

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES –NOVEMBER 16, 2017**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:15 a.m. on the Charles E. & Patricia E. Lewis property, Town of Caledonia; the Adam D. Moder property, Town of Lebanon; the Amelia A. Girard property, Town of Royalton and the Marie Bruesewitz property, Town of Royalton.

Chm. Penney called the meeting to order at: 9:46 a.m. with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused.

D. Kussmann moved and W. Wilfuer 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 July 13, 2017 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 9:49 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Charles E. & Patricia E. Lewis:** Located in part of the SW ¼ of the SE ¼ and part of the SE ¼ of the SW ¼ of Sec. 27, Town of Caledonia, lying along Klemp Road, Fire Number N529, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a Commercial Animal Facility (dog breeding) in an AWT (Agriculture and Woodland Transition) District on approximately 6 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.

Patricia Lewis was sworn in to testify. Ms. Lewis said she has a dog kennel and would like to have thirteen (13) breeding dogs. Ms. Lewis said she was not aware that she needed a Conditional Use Permit until she contacted the State of Wisconsin for licensing.

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 Caledonia recommending approval of the application with conditions.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; the Conditional Use Permit does not transfer with the land or business when and if sold or leased to a second or third party. Waupaca County to conduct an annual on-site visit and review of the facility/business if the Conditional Use Permit is granted. Recommend that no more than thirty (30) puppies and thirteen (13) breeding adult dogs be on the site at any one time. The owner/operator of the business needs to meet the Wisconsin Department of Agriculture, Trade and Consumer Protection dog breeding license requirement.

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Patricia Lewis came back for rebuttal. Ms. Lewis said she has a compost area for the animal waste.

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 Caledonia Planning Commission and the Town Board have both recommended approval of this request and it is consistent with the Town’s Comprehensive Plan.. The following conditions **MUST** be met: The Conditional Use Permit does not transfer with the land or business when and if sold or leased to a second or third party. No more than thirteen (13) breeding adult dogs and no more than thirty (30) puppies be on site at any one time. The Planning and Zoning Office perform an onsite of the facility in one (1) year. The Planning & Zoning Committee will review this Conditional Use Permit in one (1) year from today’s date, which would be by **November 16, 2018**. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; and D. Federwitz—yes unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:03 a.m. The motion was carried.

The second public hearing was called to order at 10:04 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Adam D. Moder**: Located in part of the SE ¼ of the SW ¼ of Sec. 33, Town of Lebanon, lying at the end of Prael Road, Fire Number E8260, Waupaca County, Wisconsin; for an after the fact Petition for Zoning Map Amendment from an SR (Sewered Residential) District to an RR (Rural Residential) District with an after the fact Conditional Use Permit application to allow for Animal Husbandry (two horses) in a residential district on approximately 5.217 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.

Adam Moder was sworn in to testify. Mr. Moder said he has a couple horses and would like to keep them on his property.

Ryan Brown, Planning & Zoning Director, explained how the zoning of SR (Sewered Residential) District occurred years back and the area is planned residential.

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 Lebanon recommending approval Conditional Use Permit application and Petition for Zoning Map Amendment.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; 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 a shelter consisting of a minimum of three walls and a roof. Register the animals with the Wisconsin Department of Agriculture, Trade and Consumer Protection Livestock Premises Registration. The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the

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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.

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 of Lebanon 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 D. Federwitz—yes unanimous vote to grant the zone change. The motion was carried.

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 Lebanon Planning Commission and the Town Board have both approved this request and it is consistent with the Town’s Comprehensive Plan. The following conditions **MUST** be met: The applicant 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 a shelter consisting of a minimum of three walls and a roof. The applicant shall register the 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 D. Federwitz—yes unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:14 a.m. The motion was carried.

The third public hearing was called to order at 10:15 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Amelia A. Girard**: Located in part of Government Lot #1 of Sec. 20, Town of Royalton, lying along North Shore Road, Fire Number E5681, 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 AWT (Agriculture and Woodland Transition) District on approximately 18.80 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.

Patricia Craig noted that the notification list for the Town of Royalton was in error.

David Girard was sworn in to testify. Mr. Girard said he is the agent for Amelia Girard, his mother. Mr. Girard said the cabin is going to be used for fishing and hunting. The cabin does not have water or sewer but does have electricity. Mr. Girard said he was not aware of all the permits he needed. He has acquired a contract for a porta potty.

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 application.

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Jason Snyder, Deputy 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 construction of the cabin. The applicant must obtain a Building Permit from the local Building Inspector for the construction of the cabin.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town Board of Royalton recommended approval of this permit and it is consistent with the Town Comprehensive Plan. 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. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; and D. Federwitz—yes unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:25 a.m. The motion was carried.

The fourth 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, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Marie Bruesewitz**: Located in part of Government Lot #3 of Sec. 20, Town of Royalton, lying along Highway 110, Fire Number N3501, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a Major Indoor Institutional (assisted living facility) in an RC-N (Rural Commercial-Neighborhood) District on approximately 5 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.

Patricia Craig noted that the notification list for the Town of Royalton was in error.

Bruce Schram was sworn in to testify. Mr. Schram said he is the agent for Marie Bruesewitz now known as Marie Schram. Mr. Schram said that this business has been there for over forty (40) years and is licensed by the State. He was notified he needed a permit when they had an appraisal done and during that process it was noticed that there was no permit for the assisted living facility.

Ryan Brown, Planning & Zoning Director, explained that the property was not permitted for the current use.

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

Sheri Wieters was sworn in to testify. Ms. Wieters said she is a Supervisor for the Town of Royalton. Ms. Wieters said the assisted living facility has been in existence for years and recommends approval.

Patricia Craig was sworn in to testify. Ms. Craig said she is the Treasurer for the Town of Royalton. Ms. Craig feels the assisted facility was legally established and is in favor of the Conditional Use Permit.

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 application.

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Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions; must comply with the necessary sanitary requirements. Must comply with the applicable State and Federal requirements. Required parking is one (1) space per resident or patient bed, plus one (1) space per employee on the largest work shift.

Bruce Schram came back for rebuttal. Mr. Schram said they have space for seven (7) residents.

D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for CUP due to the following: The Town of Royalton Planning Commission and Town Board have recommended approval of this request. The following conditions **MUST** be met: The facility shall comply with the necessary sanitary requirements. The facility shall comply with the applicable State and Federal requirements. The facility shall comply with the required parking requirements of one (1) space per resident or patient bed, plus one (1) space per employee on the largest work shift. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes; and D. Federwitz—yes unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:45 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Michael Costley requesting that an after the fact Land Use Permit application fee for a deck addition to a dwelling be waived located in Sec. 29, Town of Weyauwega. D. Kussmann moved and D. Federwitz seconded the motion to deny the after the fact fee being waived.
- Scott Konkle, East Central Wisconsin Regional Planning Commission, for NR 135 Program – 2017 Budget/Fee Calculation Update. D. Kussmann moved and W. Wilfuer seconded the motion to maintain the fee of \$40.00 per acre for the 2018 budget. The motion was carried.
- Lara Pagel, POWTS Inspector, discussed the concept of putting the Sanitary Maintenance Program on-line and related fees on the property taxes. D. Federwitz moved and D. Kussmann seconded the motion to continue with the study. The motion was carried.
- Schedule upcoming meetings.

The next Planning and Zoning Committee meeting has been scheduled for December 14, 2017.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:30 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk