

**CITY OF WAUPACA  
CITY PLAN COMMISSION**

**REGULAR MEETING  
COUNCIL CHAMBERS, CITY HALL**

**WEDNESDAY, AUGUST 7, 2019  
5:15 P.M.**

**1. ROLL CALL**

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**Present:** Mayor Brian Smith, Chairperson, Ald. Alan Kjelland, Pat Phair, Justin Berrens, Public Works Director, Ald. Eric Olson and Tracy Behrendt

**Absent:** John Kneer, excused

**Others Present:** Andrew Dane, Interim Development Director, Kathy Kasza, Finance Director/Treasurer and Kari Esbensen

**2. APPROVAL OF AGENDA**

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**MOVED** by Ald. Kjelland **SECONDED** by Ald. Olson to **APPROVE** the Agenda as presented. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

**3. APPROVAL OF PLAN COMMISSION MINUTES**

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**MOVED** by Comm. Phair, **SECONDED** by Comm. Behrendt to **APPROVE** the July 10, 2019 Public Hearing and Meeting Minutes. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

**4. RIVERS EDGE (OZ NATURAL AREA) GRAZING**

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Andrew Dane, Interim Development Director said that staff was tasked with researching alternatives to bring a resolution to the request by Russ Butkiewicz and Kari Esbensen to allow goat grazing for invasive species control at the Oz Natural Area located at 1761 Ware Street. He reminded the commission that the Oz Natural Area is currently zoned I-2, Heavy Industrial in which grazing is not a permitted use by right or by special use within the District. The only Zoning District where grazing is allowed is the Resource Conservation District (RC District) with principal uses of fishing, hunting, preservation, conservation, forestry, wildlife preserves, hatcheries and water retention. After discussing various alternatives with staff, the recommendation is to re-zone the Oz Natural Area parcel to Resource Conservation District, which will allow grazing as a special use and it will utilize an existing zoning district. The potential rezoning is also compatible with the city's Preferred Land Use Map.

Kari Esbensen, 124 E. Lake St., Waupaca said she had met with city staff and said that one of the things she is concerned about is that Resource Conservation District (RC District) does not allow for the construction of structures. They would need to put up a shelter for the animals, have access to electricity and water and eventually would like to put up a structure for a caretaker to live on site. Ms. Esbensen said her family does not feel comfortable rezoning this entire property to RC District other than the wetland area. Ms. Esbensen questioned where the Gusmer Enterprises expansion project would be vacating Shambeau Road and if it were to be relocated adjacent to their property line. Public Works Director Justin Berrens described the road relocation and stated there would be no connection to the Oz Natural Area, adding that the Gusmer Enterprises property is zoned I-2 and their expansion request fits the zoning for that area. Ms. Esbensen restated that in the future her

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family would like to construct a residence on a portion of the Oz Natural Area and said that Ag Zoning would allow for that. A second option would be to stay with the I-2 zoning and request a special use permit to maintain the property as a Zoological Garden. There was discussion on rezoning the northwest portion of the property to Ag Zoning to allow for the future construction of a residence.

Kathy Kasza, Finance Director/Treasurer stated that staff was tasked with finding a solution to allow the Butkiewicz/Esbensen's to use rotational goat grazing to control invasive species on the Oz Natural Area and said that task was accomplished by rezoning the property to RC District. Ms. Kasza reminded the commission that their original request was to bring the goats in on a rotational schedule to control the invasive species and then return them to a different location for housing saying they originally did not request any structures or housing be constructed on the property. As far as any future building plans go, she felt it best to discuss Butkiewicz/Esbensen's future expansion plans when the city is reviewing and changing the existing Comprehensive Plan and updating its Zoning Code. Ms. Esbensen responded by saying that a shelter has always been a concern as the goats need a place to get out of the weather, she also needs water and electricity to run the fencing and the water pump.

After further discussion, Mayor Smith reiterated the conversation saying that if the city rezoned the entire property to RC District to allow for goat grazing, then Butkiewicz/Esbensen could request a Special Use Permit to allow for some type of structure or lean-to to house the animals, they would then be required to hookup to city water, and they could bring in electricity.

Ms. Esbensen said she does not understand why they could not just go with Ag Zoning and change it to include goats or another option would be to rezone the property to Zoological Gardens, which already includes goat grazing. Kathy Kasza replied that during staff discussions they also looked at what impact changing zoning codes would have on the entire city and would it be a positive or a negative. She explained that staff also has to be very careful with "spot zoning" throughout the city. Ms. Kasza added that every time staff has met with Butkiewicz/Esbensen the plan has changed and shifted into another direction, adding on more layers for staff to deal with. Justin Berrens, Public Works Director commented that rezoning the property to Resource Conservation is the Preferred Land Use for this property and it allows the temporary grazing of goats. The construction of a house on the northern parcel, which was first mentioned tonight by Ms. Esbensen, would still be allowed because that could be future rezoned to Residential. Mr. Berrens felt going this avenue would resolve both issues and put this subject to rest. He said that a Zoological Garden is a completely different subject that could potentially bring in a company with building and financial plans that wants to put up a primary structure and the city would work through the details and possibly a development agreement. He went on to say that tonight was the first time the commission has heard about building a house, last month was the first time they heard about Zoological Gardens and prior to that the discussion was about allowing rotational grazing of goats to manage the invasive species located on the property. Ms. Esbensen replied that a Zoological Garden does not match their initial request, which was to have native animals freely wandering the property; they did not intend to put up a zoo. Their whole mission was to have an outdoor center to teach the community about native plant and animal preservation restoration and the prevention of invasive plant species.

Mayor Smith asked the commission to discuss changing the property zoning to Ag District, which is desired by Ms. Esbensen. Mr. Dane asked if the city currently had Ag District zoning within the city and the response was

yes, even the Waupaca Municipal Airport was currently zoned Ag District. Mr. Dane read portions of the Ag District zoning requirements, which stated that goats are specifically not permitted within the Ag District. Mayor Smith pointed out that even if the city rezones the Oz Natural property to Ag District that goat grazing is still not allowed and the city would then need to change its Ag District to allow goat grazing to accomplish Ms. Esbensen's original request. He went on to say Resource Conservation District zoning does allow rotational goat grazing on the property to remove the invasive species, which was Butkiewicz/Esbensen's original request. Ms. Esbensen replied that RC District does not allow a structure to be built on the property. She went on to say if there is no guarantee they will be allowed to build a structure that they will drop their request altogether and stay with I-2 zoning since it does allow a structure to be built, even though they will not be allowed to have goats on the property. Mayor Smith replied Resource Conservation does allow goat grazing, it does also allow a structure to be built to house the goats, it allows electricity and water hookup which are all of the things that Ms. Esbensen originally asked for. Comm. Phair added that the Commission is trying to make this work now and that in the future if Butkiewicz/Esbensen wanted to do something in addition to this request that yes, they would have to come back for a Special Use Permit and the Commission would probably be agreeable to their request. Ms. Esbensen replied that they have had this experience of other interpretation of ordinances that makes them less than consistently trusting in what is going to happen, and that they cannot make this commitment without some form of assurance. Mayor Smith said that Butkiewicz/Esbensen should take both parcels of the Oz Natural Area and come back to the City Plan Commission with a plan in writing of exactly what they want to do on each parcel, and then the commission will be able to work with them. He added that he does not think Butkiewicz/Esbensen know exactly what they want for the parcels and a plan would allow the commission to work towards their goals for the property. There was discussion on water and sewer installation to service the Oz Natural Area and further discussion on the process of rezoning the property and the process of issuing a Special Use Permit. Ms. Esbensen apologized if it sounds like her family keeps changing plans and said they are staying with the same original plan of grazing goats to help with removal of invasive species. She said they are thinking long term with the hope of their children taking on the responsibility of being caretakers for this property in the future. Mayor Smith provided a timeline saying that if Ms. Esbensen requests a rezoning for the property that it could take 4-6 weeks or more to complete, which includes publication of a Public Hearing notice and two readings of an Ordinance at subsequent separate council meetings. Ms. Esbensen said she would like to speak with her husband prior to the commission making a motion.

**MOVED** by Comm. Phair, **SECONDED** by Ald. Kjelland to **TABLE** the request for Rivers Edge (Oz Natural Area) Grazing. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

## **5. COMPREHENSIVE PLAN UPDATE AND ZONING CODE REWRITE**

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Andrew Dane reiterated that the plan for the Zoning Code rewrite and Comprehensive Plan update has been placed on hold until the new City Administrator is on board and can provide direction to staff.

## **6. REPORTS:**

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- a. **July 2019 Building Permits** - informational
- b. **July 2019 Code Enforcement Status Report** - informational

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- c. **Development Update** – Andrew Dane has prepared a follow up letter to send to Home and Away Ministries re-stating the reasons for denial of the Special Use Permit for Ruby’s Pantry. Mr. Dane has received two preliminary concept ideas for the former St. Mary Magdalene Church and the Development Review Team (DRT) is reviewing the information and will bring alternatives to the September Plan Commission meeting. Mr. Dane reported that SC Swiderski has expressed interest in amending its Planned Development to facilitate additional residential development on the north side of STH 54/W. Fulton Street near Stone Ridge Road.

## **7. ADJOURNMENT**

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**MOVED** by Comm. Phair, **SECONDED** by Ald. Olson, to **ADJOURN** the August 7, 2019 Regular City Plan Commission Meeting. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

The meeting adjourned at 6:36 p.m.

Mayor Brian Smith, Chairperson

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