

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING  
MINUTES – JUNE 18, 2015**

**ON-SITE INSPECTIONS:** The Committee made on-site inspections starting at 8:00 a.m. on the Keith A. & Kari A. Noller property, Town of Scandinavia; and the Bradley T. & Karen A. Huven property, Town of Farmington.

Chm. Penney called the meeting to order at: 9:15 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

W. Wilfuer moved and T. Murphy 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 April 2, 2015 meeting. The motion was carried.

Public Comment: **Jerry Dunn** said he feels that the fee for the first structure on a property is excessive and it inhibits growth.

**Chm. Penney** said that the fees are universal with the surrounding Counties.

**PUBLIC HEARINGS:**

The first public hearing was called to order at 9:20 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 **Towns of Matteson, Lind, Scandinavia, Little Wolf, St. Lawrence, Union and Bear Creek**. In 2010, Waupaca County went through a comprehensive rezone. At that time some properties, which were primarily wetlands, were assigned the Zoning District of Resource Protection (RP). Waupaca County has since changed the RP Zoning District to a wetlands overlay. This has left several parcels without an actual zoning district. These Townships have assigned various zoning districts to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, explained the RP (Resource Protection) overlay on the base districts. Mr. Brown gave an overview of the process for the rezones within the Townships and correcting the mapping errors. Mr. Brown said also associated with the rezones is development rights which were not available in the RP (Resource Protection) overlay.

**Town of Matteson.** The Township of Matteson has assigned a PVRF (Private Recreation and Forestry) District to these unassigned parcels, except for one parcel being assigned a PURF (Public Recreation and Forestry) District, to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. 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 Matteson approved these requests and they are consistent with the Town's Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

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**Town of Lind.** The Township of Lind has assigned either an AR (Agriculture Retention) District or a PVRF (Private Recreation and Forestry) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Lind approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

**Town of Scandinavia.** The Township of Scandinavia has assigned a PVRF (Private Recreation and Forestry) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. W. Wilfuer moved and D. Kussmann seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Scandinavia approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

**Town of Little Wolf.** The Township of Little Wolf has assigned an AE (Agriculture Enterprise) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. 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 Little Wolf approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

**Town of St. Lawrence.** The Township of St. Lawrence has assigned an AR (Agriculture Retention) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. W. Wilfuer moved and T. Murphy seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of St. Lawrence approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

**Town of Union.** The Township of Union has assigned a PVRF (Private Recreation and Forestry) District, an AE (Agriculture Enterprise) District or an AR (Agriculture Retention) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay. 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 Union approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment.

**Town of Bear Creek.** The Township of Bear Creek has assigned an AE (Agriculture Enterprise) District to these unassigned parcels to make them consistent with the surrounding areas and their Comprehensive Plan. This does not eliminate the wetlands overlay.

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**Tim Wiese was sworn in to testify.** Mr. Wiese asked what determined the rezone AR (Agriculture Retention) classification, if taxes will be affected and who determines wetlands.

**Ryan Brown, Planning & Zoning Director** said the Township determines the zoning classification to make it consistent with the surrounding areas and also with the Town map. Mr. Brown said the Town’s assessor bases the taxes on the use of the property and the DNR determines the wetlands.

**Jean Gliniecki, Zoning Administrator** explained the RP (Resource Protection) overlay and the zoning process.

W. Wilfuer moved and D. Federwitz seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Bear Creek approved these requests and they are consistent with the Town’s Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment. D. Kussmann moved and T. Murphy seconded the motion to close the hearing at 9:44 a.m. The motion was carried

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The second public hearing was called to order at 9:45 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 **Aaron & Rebecca Schulz:** Located in part of the E ½ of the NW ¼ of the SE ¼ of Sec. 8, Town of Helvetia, lying off of Pagel Road, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a PURF (Public Recreation and Forestry) District to a PVRF (Private Recreation and Forestry) District to correct a mapping error on approximately .4 acres. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Jean Gliniecki, Zoning Administrator** said the mapping error was found by the property lister through a deed which has been in existence since 1960.

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.

D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Helvetia Planning Commission and the Town Board of Helvetia have 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; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 9:47 a.m. The motion was carried.

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The third public hearing was called to order at 9:48 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 **Keith A. & Kari A. Noller:** Located in part of the NW ¼ of the NE ¼ of Sec. 14, Town of Scandinavia, lying along Mork Road, Fire Number N6480, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an RC-N (Rural Commercial-Neighborhood) District to a PVRF (Private Recreation and Forestry) District for residential purposes and to make the zoning district consistent with surrounding properties on approximately 18.66 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.

**Chad Stilen was sworn in to testify.** Mr. Stilen said he just purchased the property and it was used commercially about thirty (30) years ago, and he would like to use the property as residential.

**Ryan Brown, Planning & Zoning Director** said the commercial use is no longer in existence.

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 from the Town of Scandinavia recommending approval of the application.

**Jean Gliniecki, Zoning Administrator,** said the Planning & Zoning Office recommends approval since the commercial use is no longer in existence and the property will be used for a residence.

D. Kussmann moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town Board of Scandinavia has 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; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Petition for Zoning Map Amendment. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 9:51 a.m. The motion was carried.

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The fourth public hearing was called to order at 9:52 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 **Bradley T. & Karen A. Huven:** Located in part of the E ½ of the SE ¼ of Sec. 24, Town of Farmington, lying at the end of Serenity Lane, Waupaca County, Wisconsin; for an after the fact 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 RR (Rural Residential) District on approximately 25.94 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.

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**Brad and Karen Huven were sworn in to testify.** Mr. Huven said he built a hunting cabin for recreational use. Mr. Huven said he didn't think a permit was necessary because a structure already existed. Mrs. Huven said they purchased the land from Brad's parents.

**Ryan Brown, Planning & Zoning Director** said the landowners need a code compliant sanitary system and explained the Conditional Use Permit application process for the existing cabin.

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.

**John Belke was sworn in to testify.** Mr. Belke said he owns neighboring property and is concerned with the floodplain area, traffic on the private road and vandalism because of the location of the cabin.

**Jean Gliniecki, Zoning Administrator** explained the floodplain area and the required setbacks.

**Brad Huven came back for rebuttal.** Mr. Huven said they have installed security cameras on the property and he is aware of the shared road agreement.

**Deb Giuffre** read three (3) letters, two (2) from the Town of Farmington and one (1) from the Town of Farmington Planning Commission recommending denial of the application.

**Caroline Murphy was sworn in to testify.** Ms. Murphy said she is a Supervisor for the Town of Farmington and it was the recommendation of the Town Planning Commission to deny the application. Ms. Murphy said the permit was denied because of the twenty-two (22) foot width requirement. She said if the applicants can meet all the requirements of the Planning & Zoning Committee, the permit should be granted.

**Ryan Brown, Planning & Zoning Director** said that the Planning Commission misunderstood the ordinance regarding the twenty-two (22) foot width requirement which is allowed with a Conditional Use Permit. Mr. Brown also explained private road requirements.

D. Kussmann moved and T. Murphy seconded the motion to **POSTPONE** the application for Conditional Use Permit application due to the following: The Committee felt that the Town of Farmington should review this request again. The public hearing for this Conditional Use Permit application will be continued on Thursday, July 9, 2015. 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 Conditional Use Permit application. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:25 a.m. The motion was carried.

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The fifth continuation public hearing was called to order at 10:26 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 **Robert R. & Nancy R. Ruggles**: Located in part of the SE ¼ of the SW ¼ of Sec. 29, Town of Little Wolf, lying along Spring Creek Road, Fire Number N5377, Waupaca County, Wisconsin; for a continuation of a Conditional Use Permit application to exceed the allowable number of animal units (horses) in an AR (Agriculture Retention) District on approximately 1.2 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.

**Jackie Beyer was sworn in to testify.** Ms. Beyer said she is the Town of Little Wolf Clerk and Chairman of the Planning Commission. Ms. Beyer said she is here representing the Town of Little Wolf and the applicant. She said the applicant has an attentive agreement to purchase additional land from an adjoining landowner to meet the Conditional Use Permit application requirements to exceed the allowable number of animal units. She said the Town of Little Wolf recommends approval contingent on the purchase of land from the adjoining landowner.

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 Town of Little Wolf, one (1) from the Town Recommendation Form and one (1) from the Town of Little Wolf Board meeting recommending approval of the application with conditions.

**Jean Gliniecki, Zoning Administrator**, said the Planning & Zoning Office recommends approval with conditions.

T. Murphy moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Little Wolf Planning Commission and the Town Board of Little Wolf have recommended approval of this request with conditions. The following conditions **MUST** be met: There shall be a maximum of four (4) adult horses on the property at any one time. The applicant must obtain enough additional acreage to maintain four horses, which would be a minimum total of four (4) acres. A copy of the Deed to purchase the additional land and a Deed to combine the parcels shall be submitted to the Planning & Zoning Office. Must have an agreement for the removal of the manure with the neighboring farm. The applicant has a maximum of one (1) year to comply with the above listed conditions, which would be by **June 18, 2016**, or the Conditional Use Permit will be void. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to grant the Conditional Use Permit application. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:35 a.m. The motion was carried.

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The sixth public hearing was called to order at 10:36 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 **Selected Revisions to: The Waupaca County Shoreland Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 32.** Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director** said the revisions to the Shoreland Zoning ordinance are to be in compliance with the changes in NR115, suggested changes from the DNR and the Planning & Zoning Office.

**Jason Snyder, Deputy Zoning Administrator** went through and explained the revisions to the Waupaca County Shoreland Zoning Ordinance.

**Jerauld Dunn** asked if a structure in the shoreland area that was grandfathered, had 2:12 roof pitch and was having problems, they would not be able to alter the roof?

**Jason Snyder, Deputy Zoning Administrator** explained the vertical expansion and roof pitch modification regulations.

**Lee Shaw was sworn in to testify.** Mr. Shaw said he is the Supervisor for the Town of Mukwa and wanted to know what the Ordinary High Water Mark was.

**Jason Snyder, Deputy Zoning Administrator** explained how the Ordinary High Water Mark is determined.

D. Kussmann moved and T. Murphy seconded the motion to **APPROVE** the selected revisions with the changes to the Waupaca County Shoreland Zoning Ordinance, Waupaca County Code of Ordinances, Chapter 32 and recommend it to the Waupaca County Board for their approval at their July 21, 2015 meeting. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to approve the revisions. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:15 a.m. The motion was carried.

**REVIEW:**

Review of the Conditional Use Permit (CP-012-12) for **White Star Dairy Farm** located in Sec. 30 & 31, Town of St. Lawrence for the expansion of a Non-Metallic Mineral Extraction in an AR (Agriculture Retention) District on approximately 153 acres. D. Kussmann moved and T. Murphy seconded the motion to **APPROVE** this review and unless the Planning and Zoning Office receives any complaints, this permit does not need to come back for any further review. The motion was carried.

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**DISCUSSION AND POSSIBLE ACTION:**

Ryan Brown, Planning & Zoning Director discussed the letter and Resolution to Repeal Paragraph 23 of Motion 520 to the State of Wisconsin 2015-2017 Budget Bill (SB21 & AB21) Relative to Shoreland Zoning Standards. The Planning & Zoning Committee decided to have the letter sent to the Joint Finance Committee.

**UPDATE:** Director's Report

- Introduction to Ken Thompson, Intern
- Farmland Preservation DATCP certification
- Webinar

The next Planning and Zoning Committee meeting has been scheduled for Thursday, July 9, 2015.

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T. Murphy moved and D. Kussmann seconded the motion to adjourn the meeting at 11:44 a.m. The motion was carried.

The Committee adjourned.

Debra L. Giuffre  
Recording Secretary

cc: County Clerk