

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
5:00 P.M. – on Wednesday, November 9<sup>th</sup>, 2016  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Notice Verification, Roll

1. Plan Commission Chairman Knapinski called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Eckstein	ABSENT
Commissioner Haskell	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Dorow	ABSENT
Commissioner Linsmeier	PRESENT
Town Board Representative Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings: NONE

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, October 12<sup>th</sup>, 2016 Regular Plan Commission Meeting.

**MOTION:**

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Haskell

Motion: Motion to approve the Wednesday, October 12<sup>th</sup>, 2016 meeting minutes.

Vote: Carried by unanimous voice vote

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

- A. No requests were made

V. Correspondence:

- A. November CY 2016 Building Inspection Report

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a 4-Lot Certified Survey Map (CSM) application submitted by Breaker Girls LLC, 36 Corvette Circle, Fond du Lac, WI 54935 for property located at 2603 Larsen Road, Neenah,  
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WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0638, being part of Lot 2, CSM No. 4917, being a part of the Northeast ¼ of the Northeast ¼ of the Northwest ¼, of the Northeast ¼ of the Southwest ¼ of the Northeast ¼, and all of the Southeast ¼ of the Northeast ¼ of Section 25, 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: A-2 (General Agricultural District) and R-1 (Rural Residential District)
  - b) South: A-2 (General Agricultural District) and R-2 (Suburban Residential District) and R-1 (Rural Residential District)
  - c) East: Town of Neenah
  - d) West: A-2 (General Agricultural District) and R-2 (Suburban Residential District)

**Property Information Specific to Tax ID # 006-0638:**

1. The property is owned by Breaker Girls LLC, 36 Corvette Circle, Fond du Lac, WI 54935.
2. The Lot is 99.750 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 property has several Officially Mapped reservations for rights-of-way as listed below:
  - a. City of Neenah: 100-foot reservation on the eastern side of the CSM for the southern extension of Clayton Avenue.
  - b. City of Neenah: 66-foot reservation on the southern side of the CSM for the extension of a Municipal Road.
  - c. Town of Clayton: 66-foot reservation approximately 2/3's of the way south of Larsen Road on the CSM for the eastern extension of Breaker Trail.
6. The property is currently zoned by the County as R-2 (Suburban Residential District).
7. The property is currently zoned by the Town as R-2 (Suburban Residential District).
8. The property is in the City of Neenah Extraterritorial Zoning District.
9. The property is in the County's 1000-foot Shoreland zoning buffer.
10. The property is in the County's Surface Water Drainage Area.
11. The property is not in the County's Wetland Identifier.

**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 not** show the Right to Farm Language required by the Town.
3. The CSM divides a single parcel into 4 new Lots.
  - a. Lot-1 is 25.000 acres (1,089,000 Square Feet) in area.
  - b. Lot-2 is 25.610 acres (1,115,572 Square Feet) in area.
  - c. Lot-3 is 22.482 acres (979,308 Square Feet) in area.
  - d. Lot-4 is 23.638 acres (1,029,691 Square Feet) in area.
4. Lot 1 has an existing shed on the property that should be removed to comply with the Zoning Code as it relates to principal and accessory structures. The shed could remain if

- the property were to be used for non-residential (agricultural) purposes; however, that option would require that the Lot have 200-feet of frontage on Larsen Road.
5. Lots 3 and 4 comply with all of the requirements of the Town's Zoning Code of Ordinances for the R-2 (Suburban Residential District) classification.
  6. Lot-2 has some unique features that include the following:
    - a. The 33-foot extension to Larsen Road. This extension is intended to provide direct access to Larsen Road without having to drive farm vehicles through the Plat of Breaker Ridge. As a point of reference that access could be accomplished granting an easement over the existing farm access road on Lot-1.
    - b. The logic for the 33-foot frontage resides in the Town's Zoning Code of Ordinances allowance for 33-foot road frontages in the R-2 (Suburban Residential District). It is staff's contention that the 33-foot frontage allowance in the Zoning Code of Ordinances is intended to be used to allow for lot access on a cul-de-sac where road frontage is around the cul-de-sac ball. Staff is recommending that the Plan Commission and the Town Board direct staff to correct this inconsistency with the Zoning Code of Ordinances.
    - c. The CSM should include the right-of-way for the eastern extension of Breaker Trail.
    - d. With some minor modifications the existing temporary cul-de-sac at the eastern end of Breaker Trail could be used to access Lot-2. In order to use Breaker Trail as the access point for Lot-2 the existing temporary cul-de-sac would need to be abandoned and a new temporary cul-de-sac constructed onto Lot-2.
    - e. As an alternative to the reconstruction of the temporary cul-de-sac the Plan Commission could recommend that the Board authorize the use of the existing temporary cul-de-sac on Breaker Trail as access to Lot-2 until Breaker Trail is extended east on Lot-2.
  7. With the exception of the non-conforming shed on Lot-1 of the CSM all of the new parcels consist of vacant land.
  8. With the exception of the extension of Breaker Trail, the proposed CSM does show all of the required reservations for future rights-of-way identified by the City of Neenah. These rights-of-way may be relocated with prior approval of both the Town of Clayton and the City of Neenah.

**Staff Recommendations on the CSM Application:**

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

1. Subject to showing the Right to Farm Language required by the Town.
2. The removal of the existing shed on Lot-1 of the proposed CSM.
3. The elimination of the 33-foot flag extension to Larsen Road on Lot-2 of the proposed CSM.
4. Showing the 66-foot reservation for a future road right-of-way for the eastern extension of Breaker Trail.
5. That the Plan Commission recommend that the Board authorize the use of the existing temporary cul-de-sac on Breaker Trail as access to Lot-2 until Breaker Trail is extended east on Lot-2.
6. Subject to payment of all fees due the Town.
7. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

- Jeff Butzke, Compass Surveying, 611 Kingswood Ave, Fond du Lac, WI discussed the concerns with the CSM
- Provided a modified CSM for Town Board reference which addressed the issues brought forth

**MOTION:**

Motion by: Commissioner Reif

Second by: Commissioner Wisnefske

Motion: To recommend approval to the Town Board with the Staff recommendations.

Vote: Carried by unanimous vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a 1-Lot Certified Survey Map (CSM) application submitted by Michael A. Haase Revocable Trust and Sandra J. Haase Revocable Trust, 7669 Boom Bay Heights Road, Larsen WI 54947 for property located on the southwest corner of Shady Lane and Clayton Avenue in the Town of Clayton, specifically described as Tax ID # 006-0327, being part of Lot 1 of Certified Survey Map No. 3651, being a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and part of the Northeast  $\frac{1}{4}$ , of the Northeast  $\frac{1}{4}$  of 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: A-2 (General Agricultural District), and R-1 (Rural Residential District)
  - b) South: A-2 (General Agricultural District), and R-1 (Rural Residential District)
  - c) East: Village of Fox Crossing
  - d) West: A-2 (General Agricultural District), and R-1 (Rural Residential District)

**Property Information Specific to Tax ID # 006-0327:**

1. The property is owned by Michael A. Haase Revocable Trust and Sandra J. Haase Revocable Trust, 7669 Boom Bay Heights Road, Larsen, WI 54947
2. The Lot is 84.030 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 property is currently zoned by the County as A-2 (General Agriculture District).
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property is in the Outagamie County Zoning District Zone 3.
8. The property is in the Outagamie County Zoning District Zone 2B.
9. The property is in the Outagamie County Airport Zoning District Height Restriction District.
10. The property is in the City of Neenah Exterritorial Zoning District.
11. The property is out of the County's Floodplain Zoning Area.
12. The property is in the County 300-foot and 1000-foot Shoreland zoning buffer.
13. The property is not in the County's Wetland Identifier.

**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 not** show the Right to Farm Language required by the Town.
3. The CSM divides a single parcel into one new Lot, Lot-1 and the parent parcel that is not included in the CSM.
4. The parcel created by the CSM is, Lot-1, 39.437 acres (1,717,897 square feet).
5. The new parcel consists of vacant land.
6. Lot-1 of the proposed CSM does show a reservation future 66-foot right-of-way identified by both the Town of Clayton and the City of Neenah. This right-of-way may be relocated with prior approval of both the Town of Clayton and the City of Neenah
7. Access to Lot-1 of the proposed CSM will be established on Shady Lane when and if the property is developed.

**Staff Recommendations on the Re-zoning Application:**

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

1. Subject to showing the Right to Farm Language required by the Town.
2. Subject to payment of all fees due the Town.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

**MOTION:**

Motion by: Commissioner Linsmeier

Second by: Commissioner Haskell

Motion: To recommend approval to the Town Board with the Staff recommendations.

Vote: Carried by unanimous vote

- C. Discussion/Recommendation: Plan Commission review and consideration of a 2-Lot Certified Survey Map (CSM) submitted by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0246, and Tax ID# 006-0270 being part of the southeast ¼ of the northeast ¼ and all of the northeast ¼ of the southeast ¼ all being in Section 9, 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: A-1 (Agribusiness District), A-2 (General Agricultural District)
  - b) South: A-1 (Agribusiness District), A-2 (General Agricultural District), R-1 (Rural Residential District)
  - c) East: A-2 (General Agricultural District), R-1 (Rural Residential District), and R-2 (Suburban Residential District)
  - d) West: A-1 (Agribusiness District), A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0246:**

1. The property is owned by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956.
2. The Lot is 10.000 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 property is currently zoned by the County as A-1 (Agriculture Business District).
6. The property is currently zoned by the Town as A-1 (Agriculture Business District).
7. The property is eligible for parts of the Farmland Preservation Program.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is in the County 300-foot Shoreland zoning buffer.
10. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0270:**

1. The property is owned by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956.
2. The Lot is 40.000 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 property is currently zoned by the County as A-1 (Agriculture Business District).
6. The property is currently zoned by the Town as A-1 (Agriculture Business District).
7. The property is eligible for parts of the Farmland Preservation Program.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is in the County 300-foot Shoreland zoning buffer.
10. The property is not in the County's Wetland Identifier.

**Staff Comments on the Re-zoning:**

1. The Public Notice, Site Posting, and Neighbor Notices have been completed as required by the Town's Zoning Code of Ordinances.
2. The property is being re-zoned to allow for the sale of the property for family reasons.
3. The property is being re-zoned from A-1 (Agricultural Business District) to A-2 (General Agricultural District) to allow the possible sale of the property for the construction of a single family home.
4. The property being re-zoned is in the Town's CY 2015/16 Comprehensive Plan update Working Lands area.
5. The existing use of the property is consistent with the Town's approved Comprehensive Plan.
6. The proposed rezoning and future use of the property are not inconsistent with the Town's approved Future Land Use Map.

**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 reconfigures two existing parcels into two reconfigured parcels.
4. The parcels created by the CSM are, Lot-1, 34.56 acres (1,505,227.2 square feet), Lot-2, 16.21 acres (706,280 square feet).
5. Both parcels consist of vacant land.

6. The eastern boundary line of the CSM shows what appears to be an area of Lot-1 and Lot-2 that includes the Right-Of-Way of Center Road; if so, that area should be dedicated to the Town as Right-Of-Way.
7. The Lots created by the CSM do have future roads identified on the Town's Future Land Use Map.
8. Access to Lot-2 of the proposed CSM is created by converting an existing farm access lane on the southern 200-feet of the Lot to a residential access to Center Road.
9. Access to Lot-1 of the proposed CSM will be established when and if the property is developed.

**Staff Recommendations on the CSM Application:**

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

1. Subject to the dedication of the western half of the Right-Of-Way of Center Road if it is not already dedicated to the Public.
2. Subject to payment of all fees due the Town.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

**MOTION:**

Motion by: Commissioner Linsmeier

Second by: Commissioner Reif

Motion: To recommend approval to the Town Board with the Staff recommendations.

Vote: Carried by unanimous vote

D. Discussion/Recommendation: Plan Commission review and recommendation on Agricultural Enterprise Areas and the AEA Petition Process.

- The Plan Commission and the Town Board have been discussing Agricultural Enterprise Areas (AEAs). Since the Plan Commission is likely to be discussing the process for opting out of the Working Lands designation and some benefits for opting into the Working Lands designation, Town Staff thought that this would be a good time to take a closer look at the AEA program and how that program works.
- Kay Lettau reviewed the requirements for AEAs relative to zoning and farmland preservation

**ACTION:**

The Plan Commission directed the Staff to include AEAs in the Working Lands Section of the Town's Comprehensive Plan

E. Discussion/Recommendation: Plan Commission review and consideration of a proposal from the Town's Planning Consultant for creating administrative language relative to the Working Lands Section of the Town's Comprehensive Plan.

The Plan Commission and the Town Board have recently approved the CY 2015/16 Comprehensive Plan Update. That document contains an element titled "Working Lands."

The objective of the “Working Lands” designation is to protect and foster the Town’s agricultural heritage and agricultural industry. Given that goal, staff is of the opinion that there should be some process for opting out of the Working Lands designation and some benefit for opting into the Working Lands designation. A copy of a proposal from the Town’s Planning Contractor for clarifying the Working Lands language in the Town’s CY 2015/16 Update of the Comprehensive Plan was presented. The proposal estimates the cost of the planning work at \$1,900.00 plus reimbursable expenses. The Administration is recommending that the Plan Commission recommend a total not-to-exceed cost of \$2,500.00.

**MOTION:**

Motion by: Commissioner Wisnefske

Second by: Commissioner Linsmeier

Motion: To recommend to the Town Board, approval of the proposal by Ken Jaworski of Martenson & Eisele, Inc. to develop and incorporate the administrative language for the Working Lands section of the CY 2015/16 Town of Clayton Comprehensive Plan for a cost not to exceed \$2,500.

Vote: Carried by unanimous vote

VII. Upcoming Meeting Attendance: NONE

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion: To Adjourn the Plan Commission meeting at 7:42 P.M.

Vote: Motion carried.

Respectfully submitted,  
Holly Stevens, Deputy Clerk