

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES - JUNE 7, 2018**

ON-SITE INSPECTIONS: The Committee made on-site inspections at 8:15 a.m. for the following:

- Allen & Rose Mary Sasse Rev. Liv. Trust
- David J. & Shelley A. Reiter Rev. Trust
- Timothy M. Mullen et al

Chm. Penney called the meeting to order at: 10:30 a.m. with the following members present: J. Penney, D. Kussmann, J. Nygaard and D. Federwitz, present and T. Murphy excused.

J. Nygaard moved and D. Federwitz seconded the motion to approve the agenda as presented. The motion was carried.

D. Kussmann moved and D. Federwitz seconded the motion to approve the minutes from the March 8 and March 29, 2018 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

V. Chm. Kussmann gave the general procedures for the following: Hearing 1: Allen & Rose Mary Sasse Rev. Liv. Trust, Town of Matteson. Hearing 2: David J. & Shelley A. Reiter Rev. Trust, Town of Bear Creek. Hearing 3: Timothy M. Mullen et al, Town of Dayton. Hearing 4: Donald V. Polly Revoc. Trust, Town of Dayton.

The first public hearing was called to order at 10:33 a.m. by Chm. Penney for **Allen & Rose Mary Sasse Rev. Liv. Trust:** Located in part of the SW ¼ of the SE ¼ of Sec. 29, Town of Matteson, lying along Cty Hwy I, Fire Number E10372, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from the Agriculture Retention (AR) District to the Rural Residential Overlay (RR-O) District to create a four acre parcel. The property is within Farmland Preservation and will use two development rights to create the four acre parcel. Roll call was taken with the following members present: J. Penney, D. Kussmann, J. Nygaard, and D. Federwitz, T. Murphy excused.

Jason Snyder read the names of persons notified of the hearing for **Allen & Rose Mary Sasse Rev. Liv. Trust** and are made a part of the record. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, 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.

Pete Sasse, E8831 Velte Rd. was sworn in to testify. Pete is the trustee of the estate. He discussed access to this property, he should pursue this with the highway department. Certified Survey Map of 4 acres, need to remove from the Farmland Preservation and rezone it to RR-O District. Ryan explained that if they split this into two acre parcels, they would need a CSM for the split.

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.

Jason Snyder read one letter, from the Town of Matteson Board and Town Planning Commission recommending approval of the application.

Jason Snyder Zoning Administrator, said the Planning & Zoning Office recommends approval with the final approval coming from the County Board at their next scheduled meeting.

D. Federwitz moved and D. Kussmann seconded the motion to **Grant** the application for zoning district change to RR-O District. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; J. Nygaard—yes; and D. Federwitz—yes unanimous vote to grant the zone change. D. Kussmann moved and J. Nygaard seconded the motion to close the hearing at 10:45 a.m. The motion was carried.

The second public hearing was called to order at 10:46 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, J. Nygaard, and D. Federwitz, T. Murphy excused. Jason Snyder read the names of persons notified of the hearing for **David J. & Shelley A. Reiter Rev. Trust**: Located in part of the SW ¼ of the SE ¼, of Sec. 26, Town of Bear Creek, lying along Blueberry Rd., Fire Number E9162, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from the Agriculture Enterprise (AE) District to the Rural Residential Overlay (RR-O) District to create a two acre parcel. The property is located within Farmland Preservation will use one development right to create the two acre parcel. These names shall become a part of the record and on file. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, 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.

Dave Reiter was sworn in to testify. The purpose of the zoning is to break off a parcel for their son. Jason Snyder said it is similar to the previous zoning amendment. It was noted, after they build they will need a culvert. The access/easement must be mapped.

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.

Jason Snyder one (1) letter from the Town of Bear Creek Board and Planning Commission recommending approval of the application.

Jason Snyder, Zoning Administrator, said the Planning & Zoning Office recommends approval with the County Board having the final approval.

D. Federwitz moved and J Nygaard seconded the motion to **Grant** the application for zone change from AE District to RR-O District. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; J. Nygaard—yes; and D. Federwitz—yes unanimous vote to grant the zone change. The motion was carried. D. Kussmann moved and J. Nygaard seconded the motion to close the hearing at 10:52 a.m. The motion was carried.

The third public hearing was called to order at 10:53 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, J. Nygaard, and D. Federwitz, T. Murphy excused. Jason Snyder read the names of persons notified of the hearing for **Timothy M. Mullen et al**: Located in part of the SE ¼ of the SE ¼ of Sec. 4, Town of Dayton, lying along Cleghorn Rd., Fire Number N2070, Waupaca County, Wisconsin; for a Conditional Use permit application for animal husbandry (chickens, turkeys, and ducks) in a Rural Residential (RR) District on approximately 3.8 acres. These names are made a part of the record and on file in the Zoning Office. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder,

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.

Chm. Penney called for the property owner to come forward.

Tim Mullen, N2070 Cleghorn Rd. was sworn in to testify. Bought the property with the barn and chicken coop existing, he thought it was permitted. They will be selling eggs to the store. He is requesting 12 chickens and a few meat chickens, 6 ducks, and 2 turkeys. There are 7 buildings on his lot, red and green buildings. His father owned the property previously and the animals were there on the location. He makes soap and sells it. This property has been used previously, so it is a nonconforming status, according to Ryan Brown. This is the old Walker Barn Antiques. 18 laying chickens and about 25 meat chickens. Total of 50 chickens, that number would never stay at that number, but the max number at any one time.

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

Don Holtebeck, Town of Dayton Chair. At their meeting they had mild concern, whether the animals would be properly penned and early morning crowing roosters and the max number of 40 chickens was a concession to the property owners, they would not probably have a problem with 60, they do support the conditional use.

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

Roger Rupnow, N2401 Long Cove Rd. was sworn in to testify. He is not in opposition, but he is concerned about the retail aspect being located at that particular area. Most people put notices on the property. Need to take a long hard look at this application.

D. Kussmann asked if the applicant could come back for any rebuttal.

Tim Mullen property owner. There has been a retail store at this location for a very long time. He keeps one or two Roosters to help protect his flock. The chickens are free range, he does have a fence and he will have an electric fence installed. Zoning let Mr. Rupnow know that everyone within 300 ft. are notified of hearing.

Jason Snyder read one (1) from the Town of Dayton Board and Planning Commission along with the minutes recommending approval of the application.

Jason Snyder, Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions stated below.

J. Nygaard moved and D. Federwitz seconded the motion to **Grant** the application for a conditional use for animal husbandry (chickens, turkeys, and ducks) in a Rural Residential (RR) District on approximately 3.8 acres. The Town of Dayton Planning Commission and Town Board have both recommended approval of this request and it is consistent with the Town Comprehensive Plan.

The following conditions **MUST** be met:

- No more than sixty (60) birds may be kept on site.
- The animals shall be penned on the property.
- Shelter shall be provided for the animals.

The motion was carried.

D. Kussmann moved and J. Nygaard seconded the motion to close the public hearing for the conditional on the Tim Mullen property at 11:23 a.m. The motion carried without a negative vote.

The fourth public hearing was called to order at 11:25 a.m. by Chm. Penney. Roll call was taken with the following members present: D. Kussmann, J. Penney, J. Nygaard, and D. Federwitz, T. Murphy was excused. Jason Snyder read the names of persons notified of the public hearing for **Donald V. Polly Revoc. Trust**: Located in part of the SE ¼ of the SE ¼ of Sec. 10, Town of Dayton, lying along Cty Hwy K, Waupaca County, Wisconsin; for an after the fact Conditional Use permit application for the placement of a recreational vehicle intended for temporary living purposes in excess of 30 days in an Agriculture and Woodland Transition (AWT) District on approximately 36.62 acres. These names are made a part of the record and on file in the Zoning Office. The Committee, Ryan Brown, Planning & Zoning Director, and Jason Snyder, 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.

Vice Chm. Kussmann asked that the representative for the Donald V. Polly come forward.

Connie Ayers was sworn in to testify. The trailer has been there since the early 90's with a deck and a porta potty. Donald Polly comes out a couple times a year. This property has been in the Polly family since the 40's. J. Nygaard said there is a roof over this trailer to keep it from the elements. She questioned the photo and how this was discovered.

Chm. Penney called three times for any testimony in favor of this application.

Don Holtebeck was sworn in to testify. Town Chair of Dayton. The application has been filed and the after the fact fee has been paid with that the Town Board approves allowing the conditional use permit.

Chm. Penney called three times for any further testimony in favor of this application. None.

Chm. Penney called three times for any testimony in opposition of this application. There was none.

Jason Snyder read one letter from the Town of Dayton Board and Planning Commission along with the minutes recommending approval.

Jason Snyder, Zoning Administrator, said the Planning & Zoning Office recommends approval with the following conditions stated below.

- The applicant shall obtain approval for access from County Highway K.
- The applicant shall obtain a fire number for the property.
- The recreational vehicle must have a county approved sanitary system. (Please contact the Planning & Zoning Office.)
- The applicant must obtain a Land Use permit for any structures placed on the property.

D. Federwitz moved and J. Nygaard seconded the motion to approve the conditional use permit with the conditions stated above. The motion was carried without a negative vote.

D. Kussmann moved and J. Nygaard seconded the motion to close the hearing at 11:30. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Introduction of Rebecca Fields- Code Enforcement Officer. On behalf of the Planning and Zoning Committee Chm. Penney welcomed Rebecca to the Planning and Zoning Office.
- Multijurisdictional Agriculture Enterprise Area
- Schedule Upcoming Meetings – June 28th and July 14th, 2018.

D. Kussmann moved and J. Nygaard seconded the motion to adjourn at 11:44 a.m. The motion was carried.

Jason Snyder
Recording Secretary.

Cc: County Clerk