



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF JANUARY 5, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Augsburger - Town Zoning Change (Tax ID No: 004-0496-07-02) – Town of Black Wolf.

The town zoning change for Augsburger is consistent with Winnebago County's Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Jankowski - Town Zoning Change (Part of Tax ID No: 006-0405-04-01) – Town of Clayton.

The town zoning change for Jankowski is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Nelson - Town Zoning Change (Tax ID Nos: 024-0279, 024-0281, 024-0285, 0240286) – Town of Utica.

The town zoning change for Nelson is consistent with Winnebago County's Land Use Plan. The Town of Utica approved the zoning change from A-1 (Agricultural – Farmland Preservation) to RR (Rural Residential Recreational Mixed Use) and A2 (Agriculture – General Farming) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dodd - Town Zoning Change (Part of Tax ID Nos: 024-0197, 024-0197-01) – Town of Utica.

The town zoning change for Dodd is consistent with Winnebago County's Land Use Plan. The Town of Utica approved the zoning change from R2 (Suburban Residential) and RR (Rural Residential and Residential Mixed Use) to RR (Rural Residential and Residential Mixed Use) and Winnebago County's land use plan shows future land use as Residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.



Town of Black Wolf

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

Office: (920) 688-1404

info@townofblackwolf.com

ZONING CHANGE SUBMITTAL FORM

1. Name of Property Owner: Michael Augsburg
 Address of Owner: 1679 W. Winoka Ave
Oshkosh, WI 54902
2. Name of Applicant: (Same)
 Address of Applicant: _____
3. Legal Description of area to be rezoned (attach CSM, if applicable): part of SW 1/4 of SW 1/4 of SW 1/4 of Section 31, T17N, R17E. Also described as Lot 1 of CSM 7259
4. Tax Parcel Number (if existing parcel): 004-0496-07-02
5. Section: 31 Town: 17N Range: 17E
6. Existing Zoning: A-2 Name of District: General Farming
7. Proposed Zoning: R-1 Name of District: Rural Residential

To be completed by Town of Black Wolf:

8. Town Board Action: Approved ☒ Denied ☐

9. Findings:

- The Town of Black Wolf has a Comprehensive Plan
- The zoning change is in compliance with that comprehensive plan.

A zoning change is required to comply with the Town Zoning Ordinance. A minimum of 10 acres is required for A-2 Zoning.

- There are 9 Winnebago City residences within 1200 feet of this parcel (FDL County is on the other side of the road). 4 of those residences are on parcels zoned Residential.

I, Thomas G. Verstegen, Town of Black Wolf Zoning Administrator, hereby certify that a Public Hearing was conducted on August 28, 2017, and that all required notices were posted and/or mailed as required by local ordinance.

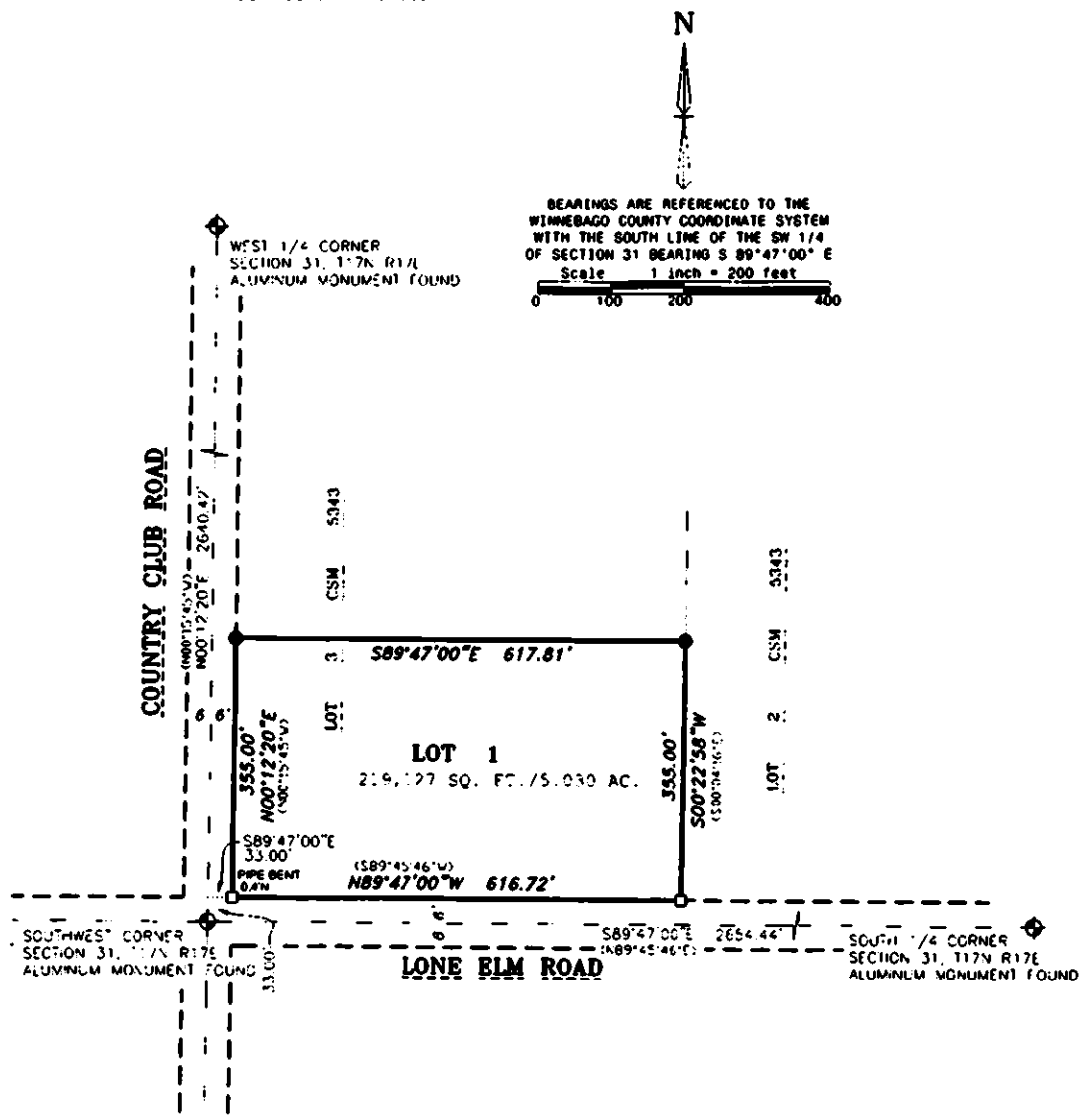
Thomas Verstegen
 Thomas G. Verstegen

Date: 12-4-17

CERTIFIED SURVEY MAP 7259

PART OF LOT 3 OF CERTIFIED SURVEY MAP 5343, LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, IN SECTION 31, TOWNSHIP 17 NORTH, RANGE 17 EAST, TOWN OF BLACK WOLF, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
JOHN WILLEFORD
7794 COUNTRY CLUB ROAD
OSHKOSH, WI 54902

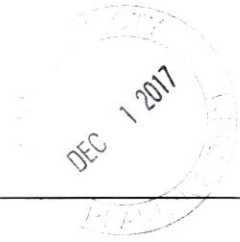


2909 W TILLMAN ST.
APPLETON, WI 54914
(920) 410-3379
(920) 474-5025

mail@foxvalleylandsurveying.com
foxvalleylandsurveying.com
PROJECT NO. 171731-1
SHEET 1 OF 3

LEGEND

- 3/4" SOLID ROUND REBAR SET - 18" LONG, WEIGHING 1.502 LBS./LIN. FT.
- C 1-1/4" O.D. IRON PIPE FOUND
- ⊕ GOVERNMENT CORNER
- () RECORDED AS



Monday, November 20th, 2017

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning Application submitted by Ron and Amy Jankowski of 3471 Knox Lane, Neenah, WI 54956, for property located at 3685 Fairview Road, Neenah, WI 54956 and specifically described as a part of Tax ID# 006-0405-04-01, being part of Lot 1 of Certified Survey Map No. 6785 located in the Northwest ¼ of the Northwest ¼ of Section 15, 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 R-1 (Rural Residential District).

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON

ORDINANCE 2017-009

**ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP**

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Ron and Amy Jankowski of 3471 Knox Lane, Neenah, WI 54956.

Legal description of property:

The property is located at 3685 Fairview Road, Neenah, WI 54956 and specifically described as portion of Tax ID# 006-0405-04-01, being part of Lot 1 of Certified Survey Map No. 6785 located in the Northwest ¼ of the Northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (See Attachment A).

The above described property is hereby rezoned from:

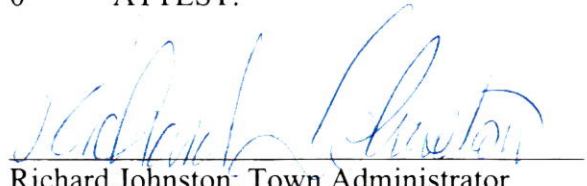
A-2 (General Agricultural District) to R-1 (Rural Residential District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

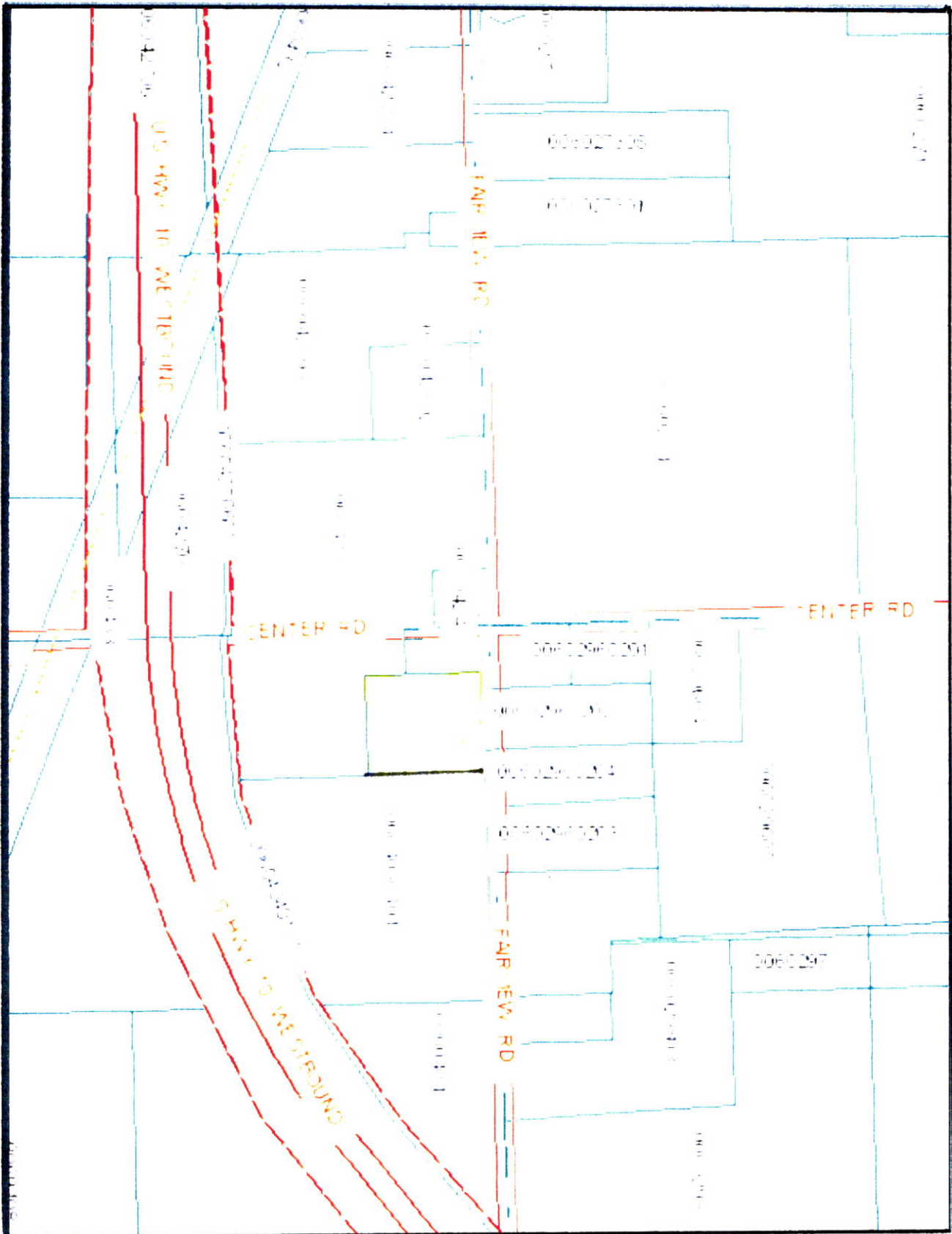
Adopted this 15th, day of November, 2017

Vote: Yes: 5 No: 0 Absent: 0 ATTEST:



Russell D. Geise, Chair

Richard Johnston; Town Administrator



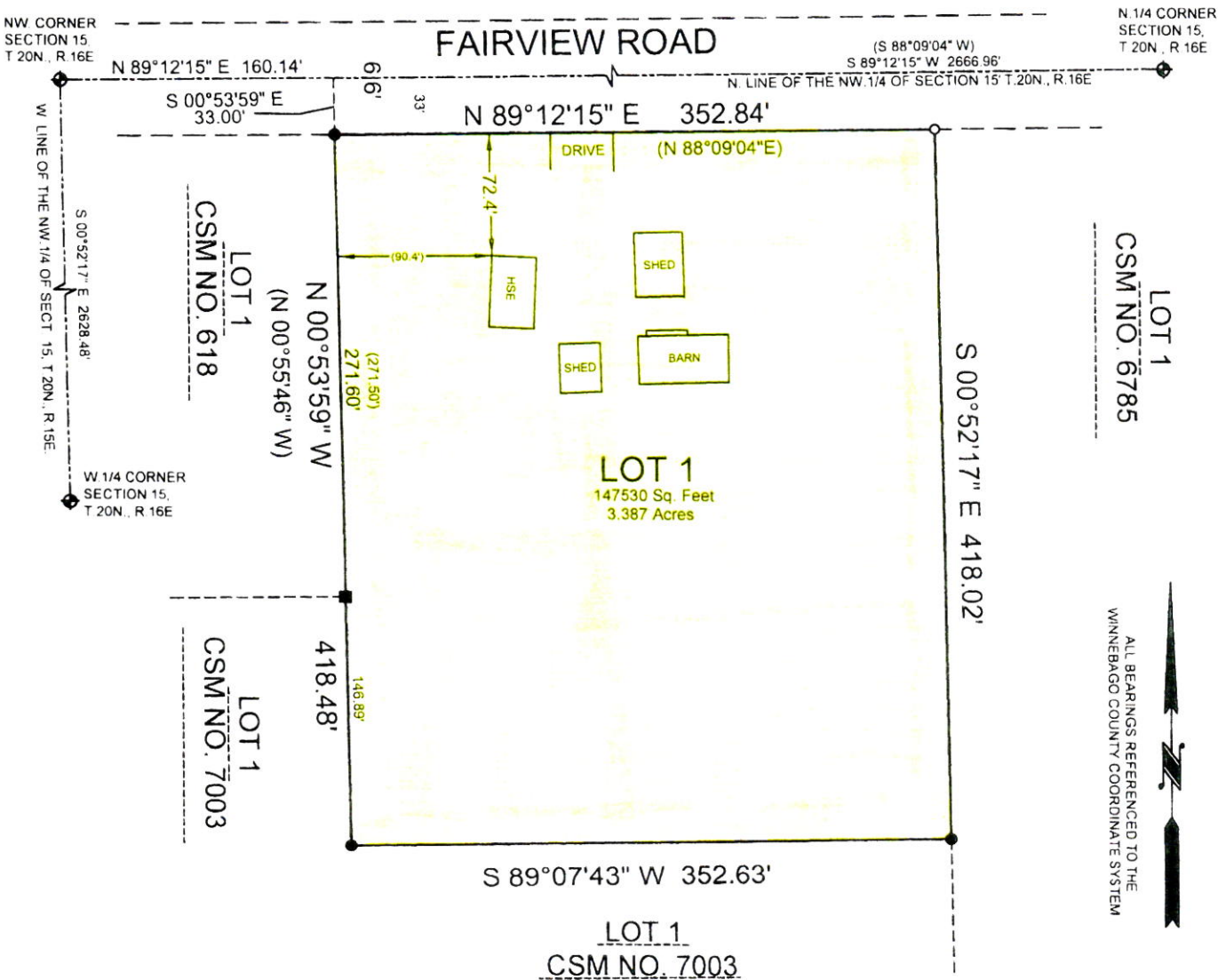
STATE OF WISCONSIN) SS
WINNEBAGO COUNTY)

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6785 LOCATED IN THE NW.1/4 OF THE NW.1/4 OF SECTION 15, T.20N., R.16E. TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

SHEET 1 OF 3
SURVEY FOR: RONALD JANKOWSKI
3471 KNOX LANE
NEENEAH, WI 54956

THE LOTS CREATED ON THIS CERTIFIED SURVEY MAP ARE ADJACENT TO PROPERTIES THAT, AS OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THE QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTIES.

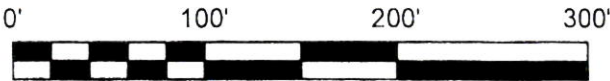


LEGEND

- 3/4" X 18" DIA. IRON REBAR SET, WEIGHING NOT LESS THAN 1.5 LBS PER LINEAR FOOT
- 1" IRON PIPE FOUND
- 3/4" IRON ROD FOUND
- ◆ SECTION CORNER COUNTY MONUMENT

DATED THE _____ DAY OF _____, 2017

WISCONSIN REGISTERED LAND SURVEYOR S-1599
LAWRENCE C. KRIESCHER



L.C.KRIESCHER AND ASSOCIATES LLC
5251 GRANDVIEW ROAD
LARSEN, WI 54947
920-836-3576

BOUNDARY SURVEY
&
LAND DESIGN

PROJECT NO. 2017-08-02
FILE NO. JANKOWSKI.DWG
DWG. NO. L-488

THIS INSTRUMENT DRAFTED BY L.C. KRIESCHER S-1599

WINNEBAGO COUNTY CERTIFIED SURVEY MAP

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6785 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 15, T.20N., R.16E. TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I LAWRENCE C. KRIESCHER, WISCONSIN REGISTERED LAND SURVEYOR OF L.C. KRIESCHER AND ASSOCIATES LLC., CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED UNDER THE DIRECTION OF RONALD JANKOWSKI A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6785 RECORDED IN VOLUME 1 ON PAGE 6785 AS DOCUMENT NUMBER 1651214 AND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE SIXTEEN (16) EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN CONTAINING 147530 SQUARE FEET (3.387 ACRES) OF LAND AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE S 89°12'15"E. 160.14 FEET ALONG THE NORTH LINE OF THE NW 1/4 OF SAID SECTION 15; THENCE S.00°53'59"E. 33.00 FEET TO A POINT ON THE SOUTH LINE OF FAIRVIEW ROAD AND THE POINT OF BEGINNING; THENCE N89°12'15"E. 352.84 FEET; THENCE S.00°52'17"E. 418.02 FEET; THENCE S.89°07'43"W 352.63 FEET; THENCE N.00°53'59"W. 418.48 FEET TO THE POINT OF BEGINNING AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT SUCH IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF LAND SURVEYED. THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE LAND SUBDIVISION ORDINANCE OF WINNEBAGO COUNTY AND THE TOWN OF CLAYTON IN SURVEYING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 2017

WISCONSIN REGISTERED LAND SURVEYOR S-1599
LAWRENCE C. KRIESCHER

TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND APPROVED BY THE TOWN BOARD OF THE TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

DATED _____ TOWN BOARD REPRESENTATIVE _____

CERTIFICATE OF TOWN TREASURER:

I, BEING DULY ELECTED, QUALIFIED AND ACTING TOWN TREASURER OF THE TOWN OF CLAYTON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES SPECIAL ASSESSMENTS AS OF _____ AFFECTING THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATED _____ TOWN TREASURER _____

OWNER OF RECORD IS RONALD AND AMY JANKOWSKI
THIS C.S.M. IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN DOCUMENT 1677653
THIS C.S.M. IS CONTAINED PART OF TAX PARCEL NO. 006-0405-04

SHEET 3 OF 3

WINNEBAGO COUNTY CERTIFIED SURVEY MAP

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6785 LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SECTION 15, T.20N., R. 16E. TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

AS OWNER'S WE HEREBY CERTIFY THAT WE CAUSED THE LAND ON THE CERTIFIED SURVEY MAP TO BE SURVEYED,
DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP.

RONALD JANKOWSKI DATE

AMY JANKOWSKI DATE

SS STATE OF WISCONSIN)
 WINNEBAGO COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2017 THE ABOVE NAMED
OWNERS KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE
SAME.

NOTARY PUBLIC _____ WISCONSIN

WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE:

A PART OF LOT 2 OF CSM NO. 616 AND A PART OF LOT 1 OF CSM NO. 6785 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF
SECTION 15, T.20N., R. 16E. TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, IS HEREBY APPROVED

DATE

BY: AUTHORIZED REPRESENTATIVE

COUNTY TREASURER'S CERTIFICATE:

I, BEING DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF WINNEBAGO, DO HEREBY CERTIFY THAT
THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR SPECIAL ASSESMENTS OF
_____, AFFECTING THE LANDS INCLUDED IN THIS CERTIFIED SURVEY.

DATED

COUNTY TREASURER

DATED THE _____ DAY OF _____, 2017

WISCONSIN REGISTERED LAND SURVEYOR S-1599
LAWRENCE C. KRIESCHER

DWG. NO. L- 488

FLU: Ag & Rural

Town of Utica ~ Jenny Sonnleitner, Clerk
6570 Bradley Ave. Pickett, WI 54964 ~ 920-410-0347 ~ utica1730@gmail.com

SUBMITTAL FORM

DEC 18 2017

Name of Property Owner: Germaine Nelson

Address of Owner: 5603 State Road 44 Oshkosh, WI 54904

Name of Applicant: same as above

Address of Applicant: same as above

Legal Description of Area to be Rezoned (attach CSM, if applicable):

024-0279: Section 14, PT SW NW LYG SE OF OLD HWY 44 EXC PT FOR HWY 6.21 A.

024-0281: Section 14, S 35.04 RDS OF SE NW 17.76 A.

024-0285: Section 14, NE SW 40.00 A.

024-0286: Section 14, NW SW EXC HWY 39.91 A.

Tax Parcel Number, if existing parcels: 024-0279, 024-0281, 024-0285, 024-0286

Section 14 Town 17N Range R15E

Existing Zoning: A1 Name of District: Agricultural (Farmland Preservation)

Proposed Zoning: RR & A2 Name of District: Rural Residential Recreational Mixed Use & Agriculture (General Farming)

Town Board Action: X Approval Denial

Findings: 1) Does the Town have an adopted Land Use Plan? Yes

2) Does the request agree with the Plan? Yes

3) Other findings (List). approved by Town Board vote:

Approved by the Town Board vote 3-0

I, Jenny Sonnleitner, Clerk of the Town of Utica, hereby certify that a public hearing was conducted on December 7, 2017 and that all required notices were posted and/or mailed as required by local ordinance.

Signed: Jenny Sonnleitner

Date: 12/14/2017

LISTING OF PARCELS SURROUNDING SUBJECT PARCEL FOR REZONING CHANGE

Subject Parcels: 024-0279, 024-0281, 024-0285, 024-0286

Owner: Germaine Nelson

Applicant: Germaine Nelson

PARCEL #	OWNER(S)	MAILING ADDRESS	
024032801	DREA & AMY BRUSS	1389 COUNTY ROAD FF	OSHKOSH, WI 54904
0240284	TERRY & JILL CULVER	5509 FISK AVE	OSHKOSH, WI 54904
0240280	FAMILY LUCKY 7 FARM LLC	18 CRESCENT KEY	BELLEVUE, WA 98006
024027201	LYLE & SANDRA FORSGREN	5517 STATE ROAD 44	OSHKOSH, WI 54904
0240328 0240302 0240319	TODD MESSERSCHMIDT	1483 COUNTY ROAD FF	OSHKOSH, WI 54904
0240282	TIMOTHY & GRACE OLIVER	5595 STATE ROAD 44	OSHKOSH, WI 54904
0240288	NORBERT & LUCILLE TREBIATOWSKI	1354 COUNTY ROAD FF	OSHKOSH, WI 54904
0240290	MICHAEL & CONNIE TURNER	W11726 CENTER ROAD	RIPON, WI 54971
024028701	RICHARD & PATRICIA WEHRMANN	1376 COUNTY ROAD FF	OSHKOSH, WI 54904

TOWN OF UTICA

Plan Commission Notice

Notice is hereby given that a public meeting in the Town of Utica, County of Winnebago, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town. Town Board members may be present.

Thursday, December 7, 2017

7:30 pm

To hear testimony for approval of a CSM (certified survey map) Parcels # 024-0279 (6.21 acres), 024-0281 (17.76 acres), 024-0285 (40 acres), 024-0286 (39.91 acres) currently zoned A1 Tier 1, all owned by Germaine Nelson 5603 State Road 44 Oshkosh, WI 54904. The purpose is to separate existing residence from agricultural land, zoning Lot 1 Parcel # 024-0279 at 5.009 acres and zoned RR, and the other parcels combined into Lot 2 at 97.967 acres and zoned A2. The properties within 300' for notification in the Town of Utica, Winnebago County, Wisconsin are:

PARCEL #	OWNER(S)	MAILING ADDRESS	
024032801	DREA & AMY BRUSS	1389 COUNTY ROAD FF	OSHKOSH, WI 54904
0240284	TERRY & JILL CULVER	5509 FISK AVE	OSHKOSH, WI 54904
0240280	FAMILY LUCKY 7 FARM LLC	18 CRESCENT KEY	BELLEVUE, WA 98006
024027201	LYLE & SANDRA FORSGREN	5517 STATE ROAD 44	OSHKOSH, WI 54904
0240328 0240302 0240319	TODD MESSERSCHMIDT	1483 COUNTY ROAD FF	OSHKOSH, WI 54904
0240282	TIMOTHY & GRACE OLIVER	5595 STATE ROAD 44	OSHKOSH, WI 54904
0240288	NORBERT & LUCILLE TREBIATOWSKI	1354 COUNTY ROAD FF	OSHKOSH, WI 54904
0240290	MICHAEL & CONNIE TURNER	W11726 CENTER ROAD	RIPON, WI 54971
024028701	RICHARD & PATRICIA WEHRMANN	1376 COUNTY ROAD FF	OSHKOSH, WI 54904

Public testimony will be taken at the time of the hearing. All written testimony must be received prior to the hearing and can be sent to Thomas Thiel, 1209 County Road M Pickett, WI 54964. For further information, contact Thomas Thiel (920) 589-3005.

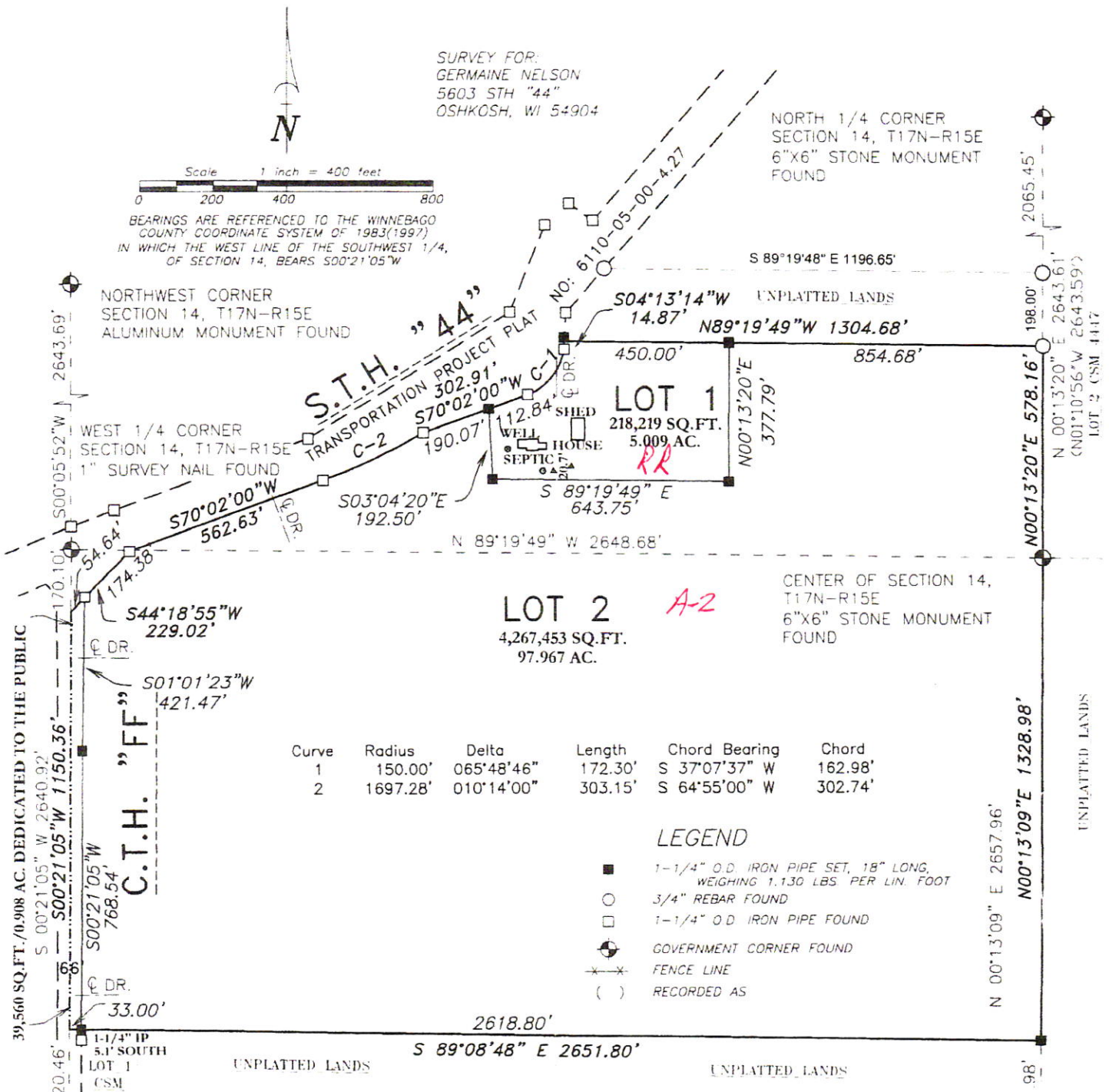
Jenny Sonnleitner, Clerk & Planning/Zoning Secretary
Posted: 11/20/2017

Any person wishing to attend who, because of a disability, requires special accommodation, should contact Plan Chairman Tom Thiel at 920-579-3025 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made.

This is a public meeting. As such, all members or a majority of the members of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action.

Posted at: Town Hall, Co-op, and Jasper's. To receive email updates, e-mail the Clerk at utica1730@gmail.com.

ALL OF NORTHEAST 1/4 OF THE SOUTHWEST 1/4,
PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST
1/4, PART OF THE SOUTHWEST 1/4 OF THE
NORTHWEST 1/4, AND PART OF THE SOUTHEAST
1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 14,
TOWNSHIP 17 NORTH, RANGE 15 EAST, TOWN OF
UTICA, WINNEBAGO COUNTY, WISCONSIN.



pd 8400
10-28-17
#11109

TOWN OF UTICA RE-ZONING PERMIT APPLICATION

Please print or type your responses to the questions on this application.
A non-refundable application fee of \$400.00 is required for each permit application.
The fee is payable to the Town of Utica and is due at the time the application is submitted.

Filing Fee: \$400.00

Date Received: NOV - 8 2017

Office Use

Property Address: 5603 STATE RD 44, OSHKOSH, WI

Name of Owner(s): GERMAINE NELSON

Address, if different than above: _____

CONTACT: 920-980-8736 ROSARNE SCHMITZ.
Home Phone: _____ Daytime Phone, if different: _____

Name of Applicant(s): GERMAINE NELSON

Address, if different than above: _____

Home Phone: _____ Daytime Phone, if different: _____

Name & Address of professional in charge of proposed development (architect, builder, contractor, engineer, etc): _____

N/A

Legal Description of Property: _____

SEE ATTACHED CERTIFIED SURVEY MAP

Tax Parcel Number(s) (REQUIRED): 0279, 0281, 0286, 0285

NOTE: Please attach a copy of the Certified Survey Map for the property.

Location of the property in relation to nearby roadways, building, or other landmarks: _____

5603 STATE RD 44, OSHKOSH, WI

1. What is the current use of the property? FARMING

2. What is the intended use of this property? _____

RESIDENTIAL AND FARMING

3. Please mark the current zoning for the property:

_____ Single-Family Residence
_____ Two-Family Residence
_____ Multiple-Family Dwelling
☒ Agricultural
_____ Rural Recreational

_____ Industrial
_____ Commercial
_____ Institutional & Recreational
_____ Planned Residential Development
_____ Residential Mixed Use

4. What is the requested zoning for the property? SINGLE FAMILY RESIDENCE ^(RR1) & ^(A-2) FARMING

5. Please explain the reason for this rezoning request: _____

SEPERATING EXISTING RESIDENCE FROM
AGRICULTURAL LAND

6. If this is a Rural Recreational rezoning request, please specify what type of conditions are being requested: _____

EXISTING SINGLE FAMILY RESIDENCE

7. Please explain why this is the best proposed use for this property: _____

EXISTING SINGLE FAMILY RESIDENCE

8. Please explain the compatibility of the proposed use(s) with the surrounding land uses: _____

EXISTING SINGLE FAMILY RESIDENCE

9. List all property owners within 300 feet and their mailing addresses:

1) TIMOTHY CRIVER
5545 STATE Rd 44
OSHKOSH, WI 54904

2) FAMILY LUCKY 7 FARM LLC
JANIS RD
OSHKOSH, WI

3) TODD MESSERSECHMIDT
1483 COUNTY Rd FF
OSHKOSH, WI 54904

4) NORBERT + LUCILLE TREBIATOWSKI
1354 COUNTY Rd FF
OSHKOSH, WI 54904

5) MICHAEL + CONNIE TURNER
KINGS LN
OSHKOSH, WI 54904

6) LYLE + SANDICA FORSBEREN
5517 STATE Rd 44
OSHKOSH, WI 54904 - OVER-

Twelve (12) copies of the application and all attachments shall be submitted to the Town Clerk, Town Zoning Administrator or other designed representative no later than twenty-one (21) days prior to the meeting.

Germaine Nelson
Signature of Owner

OCT 28 - 1917
Date

Signature of Owner

Date

7) DREA BRUSS + Amy BRUSS
1389 COUNTY Rd FF
OSHKOSH, WI 54904

TOWN OF UTICA

Plan Commission Meeting Agenda

Notice is hereby given that a Town Plan Commission meeting in the Town of Utica, County of Winnebago, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

Thursday, December 7, 2017

7:30 pm

1. Call the Meeting to Order
2. Take Roll Call:
 - A. *Members:* Terry Beck, Darwin Briggs, Ralph Kalies, Tim Oliver, Ken Schmick, Grant Stettler, Tom Thiel
 - B. *Alternates:* Chad Bowman, Eric Whiting
3. Approve November 2, 2017 Plan Commission Meeting Minutes
4. Affidavit of Posting/Publication – Secretary and Plan Chairman to sign
5. Public hearing to consider and recommend to the Town Board for approval of a CSM (certified survey map) Parcels # 024-0279 (6.21 acres), 024-0281 (17.76 acres), 024-0285 (40 acres), 024-0286 (39.91 acres) currently zoned A1 Tier 1, all owned by Germaine Nelson 5603 State Road 44 Oshkosh, WI 54904. The purpose is to separate existing residence from agricultural land, zoning Lot 1 Parcel # 024-0279 at 5.009 acres and zoned RR, and the other parcels combined into Lot 2 at 97.967 acres and zoned A2.
6. Future Agenda Items
7. Adjournment

Jenny Sonnleitner, Clerk
Posted: 12/5/2017

The Plan Commission meets as needed on the FIRST THURSDAY OF EACH MONTH AT 7:30PM (unless otherwise noted). All meetings are open to the public. Discussion and action may occur on any of the above agenda items.

Any person wishing to attend who, because of a disability, requires special accommodation, should contact Plan Commission Chairman Tom Thiel at 920-579-3025 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made.

This is a public meeting. As such, all members or a majority of the members of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action based on the above agenda.

Posted at: townofutica.org, Town Hall, Co-op, and Jasper's. To receive email updates, e-mail the Clerk at utica1730@gmail.com.

TOWN OF UTICA

Plan Commission Meeting ~ Minutes

Thursday, December 7, 2017

7:30 pm

1. Call the Meeting to Order

DRAFT

This meeting was called to order by Chairman Tom Thiel at 7:30pm at the Utica Town Hall; 8 present

2. Roll Call:

- A. *Members Present:* Darwin Briggs, Tim Oliver, Ken Schmick, Grant Stettler, Tom Thiel
- B. *Alternates Present:* Eric Whiting
- C. *Members Absent:* Terry Beck, Ralph Kalies
- D. *Alternates Absent:* Chad Bowman
- E. *Board Members Present:* Leonard Schmick, Chuck Kuhrt

"These meeting minutes are only a draft of the minutes of the meeting. They have not been approved yet. They are subject to change and you may not rely on their accuracy. For more information please contact the clerk or a town board member."

3. Approve November 2, 2017 Plan Commission Meeting Minutes

Darwin Briggs motions to approve as submitted, seconded by Tim Oliver. Carried

4. Affidavit of Posting/Publication – Secretary and Plan Chairman to sign

5. Public hearing to consider to the Town Board for approval of a CSM (certified survey map) Parcels # 024-0279 (6.21 acres), 024-0281 (17.76 acres), 024-0285 (40 acres), 024-0286 (39.91 acres) currently zoned A1 Tier 1, all owned by Germaine Nelson 5603 State Road 44 Oshkosh, WI 54904. The purpose is to separate existing residence from agricultural land, zoning Lot 1 Parcel # 024-0279 at 5.009 acres and zoned RR, and the other parcels combined into Lot 2 at 97.967 acres and zoned A2.

Germaine Nelson would like to divide the parcels so the house and sheds are on 5 acres to be sold as residential; then retain the farm land as A2. Walt Whiting asked about 024-0279 at 6.21 acres and the CSM shows 5.009. The 6.21 acres is what it is now, the CSM shows what it will be changed to. Public session closed.

Darwin Briggs said as long as there are no issues changing from A1 to A2 and no penalties, it looks good. Todd Messerschmidt asked what is the difference of A1 and A2? Tom Thiel responded that A1 is for farm use only, a true farmer. With A2, you can have more of a chance to break it up and more latitude to do what you need to do with your land. Darwin Briggs said there used to be severe penalties if in A1 to try to change it. Eric Whiting said as long as you are willing to live under strict guidelines and receive tax purposes. Tom Thiel - first thing we need to do is change the land from A1 to A2. Tim Oliver motions to change it from A1 to A2, seconded by Grant Stettler. Carried.

Tom Thiel, now we need to change Lot 1 to RR at 5.009 acres, rest to remain as A2. Tom Thiel recommends this. Grant Stettler motions to take Lot 1 parcel 024-0279 at 5.009 acres to zone RR and combine parcel 024-0281, 024-0285, 024-0286 and leave those in A2, seconded by Darwin Briggs. Carried.

6. Future Agenda Items

7. Adjournment

Adjourned at 7:43pm

Jenny Sonnleitner, Clerk & Planning/Zoning Secretary

Thomas Thiel, Plan Chairman

Jenny Sonnleitner, Clerk & Planning/Zoning Secretary

TOWN OF UTICA

Town Board Meeting ~ Agenda

Monday, December 11, 2017

7:00pm – Review Invoices
7:30pm – Town Board Meeting

Notice is hereby given that a Town Board meeting in the Town of Utica, Winnebago County, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

1. Call the Meeting to Order
2. Pledge of Allegiance
3. CONSENT AGENDA:
 - A) Approve November 13, 2017 Town Board Meeting Minutes & Discontinue Benway Lane Meeting Minutes
 - B) Affidavit of Posting/Publication
 - C) Approve Payment of Bills for December
4. Treasurer's Report for November
5. Public Forum: *Opportunity to comment about an Agenda item or new business; say your name & address (no action taken by the Board)*
6. Discuss/Act on Possible Budget Amendments
7. Discuss/Adopt 2018 budget as presented at the Public Budget Hearing
8. Appoint Election Inspectors & Chief Election Inspectors for a 2-year term: Barb Allen, Diane Egan, Cynthia Hunter, Lynda Kleinschmidt-Johnson, Pat Larie, Ellen Lloyd, Joan Newell, Shirley Radloff, Barb Rank, Teresa Schmick, Lucy Schroeder, Sue Shea, Sharon Slover, Kenneth Spiegelberg, Donna Yearwood
9. Discuss/Designate 2018 Winnebago County Per Capita Funding, Town of Utica: \$1483. City of Omro & Greater Oshkosh requesting
10. ROADS (Discuss/Approve):
 - A) Road Repairs
 - B) Update - Winnebago County Accident Damage Repair Report: 6/25/17, Hillside & Sportsman Roads
11. PLAN COMMISSION
 - A) Discuss/Approve recommendation from the Plan Commission to approve a CSM (certified survey map) for Parcels # 024-0279 (6.21 acres), 024-0281 (17.76 acres), 024-0285 (40 acres), 024-0286 (39.91 acres) currently zoned A1 Tier 1, all owned by Germaine Nelson 5603 State Road 44 Oshkosh, WI 54904. The purpose is to separate existing residence from agricultural land, zoning Lot 1 Parcel # 024-0279 at 5.009 acres and zoned RR, and the other parcels combined into Lot 2 at 97.967 acres and zoned A2.
 - B) Discuss/Reappoint Darwin Briggs for a 3-year term
12. EDUCATION
 - A) WI Towns Association 2018 District Meetings – 2/9/18 – Royal Ridges in Ripon, \$50 each: BOR Training offered
13. FIRE DEPARTMENT / EMS
 - A) November Calls: 4 Fire / 20 EMS (5 in Utica) / 15 Mutual Aid
14. ITEMS FOR INCLUSION IN NEWSLETTER
 - A) Town Board Meeting – January 8, 2018; 7:30pm at the Utica Town Hall
 - B) Anyone interested working during elections, please contact Clerk Sonnleitner at utica1730@gmail.com or 410-0347. Training and meals provided; Poll Workers \$9/hour, Chief Inspectors \$12.50/hour
 - C) Snow will be falling, reminder to keep roads clear when pushing snow across
15. CORRESPONDENCE RECEIVED (Discuss & act on, if needed):
 - A) WI Towns Association Monthly Mailing
 - B) Property Transfers
 - C) Building Permits – Nick Radloff 2061 James Rd / Jeremy Tesch 1436 Elo Rd / Ray Raybee 1747A Burr Oak Rd
 - D) Hazard Mitigation Grant Program – Presidential Disaster Declaration 4343 declared 10/7/17 & 7/19-23/17
 - E) 2017 Rural Area Designation Review
 - F) 11/30/17 TRIP Meeting Minutes
 - G) Catalogs –
16. Adjournment

Jenny Sonnleitner, Clerk Posted: 12/9/2017

Plan Commission Members (7, 2 alternates) (3-year term): Darwin Briggs 12/2014, Ken Schmick 2/2014, Tom Thiel 6/2015 (Chair); Ralph Kalies 7/2015; Chad Bowman (alternate) 8/2015; Terry Beck 11/2015; Grant Stettler 4/2017; Tim Oliver 6/2017; Eric Whiting (alternate) 6/2017 **Rush Lake Steering Committee (3) (3-year term):** Kevin Fritz 2/2015; Tom Davis 5/2015; Chuck Kuhrt 9/2017 **Board of Appeals Members (5, 2 alternates) (3-year term):** Robert Potratz 3/2015; Nelson Hinz 4/2015; Michael Christianson (alternate) 8/2015; Walt Whiting 12/2015; Vicki Williams 5/2016 (Chair); Don Draxler (alternate) 2/2017; Darwin Briggs 6/2017

The Town Board meets regularly the SECOND MONDAY OF EACH MONTH AT 7:30PM (unless otherwise noted). All meetings are open to the public. Discussion and action may occur on any of the above agenda items. Any person wishing to attend who, because of a disability, requires special accommodation, should contact Chairman Len Schmick at 920-589-6774 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made. This is a public meeting. As such, all members or a majority of the members of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action based on the above agenda. Posted at townofutica.org, Town Hall, Co-op, and Jasper's. E-mail utica1730@gmail.com for email updates.

TOWN OF UTICA

Town Board Meeting ~ Minutes

Monday, December 11, 2017

7:00pm – Review Invoices
7:30pm – Town Board Meeting

Notice is hereby given that a Town Board meeting in the Town of Utica, Winnebago County, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

"These meeting minutes are only a draft of the minutes of the meeting. They have not been approved yet. They are subject to change and you may not rely on their accuracy. For more information please contact the clerk or a town board member."

1. CALL THE MEETING TO ORDER

This meeting was called to order by Chairman Schmick at 7:30pm at the Utica Town Hall.

PRESENT: Chairman Leonard Schmick, Supervisor #1 Chuck Kuhrt, Supervisor #2 Grant Stettler
Clerk Jenny Sonnleitner; Treasurer Brenda Morrell; 5 citizens present

DRAFT

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA:

A) APPROVE NOVEMBER 13, 2017 TOWN BOARD MEETING MINUTES & DISCONTINUE BENWAY LANE MEETING MINUTES

B) AFFIDAVIT OF POSTING/PUBLICATION

C) APPROVE PAYMENT OF BILLS FOR DECEMBER

Chairman Schmick made a motion to approve the Consent Agenda, seconded by Supervisor Stettler. Carried

4. TREASURER'S REPORT FROM NOVEMBER; BMO HARRIS BANK

Receipts: \$14,733.94; Disbursements: \$24,306.40; Total Balance: \$180,954.46;

Total cash on hand including Fire/EMS account: \$214,799.68

5. PUBLIC FORUM (*Opportunity to comment about an Agenda item or new business; say your name & address (no action taken by the Board)*)
No comments

6. DISCUSS/ACT ON POSSIBLE BUDGET AMENDMENTS

Amend the Fire Dept budget by adding \$128.01. Chairman Schmick motioned to move \$128.01 from the Contingency Reserve Account to the Fire Dept; seconded by Supervisor Kuhrt. Carried

7. DISCUSS/ADOPT 2018 BUDGET AS PRESENTED AT THE PUBLIC BUDGET HEARING

We have \$9135.03 that was not spent in 2017 and would need to allocate to the 2018 Budget. Supervisor Kuhrt motions to add \$9135.03 to the Building Fund, seconded by Supervisor Stettler. Carried

Chairman Schmick motions to adopt the 2018 Budget at the Public Budget Hearing with this change, seconded by Supervisor Stettler. Carried

8. APPOINT ELECTION INSPECTORS & CHIEF ELECTION INSPECTORS FOR A 2-YEAR TERM: Barb Allen, Diane Egan, Cynthia Hunter, Lynda Kleinschmidt-Johnson, Pat Larie, Ellen Lloyd, Joan Newell, Shirley Radloff, Barb Rank, Teresa Schmick, Lucy Schroeder, Sue Shea, Sharon Slover, Kenneth Spiegelberg, Donna Yearwood

Chairman Schmick motioned to appoint the list of Election Inspectors and Chief Election Inspectors for a 2-year term, seconded by Supervisor Kuhrt. Carried. Supervisor Kuhrt said that we are very thankful that we have these people and willing to spend their time doing this. Clerk Sonnleitner said we would not be able to get this done without them.

9. DISCUSS/DESIGNATE 2018 WINNEBAGO COUNTY PER CAPITA FUNDING, TOWN OF UTICA: \$1483, CITY OF OMRO & GREATER OSHKOSH REQUESTING

Supervisor Stettler motions to designate \$1483 to The Greater Oshkosh, seconded by Chairman Schmick. Carried

10. ROADS (DISCUSS/APPROVE):

A) Road Repairs

Everything was completed this year that was on the list

B) Update - Winnebago County Accident Damage Repair Report: 6/25/17, Hillside & Sportsman Roads

Supervisor Stettler resubmitted the paperwork to the company and they claim they don't see anything on record and he is continuing his efforts.

11. PLAN COMMISSION

A) Discuss/Approve recommendation from the Plan Commission to approve a CSM (certified survey map) for Parcels # 024-0279 (6.21 acres), 024-0281 (17.76 acres), 024-0285 (40 acres), 024-0286 (39.91 acres) currently zoned A1 Tier 1, all owned by Germaine Nelson 5603 State Road 44 Oshkosh, WI 54904. The purpose is to separate existing residence from agricultural land, zoning Lot 1 Parcel # 024-0279 at 5.009 acres and zoned RR, and the other parcels combined into Lot 2 at 97.967 acres and zoned A2.

Chairman Schmick motions to accept the recommendation and move forward, seconded by Supervisor Kuhrt. Carried

B) Discuss/Reappoint Darwin Briggs for a 3-year term

Chairman Schmick nominates Darwin Briggs for a 3-year term, seconded by Supervisor Kuhrt. Carried

12. EDUCATION

- A) WI Towns Association 2018 District Meetings – 2/9/18 – Royal Ridges in Ripon, \$50 each: BOR Training offered
Chairman Schmick, Supervisor Kuhrt, Supervisor Stettler, and Clerk Sonnleitner would like to attend.
Chairman Schmick motions for us to attend the training session, seconded by Supervisor Stettler. Carried

13. FIRE DEPARTMENT / EMS

- A) NOVEMBER CALLS: 4 FIRE / 20 EMS (5 IN UTICA) / 15 MUTUAL AID

14. ITEMS FOR INCLUSION IN NEWSLETTER

- A) Town Board Meeting – January 8, 2018; 7:30pm at the Utica Town Hall
B) Anyone interested working during elections, please contact Clerk Sonnleitner at utica1730@gmail.com or 410-0347.
Training and meals provided; Poll Workers \$9/hour, Chief Inspectors \$12.50/hour
C) Snow will be falling, reminder to keep roads clear when pushing snow across
D) Tax Collection Dates at the Utica Town Hall: December 29 8:30am-1:00pm / January 30 8:30am-1:00pm

15. CORRESPONDENCE RECEIVED (Discuss & Act on, if needed):

- A) WI Towns Association Monthly Mailing
B) Property Transfers
C) Building Permits – Nick Radloff 2061 James Rd / Jeremy Tesch 1436 Elo Rd / Ray Raybee 1747A Burr Oak Rd
D) Hazard Mitigation Grant Program – Presidential Disaster Declaration 4343 declared 10/7/17 & 7/19-23/17
E) 2017 Rural Area Designation Review
F) 11/30/17 TRIP Meeting Minutes
G) Catalogs –

16. ADJOURNMENT

Adjournment 7:46pm

Jenny Sonnleitner, Clerk

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Leonard Schmick – Chairman		Brenda Morrell – Treasurer	
Chuck Kuhrt – Supervisor #1		Jenny Sonnleitner - Clerk	
Grant Stettler – Supervisor #2			

Town of Utica ~ Jenny Sonnleitner, Clerk
6570 Bradley Ave. Pickett, WI 54964 ~ 920-410-0347 ~ utica1730@gmail.com

SUBMITTAL FORM

DEC 18 2017

Name of Property Owner: Patrick Dodd

Address of Owner: 1866 County Road FF Oshkosh, WI 54904

Name of Applicant: same as above

Address of Applicant: same as above

Legal Description of Area to be Rezoned (attach CSM, if applicable):

024-0197: Section 11, PT NE SW COM 54 RDS S & 30.80 RD E OF NW COR W 30.80 RD N 26 RD E 30.80 RD N 26 RD E 20 RD S TO PT 51.50 FT N OF WLY RR ROW SWLY TO BEG EXC V1169P619 9.40 A.

024-0197-01: Section 11, PT NE SW COM 28 RDS S OF NW CO R E 233 FT S 112 FT W 233 FT N 112 FT TO BEG .60 A.

Tax Parcel Number, if existing parcels: 024-0197, 024-0197-01

Section 11 Town 17N Range R15E

Existing Zoning: R2, RR Name of District: Suburban Residential & Rural Recreational and Residential Mixed Use

Proposed Zoning: RR Name of District: Rural Residential Recreational Mixed Use

Town Board Action: X Approval Denial

Findings: 1) Does the Town have an adopted Land Use Plan? Yes
2) Does the request agree with the Plan? Yes
3) Other findings (List). approved by Town Board vote:

Approved by the Town Board vote 3-0

I, Jenny Sonnleitner, Clerk of the Town of Utica, hereby certify that a public hearing was conducted on November 2, 2017 and that all required notices were posted and/or mailed as required by local ordinance.

Signed: Jenny Sonnleitner

Date: 12/14/2017

LISTING OF PARCELS SURROUNDING SUBJECT PARCEL FOR REZONING CHANGE

Subject Parcels: 024-0197, 024-0197-01

Owner: Patrick Dodd

Applicant: Patrick Dodd

PARCEL #	OWNER(S)	MAILING ADDRESS	
0240197	PATRICK DODD REV TST	1866 COUNTY ROAD FF	OSHKOSH, WI 54904
0240196	RICHARD KLOIBER	1890 COUNTY ROAD FF	OSHKOSH, WI 54904
0240201	BERNETA KROMM	1899 COUNTY ROAD FF	OSHKOSH, WI 54904
024020102	KAY MARX	1825 COUNTY ROAD FF	OSHKOSH, WI 54904
024020103	RONALD EPPRECHT	1879 COUNTY ROAD FF	OSHKOSH, WI 54904
0240197	REMER FARMS LLC	7251 CLIFF WEST ROAD	OMRO, WI 54963
0240195	JOSHUA & MARSHA MALNORY	1904 COUNTY ROAD FF	OSHKOSH, WI 54904
0240198 024020001	HOWARD & MARJORIE CHRISTIANSON	5550 FISK AVE	OSHKOSH, WI 54904
0240200	TIMOTHY STROOK	1803 COUNTY ROAD FF	OSHKOSH, WI 54904
0240807	DAVID & MARY DRAEGER	1803 CROWN DRIVE	OSHKOSH, WI 54904
0240808	MICHAEL & CYNTHIA SCHAEFER	1815 CROWN DRIVE	OSHKOSH, WI 54904
0240809	MATTHEW & JULIE TOLL	1821 CROWN DRIVE	OSHKOSH, WI 54904
0240810	ROGER TORNOW	1833 CROWN DRIVE	OSHKOSH, WI 54904
0240811	STEPHEN & JORI HOBART	1841 CROWN DRIVE	OSHKOSH, WI 54904
0240812	SUSAN MEYER	1851 CROWN DRIVE	OSHKOSH, WI 54904
0240819	IMPERIAL HILLS HOMEOWNERS	1886 QUEENS DRIVE	OSHKOSH, WI 54904

TOWN OF UTICA

Plan Commission Notice

Notice is hereby given that a public meeting in the Town of Utica, County of Winnebago, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town. Town Board members may be present.

Thursday, November 2, 2017

7:30 pm

To hear testimony for approval of a CSM (certified survey map) parcel # 024-0197-01 (0.60 acres) currently zoned R2 and Parcel # 024-0197 (9.4 acres) currently zoned RR, both owned by Patrick Dodd 1866 County Road FF Oshkosh, WI 54904. The purpose is to divide land from Parcel #024-0197, making 2 Lots for single family residence current/future use; 5.012 acres for Lot 2 and 5.015 acres for Lot 3. Also changing zoning to RR for each Lot. The properties within 300' for notification in the Town of Utica, Winnebago County, Wisconsin are:

PARCEL #	OWNER(S)	MAILING ADDRESS
0240197	PATRICK DODD REV TST	1866 COUNTY ROAD FF OSHKOSH, WI 54904
0240196	RICHARD KLOIBER	1890 COUNTY ROAD FF OSHKOSH, WI 54904
0240201	BERNETA KROMM	1899 COUNTY ROAD FF OSHKOSH, WI 54904
024020102	KAY MARX	1825 COUNTY ROAD FF OSHKOSH, WI 54904
024020103	RONALD EPPRECHT	1879 COUNTY ROAD FF OSHKOSH, WI 54904
0240197	REMER FARMS LLC	7251 CLIFF WEST ROAD OMRO, WI 54963
0240195	JOSHUA & MARSHA MALNORY	1904 COUNTY ROAD FF OSHKOSH, WI 54904
0240198 024020001	HOWARD & MARJORIE CHRISTIANSON	5550 FISK AVE OSHKOSH, WI 54904
0240200	TIMOTHY STROOK	1803 COUNTY ROAD FF OSHKOSH, WI 54904
0240807	DAVID & MARY DRAEGER	1803 CROWN DRIVE OSHKOSH, WI 54904
0240808	MICHAEL & CYNTHIA SCHAEFER	1815 CROWN DRIVE OSHKOSH, WI 54904
0240809	MATTHEW & JULIE TOLL	1821 CROWN DRIVE OSHKOSH, WI 54904
0240810	ROGER TORNOW	1833 CROWN DRIVE OSHKOSH, WI 54904
0240811	STEPHEN & JORI HOBART	1841 CROWN DRIVE OSHKOSH, WI 54904
0240812	SUSAN MEYER	1851 CROWN DRIVE OSHKOSH, WI 54904
0240819	IMPERIAL HILLS HOMEOWNERS	1886 QUEENS DRIVE OSHKOSH, WI 54904

Public testimony will be taken at the time of the hearing. All written testimony must be received prior to the hearing and can be sent to Thomas Thiel, 1209 County Road M Pickett, WI 54964. For further information, contact Thomas Thiel (920) 589-3005.

Jenny Sonleitner, Clerk & Planning/Zoning Secretary
Posted: 10/18/2017

Any person wishing to attend who, because of a disability, requires special accommodation, should contact Plan Chairman Tom Thiel at 920-579-3025 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made.

This is a public meeting. As such, all members or a majority of the members of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action.

Posted at: Town Hall, Co-op, and Jasper's. To receive email updates, e-mail the Clerk at utica1730@gmail.com.

pd
\$400.00
#1117

**TOWN OF UTICA
RE-ZONING PERMIT APPLICATION**

Please print or type your responses to the questions on this application.
A non-refundable application fee of \$400.00 is required for each permit application.
The fee is payable to the **Town of Utica** and is due at the time the application is submitted.

Filing Fee: \$400.00

Date Received: 10-10-2017 gs
Office Use

Property Address: 1866 CTH "FF", OSHKOSH, WISCONSIN 024-0197

Name of Owner(s): PATRICK DODD

Address, if different than above: _____

Home Phone: 609-5914 Daytime Phone, if different: _____

Name of Applicant(s): PAT DODD

Address, if different than above: _____

Home Phone: _____ Daytime Phone, if different: _____

Name & Address of professional in charge of proposed development (architect, builder, contractor, engineer, etc): MARTINSON FELSKE INC Oshkosh

101 W MAIN ST Oshkosh, WI

Legal Description of Property: PT NE SW COR 28200 S OF
NW COR E 233 FT, S 112 FT, W 233 FT, N 112 FT
TO POB

Tax Parcel Number(s) (REQUIRED): 02409701

NOTE: Please attach a copy of the Certified Survey Map for the property.

Location of the property in relation to nearby roadways, building, or other landmarks: _____

1866 CTH "FF"

1. What is the current use of the property? SINGLE FAMILY RESIDENCE

2. What is the intended use of this property? SINGLE FAMILY RESIDENCE

3. Please mark the current zoning for the property:

<input checked="" type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Industrial
<input type="checkbox"/> Two-Family Residence	<input type="checkbox"/> Commercial
<input type="checkbox"/> Multiple-Family Dwelling	<input type="checkbox"/> Institutional & Recreational
<input type="checkbox"/> Agricultural	<input type="checkbox"/> Planned Residential Development
<input type="checkbox"/> Rural Recreational	<input type="checkbox"/> Residential Mixed Use

4. What is the requested zoning for the property? TRP

5. Please explain the reason for this rezoning request:

Adding land to
this parcel to 5+ acres

6. If this is a Rural Recreational rezoning request, please specify what type of conditions are being requested:

Single Family Residential

7. Please explain why this is the best proposed use for this property:

Combining
Two parcels to have 5+ ac with back
existing home

8. Please explain the compatibility of the proposed use(s) with the surrounding land uses:

USE DOES NOT CHANGE

9. List all property owners within 300 feet and their mailing addresses:

024-0196 1) RENEE KLOBER
187 CTH "FF"
CHICKEN, GA 30104

4) KAY MARK
1825 CTH "FF" 1879

024-0201-02

024-0201 2) BERNETA KRAMER
187 CTH "FF"

5)

024-0201-03 3) RON EPPRECHT, Sylvia
1879 CTH "FF"

6)

Twelve (12) copies of the application and all attachments shall be submitted to the Town Clerk, Town Zoning Administrator or other designed representative no later than twenty-one (21) days prior to the meeting.

Signature of Owner

Patricia J. Dole

Signature of Owner

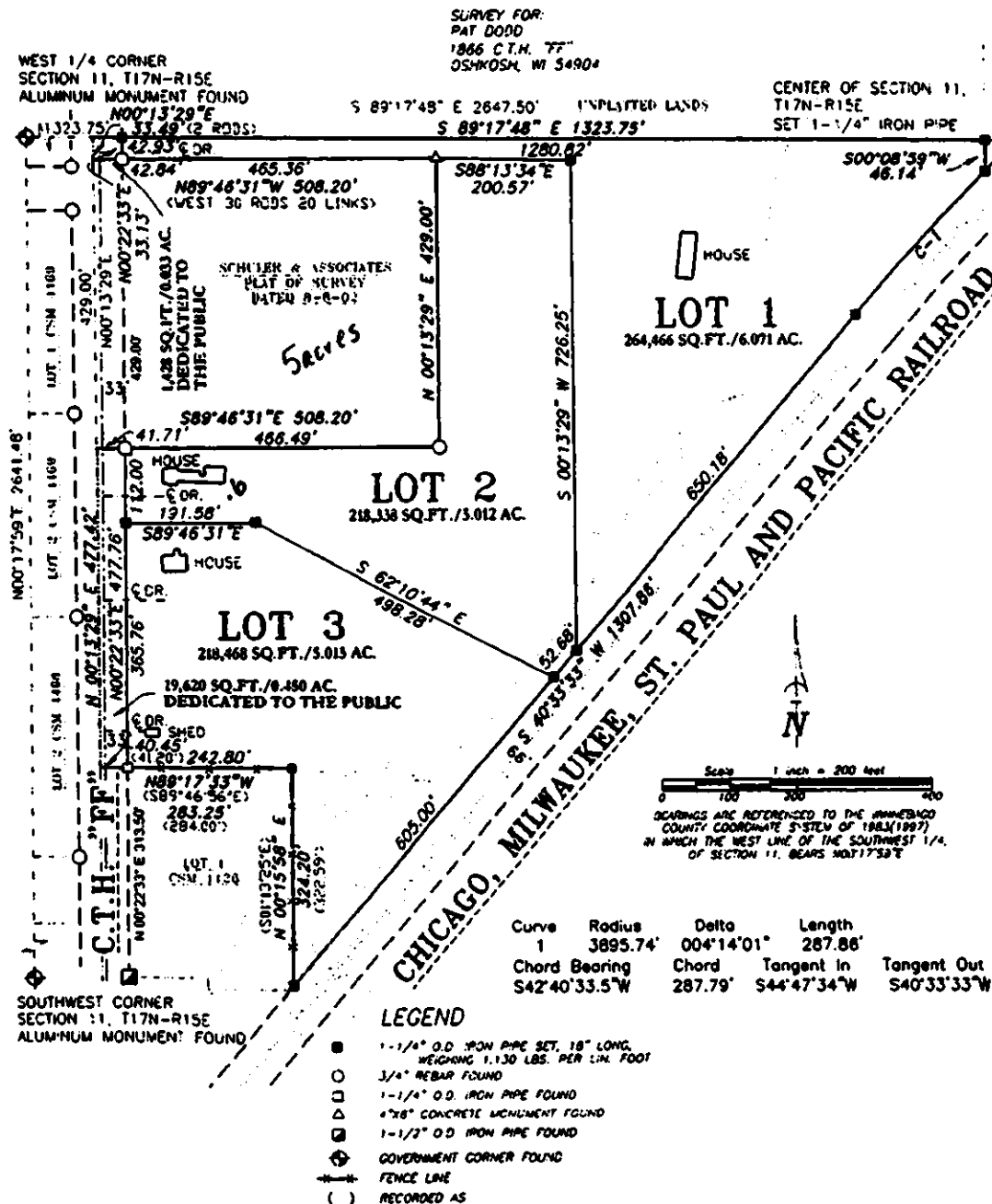
Date

10/2/17

Date

CERTIFIED SURVEY MAP NO. -----

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST
1/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE
15 EAST, TOWN OF UTICA, WINNEBAGO COUNTY,
WISCONSIN



Martenson & Eisele, Inc.



101 West Main Street
Omro, WI 54983
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 0-2165-001
FILE 2165001CS4 SHEET 1 OF 3

This instrument was drafted by: DSL

TOWN OF UTICA

Plan Commission Meeting Agenda

Notice is hereby given that a Town Plan Commission meeting in the Town of Utica, County of Winnebago, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

Thursday, November 2, 2017

7:30 pm

1. Call the Meeting to Order
2. Take Roll Call:
 - A. *Members:* Terry Beck, Darwin Briggs, Ralph Kalies, Tim Oliver, Ken Schmick, Grant Stettler, Tom Thiel
 - B. *Alternates:* Chad Bowman, Eric Whiting
 - C. *Not Present:*
3. Approve September 7, 2017 Plan Commission Meeting Minutes
4. Affidavit of Posting/Publication – Secretary and Plan Chairman to sign
5. Public hearing to consider and recommend to the Town Board approving a CSM (certified survey map) Parcel # 024-0197-01 (0.60 acres) currently zoned R2 and Parcel # 024-0197 (9.4 acres) currently zoned RR, both owned by Patrick Dodd 1866 County Road FF Oshkosh, WI 54904. The purpose is to divide land from Parcel #024-0197, making 2 Lots for single family residence current/future use; 5.012 acres for Lot 2 and 5.015 acres for Lot 3. Also changing zoning to RR for each Lot.
6. Future Agenda Items
7. Adjournment

Jenny Sonleitner, Clerk
Posted: 11/1/2017

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Posted at: townofutica.org, Town Hall, Co-op, and Jasper's. To receive email updates, e-mail the Clerk at utica1730@gmail.com.

TOWN OF UTICA

Plan Commission Meeting ~ Minutes

Thursday, November 2, 2017

7:30 pm

1. Call the Meeting to Order

This meeting was called to order by Chairman Tom Thiel at 7:30pm at the Utica Town Hall; 8 present

2. Roll Call:

- A. *Members Present:* Terry Beck, Darwin Briggs, Tim Oliver, Ken Schmick, Grant Stettler, Tom Thiel
- B. *Alternates Present:* Eric Whiting
- C. *Members Absent:* Ralph Kalies
- D. *Alternates Absent:* Chad Bowman
- E. *Board Members Present:* Leonard Schmick, Chuck Kuhrt

3. Approve September 7, 2017 Plan Commission Meeting Minutes

Darwin Briggs motions to approve as submitted, seconded by Tim Oliver. Carried

4. Affidavit of Posting/Publication – Secretary and Plan Chairman to sign

5. Public hearing to consider and recommend to the Town Board approving a CSM (certified survey map) Parcel # 024-0197-01 (0.60 acres) currently zoned R2 and Parcel # 024-0197 (9.4 acres) currently zoned RR, both owned by Patrick Dodd 1866 County Road FF Oshkosh, WI 54904. The purpose is to divide land from Parcel #024-0197, making 2 Lots for single family residence current/future use; 5.012 acres for Lot 2 and 5.015 acres for Lot 3. Also changing zoning to RR for each Lot.

Patrick Dodd does not want all the property. Tom Thiel said they are making the property more feasible to use than what it was. Chuck Kuhrt asked if there is a house on each parcel? There are only two homes. Len Schmick said he is not looking to add another house. Patrick Meyer asked who is in Lot 1? Peggy Pongratz said it was Malnory's; swopped land so Malnory's could have better access. Tom Thiel said there are easements along the tracks. Public hearing closed.

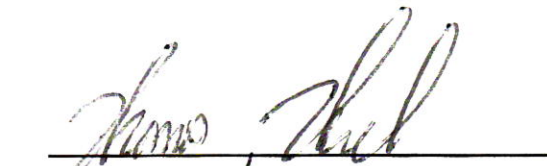
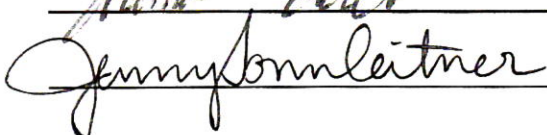
Tom Thiel motions that the CSM map as said for the parcels and the land go through as is, seconded by Grant Stettler. Carried

6. Future Agenda Items

7. Adjournment

Adjourned at 7:35pm

Jenny Sonnleitner, Clerk & Planning/Zoning Secretary

Thomas Thiel, Plan Chairman

Jenny Sonnleitner, Clerk & Planning/Zoning Secretary

TOWN OF UTICA

Town Board Meeting ~ Agenda

Monday, November 13, 2017

**7:00pm – Review Invoices
7:30pm – Town Board Meeting**

Notice is hereby given that a Town Board meeting in the Town of Utica, Winnebago County, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

1. Call the Meeting to Order
2. Pledge of Allegiance
3. CONSENT AGENDA:
 - A) Approve October 9, 2017 Town Board Meeting Minutes
 - B) Affidavit of Posting/Publication
 - C) Approve Payment of Bills for November
4. Treasurer's Report for October
5. Public Forum: *Opportunity to comment about an Agenda item or new business; say your name & address (no action taken by the Board)*
6. Discuss/Act on Possible Budget Amendments
7. Discuss/Approve Operator's Licenses: Jasper's – Marie Kriz / United Cooperative – Brittany Schumacher
8. Discuss/Approve Action Appraisers & Consultants Agreement for Maintenance Assessment Services 2018-2020
9. Discuss/Approve Money Market Account at BMO Harris Bank
10. Discuss/Approve snowmobile crossings on Town roads
11. ROADS (Discuss/Approve):
 - A) Road Repairs
 - B) Update - Winnebago County Accident Damage Repair Report: 6/25/17, Hillside & Sportsman Roads
12. PLAN COMMISSION
 - A) Discuss/Approve discontinuing Benway Lane on CSM
 - B) Discuss/Approve recommendation from the Plan Commission to approve a CSM (certified survey map) Parcel # 024-0197-01 (0.60 acres) currently zoned R2 and Parcel # 024-0197 (9.4 acres) currently zoned RR, both owned by Patrick Dodd 1866 County Road FF Oshkosh, WI 54904. The purpose is to divide land from Parcel #024-0197, making 2 Lots for single family residence current/future use; 5.012 acres for Lot 2 and 5.015 acres for Lot 3. Also changing zoning to RR for each Lot.
13. RUSH LAKE COMMITTEE
 - A) October 19, 2017 Meeting Update; next meeting 1/18/18; possible brat fry 7/7/18
14. EDUCATION
 - A) WI DATCP – Farmland Preservation information meeting: 11/16/17 at 6:30pm – Town of Neenah 1600 Breezewood Ln
15. FIRE DEPARTMENT / EMS
 - A) October Calls: 3 Fire / 7 EMS / 18 Mutual Aid
16. ITEMS FOR INCLUSION IN NEWSLETTER
 - A) Town Board Meeting – December 11, 2017; 7:30pm at the Utica Town Hall
 - B) Anyone interested working during elections, please contact Clerk Sonleitner at utica1730@gmail.com or 410-0347. Training and meals provided; Poll Workers \$9/hour, Chief Inspectors \$12.50/hour
 - C) Snow will be falling soon, reminder to keep roads clear when pushing snow across
17. CORRESPONDENCE RECEIVED (Discuss & act on, if needed):
 - A) WI Towns Association Monthly Mailing
 - B) Property Transfers
 - C) Diedrich Agency - Insurance
 - D) Minutes – 8/31/17 & 9/28/17 Oshkosh Public Library, 10/17/17 Winnebago County Board Meeting
 - E) Building Permits –
 - F) Catalogs – Alliant Energy, United Cooperative, Oshkosh Chamber of Commerce
18. Adjournment

Jenny Sonleitner, Clerk Posted: 11/11/2017

Plan Commission Members (7, 2 alternates) (3-year term): Darwin Briggs 12/2014, Ken Schmick 2/2014, Tom Thiel 6/2015 (Chair), Ralph Kalies 7/2015, Chad Bowman (alternate) 8/2015, Terry Beck 11/2015, Grant Stettler 4/2017, Tim Oliver 6/2017, Eric Whiting (alternate) 6/2017. Rush Lake Steering Committee (3) (3-year term): Kevin Fritz 2/2015, Tom Davis 5/2015, Chuck Kuhrt 9/2017. Board of Appeals Members (5, 2 alternates) (3-year term): Robert Polratz 3/2015, Nelson Hinz 4/2015, Michael Christianson (alternate) 8/2015, Walt Whiting 12/2015, Vicki Williams 5/2016 (Chair), Don Draxler (alternate) 2/2017, Darwin Briggs 6/2017.

The Town Board meets regularly the SECOND MONDAY OF EACH MONTH AT 7:30PM (unless otherwise noted). All meetings are open to the public. Discussion and action may occur on any of the above agenda items. Any person wishing to attend who, because of a disability, requires special accommodation, should contact Chairman Len Schmick at 920-589-6774 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made. This is a public meeting. As such, all members or a majority of the members of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action based on the above agenda. Posted at townofutica.org, Town Hall, Co-op, and Jasper's. E-mail utica1730@gmail.com for email updates.

TOWN OF UTICA

Town Board Meeting ~ Minutes

Monday, November 13, 2017

7:30pm – Town Board Meeting

Notice is hereby given that a Town Board meeting in the Town of Utica, Winnebago County, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

1. **CALL THE MEETING TO ORDER**

This meeting was called to order by Chairman Schmick at 7:30pm at the Utica Town Hall.

PRESENT: Chairman Leonard Schmick, Supervisor #1 Chuck Kuhrt, Supervisor #2 Grant Stettler
Clerk Jenny Sonleitner; Treasurer Brenda Morrell; 5 citizens present

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT AGENDA:**

A) APPROVE OCTOBER 9, 2017 TOWN BOARD MEETING MINUTES

B) AFFIDAVIT OF POSTING/PUBLICATION

C) APPROVE PAYMENT OF BILLS FOR NOVEMBER

Chairman Schmick made a motion to approve the Consent Agenda, seconded by Supervisor Kuhrt. Carried

4. **TREASURER'S REPORT FROM OCTOBER; BMO HARRIS BANK**

Receipts: \$32,807.34; Disbursements: \$182,089.78; Total Balance: \$190,526.92;

Total cash on hand including Fire/EMS account: \$224,372.14

5. **PUBLIC FORUM (Opportunity to comment about an Agenda item or new business; say your name & address (no action taken by the Board))**

Art Rathjen from Greater Oshkosh Economic Development Corp talked about projects and initiatives they are working on, create and retain jobs; business retention/expansion, working with businesses that call Oshkosh home and job openings after Baby Boomers retire. Unemployment rate in Oshkosh is 2.8%. Recently worked to keep Oshkosh Corp in Oshkosh, helped bring WI Herd to Oshkosh, and would like to expand on aviation. Planning on hiring events during AirVenture, roundtables and symposiums for aviation and aerospace. Treasurer Morrell suggested to turn around the negative connotation about Technical Colleges and educate the younger generation. Many feel if you don't go to a 4-year college, you aren't as good. There is a job shortage and it's okay to have a trade and work in a manufacturing environment. Also need to invest in our schools and we have the oldest and most run-down school in the division. There needs to be investment in the kids. It's embarrassing that we have a port-a-potty and lawn that isn't mowed at our baseball field. Mike Morrell feels there's an opportunity for the big businesses to promote themselves, there is a disconnect. Oshkosh has Country USA, Rock USA, AirVenture, where is the money? The frontage road is horrible and it's like driving in a third-world country.

6. **DISCUSS/ACT ON POSSIBLE BUDGET AMENDMENTS**

Chairman Schmick motioned to move \$1000 from the Contingency Reserve Account to the Fire Dept; seconded by Supervisor Stettler. Carried

7. **DISCUSS/APPROVE OPERATOR'S LICENSES: JASPER'S – MARIE KRIZ / UNITED COOPERATIVE – BRITTANY SCHUMACHER**

Supervisor Stettler motioned to approve the Operator Licenses, seconded by Supervisor Kuhrt. Carried

8. **DISCUSS/APPROVE ACTION APPRAISERS & CONSULTANTS AGREEMENT FOR MAINTENANCE ASSESSMENT SERVICES 2018-2020**

Chairman Schmick motioned to approve the agreement, seconded by Supervisor Kuhrt. Carried

9. **DISCUSS/APPROVE MONEY MARKET ACCOUNT AT BMO HARRIS BANK**

Treasurer Morrell said with \$25,000 of new money, we can open a new money market at 1.15% up to \$1 million; last year it was .75%. Good until October 2018. Chairman Schmick motioned to accept the new account, seconded by Supervisor Stettler. Carried

10. **DISCUSS/APPROVE SNOWMOBILE CROSSINGS ON TOWN ROADS**

Supervisor Stettler motioned to approve snowmobile crossings on Town roads, seconded by Chairman Schmick. Carried

11. **ROADS (DISCUSS/APPROVE):**

A) **Road Repairs**

Last crack fillings were completed and finished Mountain Road. Winnebago County will take jobs back if we once used them and then stopped, they will accept work again. The County would be willing to add trucks and drivers provided we notify them as soon as possible so they can be prepared.

B) **Update - Winnebago County Accident Damage Repair Report: 6/25/17, Hillside & Sportsman Roads**

Supervisor Stettler has not heard back yet

12. **PLAN COMMISSION**

A) **Discuss/Approve discontinuing Benway Lane on CSM**

This was approved at the 6:30pm meeting.

B) **Discuss/Approve recommendation from the Plan Commission to approve a CSM (certified survey map) Parcel # 024-0197-01 (0.60 acres) currently zoned R2 and Parcel # 024-0197 (9.4 acres) currently zoned RR, both owned by Patrick Dodd 1866 County Road FF Oshkosh, WI 54904. The purpose is to divide land from Parcel #024-0197, making 2 Lots for single family residence current/future use; 5.012 acres for Lot 2 and 5.015 acres for Lot 3. Also changing zoning to RR for each Lot.**

No new structures, just reconfiguring the property. Chairman Schmick motioned to approve, seconded by Supervisor Kuhrt. Carried

13. RUSH LAKE COMMITTEE

- A) October 19, 2017 Meeting Update; next meeting 1/18/18; possible brat fry 7/7/18
North landing off of Osborne Road has recently been dredged and is in full operation. This will be open year-round. The South landing will have trees trimmed and cleared. A new boat launch with a 6' x 28' floating dock will be added. Water testing was done and results show it is a very healthy lake, trying to keep the water level at 1.4. Town of Nepeuskun regulates the dam and is trying to keep water levels higher to allow the muskrats to eat the cattails. Planning to have a brat fry to raise money for spraying and other things to help the lake.

14. EDUCATION

- A) WI DATCP – Farmland Preservation information meeting; 11/16/17 at 6:30pm – Town of Neenah 1600 Breezewood Ln
Supervisor Kuhrt is planning to attend this meeting.

15. FIRE DEPARTMENT / EMS

- A) OCTOBER CALLS: 3 FIRE / 7 EMS / 18 MUTUAL AID

16. ITEMS FOR INCLUSION IN NEWSLETTER

- A) Town Board Meeting – December 11, 2017; 7:30pm at the Utica Town Hall
B) Anyone interested working during elections, please contact Clerk Sonnleitner at utica1730@gmail.com or 410-0347.
Training and meals provided; Poll Workers \$9/hour, Chief Inspectors \$12.50/hour
C) Snow will be falling soon, reminder to keep roads clear when pushing snow across

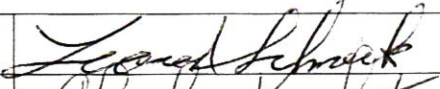
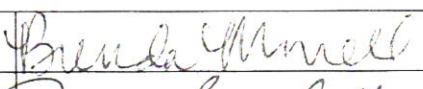
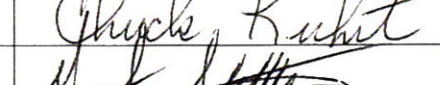
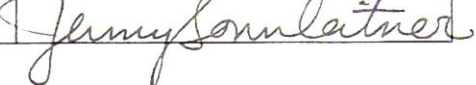
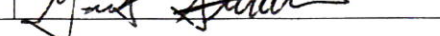
17. CORRESPONDENCE RECEIVED (Discuss & Act on, if needed):

- A) WI Towns Association Monthly Mailing
B) Property Transfers
C) Diedrich Agency - Insurance
D) Minutes – 8/31/17 & 9/28/17 Oshkosh Public Library, 10/17/17 Winnebago County Board Meeting
E) Building Permits – None
F) Catalogs – Worthington Direct Alliant Energy, United Cooperative, Oshkosh Chamber of Commerce

18. ADJOURNMENT

Adjournment 8:12pm

Jenny Sonnleitner, Clerk

Leonard Schmick – Chairman		Brenda Morrell – Treasurer	
Chuck Kuhrt – Supervisor #1		Jenny Sonnleitner - Clerk	
Grant Stettler – Supervisor #2			



November Case Law Update November 30, 2017

A summary of Wisconsin court opinions decided during the month of November related to planning

For previous Case Law Updates, please go to: www.wisconsinplanners.org/learn/law-and-legislation

There are no planning-related decisions to report for the month of November from the United States Supreme Court, the Wisconsin Supreme Court, or the Wisconsin Court of Appeals. **However, there was legislation enacted in Wisconsin during the month of November that changes the law related to recent U.S. Supreme Court and Wisconsin Supreme Court decisions reported in previous APA-WI case law updates over the past few months. This case law update summarizes the legislative changes to insure that members have the most current updates on the law in these areas.**

New Legislation Affecting Substandard Lots: Responding to *Murr v. Wisconsin*

In November, the Wisconsin Legislature passed legislation in response to the United States Supreme Court decision last June in [*Murr v. Wisconsin*](#). The *Murr* decision, summarized in the [June 2017 APA-WI Case Law Update](#), involved a provision in the St. Croix County Zoning Ordinance that merged two substandard lots (referred to as “nonconforming lots” in many local ordinances) under common ownership for purposes of the application of the zoning ordinance and prohibited the owner from selling one of the substandard lots. The County’s ordinance followed rules promulgated by the Wisconsin Department of Natural Resources for protecting the Lower St. Croix River after its designation by Congress as a National Wild and Scenic River. The U.S. Supreme Court decision articulated a new test for determining the relevant parcel for regulatory takings analysis and concluded St. Croix County’s lot merger provision did not constitute a regulatory taking requiring the payment of just compensation. The new legislation, signed into law by Governor Walker as [2017 Wisconsin Act 67](#), places new limitations on the authority of local governments and state agencies to enact or enforce lot merger provisions similar to the one found in the St. Croix County Zoning Ordinance. In addition, Act 67 includes provisions affecting substandard lots in general.

The new substandard lot/lot merger limitations are found in Sections 23 through 26 of Act 67. Those sections create several additions to the existing section of the Wisconsin Statutes entitled “Limitation on Development Regulation Authority and Downzoning” found at section 66.10015 of the Wisconsin Statutes. Act 67 adds the following definition of a “substandard lot”: “A legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.” [Wis. Stat. § 66.10015\(1\)\(e\)](#).

Act 67 then prohibits cities, villages, towns, and counties from enacting or enforcing ordinances or taking any other action that prohibits a property owner from conveying an ownership interest in a substandard lot or from using a substandard lot as a building site if the substandard lot does not have any structures placed partly upon an adjacent lot **and** the substandard lot is developed to comply with all other ordinances of the political subdivision. Wis. Stat. § 66.10015(2(e)).

Finally, Act 67 prohibits cities, villages, towns, counties, and state agencies from enacting or enforcing any ordinance or administrative rule or taking any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged. Wis. Stat. § 66.10015(4).

While local governments did not need to make changes their ordinances in response to the *Murr* decision, Act 67, effective November 28th, should prompt local governments and state agencies to review their ordinances and rules as follows:

- Cities, villages, towns, counties, and state agencies need to review their ordinances and rules to insure they do not require the merger of lots (both substandard lots and lots that conform to current ordinances and rules) without the consent of the owners of the lots that are to be merged.

- Cities, villages, towns and counties need to review their ordinances and practices related to substandard lots to ensure that they do not prohibit a property owner from selling or otherwise conveying an ownership interest in a substandard lot to another person or entity.

- In addition, cities, villages, towns and counties need to review their ordinances and practices to ensure they allow the use of a substandard lot as a building site if the substandard lot has never had a structure straddling the substandard lot and an adjacent lot. Any development on the substandard lot must conform to all other applicable ordinances. The application of other ordinances may limit what can be built on a substandard lot.

New Legislation Affecting Conditional Use Permits: Responding to *AllEnergy Corp. v. Trempealeau County*

[2017 Wisconsin Act 67](#) also includes changes to Wisconsin law governing conditional use permits following the recent decision of the Wisconsin Supreme Court in [AllEnergy Corp. v. Trempealeau County](#) reported in the [May 2017 APA-WI Case Law Update](#). The *AllEnergy* case involved the denial of a conditional use permit for a proposed frac sand mine in Trempealeau County. The County voted to adopt 37 conditions for the mine, which AllEnergy agreed to meet, but then the County voted to deny the conditional use permit in part relying on public testimony in opposition to the mine. A divided Wisconsin Supreme Court upheld the County's denial of the conditional use permit acknowledging the discretionary authority of local governments in reviewing proposed conditional uses.

Act 67 follows the line of reasoning articulated by the dissent in the *AllEnergy* decision and limits local government discretion related to the issuance of conditional use permits. According to the Dissent in *AllEnergy*: “When the Trempealeau County Board writes its zoning code, or considers amendments, . . . is the stage at which the County has the greatest discretion in determining what may, and may not, be allowed on various tracts of property.” “Upon adding a conditional use to a zoning district, the municipality rejects, by that very act, the argument that the listed use is incompatible with the district.” “An application for a conditional use permit is not an invitation to re-open that debate. A permit application is, instead, an opportunity to determine whether the specific instantiation of the conditional use can be accomplished within the standards identified by the zoning ordinance.”

Act 67 adds new sections governing the issuance of conditional use permits to the various general zoning enabling laws for cities, villages, towns, and counties. Until the addition of these sections, the law governing conditional use permits was based on court decisions. The various local general zoning enabling laws did not include any references to the term “conditional use.”

The new law adds the following definition of “conditional use” to the Statutes: “‘Conditional use’ means a use allowed under a conditional use permit, special exception, or other zoning permission issued by a [city, village, town, county] but does not include a variance.”

Act 67 also includes the following definition of “substantial evidence,” a term used in several places in the Act: “‘Substantial evidence’ means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” This language softens the language of earlier versions of the bill that stated substantial evidence did not include “public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation.” Public comment that provides reasonable facts and information related to the conditions of the permit is accepted under Act 67 as evidence.

Act 67 then provides that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the [city, village, town, county] ordinance or imposed by the [city, village, town, county] zoning board, the [city, village, town, county] shall grant the conditional use permit.” This new language follows the argument made by the plaintiffs and the dissenting opinion in the *AllEnergy* case. The use of the term “zoning board,” however, is at odds with current Wisconsin law that allows the governing body, the plan commission, or the zoning board of adjustment/appeals to grant conditional uses. This “zoning board” terminology may lead to some confusion.

Act 67 also provides that the conditions imposed “must be related to the purpose of the ordinance and be based on substantial evidence” and “must be reasonable and to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer, or renewal.” In the past, sometimes there was confusion about whether local governments had the authority to place a time limit on the duration of a conditional use permit. This new

statutory language clarifies that local government have that authority. Since local comprehensive plans can help articulate the purpose of ordinances that implement the plan, the requirement in Act 67 that the conditions relate to the purpose of the ordinance emphasize the importance of having a condition in the zoning ordinance that the proposed conditional use furthers and does not conflict with the local comprehensive plan.

Next, Act 67 provides that the applicant must present substantial evidence “that the application and all requirements and conditions established by the [city, village, town, county] relating to the conditional use are or shall be satisfied.” The city, village, town or county’s “decision to approve or deny the permit must be supported by substantial evidence.”

Under the new law, a local government must hold a public hearing on a conditional use permit application, following publication of a class 2 notice. If a local government denies an application for a conditional use, the applicant may appeal the decision to circuit court. The conditional use permit can be revoked if the applicant does not follow the conditions imposed in the permit.

The new conditional use law applies to applications for conditional use permits filed on and after November 28, 2017.

While local governments did not need to change their ordinances in response to the *AllEnergy* decision, Act 67 should prompt local governments to review their zoning ordinance to ensure they meet the new statutory requirements. Local governments should review the requirements of their ordinance to consider adding to or revising the conditions listed in the ordinance to ensure that the local government will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed on a specific application with substantial evidence. Act 67 may prompt some local governments to reconsider what might be listed as a conditional use in certain zoning districts and explore creating new districts or other ways to regulate the use.

U.S. Court of Appeals for the 7th Circuit Opinions

[No planning-related cases to report.]