumbered)

(3) Imposition of Conditions: The Planning and Zoning Committee may impose conditions of, and restrictions on, approval as may, in its discretion, be necessary to effectuate the terms and intent of this Ordinance. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, and operation of the proposed use, off-site impacts and any other impact upon the public's health, safety, or general welfare. Conditions imposed as a part of the Conditional Use Permit shall be achievable. Any condition or restriction imposed under this Chapter shall not lessen a development standard or requirement contained elsewhere in this Ordinance.

(4) Time Limits Associated With Conditional Uses:

- a. If the approved Conditional Use is not initiated by securing a Land Use Permit, or, if more than one (1) permit is necessary, and securing at least one (1) necessary permit within twelve (12) months of the date of the approval is not done, the Conditional Use Permit approval shall be reviewed by the Committee. The applicant may apply for and the Planning and Zoning Committee may grant a one time extension, provided that a written request for extension is

submitted before the original expiration date. At the Planning and Zoning Committee's discretion, these provisions may be modified.

- b. If a use or activity associated with a previously approved Conditional Use Permit ceases for twelve (12) months or more after first being established on the property, the property owner or authorized agent must reapply and obtain approval of another Conditional Use Permit before recommencing the use or activity. Unless a specific condition of approval indicates otherwise, or the operation is ceased for the period of time indicated above, each Conditional Use Permit shall run in perpetuity with the underlying land and not with the particular property or business owner who originally obtains the Conditional Use Permit.

(Remaining Subsections Renumbered)

Create New Sec. 14.08:

Any person may submit to the Planning & Zoning Director or designee, in writing, a request for interpretation of this Ordinance. Any written request submitted shall include the appropriate fee as may be established by the County from time to time. The Planning & Zoning Director or designee, after consulting with Corporation Counsel, shall prepare a written response to any such request within 30 days of receipt of the request and present such response to the Planning & Zoning Committee for approval at its next meeting. The Planning & Zoning Committee shall act on the proposed response by either approving or modifying the response. The Planning & Zoning Committee's response shall be provided to the requesting person and, in addition, if the response relates to the allowable (permitted, conditional or prohibited) use of a parcel, a copy of the written response shall be mailed via U.S. Regular Mail to the owners of record of properties within three hundred (300) feet of the parcel involved in the written response. In interpreting this Ordinance, the Planning & Zoning Director or designee shall give effect to the terms of this Ordinance and the intent of the provisions to be interpreted. The Planning & Zoning Director or designee shall maintain a written record of all previous interpretations that remain applicable. All interpretations provided under this section are appealable to the Board of Adjustment pursuant to Sec. 14.04 provided such appeal is commenced within thirty (30) days from the date of mailing of such interpretation.

EFFECTIVE DATE

Approval of the Planning & Zoning Committee and upon passage of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Section 59.69(5)e, Wis. Stats.

ATTEST:
/s/ Mary A. Robbins
Waupaca County Clerk

APPROVED AS TO FORM:
/s/ Diane Meulemans
Corporation Counsel

Supr. Ellis moved and Supr. G. Murphy seconded the motion to adopt the amendments to Chapter 34, Waupaca County Zoning Ordinance. Supr. Zaug moved to amend the 500 ft. restriction from Section 6.04(6). The motion dies on lack of a second. Motion to adopt the amendments to Chapter 34 carried 16-10 with Suprs. Rohan, T. Murphy, Whitman, McClone, Spierings, Jonely, Kietzmann, Flease, Gabert, and Zaug voting no. Passed the 17th day of May, 2016.

RESOLUTION NO. 5 (2016-2017)

SUBJECT: Resolution to recognize CAP Services' 50th Anniversary

WHEREAS, Community Action sprang from the heart of President Lyndon B. Johnson's 1964 proclamation of America's "War on Poverty" and serves 99% of America's counties because in our hearts and minds we believe it is possible we will conquer poverty in our lifetime and ensure all Americans live in dignity; and

WHEREAS, Community Action builds and promotes social and economic stability and equal opportunity as essential aspects of helping individuals and families achieve their goals and thrive in resilient, equitable communities; and

WHEREAS, CAP Services, our local Community Action Agency, has been putting a human face on poverty for 50 years by advocating for those who don't have a voice, replacing their despair with opportunity; and

WHEREAS, CAP Services has enhanced the lives of thousands of central and eastern Wisconsin residents by providing life-changing services and opportunities including affordable housing and weatherization, economic development, early childhood development, workforce training, parent support and services to victims of crime; and

WHEREAS, CAP Services has and will continue to implement innovative and cost-effective programs to improve the lives and living conditions of the economically disadvantaged, providing support and opportunities for all citizens in need of assistance under its mission of transforming people and communities to advance social and economic justice;

NOW, THEREFORE, BE IT RESOLVED, the Waupaca County Board of Supervisors hereby honors CAP Services' 50th anniversary by proclaiming the month of May 2016 as Community Action Month and urging all citizens of Waupaca County to express their appreciation and volunteer their time in support of the agency's efforts in our community.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY LEGISLATIVE, JUDICIAL, ETHICS, SAFETY & SECURITY COMMITTEE: /s/ Dennis Kussmann, Mary Kay Poehlman, Dona Gabert, Fred Zaug

ATTEST:
/s/ Mary A. Robbins
Waupaca County Clerk

APPROVED AS TO FORM:
/s/ Diane Meulemans
Corporation Counsel

Supr. Johnson moved and Supr. Rohan seconded the motion to adopt Resolution No. 5 (2016-2017). Motion carried 26-0. Passed the 17th day of May, 2016.

**RESOLUTION NO. 6 (2016-2017)
TO AMEND WAUPACA COUNTY
ORDINANCE NO. 45 OF THE GENERAL CODE OF ORDINANCES
COMPREHENSIVE PLAN MAP**

The County Board of Supervisors of Waupaca County, Wisconsin, does ordain as follows;

WHEREAS, Wisconsin Statutes 66.1001 authorize Waupaca County to adopt and amend a comprehensive plan map; and,

WHEREAS, Waupaca County has adopted written procedures designed to foster public participation at every stage of the comprehensive plan amendment process as required by section 66.1001(4)(a), Wisconsin Statutes; and,

WHEREAS, the Planning and Zoning Committee held a public hearing on April 21, 2016 for a Preferred Land Use Map: PLUM-02-16, Town of Farmington; in compliance with the requirements of section 66.1001(4), Wisconsin Statutes; and,

WHEREAS, the attached comprehensive plan amendment was approved and deemed to be consistent with the overall planning goals and objectives by the respective township of origin; and,

NOW, THEREFORE, LET IT BE RESOLVED that the County of Waupaca Planning & Zoning Committee does hereby recommend the Waupaca County Board of Supervisors adopt an Ordinance amending the Comprehensive Plan Map as originally adopted in Ordinance #45. Supporting documents are available in the Planning & Zoning Office and County Clerk's Office.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY PLANNING & ZONING COMMITTEE AND WAUPACA COUNTY LEGISLATIVE, JUDICIAL, ETHICS, SAFETY & SECURITY COMMITTEE: /s/ DuWayne Federwitz, Wayne Wilfuer, Terry Murphy Dennis Kussmann, John F. Penney, Mary Kay Poehlman, Dona Gabert, Fred Zaug

ATTEST:
/s/ Mary A. Robbins
Waupaca County Clerk

APPROVED AS TO FORM:
/s/ Diane Meulemans
Corporation Counsel

Supr. Craig moved and Supr. Poehlman seconded the motion to adopt Resolution No. 6 (2016-2017). Motion carried 26-0. Passed the 17th day of May, 2016.

**RESOLUTION NO. 7 (2016-2017)
TO AMEND WAUPACA COUNTY
ORDINANCE NO. 45 OF THE GENERAL CODE OF ORDINANCES
COMPREHENSIVE PLAN MAP**

The County Board of Supervisors of Waupaca County, Wisconsin, does ordain as follows;

WHEREAS, Wisconsin Statutes 66.1001 authorize Waupaca County to adopt and amend a comprehensive plan map; and,

WHEREAS, Waupaca County has adopted written procedures designed to foster public participation at every stage of the comprehensive plan amendment process as required by section 66.1001(4)(a), Wisconsin Statutes; and,

WHEREAS, the Planning and Zoning Committee held a public hearing on May 5, 2016 for a Preferred Land Use Map: PLUM-03-16, Town of Union; in compliance with the requirements of section 66.1001(4), Wisconsin Statutes; and,

WHEREAS, the attached comprehensive plan amendment was approved and deemed to be consistent with the overall planning goals and objectives by the respective township of origin; and,

NOW, THEREFORE, LET IT BE RESOLVED that the County of Waupaca Planning & Zoning Committee does hereby recommend the Waupaca County Board of Supervisors adopt an Ordinance amending the Comprehensive Plan Map as originally adopted in Ordinance #45. Supporting documents are available in the Planning & Zoning Office and County Clerk's Office.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY PLANNING & ZONING COMMITTEE AND WAUPACA COUNTY LEGISLATIVE, JUDICIAL, ETHICS, SAFETY & SECURITY COMMITTEE: /s/ DuWayne Federwitz, Wayne Wilfuer, Terry Murphy Dennis Kussmann, John F. Penney, Mary Kay Poehlman, Dona Gabert, Fred Zaug

ATTEST:
/s/ Mary A. Robbins
Waupaca County Clerk

APPROVED AS TO FORM:
/s/ Diane Meulemans
Corporation Counsel

Supr. Nygaard moved and Supr. Rohan seconded the motion to adopt Resolution No. 7 (2016-2017). Motion carried 26-0. Passed the 17th day of May, 2016.

CAP SERVICES, INC./COMMUNITY ASSETS FOR PEOPLE, LLC.
Mary Patoka, President and CEO

Mary Patoka gave a brief history of CAP Services and reviewed the 2015 Summary of Services for Waupaca County.

Chair Koeppen called for a short recess. Chair Koeppen called the meeting to order.

LAND & WATER CONSERVATION ANNUAL REPORT
Roger Holman & Brian Haase

Roger Holman and Brian Haase reviewed the projects done by the Land & Water Conservation Department, funding sources, benefits of the projects, and future projects.

EXTENSION IMPACT REPORT
Penny Tank, UWEX

Penny Tank reviewed the Extension Impact Report and gave an update on the annual County Board Tour.

COUNTY BOARD CHAIR REPORT

Chair Koeppen reported on the Jirschele Sports Banquet, WCA District Meeting, and Student Government Day,

Supr. Zaug reported on the WCA District Meeting.

RECOGNITION

Information Systems Director Robert Reath and Department of Environmental Resource Management Director Roger Holman were recognized for their years of service to Waupaca County and wished well on their retirements.

APPOINTMENTS

Supr. Jonely moved and Supr. Handrich seconded the motion appointing Brent Wyland to the Ad Hoc Safety & Security Committee. Motion carried 26-0. Passed the 17th day of May, 2016.

Supr. Craig moved and Supr. Spierings seconded the motion appointing Weyauwega Area Fire District Assistant Fire Chief Dan Nehring and County Board Supervisor Michael Whitman to the Local Emergency Planning Committee. Motion carried 26-0. Passed the 17th day of May, 2016.

Supr. Poehlman moved and Supr. Kussmann seconded the motion appointing Dr. Steve Goedderz as a citizen member to the Department of Health & Human Services Board. Motion carried 26-0. Passed the 17th day of May, 2016.

Supr. Johnson moved and Supr. G. Murphy seconded the motion appointing Veterans Service Officer Jesse Cuff to the Department of Health & Human Services Transportation Coordinating Committee. Motion carried 26-0. Passed the 17th day of May, 2016.

ANNOUNCEMENTS AND CORRESPONDENCE

Chair Koeppen placed the following correspondence for May on file in the County Clerk's Office: WCEDC Monthly Report, WCA correspondence, Waupaca County Planning & Zoning Fee Schedule for informational purposes only, 2016 WCA Annual Conference, and public hearing notice for DHHS 2017 Budget.

Supr. T. Murphy moved and Supr. Wilfuer seconded the motion to adjourn. Motion carried 26-0. Chair Koeppen declared the meeting adjourned at 11:45 a.m.

Mary A. Robbins
Waupaca County Clerk