

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES –SEPTEMBER 1, 2016**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:00 a.m. on the Ed A. & Katie D. Bornatreger property, Town of Union and the Bruce C. & Elaine M. Goltz property, Town of Iola.

Chm. Penney called the meeting to order at: 9:30 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and D. Federwitz, all present.

D. Kussmann 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 May 5, May 25 & June 16, 2016 meetings. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 9:33 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 **Ed A. & Katie D. Bornatreger:** Located in part of the NW ¼ of the SW ¼ of Sec. 28, Town of Union, lying along Zabel Road, Fire Number E5737, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Minor Indoor Institutional (school) in an AE (Agriculture Enterprise) District on approximately 40 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, Deputy 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.

Ed Bornatreger was sworn in to testify. Mr. Bornatreger said they are planning on building a school house for the community. The school house will be 45x20 and the approximate capacity will be (30) thirty students.

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 Union recommending approval of the application.

Ryan Brown, Planning & Zoning Director, said the Town of Union is recommending a school bus turnaround included as a condition.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions and proper permits.

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D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Union Planning Commission and the Town Board of Union was in favor of the application and there was no opposition presented at the hearing. The following conditions **MUST** be met: Must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the school. Must obtain a Building Permit from the local Building Inspector prior to the construction of the school. Must provide adequate driveway and parking area to allow proper access and turnaround for any busing. **MUST** install a County approved sanitary system to serve the facility. 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 9:44 a.m. The motion was carried.

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 **Bruce C. & Elaine M. Goltz**: Located in part of the SE ¼ of the NW ¼ of Sec. 23, Town of Iola, lying along Tresness Road, Fire Number E1848, 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 32.03 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, Deputy 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.

Bruce Goltz was sworn in to testify. Mr. Goltz said he purchased the property to use it for a seasonal dwelling/cottage. He was made aware that the property didn't meet that requirement for the dwelling/cottage. The original structure was permitted as a garage.

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 Iola recommending approval of the application.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends to deny the waiving of the after the fact fee and approval of the application with conditions and proper permits.

D. Kussmann moved and D. Federwitz seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Iola Planning Commission and the Town Board of Iola was in favor of the application and there was no opposition presented at the hearing. The applicant had the opportunity to explore the conditions surrounding whether the structure was legally placed on the property prior to purchasing. . The following conditions **MUST** be met: Must obtain a Land Use Permit from the Planning & Zoning Office for the use of the structure as a dwelling. Must obtain a Building Permit from the local Building Inspector. Must have a County approved sanitary system installed within one year from the date of the hearing. All use of the existing sanitary facilities must be immediately discontinued. The discharge of wastewater from the dwelling shall be strictly prohibited.

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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 D. Federwitz seconded the motion to close the hearing at 9:56 a.m. The motion was carried.

The third public hearing was called to order at 9:57 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 Waupaca County Shoreland Ordinance, Waupaca County Code of Ordinances, Chapter 32** to be repealed and create a Waupaca County Shoreland Protection Ordinance, Chapter 32. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Jason Snyder, Deputy Zoning Administrator, explained the process of developing the ordinance in responsive to legislative action.

Patricia Craig asked about County Board Supervisor notification for the creation of the ordinance.

Ryan Brown, Planning & Zoning Director, explained the notification process but would check the statues.

Kay Ellis asked if there was anything regarding fences in the ordinance.

Jason Snyder, Deputy Zoning Administrator, said the only exemption for fences is for agricultural purposes and that non-agricultural fences are not allowed within the Shoreland setback area.

David Armstrong commented on 9.5 (2) runoff from the impervious surfaces.

Caroline Murphy commented on the Conditional Use Permit application provisions, roadway setbacks and fences in the ordinance.

Diane Meulemans, Corporation Counsel, to answer Patricia Craig’s question, Attorney Meulemans explained the notice requirements for amendments and ordinances.

Jason Snyder, Deputy Zoning Administrator, went through the Shoreland Protection Ordinance and explained the changes.

D. Federwitz moved and T. Murphy seconded the motion to **APPROVE** the Waupaca County Shoreland Protection Ordinance, Chapter 32; and recommend it to the Waupaca County Board for their approval at their September 20, 2016 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 ordinance. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:04 a.m. The motion was carried.

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REVIEWS:

- Conditional Use Permit (CP-010-13) for Mark Gaigg located in Sec. 7, Town of Lebanon 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 10.20 acres. The Planning and Zoning Committee decided to schedule the (5) five year review of the Conditional Use permit in January of 2018 to properly gauge progress prior to the established deadline of July 9, 2018 for removal of the dwelling less than 22 feet in width from the property.
- Brian K. Tesch et al located in Sec. 11, Town of Weyauwega concerning a gazebo being placed in an F-W (Flood Way) District. D. Kussmann moved and W. Wilfuer seconded the motion that the gazebo located on the described property MUST be removed from the property within sixty (60) days (October 31, 2016). The motion was carried.

DISCUSSION & POSSIBLE ACTION:

- Waupaca County Planning & Zoning Fee Schedule. D. Federwitz moved and T. Murphy seconded the motion to adopt the Waupaca County Planning & Zoning Fee Schedule. The motion was carried.

The next Planning and Zoning Committee meeting has been scheduled for September 15, 2016.

D. Kussmann moved and T. Murphy seconded the motion to adjourn the meeting at 11:55 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk