

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE

11/14/2017

### 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 11/14/2017 at 6:30 p.m. in the 3<sup>rd</sup> floor conference room 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.:** 2017-ZC-4330

**Applicant:** JUEDES, DAVID; JUEDES, BEVERLY

**Agent:** None

**Location of Premises:** 414 STATE RD 26; OSHKOSH, WI 54904

**Tax Parcel No.:** 012-0573

**Legal Description:** Being a part of the SW 1/4 of the NE 1/4 and the W 1/2 of the SE 1/4, Section 32, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting zoning change from A-1 to A-2 for creation of two agricultural lots.

**INITIAL STAFF REPORT**

**Sanitation:**

Existing System  
Private System

**Overlays:**

Shoreland  
Wetlands

**Current Zoning:** A-1 Agribusiness

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

**Surrounding Zoning:**

**North:** A-1  
**South:** A-1  
**East:** A-1  
**West:** A-1

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

**Describe Present Use(s):** Residential, dog boarding business and general agriculture.

**Describe Proposed Use(s):** Residential, dog boarding business and general agriculture.

**Describe The Essential Services For Present And Future Uses:** Private well and mound system.

**Describe Why The Proposed Use Would Be The Highest And Best Use For The Property:** To continue as it is currently being used.

**Describe The Proposed Use(s) Compatibility With Surrounding Land Uses:** Similar to surrounding area.

**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.

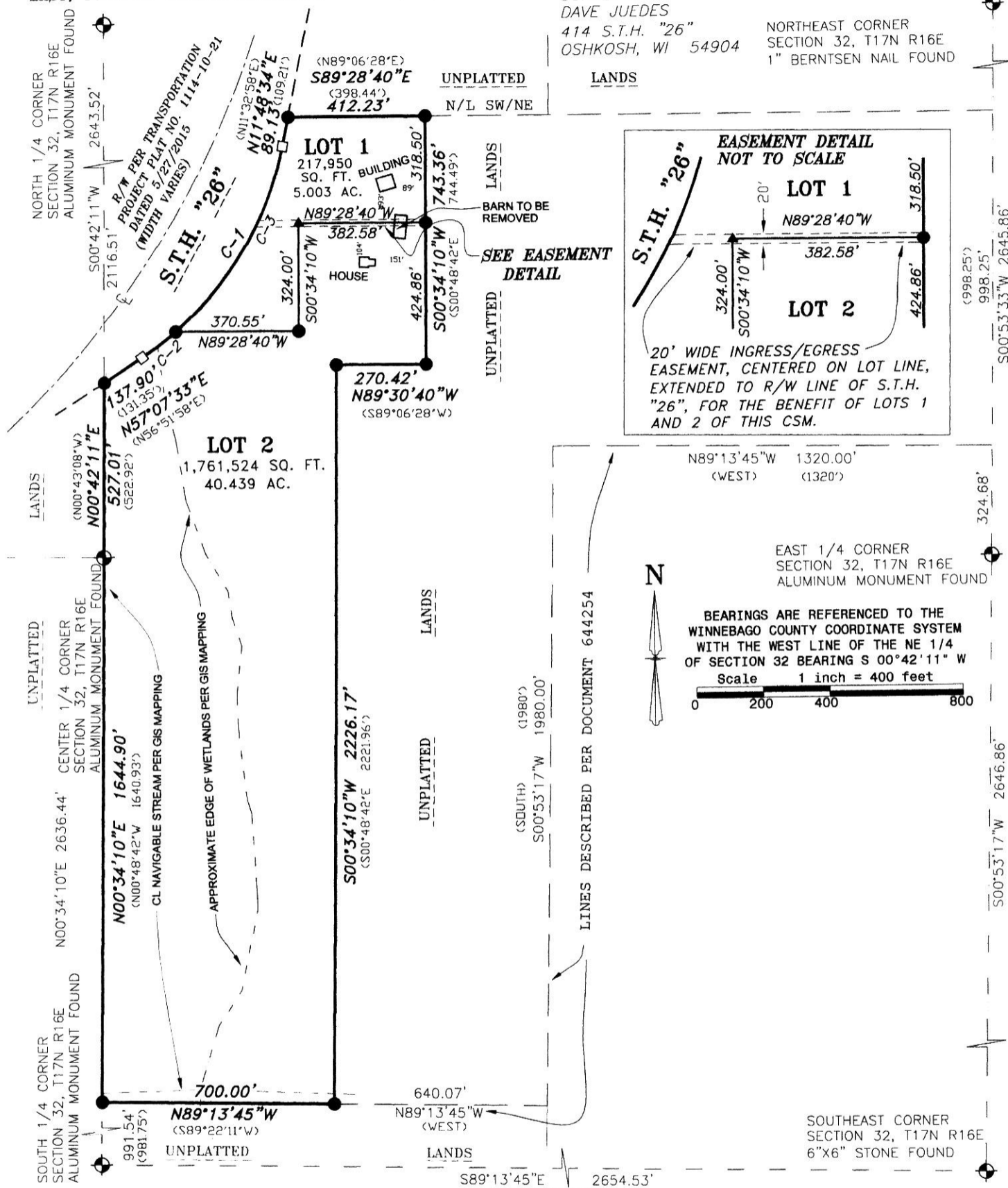
#5818

# CERTIFIED SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, IN SECTION 32, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:  
DAVE JUEDES  
414 S.T.H. "26"  
OSHKOSH, WI 54904

