

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES –January 11, 2018**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:45 a.m. on the Cody J. & Kelly A. Meyer property, Town of Larrabee; the Crystal River Inn B&B LLC property, Town of Dayton and the Robert G. & Kim M. Z. Spoerl property, Town of Dayton.

Chm. Penney called the meeting to order at: 10:47 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all 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 from the September 28, 2017 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first 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, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Cody J. & Kelly A. 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 Conditional Use Permit application to allow for Animal Husbandry (2 mini-cattle) in an RR (Rural Residential) District on approximately 2.046 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.

Cody Meyer was sworn in to testify. Mr. Meyer said he would like to have two mini-cattle on his property. He already has the fencing in place and will put up a shelter in spring. Mr. Meyer said the manure will be taken off site.

Ryan Brown, Planning & Zoning Director, explained the animal density units for mini-cattle is based on weight and land needed.

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

Perry Schroeder was sworn in to testify. Mr. Schroeder said he is speaking on his behalf and John Williamson, a neighbor. Mr. Schroeder said he owns the lot next to this property and is concerned with land values.

Patrick Rodgers was sworn in to testify. Mr. Rodgers said he is concerned with manure and drainage runoff, also weeds from feeding hay and property values. Mr. Rodgers is also concerned with the aesthetics of a barn. Mr. Rodgers suggested a solid fence to block the view.

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P. Schroeder presented the Planning & Zoning Committee literature on weeds.

Deb Giuffre read, one (1) letter from the Town of Larrabee recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; Register the animals with the Wisconsin Department of Agriculture, Trade and Consumer Protection Livestock Premises Registration. 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.

Cody Meyer came back for rebuttal. Mr. Meyer said the suggestion of a privacy fence would not be cost effective.

D. Kussmann moved and T. Murphy seconded the motion to **DENY** the Conditional Use Permit application to allow for Animal Husbandry. Roll call vote was taken: J. Penney—no; D. Kussmann—yes; W. Wilfuer—no; T. Murphy —yes and D. Federwitz—no; two (2) to three (3) vote to deny the permit. The motion failed.

D. Federwitz moved and W. Wilfuer seconded the motion to **CONTINUE** the Conditional Use Permit application due to the following: the Planning and Zoning Committee has continued the public hearing to allow for the request to go back before the Town Board of Larrabee at their next scheduled meeting for further review. The Planning & Zoning Committee will continue the public hearing at their next regularly scheduled meeting after the Town Board has held their review. Roll call vote was taken: J. Penney—yes; D. Kussmann—no; W. Wilfuer—yes; T. Murphy —yes and D. Federwitz—yes; four (4) to one (1) vote to continue the permit. The motion was carried.

The second public hearing was called to order at 11:30 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Crystal River Inn B&B LLC**: Located in part of the SW ¼ of the NW ¼ of Sec. 10, Town of Dayton, lying along Rural Road, Fire Number E1369 and Fire Number E1339, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AWT (Agriculture and Woodland Transition) District to an RC-N (Rural Commercial-Neighborhood) District with a Conditional Use Permit application for a Resort Establishment on approximately 11.533 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.

Robert and Debra Benada were sworn in to testify. Mr. Benada said they have run the business of the Bed & Breakfast for nearly thirty years. They had made some modifications over the years and have interested buyers. Ms. Benda said that they are ready to retire. The Bed & Breakfast has seven (7) rooms and two (2) cottages which is the main reason it is considered a Resort.

Candace Bauer, Land Use/Code Enforcement Specialist, said the original Bed & Breakfast had only five (5) bedrooms and with the additions, changes the use to a Resort Establishment.

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

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John Miller was sworn in to testify. Mr. Miller said he is a Supervisor for the Town of Dayton and Chairman for the Planning Commission. Mr. Miller said the Town of Dayton is in support of the Petition for Zoning Map Amendment and Conditional Use Permit application.

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

Deb Giuffre read two (2) letters from the Town of Dayton recommending approval of the Conditional Use Permit application and Petition for Zoning Map Amendment.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the Petition for Zoning Map Amendment with final approval from the Waupaca County Board at their next meeting and the Conditional Use Permit application with the following conditions: The maximum number of occupancy units in a resort shall not exceed a density of ten (10) units per acre in any zoning district. The applicant must properly address the sanitary issues on the property. Required parking is one (1) space per room, suite, cabin, or cottage, plus one (1) space for every employee on the largest working shift. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to any construction. The applicant must obtain a Building Permit from the local Building Inspector prior to any construction.

Robert Benada came back for a rebuttal. Mr. Benada said the sanitary system is being addressed and will be in compliance.

T. Murphy moved and D. Federwitz seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Dayton 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; T. Murphy—yes and D. Federwitz—yes, unanimous vote to grant the zone change.

D. Federwitz moved and T. Murphy seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Dayton Planning Commission and Town Board have both approved this request and it is consistent with the Town’s Comprehensive Plan. The following conditions **MUST** be met: The maximum number of occupancy units in a resort shall not exceed a density of ten (10) units per acre in any zoning district. The applicant must properly address the sanitary issues on the property. Required parking is one (1) space per room, suite, cabin, or cottage, plus one (1) space for every employee on the largest working shift. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to any construction. The applicant must obtain a Building Permit from the local Building Inspector prior to any construction. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; T. Murphy—yes and D. Federwitz—yes unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:46 a.m. The motion was carried.

The third public hearing was called to order at 11:47 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for Robert G. & Kim M. Z. Spoerl: Located in part of Government Lot 9 of Sec. 4, Town of Dayton, lying along Tammy Trail, Fire Number E900, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a PVRF (Private Recreation and Forestry) District to an SR (Sewered Residential) District to accommodate a boundary line adjustment between two adjoining parcels on approximately 2 acres. The Committee, Ryan Brown, Planning & Zoning

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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 Spoerl was sworn in to testify. Mr. Spoerl said his property cut across the neighbor’s property and in order to rectify the situation the property has to be rezoned.

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

John Miller said he is a Supervisor for the Town of Dayton and Chairman for the Planning Commission and the Petition for Zoning Map Amendment is appropriate for the use.

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

Deb Giuffre read one (1) letter from the Town of Dayton recommending approval of the application.

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

D. Federwitz moved and T. Murphy seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Dayton 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; T. Murphy —yes and D. Federwitz—yes unanimous vote to grant the zone change. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:58 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Update on the AEA (Agricultural Enterprise Areas) on the Northeastern portion of Waupaca County. Ryan Brown, Planning & Zoning Director, updated the Committee and is meeting with the Towns.
- Reconfiguration of the Planning & Zoning Office. Ryan Brown, Planning & Zoning Director, presented the plans for office needs.
- Schedule Upcoming Meetings

The next Planning and Zoning Committee meeting has been scheduled for February 15, 2018.

T. Murphy moved and W. Wilfuer seconded the motion to adjourn the meeting at 12:28 p m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk