

# Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING  
PLANNING AND ZONING COMMITTEE  
October 31, 2023

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Zoning Map Amendment which is regulated by the Town/County Zoning Code, Chapter 23. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Planning and Zoning Committee will be holding a public hearing on October 31, 2023 at 6:30 PM in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. [A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.](#)

**Zoom Meeting Information Link:** <https://www.co.winnebago.wi.us/planning-and-zoning/p-z-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>  
For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

## **INFORMATION ON ZONING MAP AMENDMENT REQUEST**

**Application No.:** 2023-ZC-6480

**Applicant:** SCHOLAR RIDGE ESTATES

**Agent:** O'ROURKE, BRIAN WINNEBAGO COUNTY ZONING DEPARTMENT

**Location of Premises:** 2689 COUNTY RD II

**Tax Parcel No.:** 006-0617 (pt), 006-0632 (pt), 006-0618 (pt)

**Legal Description:** Being all of the NW 1/4 of the NE 1/4, the SW 1/4 of the NE 1/4, and the N 1/2 of the NW 1/4 of the SE 1/4 of Section 24, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting a zoning change from "Non-Shoreland" (Town of Clayton zoning jurisdiction) to "R-2 - Shoreland", (Suburban Residential District) ", "R-3 - Shoreland" (Duplex Residential District), & "R-4 - Shoreland" (Multi-Family Residential District) for a proposed development.

INITIAL STAFF REPORT

**Sanitation:** Existing; Municipal

**Overlays:** Shoreland, wetlands

**Current Zoning:** A-2 General Agriculture

**Proposed Zoning:** R-2 Suburban Low Density Residential; R-3 Suburban Medium Density Residential; R-4 Suburban High Density Residential

**Surrounding Zoning:** North: N/A; South: N/A; East: A-2; West: N/A;

**THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT**

**Describe present use(s):** Vacant.

**Describe proposed use(s):** Multiple family and single family residential.

**Describe the essential services for present and future use(s):** Sewer, water, and streets.

**Describe why the proposed use would be the highest and best use for the property:** Proposed use is compatible with adjacent.

**Describe the proposed use(s) compatibility with surrounding land use(s):** See above.

**SECTION REFERENCE AND BASIS OF DECISION**

**23.7-5 Basis of Decision**

Zoning map amendment initiated by a property owner. If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of a parcel not classified as A-1, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

## Rappl, Lydia

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**From:** Stadig, Eric R - DNR <eric.stadig@wisconsin.gov>  
**Sent:** Monday, June 5, 2023 2:33 PM  
**To:** Zach Laabs  
**Cc:** Hase, Michelle M - DNR; Rezabek, Dale H - DNR; Zoning Department  
**Subject:** Navigability of WBIC 5022633 / Removal of Unauthorized Structures - Scholar Ridge Estates Project Proposal (Winnebago Co)  
**Attachments:** 2023 WDNR Nav Determinaton.png; Other\_County Zoning Correspondence\_01346\_01445\_01446.pdf; IMG\_0034\_UPS-tiledrain-dam-structure.JPG; IMG\_0035\_UPS-tiledrain-dam-structure.JPG; IMG\_0041\_dwnstreamWW.JPG; IMG\_0055\_dwnstreamWW-lookingupstream.JPG

Good afternoon Zach,

Hope this finds you well. Thank you for taking the time this morning to discuss your permit applications (docket # GP-NE-2023-71-01346, GP-NE-2023-71-01445, and GP-NE-2023-71-01446) for the proposed Scholar Ridge Estates subdivision construction project located within Sec24,T20N, R16E (Town of Clayton, Winnebago County). As we discussed over the phone, the Department has determined that the southern tributary within the project area (identified as [WBIC 5022633](#)), meets the definition for navigability. For your reference, the stream segment in question is circled in attached "2023 WDNR Nav Determination" document. Chp 30 waterway permits are required for any future work in / around WBIC 5022633. Please double check with the local shoreland zoning and/or floodplain authority for any additional permits or approvals that may be needed for this project as well.

We also discussed that the Department identified (during the June 1<sup>st</sup> site visit) a tile drain intake structure & drainage system within the waterway, as well as multiple rock wall / dam structures found constructed across the waterway channel (photos of the rock walls and tile drain intake are attached). Please note, these rock wall structures are considered unauthorized dams under chp 31. Both the rock dam structures, and the tile drain intake (and its' associated tiling system) located within the waterway would need to be addressed before moving forward with additional projects on the property. In lieu of placing the current permits on a long term hold while these unauthorized structures are remedied / removed, the Department is recommending you withdraw the current applications to re-apply at a future date. When you re-apply, please provide updated considerations for any state permits that may be needed for work in / around WBIC 5022633. Also, please submit to the Department your plans on addressing the current unauthorized structures within this tributary.

Thank you again for your time and consideration in this matter.

Kind Regards,

Eric Stadig  
Water Management Specialist / Waterways Team- Oshkosh Headquarters  
Division of External Services  
Wisconsin Department of Natural Resources  
**New Number:** 920-718-0890  
[Eric.Stadig@wisconsin.gov](mailto:Eric.Stadig@wisconsin.gov)



*mapped navigable  
stream as surveyed on  
Scholar Ridge Estates &  
updated shoreland boundary  
accordingly on 9-26-23.  
D. Culver  
D.C.*

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

## Andy Schmidt

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**From:** Rowe, Cary <CRowe@winnebagocountywi.gov>  
**Sent:** Monday, April 17, 2023 1:24 PM  
**To:** Andy Schmidt  
**Cc:** Lefebvre, Daniel; Goldthwaite, Matthew  
**Subject:** RE: Town of Clayton Development Site, Culverts

Good afternoon Andy.

Our GIS has the stream mapped as non-navigable so the 75-ft setback would not apply. Any ditching in excess of 125-ft would require an erosion control permit from this office.

Thanks,  
Cary

**From:** Andy Schmidt <ASchmidt@mcmgrp.com>  
**Sent:** Tuesday, April 11, 2023 11:13 AM  
**To:** Rowe, Cary <CRowe@winnebagocountywi.gov>  
**Cc:** Mike Katzenberger <MKatzenberger@mcmgrp.com>  
**Subject:** Town of Clayton Development Site, Culverts

Cary, we have a project which has anticipated navigable streams through the site (see DNR Map). The streams are underlain by existing drain tile and we are in discussion with WDNR regarding navigability. For now, we are moving forward that they are navigable (until we hear otherwise).

That being said, the streams are not shown to have floodways established on the Winnebago County and/or FEMA mapping. Therefore, we are planning to install 25-year storm event designed culverts based on engineering design guidelines and a 75' setback from OHWM of streams.

I am contacting you to determine if there are other zoning requirements beyond these that the County may have on this development.

I attached maps to assist you.

Thanks.

**Andrew Schmidt, P.E. WI**

Associate / Municipal & Water Resources Engineer

**McMAHON**  
ENGINEERS ARCHITECTS

1445 McMahan Dr | Neenah, WI 54956  
O: 920.751.4200 x219

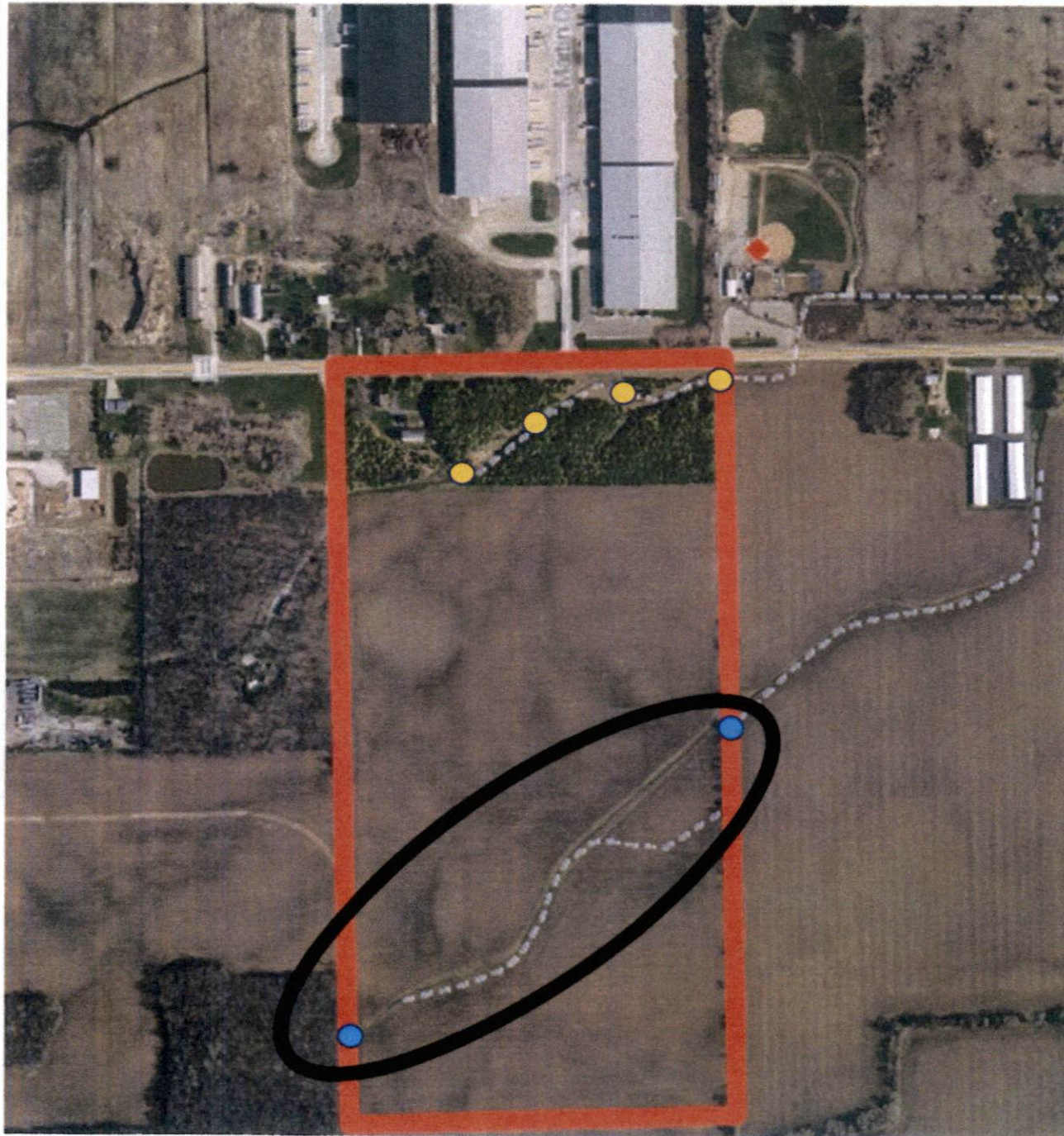
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# Liebhauser Subdivision RR Sites Map

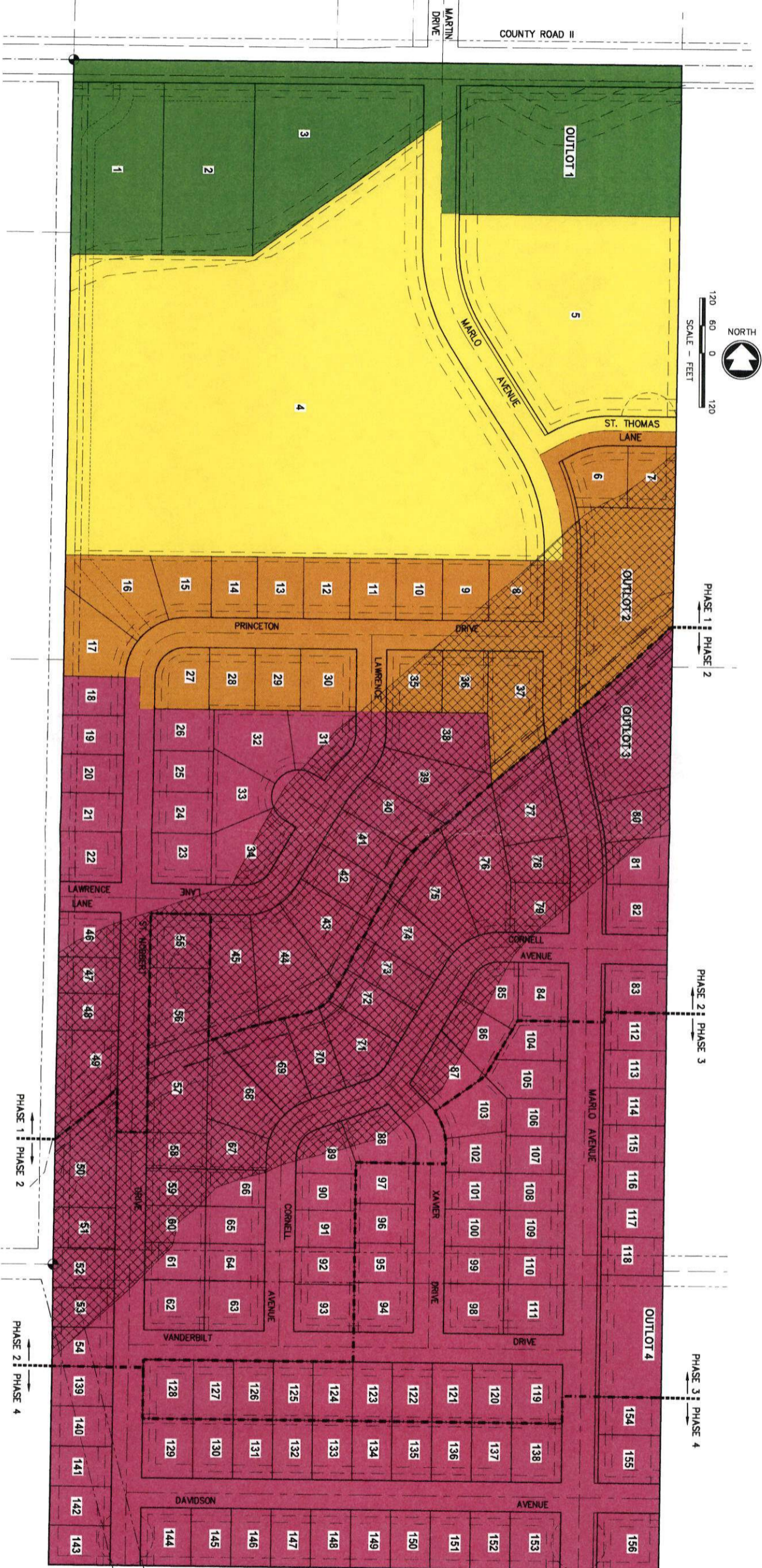


## Legend

- Open Site
- Closed Site
- Continuing Obligations Apply
- Impacted Another Property(ies) or Ri
- Facility-wide Site

## WDNR Sample Points

- Navigable
- Non-Navigable



- COMMUNITY BUSINESS (B-2) DISTRICT
- MULTIFAMILY RESIDENTIAL (R-4) DISTRICT
- TWO-FAMILY RESIDENTIAL (R-3) DISTRICT
- SUBURBAN RESIDENTIAL (R-2) DISTRICT
- COUNTY SHORELAND ZONING

**SCHOLAR RIDGE ESTATES**  
TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN  
**SHORELAND ZONING MAP**

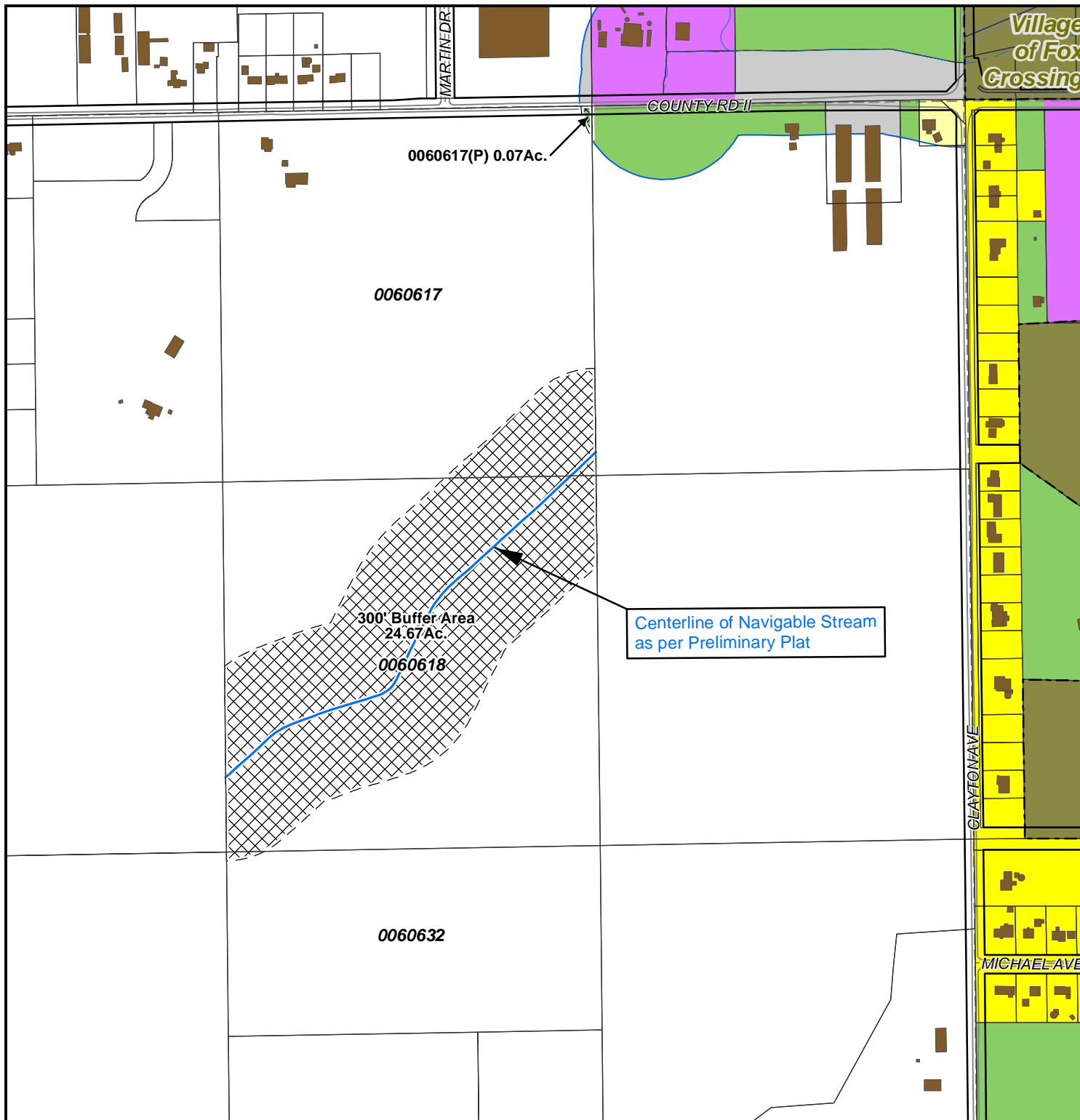
NO.	DATE	REVISION

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**McMAHON**  
ENGINEERS ARCHITECTS

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Mailing: P.O. BOX 1025, NEENAH, WI 54957-1025  
PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

SUBMITTED: DRAWN: DEW: MJA	PROJECT NO.: C1069 09-23-00271
DATE: SEPT., 2023	
SHEET NO.: 1	

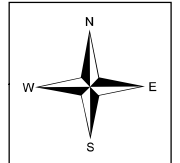


**Application #23-ZC-6480**

Date of Hearing:  
**October 31, 2023**

Owner(s):  
**CLAYTON DEVELOPMENT GROUP LLC**

Subject Parcel(s):  
**0060617 / 0060618 / 0060632**



Winnebago County  
 WINGS Project

**Scale**  
 1 inch : 500 feet

**County Zoning Districts**

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

*City of Oshkosh Extraterritorial Zoning Jurisdiction*

*Incorporated Area*

○ = SITE

Application #23-ZC-6480

Date of Hearing:

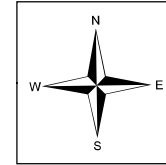
October 31, 2023

Owner(s):

CLAYTON DEVELOPMENT GROUP LLC

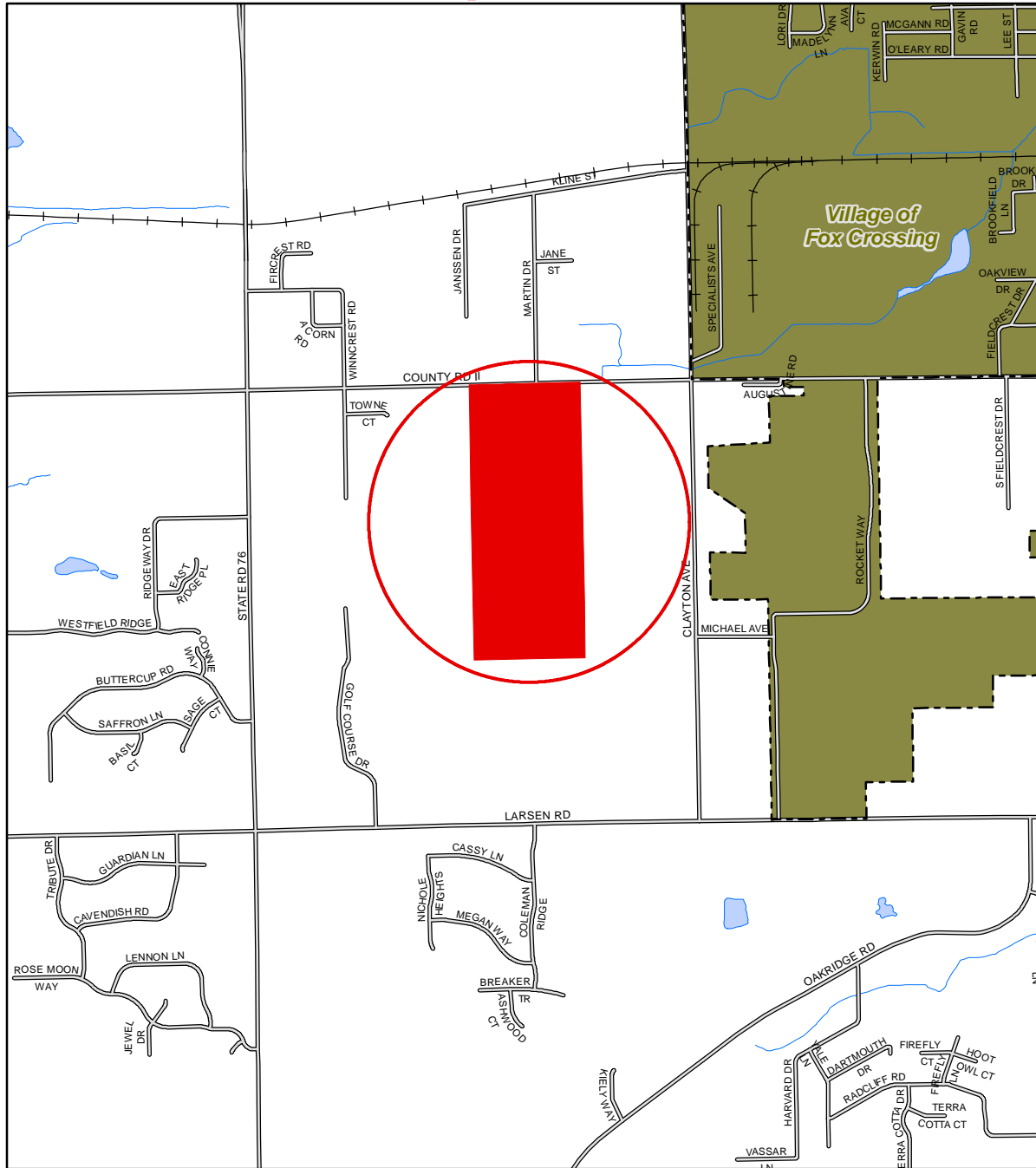
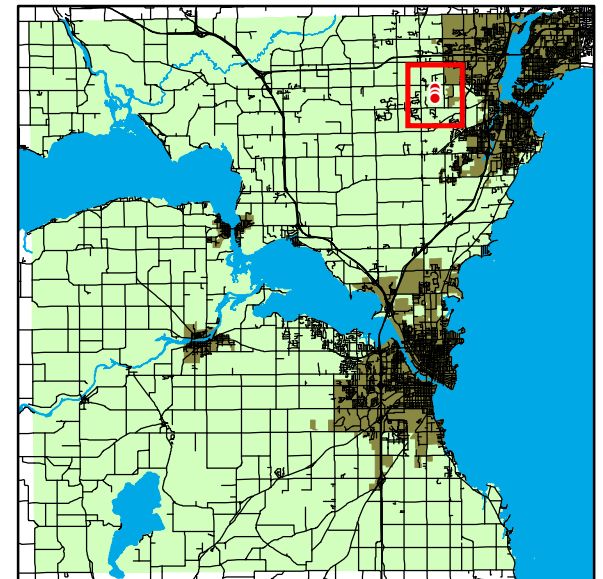
Subject Parcel(s):

0060617 / 0060618 / 0060632



Winnebago County  
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY