

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – MAY 7, 2015**

Chm. Penney called the meeting to order at: 9:00 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

D. Kussmann moved and D. Federwitz 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 March 19, 2015 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 9:06 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for the **Creation of Chapter 38, Waupaca County Non-Metallic Mining Ordinance, Waupaca County Code of Ordinances**. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Ryan Brown, Planning & Zoning Director reviewed the changes and revisions to the Draft Non-Metallic Mining Ordinance as far as language, typographical errors and references.

Attorney Andy Phillips commented on the article from the local press regarding the last public hearing. Attorney Phillips discussed the interplay of the Town's comprehensive plan and the County's Zoning process when the Town is under County Zoning. He addressed and clarified the changes in the draft Non-Metallic Mining Ordinance.

Attorney Christa Westerberg suggested that the stand alone Non-Metallic Mining Ordinance standards be combined to the existing Chapter 34 Zoning Ordinance. Attorney Westerberg discussed the standards of the draft Non-Metallic Mining Ordinance being a one size fits all and recommends site specific standards. She raised a notice issue of the Chapter 38 Draft Non-Metallic Mining Ordinance not being noticed as discussion & possible action.

Ryan Brown, Planning & Zoning Director said we notice all our Public Hearings for revisions, and the Planning & Zoning Committee would recommend approval, or not, to the County Board who makes the final decision.

Attorney Andy Phillips said Chapter 38 Non-Metallic Mining Ordinance was noticed and therefore the Planning & Zoning Committee has the ability to act on it.

D. Federwitz said he is the Chairman for the Town of Matteson and Comprehensive Planning Committee. Mr. Federwitz said that the Town's idea of the comprehensive plan is to be used as a guiding tool.

Attorney Christa Westerberg said each Town has the ability to determine the scope of the comprehensive plan even when County Zoning is in place. Attorney Westerberg said it was not their

WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES – MAY 7, 2015

understanding that action would be occurring today on the Non-Metallic Mining Ordinance. She suggested that modifications be made to be more stringent or more specific based on site specifics.

Attorney Andy Phillips read part of Sec. 27.6.1 “The County reserves the right to impose conditions or restrictions that are more stringent than the minimum conditions or restrictions imposed by this Ordinance”. Attorney Phillips said this gives the Planning & Zoning Committee the ability to be more stringent.

Jane Haasch asked if the Committee would be more stringent on the conditions and follow the Township’s recommendations. Ms. Haasch asked if mines that were grandfathered could operate with no questions asked.

Attorney Andy Phillips said the Committee is not required to follow the Township recommendations. The Township submits a recommendation and the Committee will decide whether to follow the recommendation.

Jane Haasch asked if mines that were grandfathered could operate if they are inactive. Ms. Haasch said the Town of Dayton would like to have their own licensing process and ordinance for mines.

Attorney Andy Phillips said the Township would have issues of vested landowner rights and various rules and legalities that come into play. Attorney Phillips suggested that the Town of Dayton set up a time to meet with Ryan Brown, Planning & Zoning Director, regarding what is addressed in the ordinance.

Ryan Brown, Planning & Zoning Director, suggested that the Town of Dayton also consult with their Attorney.

Deanna Hannigen asked when the Committee received the Draft of the Non-Metallic Mining Ordinance and if they read it. Ms. Hannigen said the public did not have time to review the changes and didn’t feel the Committee should vote on it.

D. Federwitz said that the news media made the public well aware through the newspaper.

Attorney Andy Phillips said that amendments happen all the time and the amendments don’t have to be published and the public is notified of the subject matter.

Tania Wadzinski read a letter from Nancy Schoenke opposed to the Non-Metallic Mining Ordinance. Ms. Wadzinski asked that the Committee be more stringent when it comes to Non-Metallic Mining.

Marcy Wentworth said she is concerned that Chapter 38 doesn’t expressly provide that the Town’s comprehensive plan be followed and that County Zoning trumps the Town’s comprehensive plan. Ms. Wentworth said that Chapter 34 is more specific that the Town’s comprehensive plan would be followed.

Brad Milliken said he is a property owner and is concerned with landowner rights, property values and setbacks with the Non-Metallic Mining Ordinance.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MAY 7, 2015**

Attorney Christa Westerberg commented on the issues raised regarding the Town’s comprehensive plan and the ordinance. Ms Westerberg commented on the Public Notification of the recent revisions to the Non-Metallic Mining Ordinance. She questioned the grandfathering of active mines and the non-active mines that have been permitted.

Ryan Brown, Planning & Zoning Director said if a mine exists, it is legal non-conforming.

D. Kussmann asked if the changes to the Non-Metallic Mining Ordinance were the results of concerns.

Ryan Brown, Planning & Zoning Director said the concerns and clarifications were addressed and changes were made.

Attorney Andy Phillips commented on the recent amendments.

Attorney Christa Westerberg recommended the Non-Metallic Mining Ordinance be put over until the public has the opportunity to review the latest draft.

Attorney Andy Phillips said the Committee can recommend the Non-Metallic Mining Ordinance to the County Board or decide how they want to proceed.

Ryan Brown, Planning & Zoning Director discussed the time frame of the extension of the moratorium and the County Board meeting. The Committee would have the ability to make changes after the County Board’s decision.

Chm. Penney gave an overview on the process of the development of the Non-Metallic Mining Ordinance.

D. Federwitz moved and W. Wilfuer seconded the motion to recommend **ADOPTION** of Chapter 38, Waupaca County Non-Metallic Mining Ordinance, Waupaca County Code of Ordinances; and recommend it to the Waupaca County Board for their approval at their May 19, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the revisions. The motion was carried.

D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:15 a.m. The motion was carried.

~ The Committee took a break at 10:17 a.m. ~

The second public hearing was called to order at 10:25 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Selected Revisions to: the Waupaca County Shoreland Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 32; the Waupaca County Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 34; the Waupaca County Floodplain Ordinance, Waupaca County Code of Ordinances, Chapter 36; the**

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MAY 7, 2015**

Waupaca County Subdivision Ordinance, Waupaca County Code of Ordinances, Chapter 37; and the Waupaca County Mobile Services Facilities and Support Structures Ordinance, Waupaca County Code of Ordinances, Chapter 48. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Ryan Brown, Planning & Zoning Director recommended striking the selected revisions to the Waupaca County Shoreland Zoning Ordinance because of the NR115 updates. D. Kussmann moved and W. Wilfuer seconded the motion to **POSTPONE** the selected revisions to the Waupaca County Shoreland Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 32. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to postpone the revisions to the Shoreland Zoning Ordinance. The motion was carried.

Waupaca County Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 34.

Ryan Brown, Planning & Zoning Director gave an overview of the process for the revisions to the Zoning Ordinance, Chapter 34.

Ryan Brown, Planning & Zoning Director and Jean Gliniecki, Zoning Administrator went through and discussed the revisions.

Robert Ellis said he is the Chairman of the Chain O’Lakes Sanitary District and commented on the accessory structures not allowed plumbing also in the areas within the Sanitary District to be enforced.

Kay Ellis commented on the Shoreland Ordinance revisions.

Jean Gliniecki, Zoning Administrator said that the Shoreland Ordinance revisions have been postponed until June.

Terry Murphy was excused at 11:05.

D. Kussmann moved and D. Federwitz seconded the motion to **APPROVE** the selected revisions to the Waupaca County Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 34; and recommend it to the Waupaca County Board for their approval at their May 19, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the revisions. The motion was carried.

Waupaca County Floodplain Ordinance, Waupaca County Code of Ordinances, Chapter 36.

Ryan Brown, Planning & Zoning Director said the recently created Wolf River Emergency Action Plan, dated October 2014, prepared by Waupaca County Emergency Management was added to Section 4.3 1(d), 2(a) and is the only addition to the Floodplain Ordinance.

D. Federwitz moved and W. Wilfuer seconded the motion to **APPROVE** the selected revisions to the Waupaca County Floodplain Ordinance, Waupaca County Code of Ordinances, Chapter 36; and

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MAY 7, 2015**

recommend it to the Waupaca County Board for their approval at their May 19, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the revisions. The motion was carried.

Waupaca County Subdivision Ordinance, Waupaca County Code of Ordinances, Chapter 37.

Ryan Brown, Planning & Zoning Director went through and discussed the revisions.

Jean Gliniecki, Zoning Administrator discussed the requirements of combining parcels and a sale/exchange between property owners.

D. Kussmann moved and W. Wilfuer seconded the motion to **APPROVE** the selected revisions to the Waupaca County Subdivision Ordinance, Waupaca County Code of Ordinances, Chapter 37; and recommend it to the Waupaca County Board for their approval at their May 19, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the revisions. The motion was carried.

Waupaca County Mobile Services Facilities and Support Structures Ordinance, Waupaca County Code of Ordinances, Chapter 48.

Ryan Brown, Planning & Zoning Director went through and discussed the revisions to the Class I Collocation and the setback fall zone.

D. Federwitz moved and W. Wilfuer seconded the motion to **APPROVE** the selected revisions to the Waupaca County Mobile Services Facilities and Support Structures Ordinance, Waupaca County Code of Ordinances, Chapter 48; and recommend it to the Waupaca County Board for their approval at their May 19, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the revisions. The motion was carried.

D. Federwitz moved and W. Wilfuer seconded the motion to close the hearing at 10:26 a.m. The motion was carried

DISCUSSION & POSSIBLE ACTION:

- Ryan Brown, Planning & Zoning Director discussed the proposed changes to the Waupaca County Planning & Zoning Fee Schedule. D. Kussmann moved and W. Wilfuer seconded the motion to approve the Zoning Fee Schedule. The motion was carried.
- The enforcement and definition of deer stands was discussed. The Planning & Zoning Committee decided that enforcement would be on a case by case basis.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MAY 7, 2015**

- Ryan Brown, Planning & Zoning Director discussed the hiring process through the Intern Program and suggested for next year to have an LTE position through Waupaca County for a more sufficient timeline and structure.

The next Planning and Zoning Committee meeting has been scheduled for Thursday, June 18, 2015.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:50 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk