

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE 3/26/2019

### 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 3/26/2019 at 6:30 p.m. 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 are invited to be present. 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.:**  
2019-ZC-4730

**Applicant:**  
WELNICKE, TONY M

**Agent:**  
None

**Location of Premises:**  
6449 PAULSON RD  
WINNECONNE, WI 54986

**Tax Parcel No.:**  
030-020104

**Legal Description:**  
Being a part of the NE 1/4 of the NE 1/4, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

**Explanation:**  
Applicant is requesting a zoning change from R-1, floodplain district to R-1 without floodplain.

### INITIAL STAFF REPORT

**Sanitation:**  
Existing System  
Municipal System

**Overlays:**  
Floodplain  
Shoreland

**Current Zoning:**

R-1 Rural Residential with floodplain

**Proposed Zoning:**

R-1 Rural Residential without floodplain

**Surrounding Zoning:**

North: R-1

South: R-1

East: R-1

West: Lake Winneconne

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

**Describe Present Use(s):**

Single family residence

**Describe Proposed Use(s):**

Single family residence

**Describe The Essential Services For Present And Future Uses:**

Existing public sanitary sewer and private well.

**Describe Why The Proposed Use Would Be The Highest And Best Use For The Property:**

Having the home filled and mapped out of floodplain benefits existing and future land owners.

**Describe The Proposed Use(s) Compatibility With Surrounding Land Uses:**

The use does not change, just the floodplain status.

**SECTION REFERENCE AND BASIS OF DECISION**

**23.7-5 Basis of decision**

(b) **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.

If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of land classified as A-1, the Planning and Zoning Committee shall only recommend approval and the Board of County Supervisors shall only approve the proposed amendment when all of the following findings can be made:

- (1) Such land is better suited for a use not otherwise allowed in the A-1 district.
- (2) The amendment is consistent with the county's comprehensive plan.
- (3) The amendment is substantially consistent with the county's farmland preservation plan as certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(4) The amendment will not substantially impair or limit current or future agricultural use of other protected farmland in the area.

The special requirements stated above relating to the rezoning of land in a A-1 district do not apply to a map amendment that (1) is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats., or (2) makes the zoning map more consistent with county's farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the amendment.

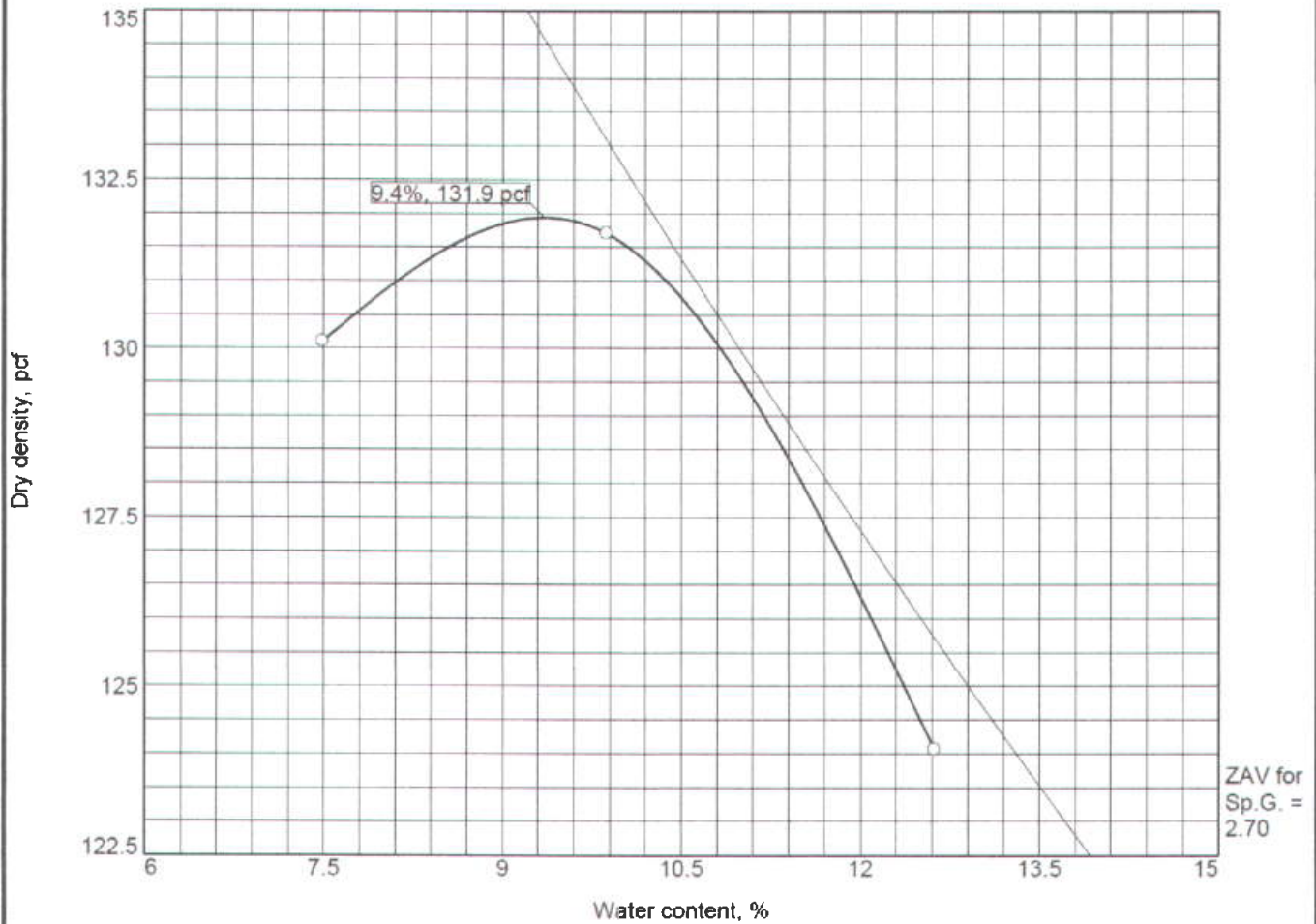
(c) **Zoning map amendment initiated by the county.** If a proposed zoning map amendment is initiated by the county, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;

(2) whether the amendment is consistent with other planning documents adopted by the Board of County Supervisors; and


(3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

# COMPACTION TEST REPORT



Test specification: ASTM D 1557-12 Method A Modified

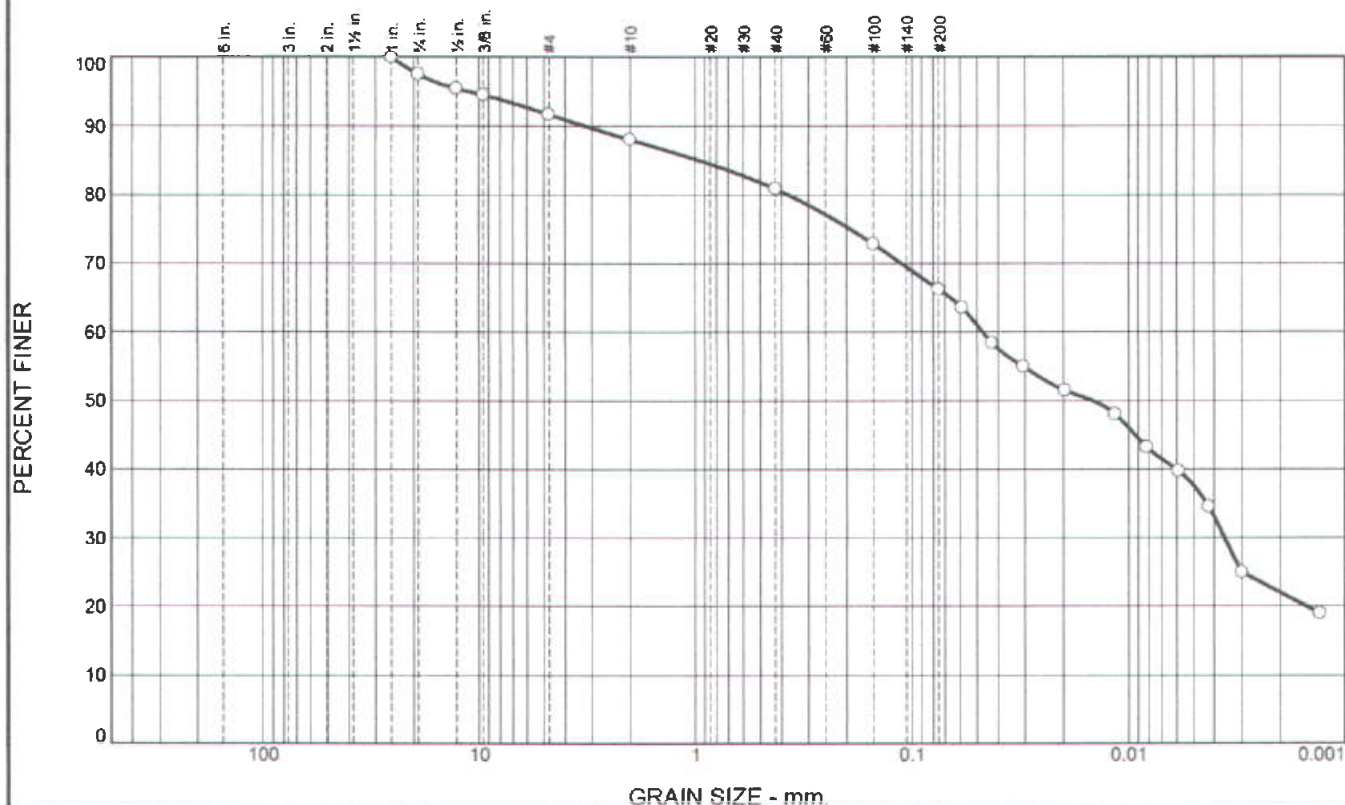
Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > #4	% < No.200
	USCS	AASHTO						
0.00-0.00	CL	A-6(8)	23.5	2.7	31	16	8.3	66.2

TEST RESULTS		MATERIAL DESCRIPTION
Maximum dry density = 131.9 pcf Optimum moisture = 9.4 %		Sandy LEAN CLAY. with Gravel and Silt. brown
Project No. 1622      Client: Property Owner Project: Welnicke Property		Remarks:
Source: Onsite (Existing building pad fill)      Sample No.: D4S-1		
 ECS MIDWEST, LLC 1060 Greenwood Lane, Suite 102      Phone: (920) 866-3486 Normal, WI 54656      Fax: (920) 866-3409		
		Figure

Figure

Tested By: Mark Wisneski      Checked By: Tim Hendrickson

# Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	2.5	5.8	3.7	7.2	14.6	28.5	37.7

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1	100.0		
3/4	97.5		
1/2	95.5		
3/8	94.5		
#4	91.7		
#10	88.0		
#40	80.8		
#100	72.8		
#200	66.2		
0.075 mm.	63.5		
0.0425 mm.	58.4		
0.030 mm.	54.9		
0.019 mm.	51.4		
0.015 mm.	48.0		
0.008 mm.	43.2		
0.005 mm.	39.7		
0.004 mm.	34.5		
0.003 mm.	24.9		
0.001 mm.	18.9		

(no specification provided)

<b>Soil Description</b> Sandy LEAN CLAY, with Gravel and Silt, brown	
PL= 15 D <sub>90</sub> = 3.2074 D <sub>50</sub> = 0.0147 D <sub>10</sub> =	<b>Atterberg Limits</b> LL= 31 PI= 16 <b>Coefficients</b> D <sub>85</sub> = 0.9640 D <sub>30</sub> = 0.0036 C <sub>u</sub> = D <sub>60</sub> = 0.0471 D <sub>15</sub> = C <sub>c</sub> = <b>Classification</b> USCS= CL AASHTO= A-6(8)
<b>Remarks</b>	

Source of Sample: Onsite (Existing building pad fill)  
Sample Number: D4S-1

Depth: 0.00-0.00

Date: 1/23/2019



**ECS MIDWEST, LLC**  
1060 Breckwood Lane, Suite 102  
Normal, WI 53151  
Phone: (820) 955-1406  
Fax: (820) 955-1408

**Client:** Property Owner  
**Project:** Welnicke Property

**Project No:** 1622

**Figure**

Tested By: Mark Wisneski

Checked By: Tim Hendrickson



# Federal Emergency Management Agency

Washington, D.C. 20472

August 29, 2018

THE HONORABLE SHILOH RAMOS  
CHAIRMAN, BOARD OF SUPERVISORS  
WINNEBAGO COUNTY  
415 JACKSON STREET  
OSHKOSH, WI 54901


CASE NO.: 18-05-5060C  
COMMUNITY: WINNEBAGO COUNTY, WISCONSIN  
(UNINCORPORATED AREAS)  
COMMUNITY NO.: 550537

DEAR MR. RAMOS:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Conditional Letter of Map Revision based on Fill (CLOMR-F) Comment Document. This comment document provides additional information regarding the effective NFIP map, the legal description of the property and our comments regarding this proposed project.

Additional documents are enclosed which provide information regarding the subject property and CLOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

  
Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

**LIST OF ENCLOSURES:**

CLOMR-F COMMENT DOCUMENT

cc: Mr. James Smith





# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WINNEBAGO COUNTY, WISCONSIN (Unincorporated Areas)	A portion of Section 16, Township 19 North, Range 15 East, as described in the Trustee's Deed recorded as Document No. 1665195, in the Office of the Register of Deeds, Winnebago County, Wisconsin  The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 550537	
AFFECTED MAP PANEL	NUMBER: 55139C0177E	
	DATE: 3/17/2003	
FLOODING SOURCE: LAKE WINNECONNE		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.124839, -88.706988 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
--	--	--	6449 Paulson Road	Portion of Property	X (unshaded)	750.4 feet	--	752.5 feet

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	STATE LOCAL CONSIDERATIONS
PORTIONS REMAIN IN THE SFHA	
CONDITIONAL LOMR-F DETERMINATION	

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed described portion(s) of the property(ies) would not be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Our final determination will be made upon receipt of a copy of this document, as-built elevations, and a completed Community Acknowledgement form. Proper completion of this form certifies the subject property is reasonably safe from flooding in accordance with Part 65.5(a)(4) of our regulations. Further guidance on determining if the subject property is reasonably safe from flooding may be found in FEMA Technical Bulletin 10-01. A copy of this bulletin can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. This document is not a final determination; it only provides our comment on the proposed project in relation to the SFHA shown on the effective NFIP map.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the northeastern parcel corner; thence S20°44'56"W, 1.04' to the POINT OF BEGINNING; thence S20°44'56"W 57.91'; thence N86°15'04"W 80.00'; thence N03°41'28"E 56.81'; thence S85°24'26"E 97.00' to the POINT OF BEGINNING

#### **PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

#### **CONDITIONAL LOMR-F DETERMINATION (This Additional Consideration applies to the preceding 1 Property.)**

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this Comment Document, certified as-built elevations and/or certified as-built survey. Since this request is for a Conditional Letter of Map Revision based on Fill, we will also require the applicable processing fee, and the "Community Acknowledgement" form. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

#### **STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the CLOMR-F COMMENT DOCUMENT)**

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY  
COMMUNITY ACKNOWLEDGMENT FORM

O.M.B. NO. 1660-0015  
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.38 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). NOTE: Do not send your completed form to this address.

This form must be completed for requests involving the existing or proposed placement of fill (complete Section A) **OR** to provide acknowledgment of this request to remove a property from the SFHA which was previously located within the regulatory floodway (complete Section B).

This form must be completed and signed by the official responsible for floodplain management in the community. **The six digit NFIP community number and the subject property address must appear in the spaces provided below. Incomplete submissions will result in processing delays.** Please refer to the MT-1 instructions for additional information about this form.

Community Number: 550537 Property Name or Address: 6449 PAULSON ROAD  
WINNECONNE, WI 54986

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

*Area to be removed from floodplain must be filled at least 2-ft above the 100-yr floodplain elevation and shall meet Technical Bulletin 10-01 standards. Property shall be rezoned out of floodplain after (LOMR-F) has been obtained*

Community Official's Name and Title: (Please Print or Type) Cary A. Rowe - Zoning Administrator Telephone No.: (920) 232-3344

Community Name: Winnebago County Community Official's Signature: (required) Cary A. Rowe Date: 2-4-19

B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway. We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

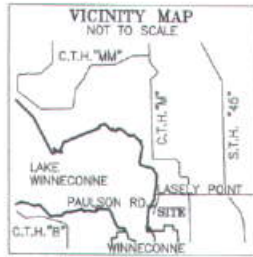
Community Comments:

Community Official's Name and Title: (Please Print or Type) Telephone No.:

Community Name: Community Official's Signature (required): Date:

# LANDS TO BE MAPPED OUT OF THE SPECIAL FLOOD HAZARD AREAS

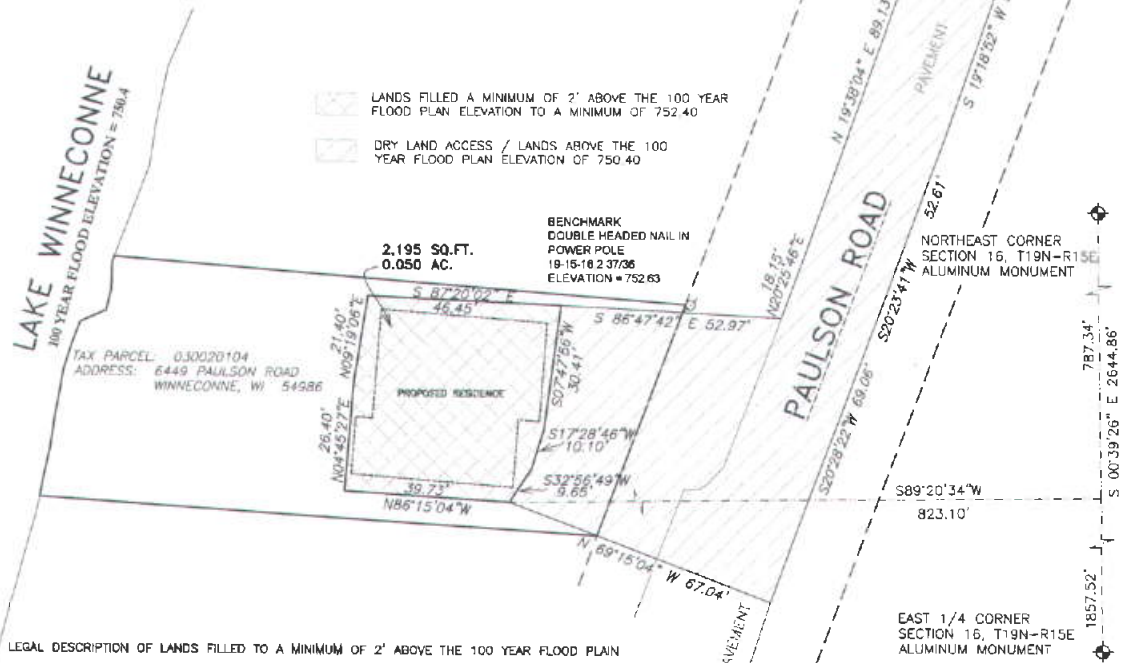
PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 NORTH,  
RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO COUNTY, WISCONSIN.



SURVEY FOR:  
KARI WELNICK  
5000 PLUMMERS POINT ROAD  
OSHKOSH, WI 54904

BEARINGS ARE REFERENCED TO THE WINNEBAGO  
COUNTY COORDINATE SYSTEM OF 1983(1997)

Scale 1 inch = 30 feet



LEGAL DESCRIPTION OF LANDS FILLED TO A MINIMUM OF 2' ABOVE THE 100 YEAR FLOOD PLAIN

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 00 DEGREES 39 MINUTES 26 SECONDS EAST 787.34 FEET, ALONG THE EAST LINE OF THE SAID NORTHEAST 1/4; THENCE SOUTH 89 DEGREES 20 MINUTES 34 SECONDS WEST 823.10 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 15 MINUTES 04 SECONDS WEST 39.73 FEET; THENCE NORTH 04 DEGREES 45 MINUTES 27 SECONDS EAST 26.40 FEET; THENCE NORTH 09 DEGREES 19 MINUTES 06 SECONDS EAST 21.40 FEET; THENCE SOUTH 87 DEGREES 20 MINUTES 02 SECONDS EAST 46.45 FEET; THENCE SOUTH 07 DEGREES 47 MINUTES 58 SECONDS WEST 30.41 FEET; THENCE SOUTH 17 DEGREES 28 MINUTES 46 SECONDS WEST 10.10 FEET; THENCE SOUTH 32 DEGREES 56 MINUTES 48 SECONDS WEST 9.65 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,195 SQ.FT./0.050 ACRES.

LEGAL DESCRIPTION OF DRY LAND ACCESS AND LANDS FILLED 2 FEET ABOVE THE 100 YEAR FLOOD PLAIN.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

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## SURVEYOR'S CERTIFICATE

I, JAMES E. SMITH, HEREBY CERTIFY THAT THE LANDS MAPPED AS SHOWN ARE ABOVE THE 100 YEAR FLOOD, AND IS CONTIGUOUS TO LANDS NOT IN THE 100-YEAR FLOOD PLAIN.

*James E. Smith* JAN 30, 2019  
Wisconsin Professional Land Surveyor

Martenson & Eisele, Inc.

101 West Main Street  
Omro, WI 54963  
www.martenson-eisele.com  
P 920.685.8240 F 920.685.6340

Planning  
Environmental  
Surveying  
Engineering  
Architecture



PROJECT NO. 0-2250-001

FILE 2250001FEMAFILL.DWG

THIS INSTRUMENT WAS DRAFTED BY: DSL



## Application #19-ZC-4730

Date of Hearing:

March 26, 2019

Owner(s):

Welnicke, Tony M

Subject Parcel(s):

030020104

Lake  
Winneconne

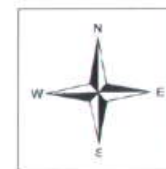
030020104  
0.24 Ac.

LASLEY SHORE DR

WOODVIEW RD

LASLEY POINT RD

PAULSON RD



Winnebago County  
WINGS Project

Scale

1 inch : 300 feet

### County Zoning Districts

R-1	PDD	B-1
R-2		
R-3		
	I-1	M-1
		Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area

○ = SITE



1 inch : 2,000 feet

Application #19-ZC-4730

Date of Hearing:

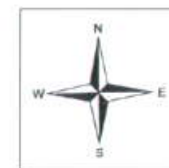
March 26, 2019

Owner(s):

Welnicke, Tony M

Subject Parcel(s):

030020104



Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY