

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
PUBLIC HEARING

July 28, 2010

6:30 P.M.

Lounge Room – Courthouse

PRESENT: Supervisors, Patrick Brennand, Chairman, Jeanette Diakoff, Thomas Egan and Claud Thompson. Cary Rowe, Zoning Administrator. Guests present.

EXCUSED: Joanne Sievert

The meeting was called to order by Patrick Brennand, Chairman at 6:30 P.M. Committee members introduced themselves and Zoning Administrator explained appeals procedure and stated that protests for rezoning must be made 24 hours prior to the County Board meeting.

1. Michael Poole / Duane Howard, 9351 Maple Ln & 9420 Manu Rd, Town of Winchester – Conditional Use (Adjourned from April PH).

The conditional use request was for an extraction site for sand and gravel to be used for fill. Buck Sweeney, of Axley Brynelson, LLP, was sworn in. Mr. Sweeney represented Tim Zillgus. Mr. Sweeney submitted an opinion by a local appraiser regarding impact on market value on nearby properties to the proposed pit. The report basically concluded there would be no negative impact on the market value of nearby properties. Mr. Sweeney went on to explain the operation and summarize all the meetings with his client and the town including his client's responses to town requests. Tim Zillgus - 5867 Westpoint Dr, Oshkosh, was sworn in. Mr. Zillgus confirmed the explanation of his request and indicated he would answer any questions the committee may have. Mr. Sweeney read in the town's findings for denial for the record. George Dearborn - 2303 Valleywood Ln, Appleton, was sworn in. Mr. Dearborn stated that he was representing the town board and read the town's findings for denial into the record. Wayne Marx, 4148 Mission Meadows Trail, Oshkosh, was sworn in. He stated that Zillgus has delivered material to his property and was impressed with Zillgus' effort to keep roads clean from truck deliveries. Buck Sweeney stated that potential extraction sites are usually not identified because it is typically unknown where suitable material sources are located. Paul Timm, of AECOM, was sworn in. Mr. Timm explained how he drafted the reclamation plan for the site including such things as mapping wetlands, installing ground water monitoring wells, and road reconstruction agreement with the town. Zoning Administrator stated the zoning office received a letter from the Winchester Town Board denying the conditional use request with the following findings: 1) The town does have an adopted land use plan. 2) The request does not agree with the adopted plan. 3) The proposed non-metallic mine is outside of the area identified in the Town's adopted comprehensive plan for non-metallic mining operations 4) The proposed transportation route using Manu Road to Hwy. 45 will

lead to rapid deterioration of the town road. Manu Road is not designed to handle frequent heavy truck traffic. 5) According to the non-metallic mining operation plan for the site, material is planned to be removed to an approximate depth of 10 feet below the ground water for the proposed extraction site. This increases opportunities for surface contaminants to enter the groundwater table and adversely affect groundwater quality. 6) The proposed use is not compatible with adjacent uses because multiple homes are located within a quarter-mile of the proposed extraction site. 7) The reclamation plan, which proposes creating a large pond following completion of the mining operations, is the least expensive method of reclaiming land and will remove land from future development. Zoning Administrator suggested that the committee refer this item back to the Town of Winchester to substantiate the board's findings for denial. Motion made by J. Diakoff to refer this item back to the Town of Winchester to substantiate the board's findings for denial. Seconded by C. Thompson. Motion carried 4-0-1 (J. Sievert excused). Motion by T. Egan to adjourn this item to the August public hearing. Seconded by J. Diakoff. Motion carried 4-0-1 (J. Sievert excused). There was no additional testimony and this portion of the hearing was closed.

2. Ledgerock Dairy, 5865 Hillcrest Rd, Town of Winchester – Conditional Use.

The conditional use request is for placement of two mobile homes on the property for farm laborers. Lydell Pethke - 5865 Hillside Rd, Larsen, was sworn in. He explained the conditional use request. Mr. Pethke stated that the farm consists of 170 acres and that there will be two employees per trailer. Zoning Administrator stated the zoning office received a letter from the Winchester Town Board approving the conditional use request with the following condition: 1) Complies with County Zoning Ordinance. Findings for approval were as follows: 1) The Town does have an adopted land use plan. 2) Action does agree with the adopted plan. 3) Goes with our comprehensive plan. 4) Applicant will be resident farm laborers. There was no additional testimony and this portion of the hearing was closed.

3. Linda Artz, 2929 Waldwic Ln, Town of Algoma – Conditional Use.

The conditional use request is for a bed and breakfast in a residential district. Linda Artz – 2929 Waldwic Ln, was sworn in. Ms. Artz explained the conditional use request. Ms. Artz stated that she did not feel the operation of the bed and breakfast would have any impact on the neighborhood. According Ms. Artz, the average guest is 45 or older, the average stay is 1.3 days and the average number of cars per day is 1.32. Six residents on Waldwic Ln and one resident on Hidden Hollow were sworn in and all testified in opposition to the bed and breakfast. A petition containing 21 residents of Waldwic Ln in opposition to the request was submitted for the record. Reasons for opposition to the bed and breakfast were as follows: 1) The 12 foot wide private road is not adequate to handle additional traffic from non-residents of Waldwic Ln. 2) The original covenants of the subdivision stated that premises shall be used for single family residential purposes only. 3) Safety and property values would be compromised. 4) A business operation in this residential area will

establish a precedent. Zoning Administrator stated the zoning office received a letter from Algoma Town Board denying the conditional use request with the following findings: 1) Town does have an adopted land use plan. 2) Action does agree with adopted Town Plan (Zoning does agree with the adopted land use plan). 3) Narrow private road with one way in and one way out. 4) Nature of residential neighborhood, all single family homes. 5) Setting precedent for larger homes on lane. There was no additional testimony and this portion of the hearing was closed.

4. Jay Miller, 496 Clairville Rd, Town of Nekimi – Conditional Use.

The conditional use request is for keeping horses on a residential property over 2.5 acres. Wayne Marx – 4148 Mission Meadows Trail, Oshkosh, was sworn in. Mr. Marx stated that he was in favor of the conditional use request since he had sold the property to Jay Miller. Mr. Marx went on to explain the history of the property having horses. According to Mr. Marx, the property was incorrectly rezoned to residential and a quit claim deed was recorded to enable him to build a certain sized garage. Zoning Administrator stated the zoning office received a letter from Nekimi Town Board approving the conditional use request with the following condition: 1) No more than 4 horses be allowed at any one time. Findings for approval were as follows: 1) Town does have an adopted land use plan. 2) Action does agree with adopted Town Plan. 3) There were no objections brought forward by the area residents. Jay Miller - 496 Clairville Rd, Oshkosh was sworn in. Chairman Brennand asked Mr. Miller if he was opposed to the condition placed by the town. Mr. Miller replied no. Tom Egan asked Zoning Administrator who made the mistake with the zoning change in the past. Zoning Administrator said he didn't believe a mistake was made because parcels of agricultural property under five acres are typically re-zoned to residential. There was no additional testimony and this portion of the hearing was closed.

5. Winnebago County Planning & Zoning Committee, Renewable Energy - Text Amendment (Adjourned from January Public Hearing)

Zoning Administrator stated that this item has been withdrawn since the county has hired a consultant who is currently doing a comprehensive revision of the zoning ordinance which will address renewable energy. There was no additional testimony and this portion of the hearing was closed.

ADJOURNMENT

MOTION made by J. Diakoff to adjourn the meeting. Seconded by T. Egan. Motion carried 4-0-1 (Sievert excused). Meeting adjourned at 7:33 P.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary