

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – SEPTEMBER 28, 2017**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:15 a.m. on the Goodspeed Living Trust property, Town of Helvetia; the Margaret A. Paque, Town of Helvetia; the Keith A. & Karen L. Larson property, Town of Union and the Stephen Bauer et al property, Town of Union.

Chm. Penney called the meeting to order at 10:04 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer and T. Murphy, present. D. Federwitz was excused.

W. Wilfuer moved and T. Murphy seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:07 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and T. Murphy, present. D. Federwitz was excused. Deb Giuffre read the names of persons notified of the hearing for **Goodspeed Living Trust:** Located in part of the N ½ of the SW ¼ of Sec. 10, Town of Helvetia, lying along Valley Road, Fire Number E3820, Waupaca County, Wisconsin; for a 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 5.33 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.

Wayne Goodspeed was sworn in to testify. Mr. Goodspeed said he would like to replace the existing modular home with a new one for family use. The site has electricity, well and septic.

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 Helvetia recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; 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 placement of the structure on the property. The applicant must contact the local Building Inspector to verify if a Building Permit is required for the placement of the structure on the property.

D. Kussmann moved and T. Murphy seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Helvetia Planning Commission and the Town Board have both recommended approval of this permit and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The applicant must have the existing sanitary system evaluated to make sure that it is sized and sited appropriately. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the placement of the manufactured home on the property. The applicant must obtain a Building Permit from the local Building Inspector prior to the placement of the

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manufactured home on the property. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—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 10:15 a.m. The motion was carried.

The second public hearing was called to order at 10:16 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and T. Murphy, present. D. Federwitz was excused. Deb Giuffre read the names of persons notified of the hearing for **Margaret A. Paque**: Located in part of the SE ¼ of the SE ¼ of Sec. 36, Town of Helvetia, lying along County Highway K, Fire Number N7327, Waupaca County, Wisconsin; for a Conditional Use Permit application for Animal Husbandry (horses) and to exceed the allowable number of animal units in an RR (Rural Residential) District on approximately 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.

Margaret Paque was sworn in to testify. Ms. Paque said she would like to bring her two (2) horses to her property. She will compost the waste and distribute on property. She will also bring in hay for feed.

Ryan Brown, Planning & Zoning Director, explained animal units and the provision in the ordinance.

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 Helvetia recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; 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 placement of the structure on the property. The applicant must contact the local Building Inspector to verify if a Building Permit is required for the placement of the structure on the property.

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 Helvetia Planning Commission and the Town Board have both recommended approval of this permit and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: Owners shall follow the standard found in the 2011 (or successor copy) edition of the “Good Horse Keeping Best Practices Manual for Protecting the Environment.” Horses shall be provided with an adequate shelter consisting of a minimum of three walls and a roof. Register your animals with the Wisconsin Department of Agriculture, Trade and Consumer Protection Livestock Premises Registration by calling (888) 808-1910 or online at: <http://www.wiid.org/pdf/AH-LP-100-Premises-registration-form-2012.pdf> The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the construction of any structures on the property. The applicant must contact the local Building Inspector to verify if a Building Permit is necessary for the construction of any structures. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and T. Murphy —yes unanimous, vote to grant the permit. D.

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Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:23 a.m. The motion was carried.

The third public hearing was called to order at 10:24 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and T. Murphy, present. D. Federwitz was excused. Deb Giuffre read the names of persons notified of the hearing for **Stephen Bauer et al:** Located in part of the SE ¼ of the SW ¼ of Sec. 15, Town of Union, lying along Luckjohn Road, Fire Number E6206, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AE (Agriculture Enterprise) District to an RR-O (Rural Residential-Overlay) District to create a 2 acre parcel for a non-farm residence. This property is within Farmland Preservation and will use one (1) development right to create the 2 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.

Steven Bauer was sworn in to testify. Mr. Bauer said he would like to keep the farmhouse with two 2 acres which would have to be removed from Farmland Preservation for non-farm use and sell the remaining land.

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.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the Petition for Zoning Map Amendment.

T. Murphy 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 Planning Commission and Town Board 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 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 10:29 a.m. The motion was carried.

The fourth public hearing was called to order at 10:30 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and T. Murphy, present. D. Federwitz was excused. Deb Giuffre read the names of persons notified of the hearing for **Keith A. & Karen L. Larson:** Located in part of the SW ¼ of the SW ¼ of Sec. 16, Town of Union, lying along School Section Lane, Fire Number E5742, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a Commercial Animal Facility (dog breeding) in an AR (Agriculture Retention) District on approximately 25 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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Keith and Karen Larson were sworn in to testify. Mr. Larson said he would like to repurpose the structures for dog kennels. He would like to have twenty-five (25) to thirty (30) dogs. They use a dumpster to remove the waste.

Ryan Brown, Planning & Zoning Director, explained the conditions set by the Town of Union for issuance of the Conditional Use Permit application.

Karen Larson said she would like the November 1, 2017 deadline for the construction improvements to be extended. Ms. Larson said they have had no complaints on the barking and the privacy fence has helped.

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 seven (7) letters, one (1) from the Town of Union recommending approval of the application with conditions, one (1) in opposition from a customer and five (5) in favor from dog breeders and customers.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with the conditions from the Town of Union.

Karen Larson came back for rebuttal. Ms. Larson responded to the letter in opposition regarding dog breeders and puppy mills.

D. Kussmann moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Union Planning Commission and Town Board have both recommended approval of this request with conditions and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: Maximum number of adult dogs (over 5 months of age) allowed at the facility is 24. The total number of dogs cannot exceed 24 and includes their personal dogs. This maximum number of dogs shall be complied with by December 31, 2017. The facility needs to be inspected by the State and have a State approved kennel license. This license and inspection report must be provided to the County and local governments for review. All adult dogs must have rabies shots given by a licensed veterinarian and each dog must have a tag attached. The Conditional Use Permit will be reviewed for compliance annually. This review will be held by **September 28, 2018**. Restroom facilities must be provided if required by State or Federal Statute. Proper disposal of deceased dogs must meet all local, State and Federal regulations. The following construction or improvements must be met by December 31, 2017:

- a) Nursery area for mother dogs including sanding and painting of walls and ceiling and laying down of protective flooring.
- b) Covered screen area to use as kennel area; replace defective wood, repair cracks in concrete slab, laying five courses of 6-inch block around the base and painting the block, replace the screen with OSB and metal siding, insulation, installation of dog doors from each pen to the adjacent outdoor run, paint all wood, and set powder coated welded wire pens inside.

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- c) Outdoor kennel runs; removal of trees in the area, concrete slab poured with 4-inch block laid around the outer edge to contain pea gravel. Slab will be graded to allow run-off of rain with screen along the outer edge to hold the pea gravel.
- d) A 12-foot by 12-foot addition constructed on the south for prospective buyers, vet checks and grooming of the dogs.
- e) A dumpster set up for either weekly or biweekly waste removal.
- f) Gravel will be added to the driveway and parking area.

Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—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 11:25 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Update on the Rekoske, Radtke and Berrig properties. Dianne Meulemans, Corporation Counsel, gave an update on the legal aspects.
- Update Central Housing Authority Regional on Community Development Block Grant (CDBG) Program status. Ryan gave an update and status of the grant funding for the program.
- Resolution 22 (2017-18) for Cooperation Agreement for Community Development Block Grant (CDBG) Program. D. Kussmann moved and W. Wilfuer seconded the motion to adopt Resolution 22 (2017-18) for Community Development Block Grant (CDBG) Program.
- Schedule upcoming meetings.

The next Planning and Zoning Committee meeting has been scheduled for October 19, 2017.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 12:00 p.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk