

AMENDED

**WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, JUNE 16, 2015**

There will be an Adjourned Meeting of the Winnebago County Board of Supervisors on Tuesday, June 16, 2015, at 6:00 p.m., in the Supervisors' Room, Fourth Floor, Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin. At this meeting, the following will be presented to the Board for its consideration:

- Roll Call
- Pledge of Allegiance
- Invocation
- Adopt agenda

Time will be allowed for persons present to express their opinion on any Resolution or Ordinance that appears on the agenda.

- Communications, petitions, etc.
 - Notice of Claim – Christopher Boegh – damage to his vehicle
 - Zoning Petitions
 - No. 1 – Lawrence F. Seidl, Town of Neenah, tax parcel no. 026-0525; rezone to R-1 without wetland overlay
- Resolutions from Other Counties:
 - Brown County:
 - “Resolution Supporting the Protective Status of County Correction Officers for WRS Purposes”
 - “Resolution Confirming Brown County’s Opposition to the Legalization of Marijuana in the State”
 - Oconto County - #60-2015, “Resolution in Opposition to Senate Bill 21 and Assembly Bill 21 Related to Elimination of the Wisconsin Fund Grant Program”
 - Outagamie County:
 - Resolution No. 3-2015-16, “provisions brought forth to create a new Children’s Community Option Program and eliminate Family Support be eliminated from the 2015-2017 Biennial Budget Bill.”.
 - Resolution No. 4-2015-16, “Wisconsin should keep Senior Care as it is currently structured...”
 - Resolution No. 5-2015-16 - State of Wisconsin Dept. of Human Services need to, “allocate adequate Affordable Care Act Funding to the Balance of State Income Maintenance agencies...”
 - Resolution No. 6-2015-16, “...the Joint Finance Committee remove all budget provisions that change the BadgerCare Plus for Childless Adults Medicaid Program and allow this important safety net health insurance program to operate as it currently does.....”
 - Resolution No. 7-2015-16, “State of Wisconsin should maintain the existing mental health programs...”
 - Resolution No. 10-2015-16, “oppose any attempt by the State Legislature to eliminate computer aid payments and the personal property tax,”
- Reports from Committees, Commissions & Boards
- Approval of the proceedings from the May 19, 2015 meeting
- County Executive's Report

- County Board Chairman's Report
- Michael Collard, Human Resources Director – Explanation of Resolution No. 180-62015, "Adopt Revisions to Pay Schedules for Non-Union Regular Employees
- Presentation of 2015 Winnebago County Scholarships to: Aaron Kubiak, Neenah High School; James Fitzhenry, Oshkosh North High School; Logan Myers, Hannah Schacherl, McKenna Hansen, Taylor Steeno, Kristi Brey and Ashley Rumlow, all from Oshkosh West High School; Erin Kelly, Omro High School; and Kristen Boldt, Covenant Harbor Christian School

ZONING REPORTS & ORDINANCES

Report No. 001 – David and Heidi Sweet - Town of Algoma

Amendatory Ordinance No. 06/01/15 – Rezoning to R-1 for tax parcel no. 002-0041-06

Report No. 002 – Linda and Ronald Wachholz – Town of Nekimi

Amendatory Ordinance No. 06/02/15 – Rezoning to I-1 for tax parcel no. 012-0250

Amendatory Ordinance No. 03 – Timothy W. and Barbara G. Wrase, Town of Clayton, rezoning to R-1 for tax parcel no. 006-0055

Amendatory Ordinance No. 04 – Kimberly Clark Corporation, Town of Menasha, rezoning to I-1 for tax parcel no. 008-0610

RESOLUTIONS AND ORDINANCES

MOTION NO. 173-52015: Amend Previously Adopted Ordinance Number 173-52015 Amending Section 5.04(2) of the General Code of Winnebago County (Coroner's Cremation Permit Fee) by Replacing the \$170 Cremation Permit Fee to \$250

Submitted by:
BILL ROH, DIST. 7
BILL WINGREN, DIST. 18
COUNTY BOARD SUPERVISOR

RESOLUTION NO. 174-62015: Commendation for James M. Travis

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 175-62015: Commendation for Deborah Hauert

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 176-62015: Commendation for Diane Marx

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 177-62015: Commendation for Steven Verwiel

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 178-62015: Commendation for Charles Marousek

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 179-62015: Authorize Addendum to Ground Lease Agreement Between Beechwood Plaza Hotel at Oshkosh LLC and Wittman Regional Airport

Submitted by:
AVIATION COMMITTEE

RESOLUTION NO. 180-62015: Adopt Revisions to Pay Schedules for Non-Union Regular Employees

Submitted by:
PERSONNEL & FINANCE COMMITTEE

RESOLUTION NO. 181-62015: Repeal Paragraph 23 of Motion Number 520 to the State of Wisconsin 2015-2017 Budget Bill (SB 21 and AB 21) Relative to Shoreland Zoning Standards

Submitted by:
THOMAS EGAN, DIST. 33
CHUCK FARREY, DIST. 30
COUNTY BOARD SUPERVISORS

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

Upon request, provisions will be made for people with disabilities.
(Times provided are estimates. Any item on the agenda may be taken up by the Board after 6:00 P.M.)

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2015-ZC-3060 filed with the County Clerk by:

SWEET, DAVID ; SWEET, HEIDI, Town of ALGOMA and referred to the Planning and Zoning Committee on 5/19/2015 and

WHEREAS, a Public Hearing was held on 5/26/2015, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: SWEET, DAVID ; SWEET, HEIDI
Agent(s):

Location of Premises Affected: ACROSS FROM 2642
SHOREHAVEN LN OSHKOSH, WI 54904

Legal Description: Being a part of Government Lot 4, Section 9, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

Tax Parcel No.: 002-004106

Sewer: Existing Required Municipal Private System
Overlay: Airport SWDD Shoreland
 Floodplain Microwave Wetlands

WHEREAS,
Applicant is requesting a rezoning to R-1 Rural Residential,

And

WHEREAS, we received notification from the Town of ALGOMA recommending Approval

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

- 1) The Town of ALGOMA has Approved. Town action is advisory due to shoreland jurisdiction. Town findings for Approval were as follows: a) Town does have an adopted land use plan
- b) Action does agree with Town adopted Town plan
- 2) There were no objections.
- 3) Proposed use is compatible with adjacent uses.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3).

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approval by a vote of 5-0

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 06/01/15

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2015-ZC-3060 as follows:

Being a part of Government Lot 4, Section 9, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

FROM: R-3 Suburban Medium Density Residential,

TO: R-1 Rural Residential,

Adopted/ Denied this _____ day of _____, 20_____

David Albrecht, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20_____.

Mark Harris
County Executive

County Board Supervisory district 31

Application #15-ZC-3060

Date of Hearing:

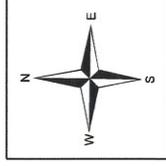
May 26, 2015

Owner(s):

Sweet, David & Heidi

Subject Parcel(s):

020004106



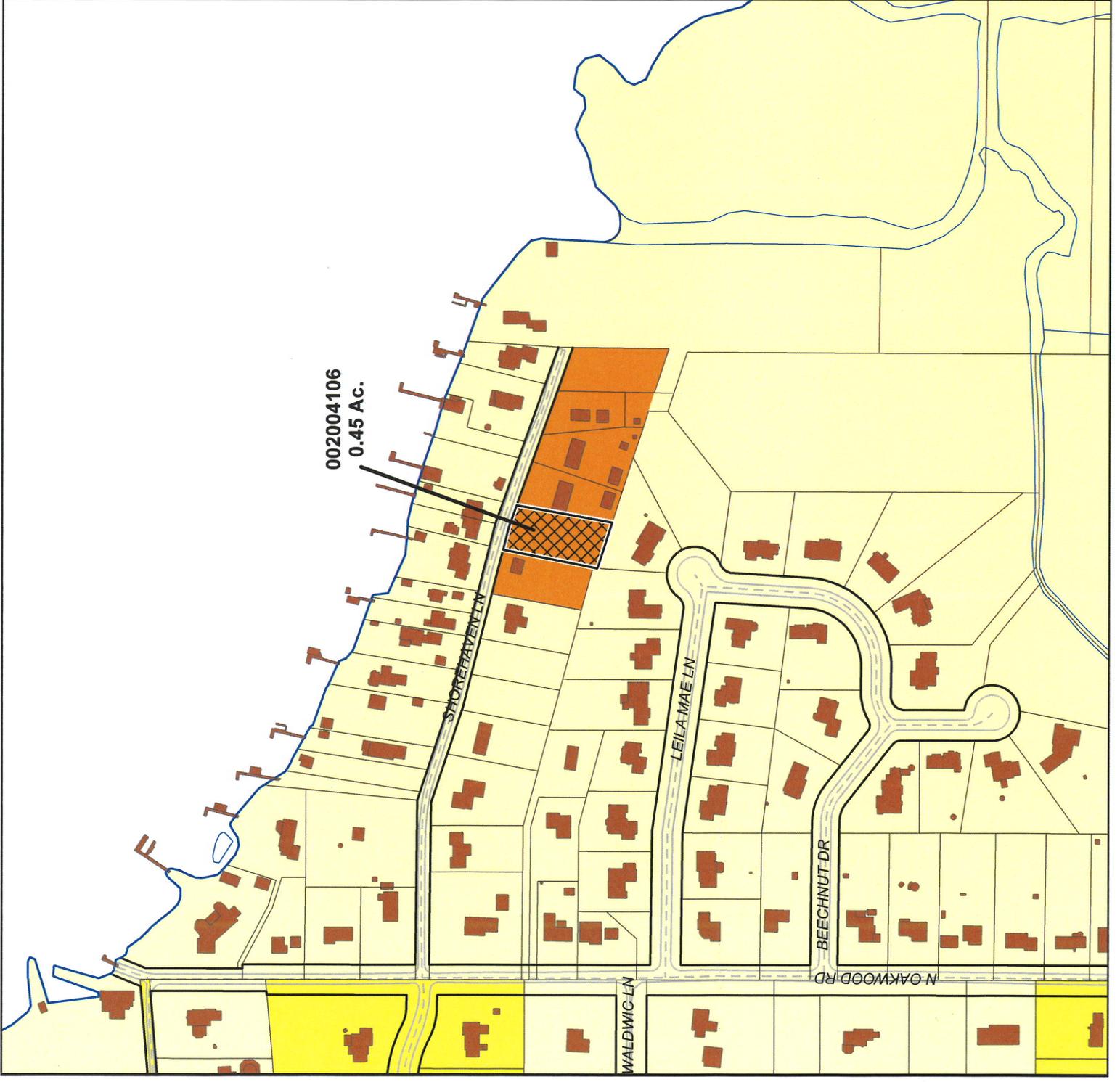
Winnemago County
WINGS Project

Scale
1 inch : 300 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	

Other Areas



TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2015-ZC-3070 filed with the County Clerk by:

WACHHOLZ, LINDA ; WACHHOLZ, RONALD, Town of NEKIMI and referred to the Planning and Zoning Committee on 5/19/2015 and

WHEREAS, a Public Hearing was held on 5/26/2015, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: WACHHOLZ, LINDA ; WACHHOLZ, RONALD
Agent(s): SCHMID JR, WALTER - NA

Location of Premises Affected: WEST OF 3528
NEKIMI AVE OSHKOSH, WI 54902

Legal Description: Being a part of the SW 1/4 of the SW 1/4, Section 15, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

Tax Parcel No.: 012-0250

Sewer: Existing Required Municipal Private System
Overlay: Airport SWDD Shoreland
 Floodplain Microwave Wetlands

WHEREAS,
Applicant is requesting a rezoning to I-1 Light Industrial,

And

WHEREAS, we received notification from the Town of NEKIMI recommending Approval

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

- 1) The Town of NEKIMI has Approved. Town has right of approval or denial per terms of zoning ordinance. Town findings for Approval were as follows: a) Town does have an adopted land use plan. b) Action does agree with the Town adopted Town plan. c) Town Board agrees with zoning map amendment.
- 2) There were no objections.
- 3) Proposed use is compatible with adjacent uses.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3).

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approval by a vote of 5-0

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 06/02/15

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2015-ZC-3070 as follows:

Being a part of the SW 1/4 of the SW 1/4, Section 15, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

FROM: A-2 General Agriculture,

TO: I-1 Light Industrial,

Adopted/ Denied this _____ day of _____, 20_____

David Albrecht, Chairperson

ATTEST:

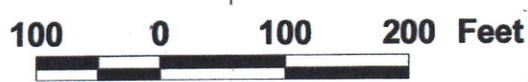
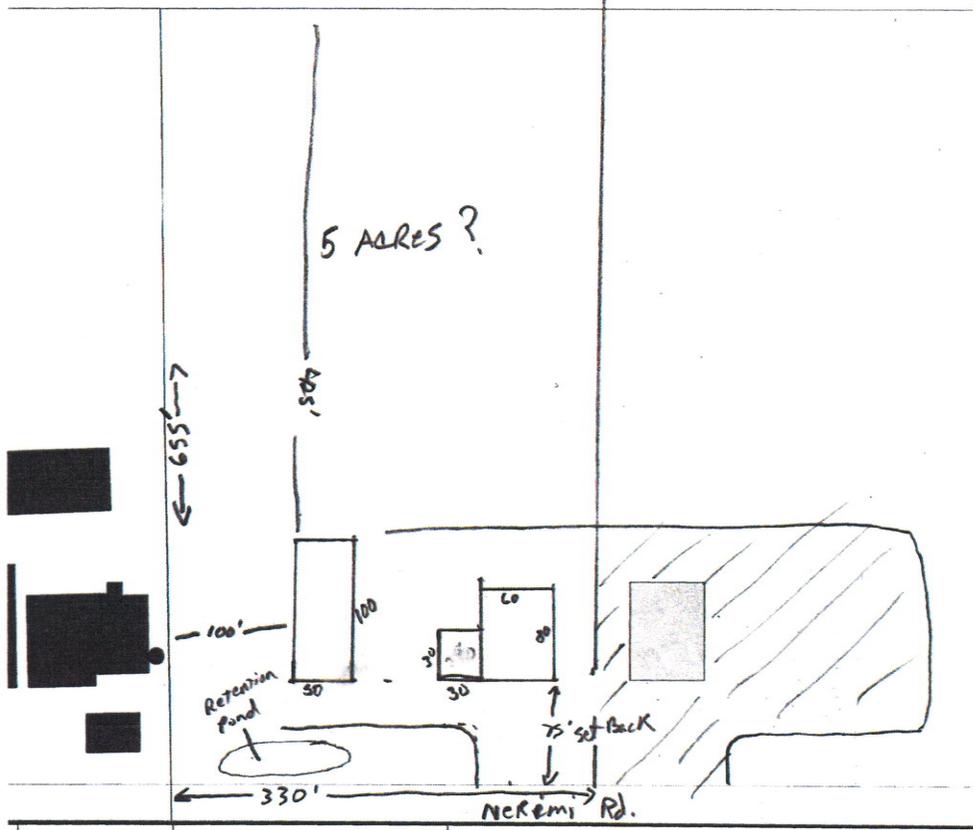
Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20_____.

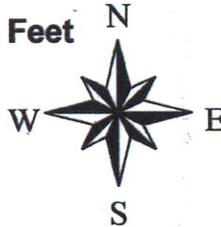
Mark Harris
County Executive

County Board Supervisory district 32

012-0250



- County Parcels
- Street Centerline
- Right-Of-Way
- Official Mapped Roads
- Easements
- Equipment Area (120'±)
- Lot 7
- Lake Boundaries
- Wetland Wetlands
- in
- out
- removed
- Surface Water Drainage
- Buildings (200'±)
- County Permit
- NO County Permit



Application #15-ZC-3070

Date of Hearing:

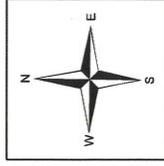
May 26, 2015

Owner(s):

Wachholz, Ron & Linda

Subject Parcel(s):

0120250(Pt)



Winnebago County
WINGS Project

Scale

1 inch : 400 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	

Other Areas

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

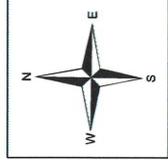


Application #15-ZC-3070

Date of Hearing:
May 26, 2015

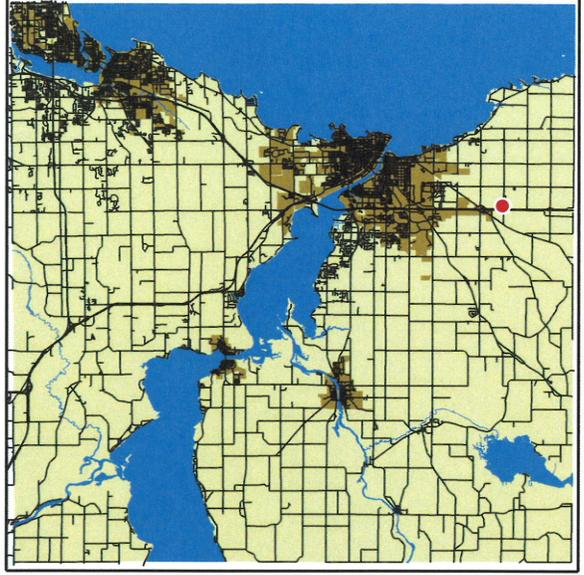
Owner(s):
Wachholz, Ron & Linda

Subject Parcel(s):
0120250(Pt)



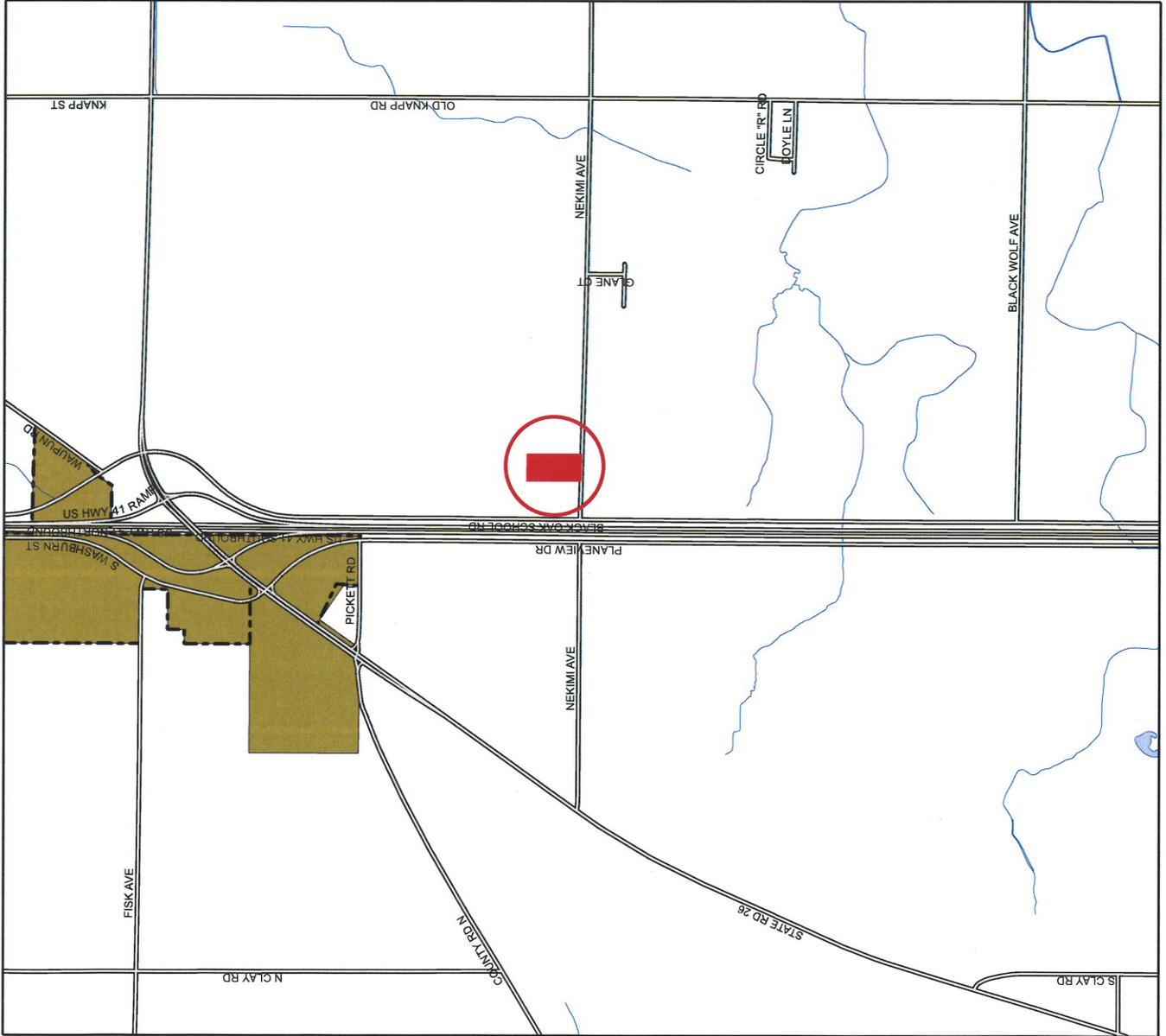
Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet

R E S O L U T I O N

DATE: 06/16/15

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 03

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Timothy W and Barbar G Wrase and

WHEREAS, said request **is** or **is not** in compliance with the adopted Winnebago County Land Use Plan and Winnebago County's Farmland Preservation Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Clayton, be and the same, are amended to provide that the attached described property be changed from the classification of A-2 of said ordinance, which it now and heretofore had, to the zoned district of R-1.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0055** FROM **A-2** TO **R-1**.

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2015.

Mark Harris

County Board Supervisory district **36**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING MEETING AGENDA OF JUNE 1, 2015

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAH*

RE: Review of Town Zoning Changes

1. Wrase. Town Zoning Change (Tax ID No: 006-0055) – Town of Clayton.

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

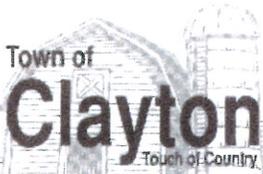
RECOMMENDATION: Forward zone change to County Board for action.

2. Kimberly Clark Corp. Town Zoning Change (Tax ID No: 008-0610) – Town of Menasha.

The town zoning change for Kimberly Clark Corp. is consistent with Winnebago County's Land Use Plan. The Town of Menasha approved the zoning change from I -2 (Heavy Industrial) to I -1 (Light Industrial) and Winnebago County's land use plan shows future land use as industrial.

RECOMMENDATION: Forward zone change to County Board for action.

Approved 5-0



8348 County Road T
Larsen, WI 54947

Friday, May 22nd, 2015



County Zoning Office
Attn: Cary A. Rowe
112 Otter Ave
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:

Rezoning Application made by the petitioners, Timothy W. and Barbara G. Wrase, 411 Kittiver Court, Neenah, WI 54956 for property located at 9416 Center Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0055 being part of the northwest ¼ of the southeast ¼, of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING 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 2015-002
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 application for amendment to the Official Map and to the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing Land Use Map and Future Land Use Map of the CY 2009 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:

Property Owner:

Timothy W. and Barbara G. Wrase, 411 Kittiver Court, Neenah, WI 54956

Legal description of property:

Property located at 9416 Center Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0055 being part of the northwest ¼ of the southeast ¼, of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (See Attachment A).

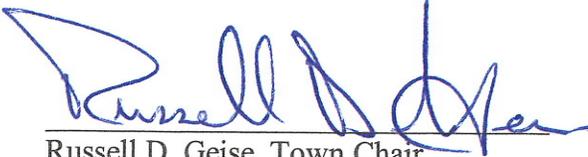
The above described property is hereby rezoned from:

A-2 (GENERAL FARMING 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 20th, day of May, 2015 by the Town Board of the Town of Clayton

Vote: Yes: 5 No: 0

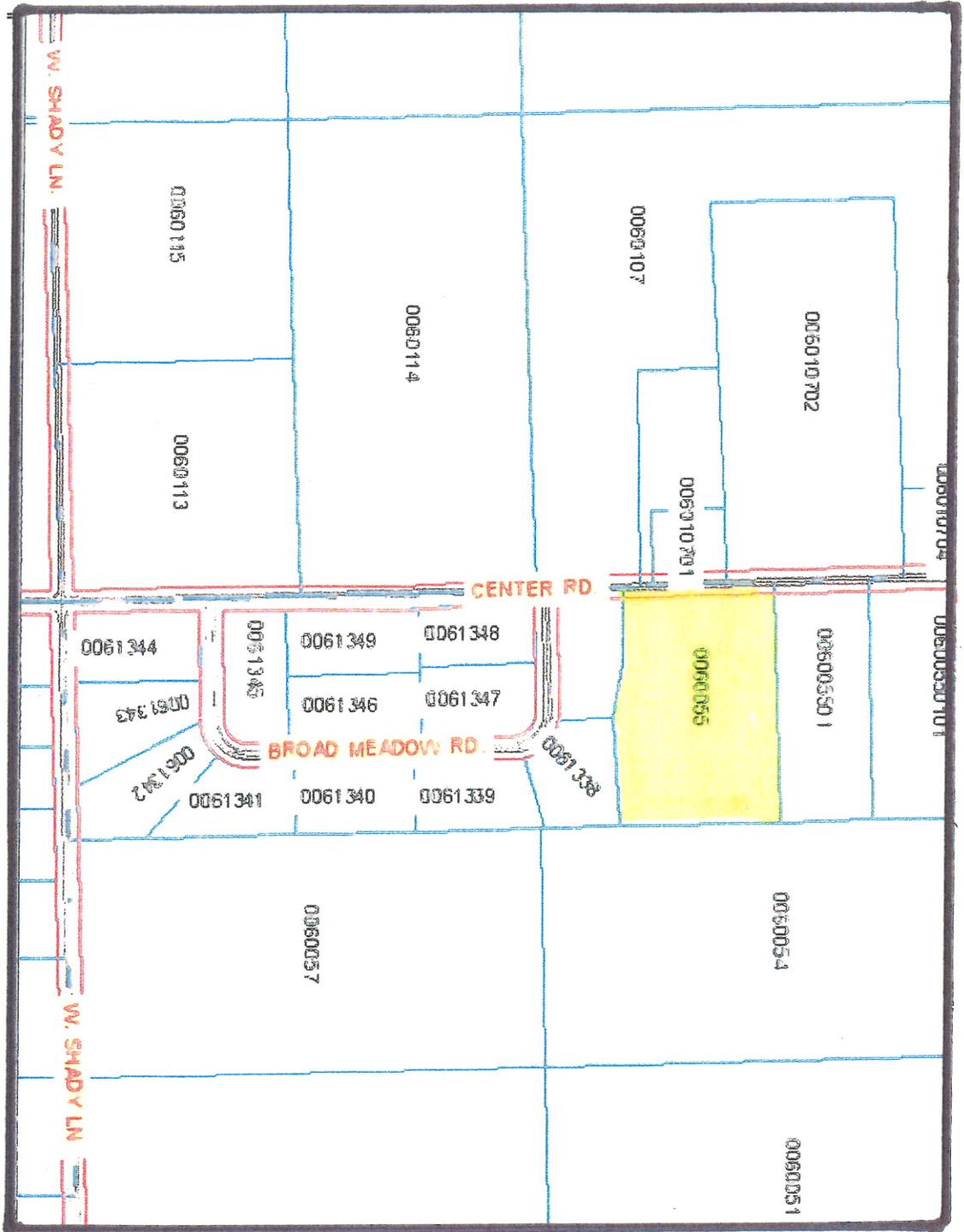


Russell D. Geise, Town Chair

ATTEST:



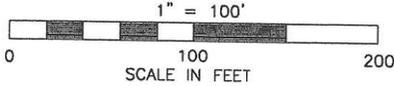
Richard Johnston, Town Administrator/Clerk



REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 3, TOWNSHIP 20 NORTH,
RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

BEARINGS ARE REFERENCED TO THE
WINNEBAGO COUNTY COORDINATE SYSTEM



SOUTHWEST CORNER
SECTION 3,
T20N-R16E

CENTER

ROAD

WEST 1/4 CORNER
SECTION 3,
T20N-R16E

1573.25'

33' 33'

S 00°22'20" E

2649.72'

P.O.B.

