

TOWN OF CLAYTON  
 Town Plan Commission  
 Meeting Minutes  
 7:00 P.M. – on Wednesday, October 10, 2018  
 Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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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            | PRESENT |
| Commissioner Dorow                | PRESENT |
| Commissioner Haskell              | PRESENT |
| Town Board Representative Schmidt | PRESENT |

b. Staff

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

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning application submitted by Chris Lichtenberg, 3461 Dekalb Lane, Neenah for property located on Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential) to A-2 (General Agricultural District).

- No Comments

Public Hearing Closed at 7:01 p.m.

B. Plan Commission Public Hearing on a Re-zoning application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville, WI 54941 for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial District).

- Amos Ihde, 7834 STR 76, Neenah
  - 250 acres of tiled farmland which drains into the drainage course on the north end of the property

- Would like to see the tiling on the Northwest corner of the property maintained

Public Hearing Closed at 7:03 p.m.

- C. Plan Commission Public Hearing on a Conditional Use Application submitted by Jeff and Dana Burkhart to raise Backyard Chickens. The property is located at 8331 State Road 76, Neenah, WI 54956; specifically described as Tax ID #006-0598-10, being located in Section 23, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:04 p.m.

- D. Plan Commission Public Hearing on minor changes to the Town’s Zoning Code of Ordinances, Chapter 9 – Town of Clayton Zoning Ordinances, Article 7 – Specific Review Procedures, Division 4 – Conditional Use to bring the Code’s Conditional Use function of the Zoning Code into compliance with 2017 Wisconsin Act 67.

- No Comments

Public Hearing Closed at 7:05 p.m.

III. Approval of Minutes

- A. Approval of the minutes of the Wednesday, September 12, 2018 Plan Commission Meeting.

**MOTION**

Motion by Commissioner Nemecek

Second by Commissioner Linsmeier

Motion to approve the minutes of the Wednesday, September 12, 2018 Plan Commission meeting

Motion carried by unanimous voice vote

IV. Open Forum: Town-related Matters not on the Plan Commission’s Agenda: NONE

V. Correspondence

- A. September CY 2018 Building Inspection Report.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Chris Lichtenberg, 3461 DeKalb Lane, Neenah, WI 54956 for property located on East Shady Lane (west of the Town

Line), and specifically identified as Tax ID # 006-0331-04 and Tax ID# 006-0331-06 and described as All of Lot 2 of Certified Survey Map 475 and all of Lot 2 of CSM 5918, located in the northeast ¼ of the northwest ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on East Shady Lane (west of the Town Line), and specifically identified as Tax ID # 006-0331-04 and Tax ID# 006-0331-06 and described as All of Lot 2 of Certified Survey Map 475 and all of Lot 2 of CSM 5918, located in the northeast ¼ of the northwest ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Chris Lichtenberg  
3461 DeKalb Lane  
Neenah, WI 54956

Property Owner(s): Chris Lichtenberg  
3461 DeKalb Lane  
Neenah, WI 54956

Consultant: Thomas Kromm (S2062)  
Kromm Land Surveying LLC  
200 Prospector Court  
Kaukauna, WI 54130

Property Location: The property is located on East Shady Lane (west of the Town Line), and specifically identified as Tax ID # 006-0331-04 and Tax ID# 006-0331-06.

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0331-04:**

The statements on the status of the property are specific to the proposed project site: The property is owned by Chris Lichtenberg, 3461 Dekalb Lane, Neenah, WI 54956

- 1. The property consists of approximately 1.000 acres.
- 2. The property is in the Neenah School District (3892).
- 3. The property is in the Department of Natural Resources Special Well Casing Area.
- 4. The site contains Officially Mapped Roads (see attached map)
- 5. The property is currently Zoned R-1 (Rural Residential District) by the Town.
- 6. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
- 7. The property is in the Outagamie County Airport Overlay Zone 2B (2-acre minimum for residential use).

8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is not in the County’s Wetland Identifier.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0331-06:**

The statements on the status of the property are specific to the proposed project site: The property is owned by Chris Lichtenberg, 3461 Dekalb Lane, Neenah, WI 54956

1. The property consists of approximately 6.060 acres.
2. The property is in the Neenah School District (3892).
3. The property is in the Department of Natural Resources Special Well Casing Area.
4. The site contains Officially Mapped Roads (see attached map)
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
7. The property is in the Outagamie County Airport Overlay Zone 2B (2-acre minimum for residential use).
8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is not in the County’s Wetland Identifier.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan

**Staff Comments:**

1. The CSM consolidates two existing Lots into one new Lot. Tax ID# 006-0331-04 is approximately 1.000 acres and consist of vacant land, Tax ID# 006-0331-06 is approximately 6.060 acres and consist of vacant land.
2. The CSM **does show** the Right-to-Farm Language required by the Town.
3. Lot-1 of the proposed CSM will consist of a Zoning Code compliant property of approximately 7.060 acres with the option of an Access Code compliant driveway to East Shady Lane.
4. The Lot created by the proposed CSM is subject to the dedication of Right-of-Way by the Village of Fox Crossing, based on the proposed CSM, it appears that the Village required the adjacent property owner to dedicate the right-of-way when that property was split earlier this year.
5. The property is in the Outagamie County Airport Overlay Zone 2B (2-acre minimum for residential use) and will require a Special Use Permit from the Outagamie County Planning and Zoning Department.

**Staff Recommendations:**

Staff recommends approval of the proposed 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 providing the Town with a Recorded Copy of the CSM.

**MOTION:**

Motion by Commissioner Haskell  
Second by Commissioner Linsmeier

Motion to recommend approval to the Town Board for the CSM submitted by Chris Lichtenberg for property located on E Shady Lane and identified as Tax Parcels: 006-0331-04 and 006-0331-06 with Staff recommendations.

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Chris Lichtenberg, 3461 Dekalb Lane, Neenah for property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential) to A-2 (General Agricultural District).

Site Location: The property is located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Chris Lichtenberg,  
3461 Dekalb Lane  
Neenah, WI 54956

Property Owner(s): Chris Lichtenberg,  
3461 Dekalb Lane  
Neenah, WI 54956

Consultant: Thomas Kromm (S2062)  
Kromm Land Surveying LLC  
200 Prospector Court  
Kaukauna, WI 54130

Property Location: East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0331-04:**

The statements on the status of the property are specific to the proposed project site:  
The property is owned by Chris Lichtenberg, 3461 Dekalb Lane, Neenah, WI 54956

1. The property consists of approximately 1.000 acres.
2. The property is in the Neenah School District (3892).
3. The property is in the Department of Natural Resources Special Well Casing Area.

4. The site contains Officially Mapped Roads (see attached map)
5. The property is currently Zoned R-1 (Rural Residential District) by the Town.
6. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
7. The property is in the Outagamie County Airport Overlay Zone 2B (2-acre minimum for residential use).
8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is not in the County’s Wetland Identifier.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments:**

1. The re-zoning Application along with the proposed CSM Application consolidate two existing compliant Lots into a single new Lot of approximately 7.060 acres of vacant land with an Ordinance compliant access from East Shady Lane and split zoning (A-2 and R-1).
2. Should the proposed CSM be approved the new single Lot will have non-compliant split zoning condition.
3. In order to consolidate the two existing Lots into a single buildable Lot in the Outagamie County Airport Overlay District Zone 2B staff has recommended that the Applicant submit a CSM and a re-zoning Application to the Town. These actions will create a buildable Lot under both the Town’s Zoning Code and the Outagamie County Airport Overlay District.
4. Should the Plan Commission recommend and the Town Board approve the proposed re-zoning and CSM applications the applicants will need to get an Outagamie County Special Use Permit for a residential structure.
5. Please be advised that the property is in the Village of Fox Crossing Extra Territorial Zoning Area.

**Staff Recommendations:**

Staff recommends approval of the proposed Re-zoning Application subject to the following conditions:

1. Documentation of the approval of the proposed Re-zoning by any overlying unit of government having jurisdiction.

**MOTION:**

Motion by Commissioner Haskell

Second by Commissioner Dorow

Motion to recommend approval to the Town Board for the Re-zoning of property located on E. Shady Lane and identified as Tax Parcel: 006-0331-04 from R-1 to A-2 with Staff recommendations

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville, WI 54942 for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North,

Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial District).

Site Location: The property is located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Craig Locy  
CRL Surveying LLC  
N1674 Medina Drive  
Greenville, WI 54942

Property Owner(s): Woody Garrow  
4450 West Greenville Drive  
Greenville, WI 54942

Consultant: Craig Locy (S2940)  
CRL Surveying LLC  
N1674 Medina Drive  
Greenville, WI 54942

Property Location: The property is located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06.

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-2 (Suburban Residential District), R-1 (Rural Residential District), and A-2 (General Agricultural District)
  - b) South: B-3 (General Business District) A-2 (General Agricultural District) and B-2 (Community Business District)
  - c) East: A-2 (General Agricultural District)
  - d) West: R-1 (Rural Residential District) and A-2 (General Agriculture District)

**Property Information Specific to Tax ID # 006-0895-06:**

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by JJJ2 LLC, 1911 West Wisconsin Avenue, Appleton, WI 54914
2. The property consists of approximately 18.040 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The site contains Officially Mapped 50-foot Right-Of-Way (see attached map)
6. The property is currently Zoned A-2 (General Agricultural District) by the Town.
7. The property is in the City of Neenah Extra Territorial Zoning District.
8. The property is out of the County’s Floodplain Zoning Area.
9. The property is in the County Shoreland Zoning 300-foot buffer
10. The property is not in the County’s Wetland Identifier.

- 11. The current land use is consistent with the Town’s adopted Land Use Plan.
- 12. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments:**

- 1. The proposed re-zoning changes the use of the property from A-2 (General Agriculture) to I-1 (Light Industrial) with a PUD (Planned Unit Development) overlay.
- 2. The proposed re-zoning is consistent with the Town’s Future Land Use Plan.
- 3. The intended use (condominium storage/shop buildings) is consistent with the Town’s Zoning Code of Ordinances for I-1 (Light Industrial) with a PUD (Planned Unit Development) overlay.
- 4. The PUD (Planned Unit Development) overlay allows the Plan Commission and the Town Board to vary from the strict interpretation of the Zoning Code District.
- 5. The Applicant will need to submit a Site Plan Approval Application to the Town for the proposed project.

**Staff Recommendations:**

Staff recommends approval of the proposed Re-zoning from A-2 (General Agricultural District) to I-1 (Light Industrial) with a PUD (Planned Unit Development) overlay subject to the following conditions:

- 1. Documentation of the approval of the proposed Re-zoning by any overlying unit of government having jurisdiction.

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Dorow

Motion to recommend approval to the Town Board for the Re-zoning of property located at the northern termini of Black Top Way and identified as Tax Parcel: 006-0895-06 from A-2 to I1 with Staff recommendations

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Approval Application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s):            Craig Locy  
                                  CRL Surveying LLC  
                                  N1674 Medina Drive  
                                  Greenville, WI 54942

Property Owner(s): Woody Garrow  
4450 West Greenville Drive  
Greenville, WI 54942

Consultant: Craig Locy (S2940)  
CRL Surveying LLC  
N1674 Medina Drive  
Greenville, WI 54942

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District).
  - b) South: B-2 (Community Business District), B-3 (General Business District), and A-2 (General Agricultural District)
  - c) East: A-2 (General Agriculture District) and A-2 (General Agricultural District with a Conditional Use)
  - d) West:A-2 (General Agriculture District), and R-1 (Rural Residential District)

**Property Information Specific to Tax ID# 006-0895-06:**

1. The property is owned by JJJ2 LLC, 1991 West Wisconsin Avenue, Appleton, WI 54913.
2. The Lot is 18,040 Acres in size.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has a 50-foot DOT setback from the Right-Of-Way.
6. The property has Officially Mapped Roads shown on it.
7. The property is currently zoned A-2 (General Agriculture District) by the County.
8. The property is currently zoned A-2 (General Agriculture District) by the Town.
9. The property is in the City of Neenah Extra Territorial Zoning District.
10. The property is out of the County’s Floodplain Zoning Area.
11. The property is in the County Shoreland Zoning 300-foot buffer.
12. The property is not in the County’s Wetland Identifier.
13. The current land use is consistent with the Town’s adopted Land Use Plan.
14. The proposed land use is with the proposed re-zoning is consistent with the Future Land Use Plan.

**Application Details:**

The petitioner has provided the attached material, staff has reviewed the Application material and believes that the Application is incomplete. However, the concept of the plan is compliant with the Town’s Zoning Code of Ordinances. The Town’s Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town’s Business Fringe Zone. The proposed Site Plan Application divides the project into 3-phases, the proposed Site Plan Application covers the first phase of the Development in detail and the other two phases in concept.

**Stormwater Management for the First Phase of the Site Development:**

The stormwater management function for the first phase of the proposed development will

come from a private on-site stormwater management ditch system and a new stormwater management pond created as part of the Development. Conceptually, the stormwater from the project area flows south to the storm water management pond and then east to a navigable water way that runs east of Clayton Avenue, then it crosses into the Town of Neenah. Staff has recommended that the Applicant try to make use of the existing stormwater management system as much as possible to deliver the water to the navigable waterway running to the east.

**Access to the Site:**

Access to the site comes from a new driveway on the public road known as Block Top Way. As part of the construction project, the Town will require that the Applicant install mountable curb returns on the proposed driveway apron accessing Black Top Way. As shown the Developer intends to share access to the site with the adjoining property owner to the east. Staff recommends that the Plan Commission require recorded cross easements for the shared access, the shared driveway and recorded maintenance agreements for the shared facilities.

**Building Details:**

Phase-1 of the proposed project consist of 12, 40X40 condo workshops using a common driveway and shared access point. Presumably the proposed buildings are typical commercial building consisting of a steel structure with prefinished metal siding and roofing, the elevations and amenities required by the Town's Site Plan Ordinance were not provided. Staff will require that Knox Box security system that will give the Fire Department restricted access to the building. Along with the Building Elevations the Commission may wish to consider requiring that the building have decorative brick and the roof have an overhang to enhance the esthetic appeal of the structure.

**Parking:**

The parking plan for phase-1 of the facility is fully developed asphalt surface and compliant with the Town Zoning Code requirements. Specifically, access to each Condo Unit will have asphalt driveways and parking areas.

**Site Landscaping:**

The lack of a landscaping plan limits staff's ability to comment of those amenities. The administrations is recommending that Plan Commission require a code compliant landscaping plan for phase-1 of the development prior to approval of the Site Plan Application.

**Staff Comments:**

The Site Plan Application, as presented, is incomplete and not compliant with the Town's Zoning Code.

**Staff Recommendation:**

Staff recommends conditional approval of the Site Plan Concept with the following conditions:

1. That the property be re-zoned to I-1 (Light Industrial District).
2. That the Applicant provide the Commission with a Zoning Code compliant Landscaping Plan for phase-1 of the Development and a concept Landscaping Plan for the balance of the Development.

3. That the Applicant provide the Plan Commission with Draft copies of recordable cross easements for the proposed shared access, the proposed shared driveway and draft copies of a recordable maintenance agreement for the shared facilities
4. That the Applicant install mountable curb returns on the proposed driveway apron accessing Black Top Way.
5. The Commission may wish to consider requiring that the building roof have an overhang to enhance the esthetic appeal of the structure.
6. That a Knox Box security system be installed to give the Fire Department restricted access to the building.
7. Any additional Site Plan requirements the Plan Commission may wish to recommend to the Town Board.

- The Commission noted the lack of information provided with the application.
- Administrator Johnston explained that the submission was a conceptual site plan with the applicant requesting approval of the concept only. Once the concept received approval, the developer would invest in and provide the detailed and complete site plan for Commission review.

**MOTION:**

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion to table the Site Plan acknowledging that the proposed use is an allowable use but the lack of detailed information and a complete Site Plan, the Commission is unable to make a recommendation to the Town Board

Motion carried by unanimous voice vote

E. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application submitted by Jeff and Dana Burkhart to raise Backyard Chickens. The property is located at 8331 State Road 76, Neenah, WI 54956; specifically described as Tax ID #006-0598-10, being located in Section 23, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: For property located at 8331 State Road 76, Neenah, WI 54956; specifically described as Tax ID #006-0598-10, being located in Section 23, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Dana and Jeff Burkhart  
8331 STH “76”  
Neenah, WI 54956

Property Owners: Dana and Jeff Burkhart  
8331 STH “76”  
Neenah, WI 54956

**Property Information:**

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

**Property Information Specific to Tax ID# 006-0598-10:**

1. The property is owned by Jeff and Dana Burkhart, 8331 State Road 76, Neenah, WI 54956
2. The Lot is 1.530 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The Lot is currently zoned R-1 (Rural Residential District).
6. The property is in the Village of Fox Crossing Extraterritorial Zoning District.
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is not in the County’s Wetland Identifier.
9. The current land use is consistent with the Town’s adopted Land Use Plan.
10. The proposed land use is consistent with the Future Land Use Plan

**Staff Comments:**

1. The Town’s Zoning Code of Ordinances requires a Conditional Use Permit for backyard chickens.
2. Attached please find a copy of a map locating the proposed 12 X 16 shed and a fence area of 20-feet X 20-feet.
3. The Burkhart’s would like to have up to 6 hens with no roosters in a fully confined coop.

**Staff Recommendations:**

Staff recommends approval of the proposed Conditional Use Application for the purposes of having up to 6 backyard chickens subject to the following conditions:

1. That the Plan Commission set a maximum number of chickens at six (6).
2. There shall be no roosters on site at any time.
3. The chickens shall be contained in the coop or in a confined area of the backyard of the property.
4. The chickens shall not be allowed to free range on the property.
5. Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
6. Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.
7. That the flock be registered with the State Department of Trade and Consumer Protection (DATCP).
8. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.

**MOTION:**

Motion by Commissioner Linsmeier  
 Second by Commissioner Dorow  
 Motion to recommend approval of the Conditional Use Application for Backyard Chickens as submitted by Jeff and Dana Burkhart with Staff recommendations  
 Motion carried by unanimous voice vote

- F. Discussion/Recommendation: Plan Commission review and recommendation on minor changes to the Town’s Zoning Code of Ordinances, Chapter 9 – Town of Clayton Zoning Ordinances, Article 7 – Specific Review Procedures, Division 4 – Conditional Use to bring the Code’s Conditional Use function of the Zoning Code into compliance with 2017 Wisconsin Act 67.

The Commission reviewed copies of material provided to staff by the Town’s Planning Consultant, Ken Jaworski (Ken). The material covered several different perspectives on the issues created by Act 67. Material provided included a copy of the Act 67. Indicated the text from the Act which Ken recommended be incorporated into the Town’s Zoning Code of Ordinances.

**MOTION:**

Motion by Commissioner Haskell  
 Second by Commissioner Linsmeier  
 Motion to recommend approval of the changes to the Zoning Code of Ordinances as presented to the Town Board.  
 Motion carried by unanimous voice vote

VII. Upcoming Meeting Attendance:

- Special Electors Meeting, October 17, 2018 at 7:00 p.m.
- Incorporation Informational Meetings October 30, 2018 or October 31, 2018 at 7:00 p.m.

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell  
 Second by: Commissioner Linsmeier  
 Motion made to Adjourn the meeting at 7:50 p.m.  
 Motion carried by unanimous voice vote

Respectfully submitted,  
 Holly Stevens, Deputy Clerk