

TOWN OF CLAYTON

Town Plan Commission Regular Meeting Meeting Minutes

November 10, 2010
7:01 p.m. – 7:57 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:01 p.m. by Chairperson Knapinski
Present: Commissioners Adler, Brucks, Geise, Hamblin, Haskell, VanAirdsdale
Staff Present: Town Administrator Johnston, Interim Treasurer Bowen
Pledge of Allegiance recited.
Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Plan Commission – October 13, 2010
MOTION: (Hamblin, Adler) Approve Regular Plan Commission meeting minutes of October 13, 2010, with changes. Remove all of the “here”, change to Chairman, and precedence to precedent.
CARRIED by unanimous voice vote.

III. Open Forum – Non-Agendized Town-related Matters

- NONE

IV. Correspondence

- Winnebago County Planning and Zoning Department (received 10/18/2010) – Farmland Preservation Plan Regional Meetings & DATCP Presentation
- Fire Department facility meeting

V. Business Items

- A. **Discussion / Recommendation:** – Plan Commission review and recommendation on a Re-zoning request from A-2 (General Farming District) to R-1 (Single Family non-subdivided) for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue in the Town of Clayton (Tax ID #006-0031)

Mr. Shaw present and thanked committee members

Hamblin ask why the zoning was changed from R-2 to R-1. Johnston stated that the zoning change was recommended by the county.

Chairman Knapinski read Johnston’s recommendation the approval of the zoning with the condition of any overlying government having jurisdiction.

Haskell asked if Town Board made driveway changes – it was determined that Town Board did not change. Mr. Shaw stated an agricultural access did exist. Mr. Johnston commented that they should have applied for a temporary access to allow heavy equipment access to property. It will need to be addressed – because of the change zoning. Chairman suggests that Mr. Shaw meet with Mr. Johnston

MOTION: (Hamblin, Haskell) Approval of zoning with the suggested comments from Mr. Johnston.
CARRIED by unanimous voice vote.

Chairman direction: Go forward to Town Board next Wednesday (11/17/2010) for approval

- B. **Discussion / Recommendation:** – Plan Commission review with staff of the Town’s proposed wind energy device Ordinance

Staff Comments:

1. What type of ordinance are we as a town do we need. What are we trying to control? Jon Bartz to help with question concerning the creation of the ordinance.
 Knapinski states that the article strongly suggests that an ordinance be incorporated to regulate the systems. Hamblin adds that we need to establish general public safety issues and insurance issues within those ordinances. Adler agrees with Ben that the health, welfare, and safety issues need to be incorporated. Johnston recommended that structural integrity would need to be incorporated also.
2. J. Bartz covers regulations – anyone who constructs a wind turbine must file an application with the Town, but the Town needs to have ordinance to review it. Cannot restrict on land use or zoning - need to have a “fall zone”. Can regulate set back, height, noise, signal interference, etc. Can you require engineering standards for the small home units? Can not be more restrictive than the state – no answer on structural integrity.
 - a. No wind farms, but individual use is possible. No third category will be created.
 - b. J Bartz Recommends adaption of an ordinance after the state PSC has ordinances/standards set
 - c. Can require bonds/escrow to protect town road and infrastructure – can not make escrows and bonds requirements too onerous as to stifle project.

Adler asked in the “sue happy” society that we live in – is the Town liable if there is no ordinance in place? It was suggested that we consult legal counsel regarding town liability concerning this issue. Consult the towns association with some of issues brought up – application is automatically approved without ordinance. Johnston suggests that the intermediate step to take is to establish a moratorium until state standards are available.

Is there a time line? Legislation to be done in November – unless it is put to next session. Johnston will check with attorney about the possibility of a moratorium.

MOTION: NO MOTION

- C. **Discussion / Recommendation:** – Plan Commission review with staff of the Outagamie County’s Airport Zoning Overlay and Matrix process

Staff Comments:

1. Matrix more accurate in their definitions of what is allowable and how it is allowable.
2. Johnston wants guidance from Commission about the area in question by about spring.
3. Johnston will get an exact map
4. Issues still need to be worked out with matrix

MOTION: NO MOTION

VI. Upcoming Meeting Attendance

Next Monday (November 15, 2010), the Fire Station Information Meeting – encourage all in attendance.
 Electors meeting, next Wednesday (November 17, 2010) to approve levy and transportation

VII. Adjournment – 7:57pm

MOTION: (Brucks, VanAirsdale) Adjourn.
 CARRIED by unanimous voice vote.

Respectfully Submitted, Tori Bowen, *Interim Treasurer*