651.76'

N 00°22'20" W

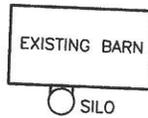
424.71'

N 88°25'35" W

212.06'

**LOT 1
HIGHLAND
WOOD**

OWNERS:
TIMOTHY AND
BARBARA WRASE
ZONED: R-2 SUBURBAN
RESIDENTIAL DISTRICT



**6.820 ACRES
REZONE
A-2 TO R-1**

N 78°38'51" W

154.31'

667.78'

N 89°33'33" E

**LOT 2
PROPOSED
C.S.M.**

**LOT 1
PROPOSED
C.S.M.**

UNPLATTED LANDS
OWNERS: WILLIAM J. AND M. CAMILLE VAN LANEN
DOCUMENT NO. 725258
ZONED: A-2 GENERAL AGRICULTURE DISTRICT

**LOT 2
HIGHLAND
WOOD**

OWNERS:
TIMOTHY AND
BARBARA WRASE
ZONED: R-2

304.32'

S 86°26'34" W

S 00°15'24" E

447.17'

UNPLATTED LANDS

EAST LINE OF THE W1/2 OF THE W1/2-SW1/4

OWNERS: DANIEL P. AND NANCY J. SEELOW, DOCUMENT NO. 1515442

ZONED: A-1 AGRIBUSINESS DISTRICT

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0622-001

FILE 1-0622-001rezone.dwg SHEET 1 OF 2

THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

REZONING LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 00 DEGREES 22 MINUTES 20 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3, A DISTANCE OF 651.76 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 33 MINUTES 33 SECONDS EAST, 667.78 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF SAID SOUTHWEST 1/4, A DISTANCE OF 447.17 FEET; THENCE SOUTH 86 DEGREES 26 MINUTES 34 SECONDS WEST, ALONG THE NORTH LINE OF LOT 2, HIGHLAND WOOD, A DISTANCE OF 304.32 FEET; THENCE NORTH 78 DEGREES 38 MINUTES 51 SECONDS WEST, ALONG THE NORTH LINE OF LOT 1, HIGHLAND WOOD, A DISTANCE OF 154.31 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 35 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF LOT 1, HIGHLAND WOOD, A DISTANCE OF 212.06 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 20 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3, A DISTANCE OF 424.71 FEET TO THE POINT OF BEGINNING. CONTAINING 297,072 SQUARE FEET (6.820 ACRES).

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0622-001

FILE 1-0622-001rezone.dwg SHEET 2 OF 2

THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

R E S O L U T I O N

DATE: 06/16/15

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 04

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Menasha in accordance with the petition of Kimberly Clark Corporation and

WHEREAS, said request **is** or **is not** in compliance with the adopted Winnebago County Land Use Plan and Winnebago County's Farmland Preservation Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Menasha, be and the same, are amended to provide that the attached described property be changed from the classification of I-2 (Heavy Industrial) of said ordinance, which it now and heretofore had, to the zoned district of I-1 (Light Industrial).

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of Menasha)

PARCEL NO: **008-0610** FROM I-2 TO I-1.

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____,
2015.

Mark Harris

County Board Supervisory district **28**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING MEETING AGENDA OF JUNE 1, 2015

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAJ*

RE: Review of Town Zoning Changes

1. Wrase. Town Zoning Change (Tax ID No: 006-0055) – Town of Clayton.

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

RECOMMENDATION: Forward zone change to County Board for action.

2. Kimberly Clark Corp. Town Zoning Change (Tax ID No: 008-0610) – Town of Menasha.

The town zoning change for Kimberly Clark Corp. is consistent with Winnebago County's Land Use Plan. The Town of Menasha approved the zoning change from I -2 (Heavy Industrial) to I -1 (Light Industrial) and Winnebago County's land use plan shows future land use as industrial.

RECOMMENDATION: Forward zone change to County Board for action.

Approved 5-0

TOWN OF MENASHA
2000 Municipal Drive
Neenah, WI 54956-5665

CLERK'S CERTIFICATION

I, Karen Backman, Town Clerk of the Town of Menasha, Winnebago County, Wisconsin, hereby certify that the attached is a true and correct copy of Resolution #150323-1:ORD entitled:

**AMEND CHAPTER 31 ZONING ORDINANCE OF THE TOWN OF MENASHA
MUNICIPAL CODE – PARCEL 30080610 LOCATED ON GREEN BAY ROAD**

which was **APPROVED** at the Town of Menasha Board of Supervisors meeting of April 13, 2015.



Dated this 27th day of May, 2015

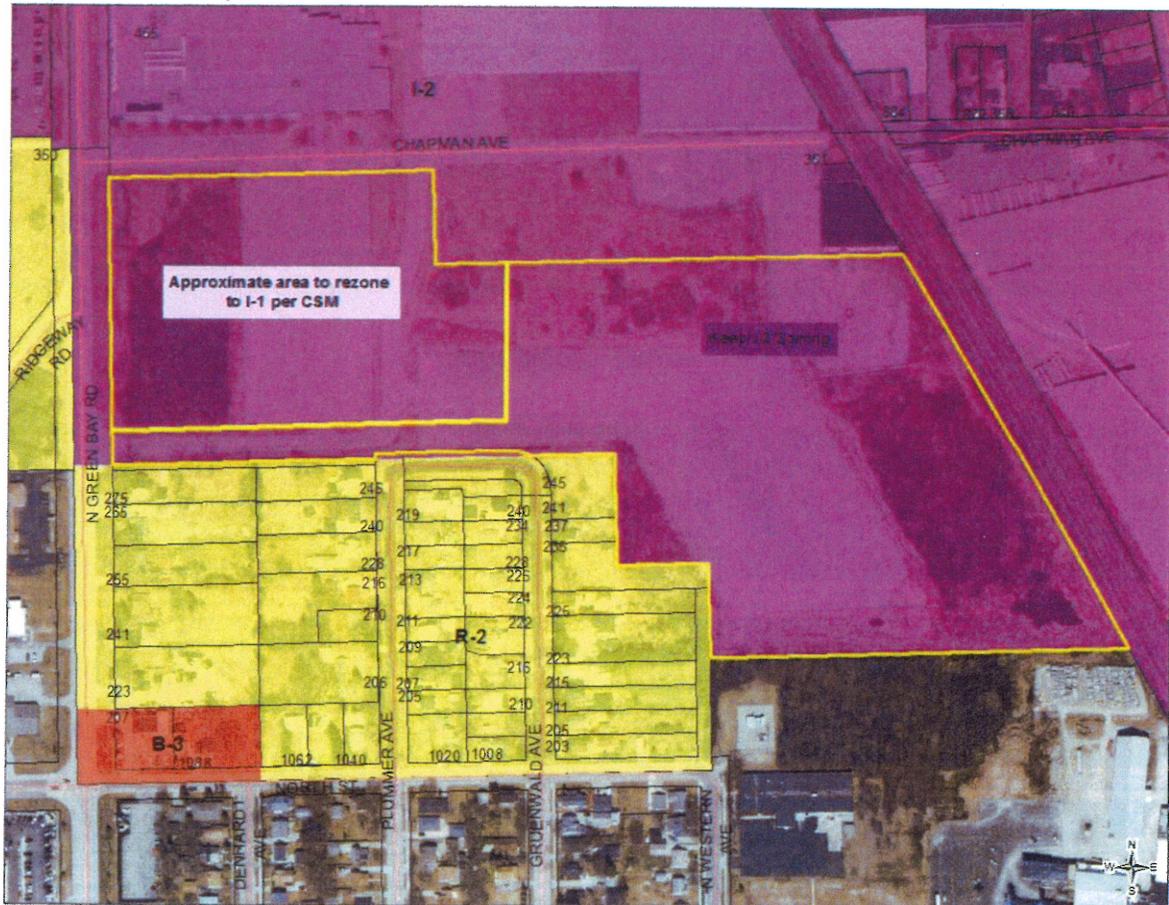

Karen Backman, Town Clerk

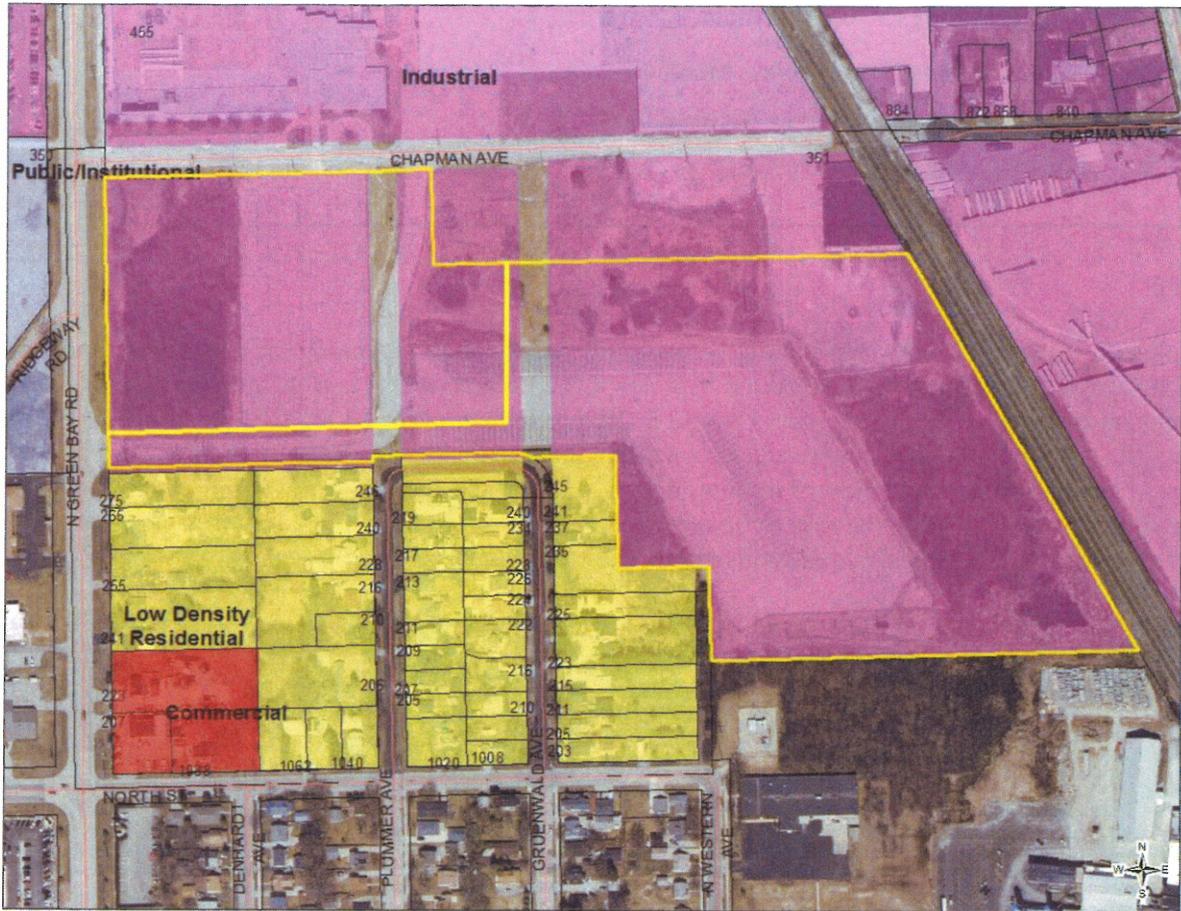
MEMO

Date: March 11, 2015
To: Town Planning Commission Members
From: Community Development Department Staff
RE: New Business Item 2 – Rezoning – Kimberly Clark - Parcel #0080610

Overview

The applicant, Kimberly Clark Corporation, is requesting approval of a rezoning for a parcel of land along N. Green Bay Road. This parcel will be created by a new CSM, which is also on this meeting agenda for approval. The applicant requests to rezone the parcel from I-2 (Heavy Industrial) to I-1 (Light Industrial) for the purpose of selling the property to a buyer interested in constructing a medical center on the site. Per our Town Zoning Ordinance, medical centers are allowed in light industrial, but not heavy industrial zoning districts. The current Zoning Map is below, showing the area to be rezoned, and the Future Land Use Map is on the next page. As you can see, the property is designated Industrial on the FLU Map.





Staff Recommendation

Since the rezoning to I-1 is a minor change from its current zoning of I-2, and since it is consistent with the FLU Map's Industrial designation, staff recommend approval of this rezoning. It should be noted, however, that the CSM creating this parcel must be approved and recorded before the Zoning Map can officially be amended.

ORD #150323-1:ORD *Second Reading and Adoption*

AMEND CHAPTER 31 ZONING ORDINANCE OF THE TOWN OF MENASHA
MUNICIPAL CODE – PARCEL #0080610 LOCATED ON GREEN BAY ROAD

The Town Board of Supervisors of the Town of Menasha do ordain as follows:

Section 1. Chapter 31, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by changing parcel #0080610 from I-2 (Heavy Industrial) to I-1 (Light Industrial) as shown in Attachment 1.

Section 2. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication or posting according to law.

Date Introduced: March 23, 2015

Date Adopted: April 13, 2015

Requested by: George Dearborn, Community Development Director

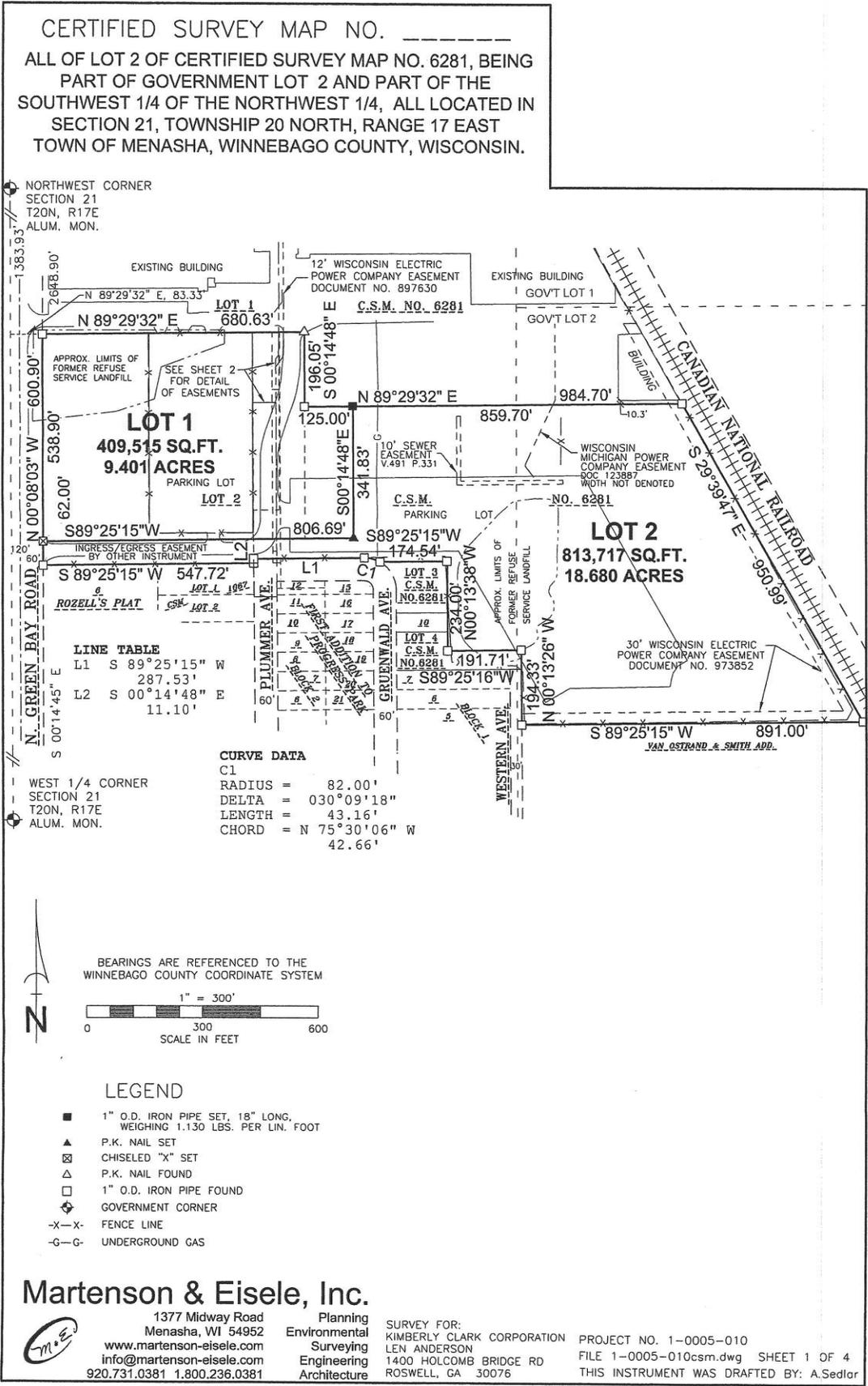
Submitted by: Dale A. Youngquist, Town Chairman



Dale A. Youngquist, Town Chairman



Attest: Karen Backman, Town Clerk



1 173-52015

2

3 **MOTION: Amend Previously Adopted Ordinance Number 173-52015 Amending Section**
4 **5.04(2) of the General Code of Winnebago County (Coroner's Cremation Permit**
5 **Fee) by Replacing the \$170 Cremation Permit Fee to \$250**

6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8

9 **WHEREAS**, Ordinance Number 173-52015, as amended, was passed at the May 19, 2015, Meeting of the
10 Winnebago County Board of Supervisors after a lengthy and exhausting four hour meeting; and

11 **WHEREAS**, the Winnebago County Coroner was not allowed to convey the repercussions that would result if
12 the Ordinance was amended; and

13 **WHEREAS**, there was NO discussion allowed on either the amendment itself or on the amended version of
14 the motion; and

15 **WHEREAS**, there was a motion/second to adjourn the meeting, but the motion was not recognized by the
16 County Board Chairman. That motion was withdrawn; and

17 **WHEREAS**, a substantial number of supervisors have expressed concern and regret with respect to their
18 previous votes; and

19 **WHEREAS**, the State Budget Bill, which is presently upon the Governor's desk for signature, contains a
20 provision which would prohibit counties from increasing fees for services rendered by a coroner under §§ 59.36 and
21 69.18(4), Wis Stats, for two years after the Bill's general effective date; and

22 **WHEREAS**, said Bill has not been signed by the Governor, and it is unlikely that said Bill will be effective
23 prior to June 2015; and

24 **WHEREAS**, said Bill also discontinues state grants to coroners for payment to coroners for indigent burial; and

25 **WHEREAS**, failure to increase Cremation Permit Fees at this time may limit Winnebago County from
26 increasing said Cremation Permit Fees within the next two years and possibly forever into the future; and

27 **WHEREAS**, your undersigned Committee believes that it would be in the best interests of Winnebago
28 County to increase said Fee to \$250.00 at the present time.

29 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that it hereby
30 amends Section 5.04(2) of the General Code of Winnebago County to read as follows:

31 **5.04 CORONER'S FEES**

32 **(2) Cremation Permit Fee**

33 (a) A fee of ~~\$170~~ **\$250** is hereby established for the viewing of a body by a coroner and the issuance of
34 a permit as a precedence to cremation, pursuant to that procedure outlined by § 979.10, Wis Stats. The estate of
35 the deceased shall be liable for payment of said fee, unless another party agrees in advance, in writing, to be
36 responsible for the payment of said fee.

37 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that said ordinance
38 amendment shall take effect on the date following the date of its publication.

39

40 Submitted by:

41 **BILL ROH, District #7**
42 **COUNTY BOARD SUPERVISOR**

43 Vote Required for Passage: **Majority of Those Present**

44
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Approved by the Winnebago County Executive this _____ day of _____, 2015.

Mark L Harris
Winnebago County Executive

1 174-62015

2 **RESOLUTION: Commendation for James M Travis**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, James M Travis has been employed with the Winnebago County Department of Human
6 Services for the past thirty (30) years, and during that time has been a most conscientious and devoted County
7 employee; and

8 **WHEREAS**, James M Travis has now retired from those duties, and it is appropriate for the Winnebago
9 County Board of Supervisors to acknowledge his years of service.

10 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
11 appreciation and commendation be and is hereby extended to James M Travis for the fine services he has rendered
12 to Winnebago County.

13 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
14 James M Travis.

15 Respectfully submitted by:

16 **PERSONNEL AND FINANCE COMMITTEE**

17

18 Committee Vote: **5-0**

19 Vote Required for Passage: **Majority of Those Present**

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21

22 Approved by the Winnebago County Executive this _____ day of _____, 2014.

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Mark L Harris
Winnebago County Executive

1 175-62015

2 **RESOLUTION: Commendation for Deborah Hauert**

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4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, Deborah Hauert has been employed with Park View Health Center for the past twenty-seven
6 (27) years, and during that time has been a most conscientious and devoted County employee; and

7 **WHEREAS**, Deborah Hauert has now retired from those duties, and it is appropriate for the Winnebago
8 County Board of Supervisors to acknowledge her years of service.

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
10 appreciation and commendation be and is hereby extended to Deborah Hauert for the fine services she has rendered
11 to Winnebago County.

12 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
13 Deborah Hauert.

14 Respectfully submitted by:

15 **PERSONNEL AND FINANCE COMMITTEE**

16

17 Committee Vote: **5-0**

18 Vote Required for Passage: **Majority of Those Present**

19

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21 Approved by the Winnebago County Executive this _____ day of _____, 2014.

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Mark L Harris
Winnebago County Executive

1 176-62015

2 **RESOLUTION: Commendation for Diane Marx**

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4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, Diane Marx has been employed with Park View Health Center for the past thirty-eight (38)
6 years, and during that time has been a most conscientious and devoted County employee; and

7 **WHEREAS**, Diane Marx has now retired from those duties, and it is appropriate for the Winnebago County
8 Board of Supervisors to acknowledge her years of service.

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
10 appreciation and commendation be and is hereby extended to Diane Marx for the fine services she has rendered to
11 Winnebago County.

12 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
13 Diane Marx.

14 Respectfully submitted by:

15 **PERSONNEL AND FINANCE COMMITTEE**

16

17 Committee Vote: **5-0**

18 Vote Required for Passage: **Majority of Those Present**

19

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21 Approved by the Winnebago County Executive this _____ day of _____, 2014.

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Mark L Harris
Winnebago County Executive

1 177-62015

2 **RESOLUTION: Commendation for Steven Verziel**

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4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, Steven Verziel has been employed with the Winnebago County Sheriff’s Department for the
6 past twenty-nine (29) years, and during that time has been a most conscientious and devoted County employee; and

7 **WHEREAS**, Steven Verziel has now retired from those duties, and it is appropriate for the Winnebago
8 County Board of Supervisors to acknowledge his years of service.

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
10 appreciation and commendation be and is hereby extended to Steven Verziel for the fine services he has rendered
11 to Winnebago County.

12 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
13 Steven Verziel.

14 Respectfully submitted by:

15 **PERSONNEL AND FINANCE COMMITTEE**

16

17 Committee Vote: **5-0**

18 Vote Required for Passage: **Majority of Those Present**

19

20

21 Approved by the Winnebago County Executive this _____ day of _____, 2014.

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Mark L Harris
Winnebago County Executive

1 **178-62015**

2 **RESOLUTION: Commendation for Charles Marousek**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, Charles Marousek has been employed with the Winnebago County Sheriff's Department for
6 the past twenty-seven (27) years, and during that time has been a most conscientious and devoted County
7 employee; and

8 **WHEREAS**, Charles Marousek has now retired from those duties, and it is appropriate for the Winnebago
9 County Board of Supervisors to acknowledge his years of service.

10 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
11 appreciation and commendation be and is hereby extended to Charles Marousek for the fine services he has
12 rendered to Winnebago County.

13 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
14 Charles Marousek.

15 Respectfully submitted by:

16 **PERSONNEL AND FINANCE COMMITTEE**

17

18 Committee Vote: **5-0**

19 Vote Required for Passage: **Majority of Those Present**

20

21

22 Approved by the Winnebago County Executive this _____ day of _____, 2014.

23

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Mark L Harris
Winnebago County Executive

1 179-62015

2 **RESOLUTION: Authorize Addendum to Ground Lease Agreement Between Beechwood**
3 **Plaza Hotel at Oshkosh LLC and Wittman Regional Airport**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, Beechwood Plaza Hotel at Oshkosh LLC (d/b/a Hilton Gardens Inn) entered into a ground lease
8 agreement with Winnebago County in June 2001 for the purpose of leasing property at Wittman Regional Airport for
9 the construction and operation of a hotel; and

10 **WHEREAS**, as a result of bank loan refinancing, Beechwood Plaza Hotel at Oshkosh LLC desires to amend
11 the ground lease by adding two additional five-year option periods to the existing lease; and

12 **WHEREAS**, your undersigned Committee has reviewed the attached Addendum to the ground lease
13 agreement and believes that its execution would be in the best interests of the citizens of Winnebago County.

14 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
15 authorizes the Winnebago County Executive and the Winnebago County Clerk to execute the attached Addendum to
16 the ground lease agreement between Winnebago County and Beechwood Plaza Hotel at Oshkosh LLC for the
17 purpose of continuing hotel operations on Wittman Regional Airport property.
18

19
20 Respectfully submitted by:

21 **AVIATION COMMITTEE**

22 Committee Vote: **5-0**

23 Vote Required for Passage: **Majority of Those Present**

24
25 Approved by the Winnebago County Executive this ____ day of _____, 2015.

26
27 _____
28 Mark L Harris
29 Winnebago County Executive

ADDENDUM NO. III
GROUND LEASE AGREEMENT BETWEEN
WINNEBAGO COUNTY
AND
BEECHWOOD PLAZA HOTEL OF OSHKOSH, L.L.C.

THIS AGREEMENT, made and entered into this 1st day of July, 2015, by and between Winnebago County (LESSOR) and Beechwood Plaza Hotel of Oshkosh, L.L.C. (LESSEE).

WITNESSETH:

WHEREAS, LESSOR and LESSEE have entered into a lease agreement dated October 29, 2000 for premises located at Wittman Regional Airport.

WHEREAS, the parties to said agreement desire an addendum to said agreement.

NOW, THEREFORE, for and in consideration of the premises, and of the mutual covenants and agreements contained and other valuable considerations, LESSOR and LESSEE hereby agree to the following:

- A. The term for the leased land, as well as procedures for rental increases, and all other terms and conditions shall be described in the Ground Lease between Winnebago County and Beechwood Plaza Hotel of Oshkosh, L.L.C. for a term of twenty-five (25) years commencing June 1, 2001 and ending on May 31, 2026, with three (3) additional option periods of five (5) years each, which would extend the lease to year 2041.
- B. The LESSEE desires to add two (2) additional option periods of five (5) years each to the three (3) periods previously agreed to in the Ground Lease, for a total of five (5) five-year option periods, provided the LESSEE is not in default. These extensions, if fully executed, would extend the lease to year 2066.

IN WITNESS WHEREOF the parties have caused this agreement to be executed by their proper officers' thereunto duly authorized as of the day and year above written.

SIGNATURE PAGE FOLLOWS:

WINNEBAGO COUNTY (LESSOR)

Mark L. Harris, County Executive

Susan T. Ertmer, County Clerk

BEECHWOOD PLAZA HOTEL OF OSHKOSH, L.L.C. (LESSEE)

Thomas D. Arnot, Authorized Agent

2 **RESOLUTION: Adopt Revisions to Pay Schedules for Non-Union Regular Employees**

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4
5

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

6 **WHEREAS**, it is advisable to consider adjustments to the pay ranges for Winnebago County employees
7 periodically, to ensure that our wage rates remain at a level sufficient to allow us to attract and retain good
8 employees; and

9 **WHEREAS**, adjusting the minimums and maximums of pay ranges will not directly increase the pay of any
10 particular Winnebago County employee, but will allow employees at the maximum pay ranges to participate in the
11 Merit Pay Program and receive merit pay increases if they earn them, up to the new maximum of their pay ranges;
12 and

13 **WHEREAS**, the consumer price index-urban (CPI-U), as calculated by the Wisconsin Department of
14 Revenue and used by the Wisconsin Employment Relations Commission for calculating allowable general wage
15 increases under Act 10, has fluctuated during the past year, between 1.68% and 1.25%, and your undersigned
16 Committee believes that an increase of 1.50% represents a reasonable adjustment for non-union pay schedules; and

17 **WHEREAS**, it is anticipated that a study of Winnebago County’s compensation plans will be completed
18 within the upcoming year, and the Board does not wish to consider any further changes to pay ranges until after the
19 pay study is complete.

20 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that the
21 minimums and maximums of each pay range for the pay grades covering all regular Winnebago County employees
22 may be increased by 1.50%, effective January 1, 2016.
23

24 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that a study of the
25 Winnebago County compensation plans be completed within one year of the date on which this resolution is adopted,
26 and any future proposed changes to pay ranges be evaluated after the Board has had the benefit of reviewing the
27 recommendations from the compensation plan study.
28

29 **Fiscal Note:** There is no fiscal impact to this Resolution. Pay raises will be as determined by the Merit Pay Plan

30 Respectfully submitted by:

31 **PERSONNEL AND FINANCE COMMITTEE**

32 Committee Vote: **5-0**

33 Vote Required for Passage: **Majority of Those Present**

34

35 Approved by the Winnebago County Executive this ____ day of _____, 2015.

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Mark L Harris
Winnebago County Executive

2 **RESOLUTION: Repeal Paragraph 23 of Motion Number 520 to the State of Wisconsin**
3 **2015-2017 Budget Bill (SB 21 and AB 21) Relative to Shoreland Zoning**
4 **Standards**

5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the State of Wisconsin has adopted NR 115 of the Wisconsin Administrative Code relating to
8 Shoreland Zoning Standards, and Winnebago County has adopted and administered the minimum requirements of
9 said standards since 1968; and

10 **WHEREAS**, the Joint Finance Committee for the State’s 2015-17 biennial budget process has passed
11 Paragraph 23 of Motion Number 520 (attached hereto) which significantly changes the standards for regulation of
12 existing non-conforming structures in shoreland areas contrary to the adopted standards of NR 115; and

13 **WHEREAS**, Winnebago County has a substantial number of nonconforming structures existing in its
14 shoreland areas that no longer will be subject to any oversight which will cause development near County waterways
15 to go completely unchecked relative to its compliance with other state and county regulations, such as sanitary,
16 zoning, stormwater/erosion control, and floodplain/wetland standards; and

17 **WHEREAS**, with no oversight, property owners that rebuild or remodel nonconforming structures in
18 shoreland areas may unknowingly be in violation with the aforementioned state and county regulations causing after-
19 the-fact enforcement by the County and therefore potentially placing a significant burden (financial, development
20 delays, etc) on shoreland property owners to come into compliance; and

21 **WHEREAS**, with no oversight, neighboring property owners and the general public may be negatively
22 impacted, specifically as it relates to property values, erosion & runoff from the site, substandard sanitary impacts,
23 increased flooding issues, and overall enjoyment of the County’s waterways; and

24 **WHEREAS**, Paragraph 23 of Motion Number 520 also removes the ability of the DNR to appeal any action
25 of a County Board of Adjustment decision which diminishes state support for the shoreland program and its goals of
26 protecting the waterways of the state; and

27 **WHEREAS**, State organizations including the Wisconsin Counties Association, Wisconsin County Code
28 Administrators, Wisconsin Land and Water Conservation Association, and Wisconsin County Planning and Zoning
29 Directors (attached hereto) have gone on record supporting the repeal of Paragraph 23 of Motion Number 520 of the
30 2015-17 budget bill, and request that these issues be addressed through the normal legislative process to allow for
31 important input from the general public regarding managing development activity around our state waterways.

32
33 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
34 requests the State of Wisconsin to repeal Paragraph 23 of Motion Number 520 of the 2015-17 State Budget Bill (SB
35 21 and AB 21), and request the State of Wisconsin to discuss any changes to NR 115 through the normal legislative
36 process to allow for open public discussion and input on this issue.

37
38 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk is directed to send a copy of this Resolution
39 to members of the State’s Joint Finance Committee, Governor of the State of Wisconsin, State Senators and
40 Representatives serving Winnebago County constituents, the Wisconsin Counties Association, and each County in
41 the State of Wisconsin.

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Respectfully submitted by:
Thomas Egan, District #33
Chuck Farrey, District #30
COUNTY BOARD SUPERVISORS

Committee Vote: _____

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2015.

Mark L Harris
Winnebago County Executive

JOINT FINANCE - MOTION #520 Paragraph 23

f. Provide if current-law provisions for board dissolution are not satisfied, or if court approval is not granted, or if the board finds the public welfare will be promoted by reinstating the drainage district board, the board shall order the district reinstated.

g. Specify the provision first applies to a petition for suspension of operation issued under current law for which no final order has been issued as of the effective date of the bill.

* 23. *Shoreland Zoning Standards.* Move to generally incorporate the provisions of 2015 LRB 1919/1 that would amend Chapters 59 (counties), 61 (villages), 62 (cities) and 281 (water and sewage) as follows:

a. Provide a definition for "structure" under s. 59.692 of the statutes (county shoreland zoning) to mean a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit. Delete a reference to "buildings" in the definition of "shoreland setback area," and provide the term "structure" applies to consideration of whether construction or placement of objects occurs in a shoreland setback area, which is an area within a set distance of a high-water mark in which building activity is prohibited or limited.

b. Specify a shoreland zoning standard promulgated by DNR, or a county shoreland zoning ordinance, may not impair the interest of a landowner in shoreland property with regard to several aspects of land use as described in the following paragraphs.

(1) Specify DNR standards or a county ordinance may not: (a) require approval to install or maintain outdoor lighting in shorelands; (b) impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands; or (c) otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Modify current-law provisions regarding restoration of nonconforming structures to specify DNR standards or a county ordinance may not require approval for, or impose a fee or mitigation requirement for, or otherwise prohibit or regulate, the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming structure if the activity does not expand the footprint of the nonconforming structure. Provide a county shoreland zoning ordinance shall allow a footprint expansion of a nonconforming structure if the expansion is necessary for the structure to comply with applicable state or federal requirements.

(3) Specify DNR standards or a county ordinance may not require any approval for, or impose any fee or mitigation requirement for, or otherwise prohibit or regulate, the vertical expansion of a nonconforming structure unless the vertical expansion would extend for more than 35 feet above grade level. Provide DNR may establish a shoreland zoning standard that allows vertical or lateral expansion of a nonconforming structure, consistent with the provisions of the motion, and provide a county may enact a shoreland zoning ordinance that allows the vertical or lateral expansion of a nonconforming structure if the ordinance does not conflict with DNR shoreland zoning standards.

(4) Specify DNR standards or a county ordinance may not require any inspection or upgrade of a structure before the sale or transfer of the structure.

NATURAL RESOURCES -- DEPARTMENTWIDE

Motion:

Move to do the following:

1. *Position Reductions* [LFB Paper #450]. Adopt Alternatives A1, B1, and C2 (Governor's recommendation).

Stewardship Program [LFB Paper #451]

2. *Bonding Levels*. Delete the Governor's recommendation that beginning with fiscal year 2015-16, DNR may not obligate moneys from the land acquisition subprogram of the reauthorized stewardship program if the annual general fund debt service on amounts obligated under the reauthorized stewardship program exceeds \$54,305,700. Instead, specify that DNR may not obligate more than \$33,250,000 in each year from fiscal year 2015-16 through 2019-20 under the reauthorized stewardship program as shown in the following table. Reduce the amount of total bonding authority for the stewardship program by \$88,250,000 from the currently authorized \$1,365,500,000 (\$1,277,250,000 would be authorized for the program) and provide \$50,000 GPR in 2015-16 and \$980,000 GPR in 2016-17 for estimated debt service payments.

Posted By:
Wheeler Reports, Inc.

(5) Specify DNR standards or a county ordinance may not establish standards for impervious surfaces, unless the standards provide that a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil.

c. Specify a county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated as an administrative rule by the DNR. However, provide the restriction does not prohibit a county from enacting a shoreland zoning ordinance to regulate a matter that is not covered by a DNR-promulgated shoreland zoning standard.

d. Provide any provision in a county ordinance that is in effect on or after the bill's effective date, and that is inconsistent with any of the provisions of s. 59.692 of the statutes (county shoreland zoning) as affected by the motion, does not apply and may not be enforced.

e. Specify any village or city enacting ordinances required by statute to cover annexed or previously unincorporated shorelands must adhere to requirements and limitations on such ordinances, as specified by the motion. Further, delete provisions relating to standards for vegetative buffers in such annexed or previously unincorporated shorelands [ss. 61.353 (3)(c) and (d), and 62.233 (3)(c) and (d) of the statutes].

f. Specify a county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land, nor expand an existing vegetative buffer zone. However, specify beginning on the effective date of the bill, a county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone existing on that date if the ordinance: (a) allows the buffer zone to contain a viewing corridor at least 35 feet wide for every 100 feet of shoreline frontage; or (b) allows the viewing corridor to run contiguously for the entire maximum width allowed in the ordinance.

g. Specify a county shoreland zoning ordinance may not regulate the construction of a structure on a substandard lot in a manner more restrictive than DNR standards governing structures on substandard lots.

h. Specify DNR may not appeal to a county board of adjustment a decision by a county to grant or deny a shoreland zoning variance under s. 59.692 of the statutes. Provide the Department may, upon request of a county board of adjustment, issue an opinion on whether a variance should be granted or denied.

i. Specify county shoreland zoning ordinances, construction site erosion control and storm water management zoning ordinances, or wetland zoning ordinances do not apply to lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable body of water. Also, repeal s. 281.31 (2m) (c) of the statutes, providing lands adjacent to farm drainage ditches are exempt from various types of zoning if maintained in nonstructural agricultural use.

Posted By:
Wheeler Reports, Inc.



**Wisconsin
County Code
Administrators**

June 5, 2015

Senator Alberta Darling, Co-Chair, Representative John Nygren, Co-Chair
And Members – Joint Committee on Finance
C/O Joe Malkasian – Committee Clerk
Room 305 East, State Capitol
Madison, WI 53702

RE: Budget Bill: Motion #520, Paragraph #23, Shoreland Zoning Standards.

Dear Senator Darling, Representative Nygren and members of the Joint Finance Committee:

As President of the Wisconsin County Code Administrators (WCCA), I would like to submit the following WCCA's position on the Joint Committee on Finance Motion #520 motion relating to shoreland zoning standards of the 2015-2017 state budget bill. The WCCA is an association of County Zoning Administrators who are responsible for the administration and enforcement of the County's shoreland and land use regulations, in compliance with state administrative codes.

WCCA opposes changes to the state shoreland zoning standards proposed in paragraph 23 of Motion # 520.

Wisconsin has a rich history in protecting its shorelands. Wisconsin Counties have been enforcing the minimum shoreland standards since the late 1960's. Wisconsin's minimum shoreland zoning standards are promulgated as NR 115, Wisconsin Administrative Code (NR 115). NR 115 shoreland standards protect water quality, preserve property values, protect wildlife habitat, protect spawning grounds, preserve shoreland cover and fisheries habitat, protect natural scenic beauty and to prevent erosion and sedimentation. The shoreland standards are widely accepted by the public and are supported locally. The shoreland zoning standards provide protection for the state's 15,000 lakes and 13,500 miles of navigable streams and rivers. Almost 3 percent of Wisconsin's area—nearly a million acres—is lakes.

In the late 1990's, state and county officials recognized that the NR 115 shoreland standards were antiquated and needed to be amended. After nearly a 15 year effort, that involved many stakeholders, the State of Wisconsin passed the amended NR 115. This amendment process was involved to say the least. In 2002 a 28-member Advisory Committee was formed to provide oversight and guidance during the amendment proceedings. In 2003 the committee held 8 public listening sessions to receive comments on proposed changes to NR 115. In 2005, 11 public hearings were held with over 1,400 people in attendance and over 50,000 comments received. In 2007, another 8 public hearings were held with 727 people attending and 8,945 comments received. Finally, in 2013, 5 additional public hearings were held as the code was tweaked with 146 people attending and 410 comments received.

The NR 115 amendment process was extensive with much input from many parties across the state. In Wisconsin there is a long standing tradition of protecting our shorelands that has resulted in better water quality, higher property values, and a better economy. Currently, these standards include limits on the expansion of non-conforming structures if compliant locations exist on the property. Current law allows

for the replacement of all non-conforming structures lost to violent wind, vandalism, fire, flood, snow, ice, mold or infestation. However, the regulations do not allow expansions without considering the impact of those actions on the water resource they are infringing on. WCCA supports the law as it is currently written and feels the changes proposed could be detrimental to our state's valuable waterways.

In addition, paragraph 23 of Motion #520, restricts local units of government, including both towns and counties from adopting rules that protect their most vulnerable resources. Many areas of our state have unique water resources that local government officials, with the backing of local citizens and landowners, have instituted slightly greater regulations in order to protect that which they hold dear in their backyards. That protection sought and passed by the people who live in the area would be stripped away with the passage of this motion.

WCCA understands that hard decisions must be made to balance Wisconsin's state budget. That being said, WCCA requests that paragraph 23 of Motion 520 be stricken from the budget and instead vetted through the legislative bill making process. The WCCA believes this matter needs to receive the fullest attention and input from all stakeholders, such as, property owners, realtors, builders, lake association and lake district members, anglers, boaters, town, county and state officials.

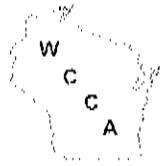
In closing, the WCCA respectfully requests the Joint Committee on Finance to reconsider and repeal paragraph 23 from Motion 520 relating to shoreland zoning standards. The WCCA extends the offer to discuss this matter with the authors of the motion and any member of the Joint Committee on Finance to address the issues and to develop a workable plan for all affected parties. The WCCA also is available to answer questions the committee may have regarding this matter.

Sincerely,

Terri Dopp-Paukstat

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cc: WCCA Executive Board
Wisconsin Counties Association
Wisconsin Towns Association
Senator Luther Olsen
Senator Sheila Harsdorf
Senator Leah Vukmir
Senator Tom Tiffany
Senator Howard Marklein
Senator Lena Taylor
Senator Jon Erpenbach
Representative Dale Kooyenga
Representative Amy Loudbeck
Representative Dean Knudson
Representative Michael Schraa
Representative Mary Czaja
Representative Chris Taylor
Representative Gordon Hintz



Wisconsin
County Code
Administrators



Wisconsin County
Planning
& Zoning Directors
Established in 1978

MEMORANDUM

TO: Honorable Members of the Joint Committee on Finance

FROM: Wisconsin Counties Association
Wisconsin Land and Water Conservation Association
Wisconsin County Code Administrators
Wisconsin County Planning and Zoning Directors

DATE: June 8, 2015

SUBJECT: Paragraph 23 of Motion #520 applicable to County Shoreland Zoning

This letter serves as a summary of our concerns pertaining to Paragraph 23 of Motion #520 of the 2015-2017 state budget bill. Our organizations are charged with protecting our natural resources through various means, best management practices of land conservation principles, shoreland/wetland zoning regulations, and planning for future development in all areas of our great state.

Wisconsin currently has superior water resources because of the protections that have been in place for more than 45 years. The abandonment of minimum county shoreland zoning standards should not be taken lightly when considering the positive impacts they have had. While other states have had degradation of waterways, our state has halted and even reversed that trend because of the work of our organizations, namely WCA, WCCA, WLWCA, and WCPA in cooperation with the Wisconsin Department of Natural Resources (DNR).

Our concerns with Paragraph 23 of Motion #520 are as follows:

a.) The proposal to allow development of non-conforming structures without restriction or permit could lead to impairment of our waterways and unsafe conditions for property owners. The reasonable limitation on the expansion, reconstruction and modification of nonconforming structures provides a balance between their continued use and their eventual removal. In the vast majority of situations, the nonconformity is due to the structure being very close to the shoreline. In such cases the expansion of the nonconforming structure can increase runoff, which has a negative impact on water quality.

b.) When permits are not required, the system of checks and balances that currently aids development to take place in an orderly and safe manner will disappear. It is our concern that unintended impacts will lead to a decline in environmental quality in our shoreland areas and consequently result in a lowering property values and a decline in overall economic conditions.

c.) Removing the ability to allow a county to have restrictions greater than the minimum standards set by NR 115 does not allow local units of government to tailor their regulations to their unique resources at the local level, nor does it allow them to implement priorities in their locally written and approved plans.

d.) Changes to the minimum standards should go through the legislative process so that interested parties may comment. Waterways are held in trust for the public. This process would examine the regulations from all viewpoints and identify possible consequences during the process.

We ask that the aforementioned items be considered outside of the biennial budget in order to allow for stakeholder input into the process of improving current state statutes related to shoreland zoning. Thank you for your consideration.