

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES –FEBRUARY 18, 2016**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:30 a.m. on the Clair A. Gorges property, Town of Caledonia; the Brooks Farms Homestead LLC property, Town of Lind and the Randall J. & Brenda K. Dain property, Town of Farmington.

Chm. Penney called the meeting to order at 10:25 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 amended agenda as presented. The motion was carried.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the minutes from the December 10, 2015 and January 7, 2016 meetings. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:28 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 **Clair A. Gorges:** Located in part of the SE ¼ of the SE ¼ of Sec. 10, Town of Caledonia, lying along County Highway W, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Telecommunications Tower in an AWT (Agriculture and Woodland Transition) District on approximately 17 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.

Graham Packer was sworn in to testify. Mr. Packer said he is the representative for SBA towers and is requesting approval for a telecommunication tower to be erected on the Clair Gorges property. Mr. Packer gave a background of the process for determining the need of a telecommunication tower in the area. Mr. Packer said the telecommunication tower meets all setbacks and will be 199 feet.

Deb Giuffre read one (1) letter from the Waupaca County Highway department regarding access use of a lower class road as it relates to the Waupaca County Access ordinance.

Clair Gorges was sworn in to testify. Mr. Gorges said he is the owner of the property and explained the accesses to the property.

Ryan Brown, Planning & Zoning Director, explained the access use of a lower class road.

Graham Packer said the lower class access roads would not be sufficient for their equipment and SBA would need to re-survey the property.

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D. Kussmann moved and W. Wilfuer seconded the motion to **TABLE** the application for Conditional Use Permit application due to the following: The Waupaca County Highway Department has a concern with the access coming off from County Highway W since the Waupaca County Access Ordinance requires that where the option exists, access shall be from the lower class road (either Red Pine or Gruetzmacher). Since this is a requirement from the Waupaca County Access Ordinance, the Committee felt that the applicant should work with the Highway Department concerning this requirement and that the public hearing should be continued at a future Planning & Zoning Committee meeting once this issue has been resolved. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; D. Federwitz—yes and T. Murphy—yes, unanimous vote to table the permit. The motion was carried.

The second public hearing was called to order at 10:47 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 **Brooks Farms Homestead LLC**: Located in part of the SW ¼ of the SE ¼ of Sec. 21, Town of Lind, lying along County Highway A, Fire Number N931, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AE (Agriculture Enterprise) District to a RR-O (Rural Residential-Overlay) District to create a four (4) acre parcel for a non-farm residence. This property is within Farmland Preservation and will use two (2) development rights to create the four (4) acre parcel. 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.

Zoey Brooks was sworn in to testify. Ms. Brooks said they would like to create a four (4) acre parcel out of the current forty (40) acre parcel and remove it from Farmland Preservation for residential use.

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

Art Richardson was sworn in to testify. Mr. Richardson said he is the Chairman for the Planning Commission for the Town of Lind and a neighbor. Mr. Richardson said the Town of Lind Planning Commission and the Town of Lind Town Board recommends approval of the zone change.

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 Lind recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval and the final approval will be from the County Board at their meeting in March. Then the applicant must have a Certified Survey Map recorded for the creation of the four (4) acre parcel.

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 Lind Planning Commission and the Town Board of Lind have approved 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 zone change. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:55 a.m. The motion was carried.

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The third public hearing was called to order at 10:56 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 **Randall J. & Brenda K. Dain**: Located in part of the SW ¼ of the SW ¼ of Sec. 2, Town of Farmington, lying along Haase Road, Fire Number E1768, 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 AWT (Agriculture and Woodland Transition) District on approximately 34.9 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.

Randall Dain was sworn in to testify. Mr. Dain said he obtained a building permit from the Town of Farmington eight (8) years ago for a 20 x 50 shed; he put up a 14 x 36 shed instead. Mr. Dain said they use the shed to stay in during deer hunting season.

Jean Gliniecki, Zoning Administrator, explained that the use is for human habitation which requires a Conditional Use Permit for a dwelling that is less than 22 feet in width. Ms. Gliniecki also explained the after the fact permit fee.

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 three (3) letters, one (1) from the Town of Farmington Town Board; one (1) from the Town of Farmington Planning Commission recommending denial of the application and one (1) from the Waupaca County Highway Department with recommendations.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the proper permits and a County approved sanitary system, which could be a portable toilet.

The Committee discussed the after the fact permit fee that Mr. Dain paid. They felt that he should be refunded that fee due to the fact that he had obtained a Land Use Permit for his shed from the Township but instead he built a cabin.

D. Kussmann moved and T. Murphy seconded the motion to **GRANT** the application for Conditional Use Permit application due to the facts and evidence presented. The following conditions **MUST** be met: The applicant must have a County approved sanitary system on the property. The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the cabin. The applicant must obtain a Building Permit from the local Building Inspector for the cabin. The applicant will be refunded the after the fact Conditional Use Permit fee of \$400. 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 permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:24 a.m. The motion was carried.

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DISCUSSION & POSSIBLE ACTION:

- Ryan Brown, Planning & Zoning Director, discussed the current process for the after the fact permit fees. The Planning & Zoning Committee decided if the applicant would like to challenge the after the fact permit fee, they should request in writing to be placed on the Planning & Zoning Committee agenda so they can explain their situation. Then the Planning & Zoning Committee will make the final decision as to whether or not the applicant shall pay an after the fact fee.

UPDATE: Director’s Report

- Comprehensive Plan overhaul update
- Appeal to the Board of Adjustment filed on the Thiel Pit Decision

The next Planning and Zoning Committee meeting has been scheduled for Friday, March 4, 2016.

D. Federwitz moved and D. Kussmann seconded the motion to adjourn the meeting at 12:06 p.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk