

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, June 12th, 2019
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

- 1. Pledge of Allegiance
- 2. Verification of Meeting Notice
- 3. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	EXCUSED
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Admin/Treas Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. No Public Hearings

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, May 8th, 2019 Plan Commission Meeting.

- Chair Knapinski noted a spelling correction of Planner Jaworski’s name

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to approve the Wednesday, May 8th, 2019 Plan Commission Meeting Minutes with the spelling correction as noted

Motion carried by unanimous voice vote

IV. Open Forum 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 a question or issue; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given. If you wish to speak during the Open Forum portion of the meeting, please complete “Request to Speak at Meeting” form and give the form to the Town Staff.

V. Correspondence:

A. CY 2019, May Building Inspection Report

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956 for property located at 9366 Memory Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-1219 and Tax ID # 006-1237 located in Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 9366 Memory Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-1219 and Tax ID # 006-1237 located in Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Davel Engineering & Environmental
1164 Province Terrace
Menasha, WI 54952

Property Owners: Brian P. and Maria E. Beisenstein
9366 Memory Lane
Neenah, WI 54956

Consultant: Scott R. Andersen S-3169
Davel Engineering & Environmental
1164 Province Terrace
Menasha, WI 54952

Property Information:

1. The surrounding properties are zoned:
 - a) North: R-2 (Suburban Residential District) and A-2 (General Agricultural District)
 - b) South: R-1 (Rural Residential District), and A-2 (General Agricultural District)
 - c) East: R-1 (Rural Residential District), and A-2 (General Agricultural District)
 - d) West: R-2 (Suburban Residential District) and A-2 (General Agricultural District)

Property Information Specific to Tax ID # 006-1219:

1. The property is owned by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956.
2. The Lot is 1.51 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as R-2 (Suburban Residential District).
7. The property has no Navigable Stream and Surface Water Drainage Information.

8. The property is in the Outagamie County Airport Zoning 2B and 3 Zones and in Height Limitation Area.
9. All or a portion of the property is in the County Shoreland Area.
10. The property has no navigable stream information.
11. The property is outside the County's floodplain area.
12. The property has no Wisconsin Wetland Inventory Information.
13. The Future Land Use Planning Information is Single Family Residential.
14. The current land use is consistent with the Town's adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-1237:

1. The property is owned by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956.
2. The Lot is 1.50 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area.
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as R-2 (Suburban Residential District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning 2B and 3 Zones and in Height
9. Limitation Area.
10. All or a portion of the property is in the County Shoreland Area.
11. The property has a non-navigable intermittent stream that has been checked by the State Department of Natural Resources.
12. The property is outside the County's floodplain area.
13. The property has no Wisconsin Wetland Inventory Information.
14. The Future Land Use Planning Information is Single Family Residential.
15. The current land use is consistent with the Town's adopted Land Use Plan.
16. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the CSM:

1. The CSM does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The CSM **does** show the Right to Farm Language required by the Town.
3. The CSM consolidates two existing Lots into a single property, the detail of the new-Lot is as follows:
 - a. The proposed Lot-1 would be 3.0236 acres (131,707 Square Feet) in area with an existing code compliant access from Memory Lane.
 - b. The proposed Lot-1 contains an existing single-family residential structure that is being consolidated with an area that contains an existing stormwater management pond for the Platted area.
 - c. The southern boundary of the proposed Lot-1 has an existing 30-foot drainage easement.
4. The existing zoning, R-2 (Suburban Residential Zoning District), is consistent with the existing land use and the proposed land use.
5. The reason for the proposed CSM is to consolidate the properties for the purposes of constructing a deck on the existing residential structure that would otherwise cross a property line in violation of the Town's Zoning Code of Ordinances.

Staff Recommendations on the CSM Application:

Staff recommends that the Plan Commission approve the CSM subject to the following conditions:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.
 - Commissioner Haskell questioned the maintenance of the Storm Water Management device (pond) on the property and whether language should be included on the CSM to allow the Town access if the pond is not maintained properly.
 - Administrator Johnston noted that the pond has always been on private property and the easement to the drainage course indicated on the map is more important to the Town as it relates to Storm Water Management.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnefske

Motion to recommend approval to the Town Board for the Certified Survey Map submitted by Brian P. and Maria E. Beisenstein, 9366 Memory Lane, Neenah, WI 54956 for property located at 9366 Memory Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-1219 and Tax ID # 006-1237 as presented and with Staff recommendations.

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission Review and consideration of Concept Plan for the proposed Plat of Pine Haven including the following Tax ID # 006-0306-08, Tax ID # 006-0306-09, Tax ID # 006-0307-06-01, Tax ID # 006-0307-06-03, Tax ID # 006-0307-06-04, Tax ID # 006-0308, and Tax ID # 006-0309 all located in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the south side of Shady Lane west of STH “76” and includes the following properties, Tax ID # 006-0306-08, Tax ID # 006-0306-09, Tax ID # 006-0307-06-01, Tax ID # 006-0307-06-03, Tax ID # 006-0307-06-04, Tax ID # 006-0308, and Tax ID # 006-0309 all located in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Chad Shea, Member
Clayton Preserve LLC
1835 East Edgewood Drive
Suite 105-7
Appleton, WI 54913

Property Owners: Clayton Preserve LLC
1835 East Edgewood Drive
Suite 105-7

Appleton, WI 54913

Consultant: James R. Sehloff S-3169
Davel Engineering & Environmental
1164 Province Terrace
Menasha, WI 54952

Property Information:

1. The surrounding properties are zoned:
 - a) North: R-1 (Rural Residential District) and A-2 (General Agricultural District)
 - b) South: R-2 (Suburban Residential District), and A-2 (General Agricultural District)
 - c) East: R-1 (Rural Residential District), and A-2 (General Agricultural District)
 - d) West: R-1 (Rural Residential District) and A-2 (General Agricultural District)

Property Information Specific to Tax ID # 006-0306-08:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 27.08 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and in Height Limitation Area.
9. All or a portion of the property is in the County Shoreland Area.
10. The property is outside the County's floodplain area.
11. The property is in the Wisconsin Wetland Inventory Information as Forested with Emergent/Wet Meadow.
12. The Future Land Use Planning Information is Single Family Residential.
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0306-09:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 11.25 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zones 2B, 3 and in Height Limitation Area.
9. The property is outside the County's floodplain area.
10. The property is in the Wisconsin Wetland Inventory Information as at Wetland Too Small to Delineate.
11. The Future Land Use Planning Information is Single Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0307-06-01:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 11.54 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zones 2B, 3, and in Height Limitation Area.
9. All or a portion of the property is in the County Shoreland Area.
10. The property is outside the County's floodplain area.
11. The property is in the Wisconsin Wetland Inventory Information as Forested with Emergent/Wet Meadow.
12. The Future Land Use Planning Information is Single Family Residential.
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0307-06-03:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 12.57 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and in Height Limitation Area.
9. The property is outside the County's floodplain area.
10. The property is in the Wisconsin Wetland Inventory Information as Forested with Emergent/Wet Meadow and Forested with Wetland Too Small to Delineate.
11. The Future Land Use Planning Information is Single Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0307-06-04:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 27.77 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and in Height Limitation Area.
9. The property is outside the County's floodplain area.

10. The property is in the Wisconsin Wetland Inventory Information as Forested with Emergent/Wet Meadow.
11. The Future Land Use Planning Information is Single Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0308:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 27.08 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and in Height Limitation Area.
9. The property is outside the County's floodplain area.
10. The property is in the Wisconsin Wetland Inventory Information as Forested with Emergent/Wet Meadow.
11. The Future Land Use Planning Information is Single Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0309:

1. The property is owned by Clayton Preserve LLC, 1835 East Edgewood Drive, Suite 105-7 Appleton, WI 54913
2. The Lot is 24.55 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zones 2B, 3 and in Height Limitation Area.
9. The property is outside the County's floodplain area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The Future Land Use Planning Information is Single Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the Concept Plan for the proposed Plat of Pine Haven in the Town of Clayton:

1. The Concept Plan changes the existing use of the property from A-2 (General Agriculture District) and R-2 (Suburban Residential District) and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The proposed change in use from an agricultural use to a residential use will require that the property be re-zoned from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

3. The Concept Plan for the proposed Plat of Pine Haven reconfigures several properties into 13 single family residential lots. The details of the Concept Plan for the proposed Plat of Pine Haven are as follows:
 - a) The total area of the Concept Plan is 38.3020 acres (1,668,434 Square Feet).
 - b) The right-of-way included in the Concept Plan is 2.838 acres (123,614 Square Feet).
 - c) The total number of linear feet of new roads in the Concept Plan is 2,493 Linear feet.
 - d) The total number of Lots in the Concept Plan is 13.
 - e) The average Lot area in the concept plan is 120,370 Square Feet.
 - f) The typical Lot dimension in the Concept Plan 320' X 380'.
4. The detail of the Lots in the Concept Plan is heavily influenced by the wetland identified on the properties.
5. The road pattern in the Concept Plan includes a short cul-de-sac that serves 4-Lots and the existing Sabee property.
6. The road pattern in the Concept Plan also includes a longer road extension to the south that serves the remaining 9-Lots and is intended to be extended south to serve the future phases of the development.
7. The roads in the Concept Plan will be required to meet the latest version of the Town Minimum Road Standards.
8. The proposed Lots in the Concept Plan meet all of the Town's Zoning Code of Ordinances requirements for area and road frontage.
9. The Concept Plan shows how the existing Sabee property will be given road frontage that meets the Town's Zoning Code of Ordinances in compliance with the Town's Access Ordinance.
10. The proposed Plat of Pine Haven will need to be created in compliance with the Outagamie County Airport Zoning Overlay Ordinance as well as the Town's Zoning Code and Minimum Road Standards Policy.

Staff Recommendations on the Concept Plan for the Plat of Pine Haven:

Staff recommends that the Concept Plan be approved as presented subject to the following conditions:

1. That the Preliminary Plat for the development of the Pine Haven Subdivision include a concept thoroughfare plan for the balance of the development site and the adjoining properties.
2. That the Preliminary Plat for the development include a trail or sidewalk network as identified in the Town's Comprehensive Plan.
3. That the Preliminary Plat for the development identify the location suitable for a personal onsite waste water treatment site on each of the proposed lots.
4. That the Preliminary Plat identify the suitable location for the wells on each of the proposed lots.
5. That the Preliminary Plat for the development include extending of the cul-de-sac on the southern extension of the proposed road to the property line.
6. That the Preliminary Plat for the development restrict the access to Lots 4 and 5 of the Concept Plan to the proposed east-west road.
 - The Commissioners noted that they would like to see the developers thoroughly plan for bicycle and pedestrian trails.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisnepske

Motion to recommend approval of the Concept Plan for the proposed Plat of Pine Haven including the following Tax ID # 006-0306-08, Tax ID # 006-0306-09, Tax ID # 006-0307-06-01, Tax ID # 006-0307-06-03, Tax ID # 006-0307-06-04, Tax ID # 006-0308, and Tax ID # 006-0309 with Staff recommendations

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review, consideration and direction to staff relative to the results of a Survey of Interest in Development of a Farmland Preservation Program sent to the property owners within the Working Lands initiative of the Town’s Comprehensive Plan.

The Commission reviewed copies of the material sent to the property owners in the Town’s Working Land Initiative Area. Included was the State of Wisconsin DATCP Farmland Preservation Informational Brochure, along with a letter explaining that the Town of Clayton was ascertaining the desire of property owners within the working lands area of the town to participate in this program. The information gathered from the survey was intended to be used to determine if the Town should allocate the time and resources needed to develop the required certifications/programs to maximize the tax benefits for qualifying participants. A postage paid response postcard was included in the mailing to encourage participation.

Listed below please find the summary of the survey returns:

SUMMARY REPORT				
18	17%	YES	1518.470	acres
16	15%	NO	998.900	acres
67	63%	NO RESPONSE	5168.650	acres
5	5%	NOT QUALIFIED	27.070	acres
106	100%	LETTERS MAILED	7713.090	acres

- Chairman Knapinski noted that the results leave the Town with two options.
 1. To move forward by sending the County the Working Lands Initiative as it stands even though the requirements for the number of participants has not been met in an attempt to get the County’s input
 2. To abandon the process due to lack of interest
- Planner Jaworski stated he was not surprised by the survey results and that in his opinion, the lack of response is due to the lack of information. He indicated that there was not enough information provided in the letter for the recipients to understand what they were being asked.
- Administrator Johnston stated that he respectfully disagreed with Mr. Jaworski, because the Town has provided a lot of information to the property owners in the past and as the survey letter was written, the lack of response is clearly an indication that the property owners do not care about the program enough to want to respond.

- Chair Knapinski noted that over the past five years, there have been many meetings at many locations including the Town of Clayton and that a lot of information has been available and provided to the property owners. He said he feels the 17% indicating a desire to participate does not even come close to the required levels of required participation. He also noted that the Comprehensive Plan clearly defines the land uses within the Town including the Working Lands initiative.
- Commissioner Wisnefske stated that she works with the farmers within the community every day. She noted that their primary concern is not getting a tax credit but having the ability to use their land as they need to in order to maximize their product. She said she feels the owners have spoken by not speaking.
- Commissioner Nemecek stated he had to agree with Commissioner Wisnefske's conclusion

DIRECTION

After the analysis of the data and the discussion among the commissioners, the Plan Commission determined the two options suggested were both viable options to proceed. They clarified the options as follows:

1. To move forward by sending the County the Working Lands Initiative as it stands even though the requirements for the number of participants has not been met in an attempt to get the County's input
2. To abandon the process due to lack of interest

The Commission decided to provide the options to the Town Board and to defer to the Board to determine how the Town will proceed.

- D. Discussion/Recommendation: Plan Commission review, consideration and direction to staff relative to the creation of the project plan for Tax Incremental District #1 in the Town of Clayton.

The Commission reviewed copies of material provided by the Town's consultant GWB Professional Services, specifically, Gary Becker (Gary). The material included a Draft Town of Clayton Tax Incremental District #1 (TID #1) Project Plan and related maps. Staff had reviewed the Project Plan and advised the Commission that it is likely that a limited number of changes to the Project Plan language and Financial Projections may occur based on the negotiations the Town is conducting with neighboring communities. Staff has been working Gary, the Town's Financial Advisor, and the Town's Accounting Advisor to formalize the Project Plan and the Financial Plan for the TID. The proposed changes that may occur would relate to the specific investment activities and recovering the significant dollars being spent by the Town and how they are described in the text of the Project Plan. Staff indicated that it expects the documents provided to the Commission for its July Meeting will be the language of the final document.

- Commissioner Nemecek noted that he appreciated the transparency and the thorough documentation for this project.

MOTION:

Motion by Commissioner Nemecek
Second by Commissioner Haskell

Motion to move forward with the required process for the draft Town of Clayton Tax Incremental District #1 Project Plan with the necessary Joint Review Board Meeting, and with a Public Hearing to be scheduled for July 10, 2019 at 7:00 p.m.
Motion carried by unanimous voice vote

- VII. Upcoming Meeting Attendance:
- TID #1 Public Hearing July 10, 2019 at 7:00 p.m.
- VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell
Second by: Commissioner Nemecek
Motion made to Adjourn the meeting at 8:02 p.m.
Motion carried by unanimous voice vote

Respectfully submitted, Holly Stevens, Clerk