

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – APRIL 6, 2017**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:30 a.m. on the Scott M. Callaway property, Town of Larrabee; the Gary W. & Marcia A. Rhone property, Town of Royalton; the Leroy R. & Darla J. Graham property, Town of Waupaca; and the Anderson Family Rentals of Waupaca LLC property, Town of Waupaca.

Chm. Penney called the meeting to order at: 10:35 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.

W. Wilfuer moved and D. Federwitz seconded the motion to approve the minutes from the January 26, 2017 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:38 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 Comprehensive Plan Amendment. The Waupaca County Comprehensive Plan was adopted by the Waupaca County Board of Supervisors on September 18, 2007. The proposed amendment to the Comprehensive Plan Preferred Land Use Map is within the **Town of Royalton**. The map amendment is to ensure that the Waupaca County Comprehensive Plan remains consistent with the locally adopted comprehensive plan. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Ryan Brown, Planning & Zoning Director, explained that the current zoning district is not planned for the proposed use.

Patricia Craig was sworn in to testify. Ms. Craig is a County Board Supervisor and said that it was the Town of Royalton's vision for the parcel to be residential use.

Gary Rhone was sworn in to testify. Mr. Rhone said he is the owner of the property and his intentions are to continue with the existing mini-storage units.

Ryan Brown, Planning & Zoning Director, said during the comprehensive planning process the Town of Royalton created new maps and the mini-storage units were existing at that time.

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 Royalton recommending approval of the amendment.

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Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the Comprehensive Plan Amendment.

D. Federwitz moved and W. Wilfuer seconded the motion to **APPROVE** and sign the Resolution to adopt a Comprehensive Plan Amendment in the Town of Royalton. 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 amendment. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:54 a.m. The motion was carried.

The second public hearing was called to order at 10:55 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 **Gary W. & Marcia A. Rhone**: Located in part of the SE ¼ of the NE ¼ of Sec. 23, Town of Royalton, lying along White Lake Road, Fire Number E6871, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from a RR (Rural Residential) District to an AWT (Agriculture and Woodland Transition) District with a Conditional Use Permit application for a Mini-Warehouse on approximately 7.86 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.

Gary Rhone said he is proposing to build (2) two more mini-storage units on the existing site which requires a Petition for Zoning Map Amendment and Conditional Use Permit.

Patricia Craig said the Town of Royalton approved the Petition for Zoning Map Amendment and the Conditional Use Permit application.

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 Royalton recommending approval of the Petition for Zoning Map Amendment and Conditional Use Permit application.

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

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

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D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Royalton Planning Commission and the Town Board of Royalton have both approved this request and it is consistent with the Town's Comprehensive Plan. The following conditions **MUST** be met: The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the Mini-Warehouses. The applicant must obtain a Building Permit from the local Building Inspector prior to the construction of the Mini-Warehouse. 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 11:01 a.m. The motion was carried.

The third public hearing was called to order at 11:02 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 **Scott M. Callaway**: Located in part of the SE ¼ of the NE ¼ of Sec. 7, Town of Larrabee, lying along Highway 45, Fire Number N11494, 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 30.89 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.

Scott Callaway was sworn in to testify. Mr. Callaway said he is the owner of the property and the cabin was existing and the property is used for hunting. Mr. Callaway said there is a porta-potty and he has a service contract for maintenance.

Jason Snyder, Deputy Zoning Administrator, said the violation was complaint driven regarding the existing cabin and bridge. Mr. Snyder said the property owner has DNR approval for the bridge.

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.

Charles Wruck was sworn in to testify. Mr. Wruck said he owns the adjoining property and gave a history of the land and wetlands. Mr. Wruck is concerned with the bridge and disturbance of the wetlands.

Jason Snyder, Deputy Zoning Administrator, said the bridge has had an engineering analysis that is required by the DNR.

Ryan Brown, Planning & Zoning Director, said the wetlands have been mitigated properly and all regulations have been met.

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

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

Scott Callaway came back for rebuttal. Mr. Callaway said he has met most of the conditions and will obtain the proper permits.

D. Kussmann moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: Based on 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 and also the walkway and bridge placed through the wetland and floodplain. The applicant must obtain a Building Permit from the local Building Inspector for the cabin. Before any improvements are made to the driveway, the applicant must receive approval from the Department of Natural Resources to ensure that any proposed improvement is not in a wetland area. 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 11:23 a.m. The motion was carried.

The fourth public hearing was called to order at 11:24 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 **Leroy R. & Darla J. Graham**: Located in part of the SW ¼ of the SE ¼ of Sec. 33, Town of Waupaca, lying along Orchard Way, Fire Number N2586, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an RI-G (Rural Industrial-General) to an RC-G (Rural Commercial-General) District to continue the Indoor Maintenance (auto repair) use and to allow a land division to meet the required setbacks on approximately 6.7 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.

Ashley Graham was sworn in to testify. Ms. Graham said the existing auto repair shop does not meet the required setbacks, so a Petition for Zoning Map Amendment is needed to be compliant with the setbacks and allow for a land division.

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.

Ryan Brown, Planning & Zoning Director and Jean Gliniecki, Zoning Administrator, explained the zoning regulations and setbacks.

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

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Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval. They will need to have a 2 lot certified survey done on the property.

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 Waupaca Planning Commission and the Town Board of Waupaca have both recommended approval of this request and it is consistent with the Town’s Comprehensive Plan. 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 11:29 a.m. The motion was carried.

The fifth 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, T. Murphy, W. Wilfuer and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Anderson Family Rentals of Waupaca LLC**: Located in part of the SE ¼ of the NE ¼ of Sec. 5, Town of Waupaca, lying along Casey Road, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Telecommunication Tower in an AWT (Agriculture and Woodland Transition) District on approximately 30 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.

Jim Kaysing was sworn in to testify. Mr. Kaysing said he is representing AT&T and is proposing a 135 foot monopole telecommunications tower to fit with the federal governments Connect America’s program to bring high speed internet and cellular service to rural communities.

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.

Bruce McCallum was sworn in to testify. Mr. McCallum said that he is opposed to the tower because he has Verizon and is able to get service.

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

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions and to follow the Town’s driveway Ordinance.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Waupaca Planning Commission and the Town Board of Waupaca have both recommended approval of this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: **MUST** be in accordance with all of the regulations in the Mobile Service Facilities and Support Structures Ordinance. The applicant must obtain Federal Communications Commission (FCC) license numbers and registration numbers, if applicable. The applicant and/or agent shall have copies of Findings of No Significant Impacts (FONI) statement from the

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Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable. The applicant and/or agent shall have copies of the determination of no hazard from the Federal Aviation Administration (FAA) and/or the airport's operator including any aeronautical study determination or other findings, if applicable. The applicant shall obtain a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas. The applicant and/or agent shall supply proof of liability coverage. The applicant must obtain a fire number from the Township. The applicant must follow the Town Road Driveway Ordinance. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the communications tower and related Verizon equipment. The applicant must contact the local Building Inspector to see if a Building Permit is necessary for the construction of the communications tower and related AT&T equipment. 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 11:41 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Potential of scheduling rain date for Committee meetings to be discussed at the next Planning & Zoning meeting.
- Schedule upcoming meetings.
- Introduction of new Planning and Zoning staff - Candace Bauer.

The next Planning and Zoning Committee meeting has been scheduled for April 20, 2017.

CLOSED SESSION

D. Federwitz moved and W. Wilfuer seconded the motion to go into Closed Session pursuant to WI State Stats. Sec. 19.85 (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction; to wit: Performance Evaluation of Zoning Administrator Ryan Brown. D. Federwitz moved and D. Kussmann seconded the motion to adjourn the meeting in closed session at 1:20 p.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk