

TOWN OF CLAYTON  
JOINT  
TOWN PLAN COMMISSION MEETING  
AND  
SPECIAL TOWN BOARD MEETING  
AGENDA

7:00 P.M. ON WEDNESDAY, AUGUST 8<sup>TH</sup>, 2012

TOWN OFFICE MEETING ROOM, 8358 CTR T, LARSEN, WI 54947

It is expected that a quorum of the Town Board of Supervisors may be in attendance at the meeting.  
However, there will be no official Town Board action taken.

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I. Call to Order by the Chair at 7:00 P.M.

- A. Pledge of Allegiance recited.
- B. Meeting properly posted at three locations in the Town.
- C. Roll

i. Plan Commission Members

- |                             |         |
|-----------------------------|---------|
| 1. Chairperson Knapinski    | PRESENT |
| 2. Commissioner Adler       | PRESENT |
| 3. Commissioner Brucks      | PRESENT |
| 4. Supervisor Schmidt       | PRESENT |
| 5. Commissioner Hamblin     | ABSENT  |
| 6. Commissioner Haskell     | PRESENT |
| 7. Commissioner VanAirsdale | ABSENT  |

ii. Town Board Supervisors

- |                                |         |
|--------------------------------|---------|
| 1. Chairperson Luebke          | PRESENT |
| 2. Supervisor Lettau           | PRESENT |
| 3. Supervisor Grundman-Erdmann | PRESENT |
| 4. Supervisor Geise            | PRESENT |

iii. Staff

- |                           |         |
|---------------------------|---------|
| 1. Administrator Johnston | PRESENT |
| 2. Treasurer Bowen        | PRESENT |
| 3. Planner Bartz          | PRESENT |

II. Approval of Minutes:

A. Regular Plan Commission Meeting – Wednesday, June 13<sup>th</sup>, 2012.

- Page 4, under “Residents from the following addresses spoke in favor of the Town creating its own Zoning Code of Ordinances”, the last address listed does not have the owner’s name included – owner’s name is Jesse Clark, 7510 Sunburst Lane.

Motion by: Commissioner Haskell

Second by: Commissioner Adler

Motion: To approve the minutes of the Commission's Wednesday, June 13<sup>th</sup>, 2012 meeting with the corrections as stated.

Vote: Unanimously approved

III. Open Forum – Town-related Matters not on the Plan Commission's Agenda:

Please complete "Request to Speak at Meeting" form located on the agenda table and give to the Town Deputy Clerk or Treasurer. Town-related Matters not on the Plan Commission's Agenda: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters; however, limited discussion may occur but no action may be taken until specific notice of the subject matter of the proposed action can be given.

A. There were no requests to speak submitted

IV. Correspondence:

A. Communications from the Winnebago County Zoning Department.

V. Business:

A. Discussion: Plan Commission and Town Board review of the Town's options relative to continued participation in County Zoning (limited to 30 minutes in duration). The Town Chair and the Plan Commission Chair have directed staff to schedule a joint Town Board/Plan Commission meeting to discuss the Town's options relative to its continued participation in County Zoning. The following list is a non-exclusive list of the items the Plan Commission and the Town Board should review:

1. The Town's only opportunity to opt out of County Zoning occurs when the County engages in a comprehensive update of its Zoning Code of Ordinances.
  2. The Town can procedurally opt in to County Zoning at any point in time.
  3. A Town that opts out of County Zoning must create a Town Zoning Code of Ordinances.
  4. If a town opts out of County Zoning the Town Board must appoint a (Zoning) Board of Appeals.
  5. The appeal of a decision rendered by the Town's Board of Appeals (Zoning) is to the Circuit Court.
  6. The Town's Zoning Code of Ordinances must be approved by the County.
  7. Once approved by the County, the Town's Code of Ordinances would be implemented by the Town's staff, the Town's Plan Commission, the Town Board, and the Town's Board of Appeals (Zoning).
  8. The County would still control shoreland and floodplain zoning even if the Town opts out of County Zoning.
  9. If the Town opts out of County Zoning it must decide if it wants to create a Farmland Preservation element in its Zoning Code of Ordinances.
  10. If the Town opts out of County Zoning it must assign the responsibility for issuing Zoning Permits to a member of its staff; this responsibility is usually assigned to the Building Inspector.
- Discussed the Town's options relative to its continued participation in County Zoning.
  - Discussed the Town's options relative to creating a Town Zoning Code.
  - Discussed the issues relative to enforcing a zoning code
  - Discussed the advantages and disadvantages of County Zoning vs. a Town Zoning Code

B. Discussion/Action: Adjournment of the Special Town Board Meeting.

Motion made by unanimous consent to adjourn the Special Town Board meeting portion of the Plan Commission meeting.

Special Town Board Meeting Adjourned at 7:40 p.m.

C. Discussion/Recommendation: Plan Commission direction to staff on the Town's options relative to continued participation in County Zoning.

In anticipation of the proposed joint meeting, the Administration has asked the Town's Engineering Firm to prepare a proposal for developing a Zoning Code of Ordinances for the Town. If the Plan Commission wishes to move forward with the process of preparing a Zoning Code of Ordinances a recommendation to the Board would be in order.

Motion by: Commissioner Haskell

Second by: Supervisor Schmidt

Motion: To recommend to the Town Board to move forward with the process of preparing a Zoning Code of Ordinances for the Town.

Vote: Unanimously approved

D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) for William Popke and Marjorie C. Peters of 7208 Angell Road, Oshkosh, WI 54904 for property located at 4846 Breezewood Lane and specifically described as Tax ID # 006-0786 and 006-0785-02, All of Lot 3 of Certified Survey Map No. 2896, and the Southeast 1/4 of the Southwest 1/4 of Section 31 all located in the South 1/2 of the Southwest 1/4 of Section 31, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 4846 Breezewood Lane and specifically described as Tax ID # 006-0786 and 006-0785-02, All of Lot 3 of Certified Survey Map No. 2896, and the Southeast 1/4 of the Southwest 1/4 of Section 31 all located in the South 1/2 of the Southwest 1/4 of Section 31, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: William Popke, and Marjorie C. Peters

Property Owners: William Popke, and Marjorie C. Peters  
7208 Angell Road  
Oshkosh, WI 54904

Consultant: Thomas M. Kromm – S 2062  
Kromm Land Surveying, LLC.  
1284 Harold Drive  
Menasha, WI 54952

Prepared for: William Popke, and Marjorie C. Peters  
7208 Angell Road  
Oshkosh, WI 54904

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-1 (RURAL RESIDENTIAL DISTRICT), A-2 (GENERAL FARMING DISTRICT), and A-1 (AGRI-BUSINESS DISTRICT)
  - b) South: Town of Vinland Zoning
  - c) East: A-2 (GENERAL FARMING DISTRICT)
  - d) West: A-2 (GENERAL FARMING DISTRICT)

**Property Information Specific to Tax ID # 006-0786 and 006-0785-02**

1. Tax ID # 006-0786 is 40.00 acres in area.
2. Tax ID # 006-0785-02 is 22.76 acres in area.
3. The combined Lots are a total of 62.76 acres in area.
4. Both lots are in the Winneconne School District.
5. Both lots are in the Department of Natural Resources Special Well Casing area.
6. The lot is currently zoned A-2 (GENERAL FARMING DISTRICT).
7. Both lots have intermittent navigable waterways that have not been checked.
8. Both lots are out of the County's Floodplain Zoning Area.
9. Both lots are in the County's 300-foot Shoreland Zoning Code Buffer.
10. The lot identified with Tax ID # 006-0785-02 is in the Larsen Drainage District.
11. The property is not in the County's Wetland Identifier, the proposed CSM identifies an area of County mapped wetlands on the lot identified as Tax ID # 006-0785-02.

**Staff Comments:**

1. The proposed CSM is consistent with the Town's approved Land Use Plan.
2. The proposed CSM complies with the County's Zoning Code of Ordinances.
3. The proposed CSM reconfigures the properties known as Tax ID # 006-0786 and 006-0785-02, belonging to William Popke and Marjorie C. Peters.
4. Lot 1 of the proposed CSM goes from approximately 22.76 acres in area to 32.330 acres in area and includes the existing housing unit and outbuildings.
5. Lot 2 of the proposed CSM goes from approximately 40.00 acres in area to 27.503 acres in area.
6. Access to Lot 1 is from an existing driveway on Breezewood Lane that provides access to the house and outbuildings.
7. Access to Lot 2 is from an existing field entrance on Green Meadow Road.
8. The proposed CSM dedicates the rights-of way for Green Meadow Road, Breezewood Lane, and Romberg Road to the Town. The total dedication to the Public is approximately 3.017 acres or 131,414 sq. ft. in area.
9. Lot 1 of the proposed CSM contains two navigable waterways, non mapped wetlands, and areas subject to the County's 300-foot Shoreland Zoning Ordinance.
10. Lot 2 of the proposed CSM contains one a-navigable waterway and some areas subject to the County's 300-foot Shoreland Zoning Ordinance.
11. The CSM Document contains the Town's "Right to Farm" notice as a Note on the face of page 1 of the document.

**Lot Zoning:**

The zoning of the Lots created by the proposed CSM is consistent with the existing zoning and will not need to be changed.

**Lot Access:**

The existing access points will allow the property owner to make use of the property as it is configured. Additional access points can be applied for by using the Town's existing Access Ordinance.

**Staff Recommendations:**

Staff recommends approval of the proposed CSM subject to the following condition:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  2. That the Surveyor provides the Town with a copy of the recorded document.
- Discussed the Larsen Drainage District relative to the changes of the property line described in the CSM
  - Tom Kromm, Surveyor, Menasha, WI presented page 3 (original document) for Town signatures.

Motion by: Commissioner Adler

Second by: Commissioner Haskell

Motion: To approve the Certified Survey Map (CSM) for William Popke and Marjorie C. Peters of 7208 Angell Road, Oshkosh, WI 54904 for property located at 4846 Breezewood Lane and specifically described as Tax ID # 006-0786 and 006-0785-02, All of Lot 3 of Certified Survey Map No. 2896, and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 31 all located in the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 31, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with the following conditions: Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction and the Surveyor provides the Town with a copy of the recorded document.

Vote: Unanimously approved

- E. Discussion/Recommendation: Plan Commission review and direction to staff relative to a draft revision of the Town's Access Control Ordinance.

Attached, for the Commission's review, please find a copy of a Draft Access Ordinance for the Town. The Draft Ordinance is based on categorizing the Town's Roads using the Department of Transportation speed limit setting standards. Staff would like to review the document with the Commission and then make additional revisions to the document before it is potentially presented to the Commission for recommendation to the Board.

- Discussed the Access Control Ordinance draft relative to the existing and future driveways
- Discussed the Draft Ordinance relative to setting speed limits on Town roads
- Discussed regulation relative to the Town and County jurisdiction
- Commission directed Staff to continue to work towards finalizing the document

VI. Upcoming Meeting Attendance:

- Chairperson Knapinski reminded the Commissioners to watch for the upcoming County Plan Commission meetings in September and October 2012

VII. Adjournment

Motion by: Commissioner Adler

Second by: Supervisor Schmidt

Motion: To adjourn the Plan Commission at 8:03 P.M.

Vote: Unanimously approved

Respectfully submitted,

Tori Bowen, Treasurer/Deputy Clerk