NORTHEAST CORNER  
SECTION 32, T17N R16E  
1" BERTSEN NAIL FOUND

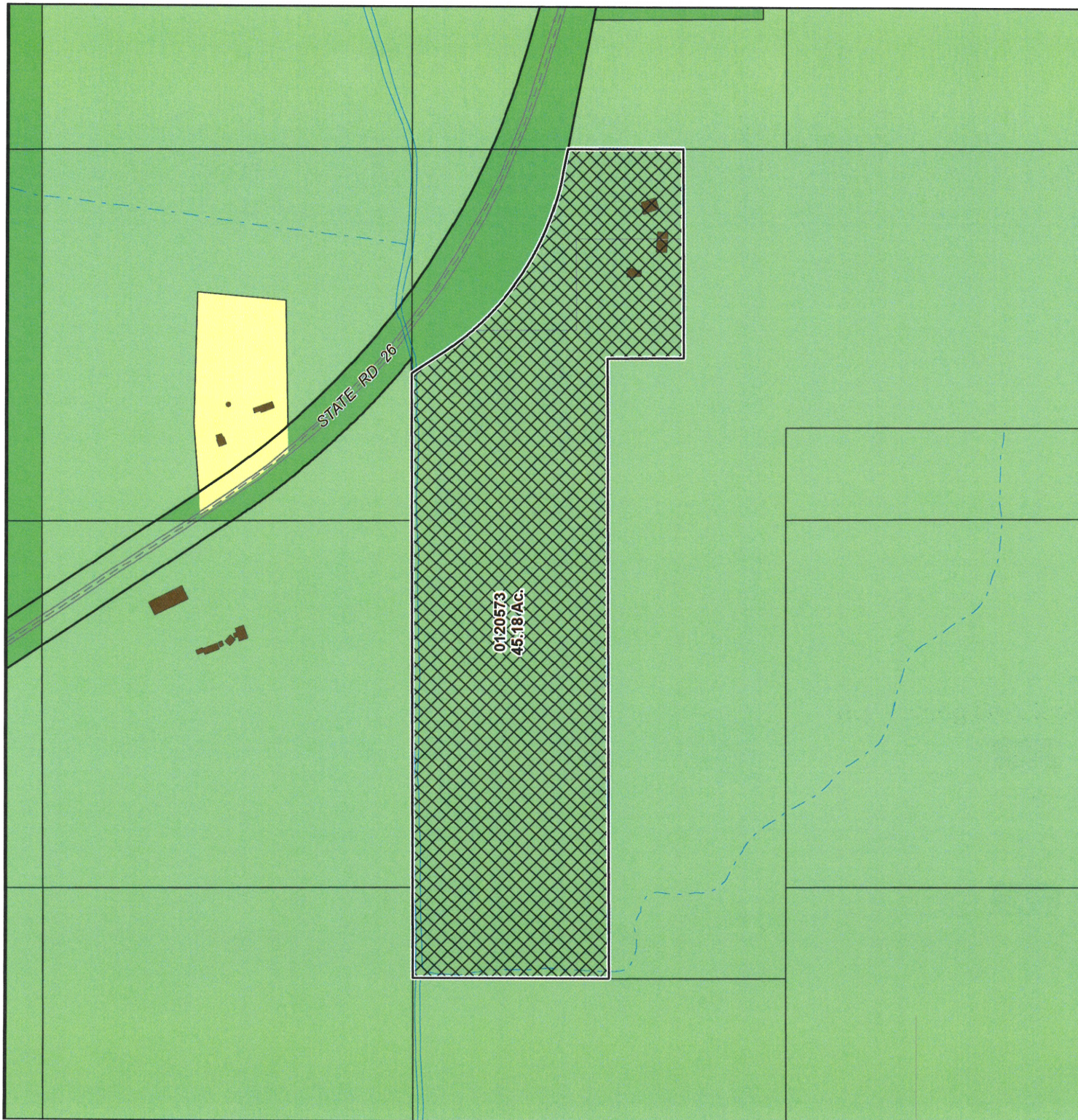


2909 W TILLMAN ST.  
APPLETON, WI 54914  
(920) 410-3379  
(920) 474-5025

mail@foxvalleylandsurveying.com  
foxvalleylandsurveying.com

PROJECT NO. 171632-1  
SHEET 1 OF 3

- LEGEND**
- 3/4" SOLID ROUND REBAR SET - 18" LONG, WEIGHING 1.502 LBS./LIN. FT.
  - ▲ RAILROAD SPIKE SET
  - 1-1/4" O.D. IRON PIPE FOUND W/D.O.T CAP FOUND
  - ⊙ GOVERNMENT CORNER
  - ( ) RECORDED AS



**Application #17-ZC-4330**

Date of Hearing:

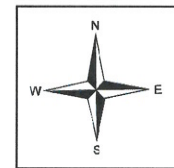
December 19, 2017

Owner(s):

Juedes, David J. & Beverly J.

Subject Parcel(s):

0120573



Winnebago County  
WINGS Project

**Scale**

1 inch : 500 feet

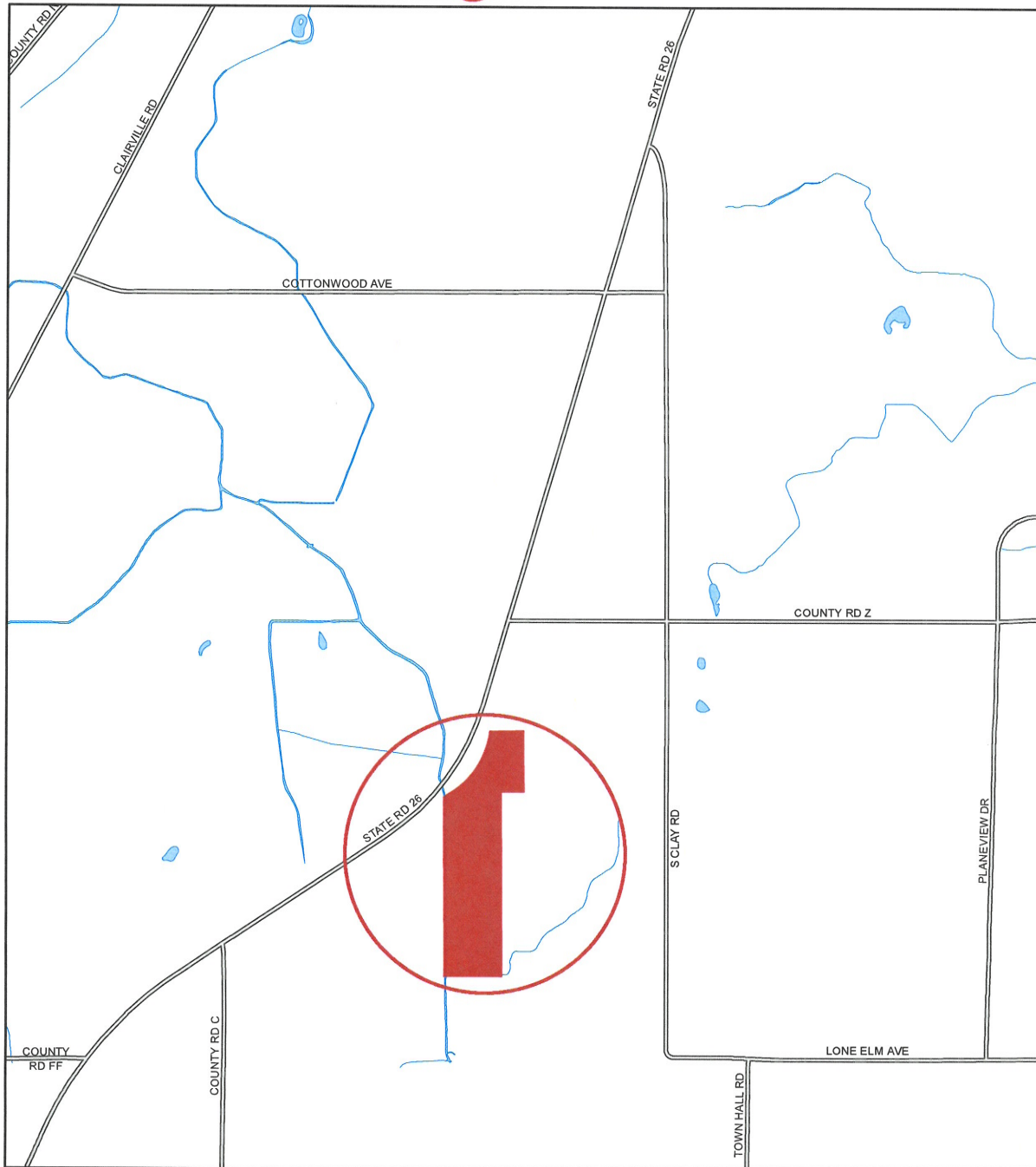
**County Zoning Districts**

|     |     |                |
|-----|-----|----------------|
| 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<br>Zoning |

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area

○ = SITE



1 inch : 2,000 feet

## Application #17-ZC-4330

Date of Hearing:

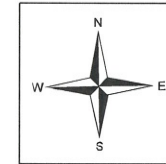
December 19, 2017

Owner(s):

Juedes, David J. & Beverly J.

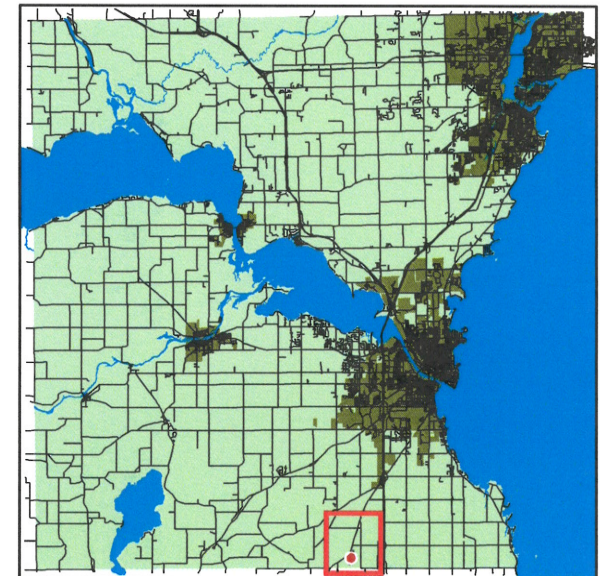
Subject Parcel(s):

0120573



Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY

# Winnebago County Planning and Zoning Department

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11/14/2017

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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.:** 2017-ZC-4320

**Applicant:** CONDON, KEVIN J AND CONDON, ANN M  
RONALD B MILLER REV TST AND SHIRLEY E MILLER REV TST;  
MILLER, DOUGLAS R AND MILLER, LINDA M

**Agent:** None

**Location of Premises:** EAST AND SOUTH OF 834 CLAIRVILLE RD, OSHKOSH, WI 54904

**Tax Parcel No.:** 012-0527-02, 012-0527, 012-0524, 012-0530, 012-0529, 012-0526

**Legal Description:** Being a part of the NE 1/4, Section 30, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

**Explanation:** Applicant is requesting zoning map amendments to A-1 and A-2 to eliminate dual zoning on reconfigured lots.

### INITIAL STAFF REPORT

**Sanitation:** Existing System; Private System

**Overlays:** Shoreland; Wetlands

**Current Zoning:**

R-1 Rural Residential,  
A-2 General Agriculture,  
A-1 Agribusiness

**Proposed Zoning:**

A-2 General Agriculture,  
A-1 Agribusiness

**Surrounding Zoning:**

**North:** R-1; A-2; A-1  
**South:** R-1; A-2; A-1  
**East:** A-2; A-1  
**West:** A-2; A-1

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

**Describe Present Use(s):** Agricultural and residential.

**Describe Proposed Use(s):** Use will remain the same.

**Describe The Essential Services For Present And Future Uses:** Private on-site wastewater treatment systems and wells.

**Describe Why The Proposed Use Would Be The Highest And Best Use For The Property:** Zoning changes are requested only to keep what will become the new parcels all under the current zoning classification.

**Describe The Proposed Use(s) Compatibility With Surrounding Land Uses:** The proposed uses will keep the parcels in complete compatibility with current surrounding land uses.

### 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:

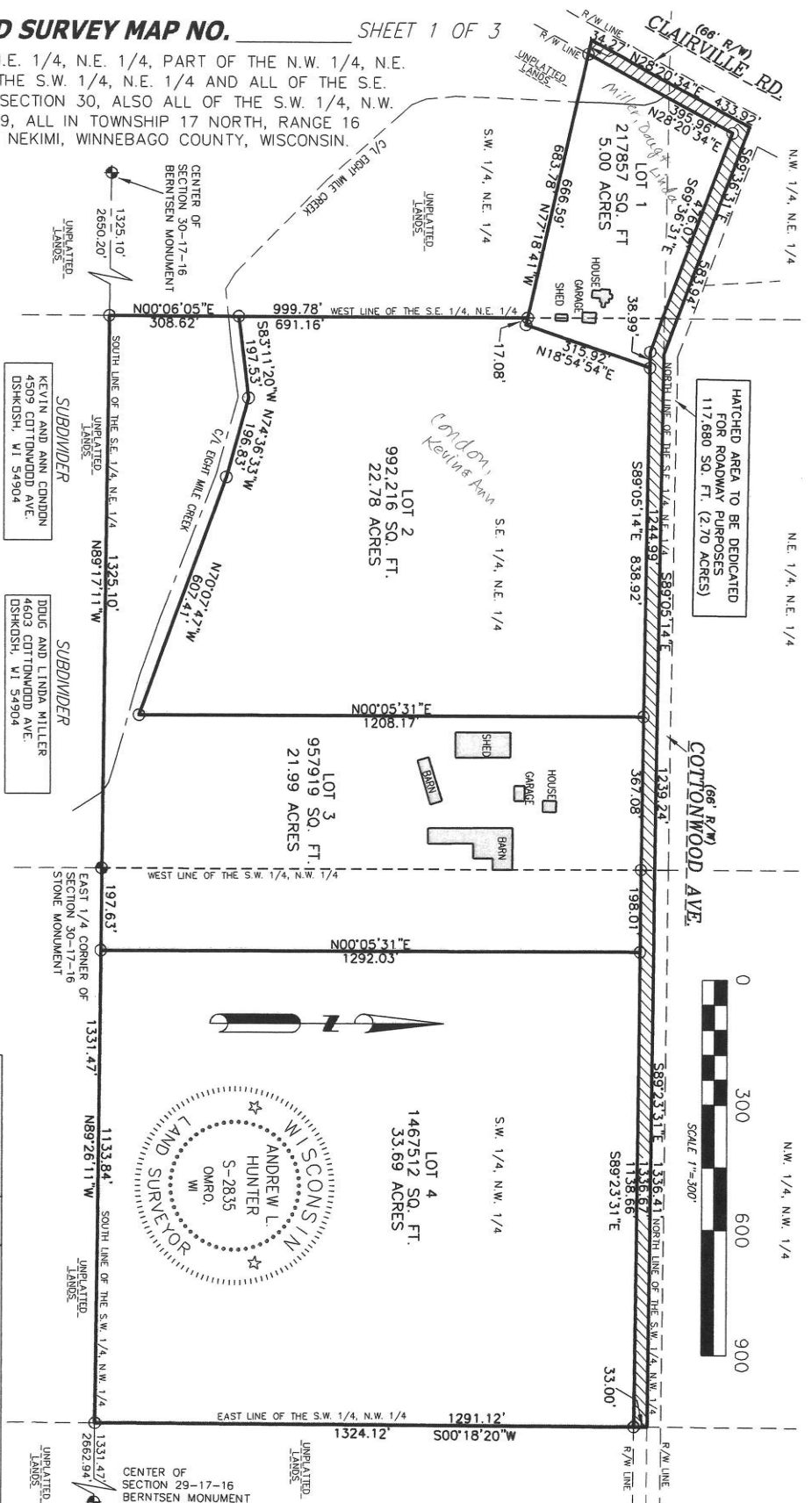
- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Board of County Supervisors; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_ SHEET 1 OF 3

PART OF THE N.E. 1/4, N.E. 1/4, PART OF THE N.W. 1/4, N.E. 1/4, PART OF THE S.W. 1/4, N.E. 1/4 AND ALL OF THE S.E. 1/4, N.E. 1/4, SECTION 30, ALSO ALL OF THE S.W. 1/4, N.W. 1/4, SECTION 29, ALL IN TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

- DENOTES 1 INCH DIAMETER IRON PIPE FOUND, UNLESS OTHERWISE NOTED.
- DENOTES 1 INCH DIAMETER IRON PIPE 18 INCHES LONG SET WEIGHING NOT LESS THAN 1.13 LBS PER LINEAL FOOT.
- ( ) DENOTES RECORD DIMENSION, WHERE DIFFERENT FROM ACTUAL

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE N.E. 1/4 OF SECTION 30-17-16, WHICH BEARS NORTH 89°17'11" WEST  
ALL DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.



|              |  |
|--------------|--|
| 10/2/2017    |  <b>WISCONSIN</b><br><b>LAND SURVEYING INC.</b><br><i>Professional Service from One Trust</i> |
| 5359B        |  |
| SHEET 1 OF 3 |  |

6020 LEONARD POINT RD. OSHKOSH, WI 54904  
www.wisconsinlandsurveying.com (920)410-7744

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 2 of 3

PART OF THE N.E. 1/4, N.E. 1/4, PART OF THE N.W. 1/4, N.E. 1/4, PART OF THE S.W. 1/4, N.E. 1/4, ALL OF THE S.E. 1/4, N.E. 1/4, SECTION 30, ALSO ALL OF THE S.W. 1/4, N.W. 1/4, SECTION 29, ALL IN TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

**SURVEYORS CERTIFICATE**

I, ANDREW HUNTER, WISCONSIN PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY;

THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE N.E. 1/4, N.E. 1/4, PART OF THE N.W. 1/4, N.E. 1/4, PART OF THE S.W. 1/4, N.E. 1/4, ALL OF THE S.E. 1/4, N.E. 1/4, SECTION 30, ALSO ALL OF THE S.W. 1/4, N.W. 1/4, SECTION 29, ALL IN TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN; WHICH IS BOUND AND DESCRIBED AS FOLLOWS;

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 30; THENCE NORTH 89°17'11" WEST ALONG THE SOUTH LINE OF SAID S.E. 1/4, N.E. 1/4, 1325.10 TO THE WEST LINE OF SAID S.E. 1/4, N.E. 1/4; THENCE NORTH 00°06'05" EAST ALONG SAID WEST LINE, 999.78 FEET; THENCE NORTH 77°18'41" WEST 683.78 FEET TO THE CENTERLINE OF CLAIRVILLE ROAD; THENCE NORTH 28°20'34" EAST ALONG THE CENTERLINE OF SAID ROAD, 433.92 FEET TO THE CENTERLINE OF COTTONWOOD AVE; THENCE SOUTH 69°36'31" EAST ALONG SAID CENTERLINE, 583.94 FEET TO A POINT ON THE NORTH LINE OF SAID S.E. 1/4, N.E. 1/4; THENCE SOUTH 89°05'14" EAST ALONG SAID NORTH LINE, 1239.24 FEET; THENCE SOUTH 89°23'31" EAST ALONG THE NORTH LINE OF SAID S.W. 1/4, N.W. 1/4, 1336.41 FEET TO THE EAST LINE OF SAID S.W. 1/4, N.W. 1/4; THENCE SOUTH 00°18'20" WEST ALONG SAID EAST LINE, 1324.12 FEET TO THE SOUTH LINE OF SAID S.W. 1/4, N.W. 1/4; THENCE NORTH 89°26'11" WEST ALONG SAID SOUTH LINE, 1331.47 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 3,753,183 SQ. FT. (86.16 ACRES) AND IS SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

THAT THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN PARCEL NUMBERS 012-0526, 012-0529, 012-0506 AND 012-0530 BEING THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENT(S): DOCUMENT NO. 894266 AND

THAT I HAVE MADE THIS SURVEY BY THE DIRECTION OF DOUGLAS R. MILLER, LINDA M. MILLER, KEVIN J. CONDON AND ANN M. CONDON, OWNERS OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE LAND SUBDIVISION ORDINANCE OF WINNEBAGO COUNTY.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ANDREW L. HUNTER, WISCONSIN  
PROFESSIONAL LAND SURVEYOR S-2835

**OWNERS CERTIFICATE**

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP. WE ALSO CERTIFY THAT THIS MAP IS TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: WINNEBAGO COUNTY AND TOWN OF NEKIMI.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
DOUGLAS R. MILLER

\_\_\_\_\_  
LINDA M. MILLER

**STATE OF WISCONSIN)**  
**:SS**  
**\_\_\_\_\_ COUNTY)**

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017 THE  
AFOREMENTIONED DOUGLAS R. MILLER AND LINDA M. MILLER, TO ME KNOWN TO BE THE  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_ COUNTY, WI  
MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 3 of 3

PART OF THE N.E. 1/4, N.E. 1/4, PART OF THE N.W. 1/4, N.E. 1/4, PART OF THE S.W. 1/4, N.E. 1/4, ALL OF THE S.E. 1/4, N.E. 1/4, SECTION 30, ALSO ALL OF THE S.W. 1/4, N.W. 1/4, SECTION 29, ALL IN TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

**OWNERS CERTIFICATE**

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE WINNEBAGO COUNTY SUBDIVISION ORDINANCE.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
KEVIN J. CONDON

\_\_\_\_\_  
ANN M. CONDON

STATE OF WISCONSIN)  
: SS  
\_\_\_\_\_  
COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017 THE  
AFOREMENTIONED KEVIN J. CONDON AND ANN M. CONDON, TO ME KNOWN TO BE THE PERSONS  
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
COUNTY, WI  
MY COMMISSION EXPIRES \_\_\_\_\_

**COUNTY TREASURERS CERTIFICATE**

I \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER FOR  
WINNEBAGO COUNTY, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE,  
THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY  
LAND INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATE \_\_\_\_\_ TREASURER \_\_\_\_\_

**TOWN TREASURERS CERTIFICATE**

I \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER FOR THE  
TOWN OF NEKIMI, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE,  
THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY  
LAND INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATE \_\_\_\_\_ TREASURER \_\_\_\_\_

**NEKIMI TOWN BOARD CERTIFICATE OF APPROVAL AND ACCEPTANCE OF ROAD DEDICATION**

THIS CERTIFIED SURVEY MAP, BEING PART OF THE N.E. 1/4, N.E. 1/4, PART OF THE N.W. 1/4, N.E. 1/4, PART OF THE S.W. 1/4, N.E. 1/4, ALL OF THE S.E. 1/4, N.E. 1/4, SECTION 30, ALSO ALL OF THE S.W. 1/4, N.W. 1/4, SECTION 29, ALL IN TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN, IS HEREBY APPROVED.

DATE \_\_\_\_\_ TOWN BOARD REPRESENTATIVE \_\_\_\_\_

**CERTIFICATE OF WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE**

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF WINNEBAGO COUNTY, WISCONSIN, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS MINOR SUBDIVISION WAS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE.

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

THIS DOCUMENT WAS DRAFTED BY ANDREW HUNTER

**CERTIFIED SURVEY MAP NO.**

SHEET 1 OF 3

PART OF THE N.E. 1/4 OF THE N.E. 1/4, AND PART OF THE N.W. 1/4, N.E. 1/4, SECTION 30,  
TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

- DENOTES 1 INCH DIAMETER IRON PIPE FOUND, UNLESS OTHERWISE NOTED.
- DENOTES 1 INCH DIAMETER IRON PIPE 18 INCHES LONG SET WEIGHING NOT LESS THAN 1.13 LBS PER LINEAL FOOT.
- ( ) DENOTES RECORD DIMENSION, WHERE DIFFERENT FROM ACTUAL

BEARINGS ARE REFERENCED TO THE NORTH LINE  
OF THE N.E. 1/4 OF SECTION 30-17-16, WHICH  
BEARS NORTH 88°53'17" WEST

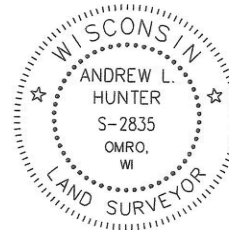
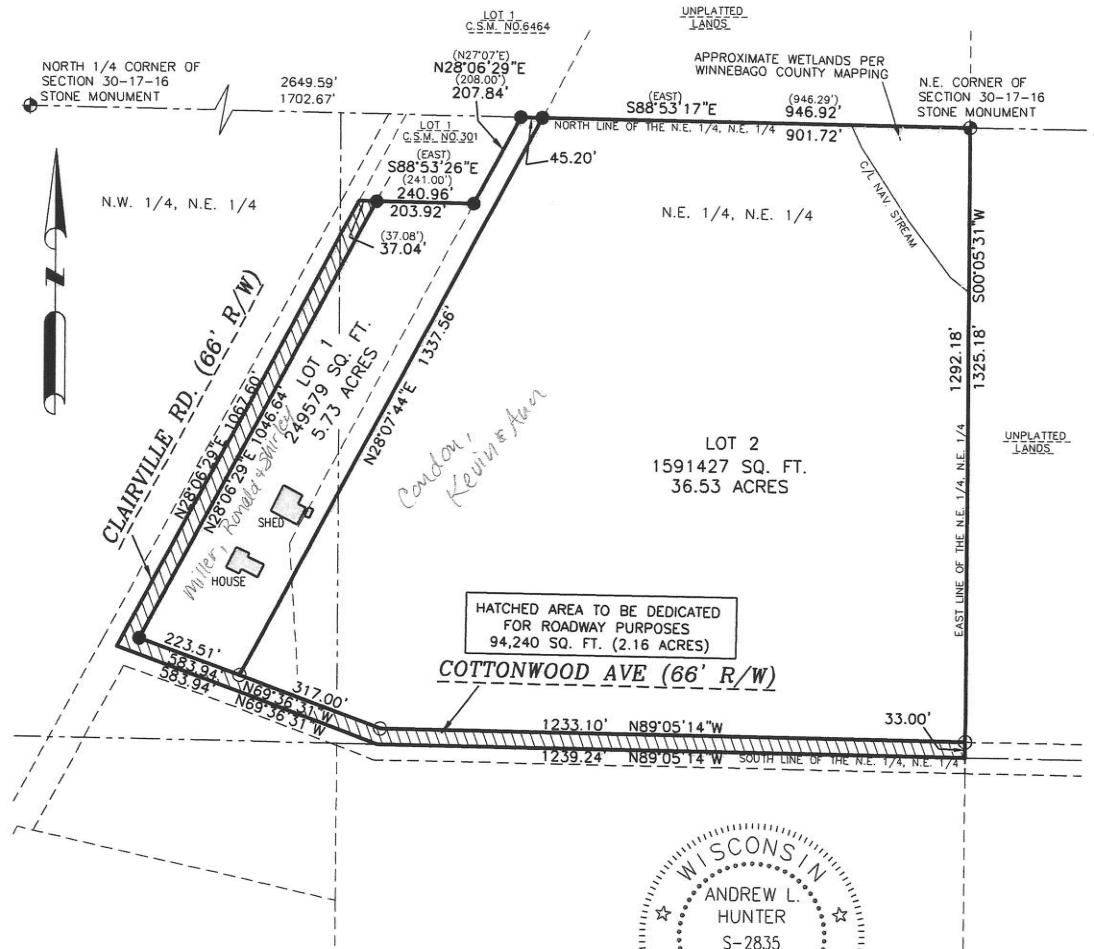
ALL DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

SUBDIVIDER

KEVIN AND ANN CONDON  
4509 COTTONWOOD AVE.  
OSHKOSH, WI 54904

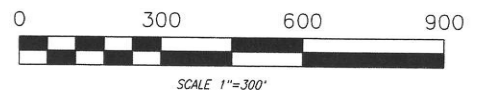
SUBDIVIDER

RONALD AND SHIRLEY MILLER  
834 CLAIRVILLE RD.  
OSHKOSH, WI 54904



|              |   |   |
|--------------|---|---|
| 10/2/2017    |  | <div style="text-align: right;"> <b>WISCONSIN</b><br/> <b>LAND SURVEYING INC.</b><br/> <i>Professional Service You Can Trust</i> </div> |
| 5359A        |   |   |
| SHEET 1 OF 3 |   |   |

5020 LEONARD POINT RD. OSHKOSH, WI 54904  
[www.wisconsinlandsurveying.com](http://www.wisconsinlandsurveying.com) (920) 410-7744



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 2 of 3

PART OF THE N.E. 1/4 OF THE N.E. 1/4 AND PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 30, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

**SURVEYORS CERTIFICATE**

I, ANDREW HUNTER, WISCONSIN PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY;

THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE N.E. 1/4 OF THE N.E. 1/4 AND PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 30, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN; WHICH IS BOUND AND DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30; THENCE SOUTH 00°05'31" WEST ALONG THE EAST LINE OF SAID N.E. 1/4, N.E. 1/4, 1325.18 FEET TO THE SOUTH LINE OF SAID N.E. 1/4, N.E. 1/4; THENCE NORTH 89°05'14" WEST ALONG SAID SOUTH LINE, 1239.24 FEET TO A POINT ON THE CENTERLINE OF COTTONWOOD AVE; THENCE NORTH 69°36'31" WEST ALONG SAID CENTERLINE, 583.94 FEET TO A POINT ON THE CENTERLINE OF CLAIRVILLE ROAD; THENCE NORTH 28°06'29" EAST ALONG SAID CENTERLINE, 1067.60 FEET TO THE SOUTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 301; THENCE SOUTH 88°53'26" EAST ALONG SAID SOUTH LINE, 240.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 28°06'29" EAST ALONG THE EAST LINE OF SAID LOT 1, 207.84 FEET TO A POINT ON THE NORTH LINE OF SAID N.E. 1/4, N.E. 1/4; THENCE SOUTH 88°53'17" EAST ALONG SAID NORTH LINE, 946.92 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1,935,246 SQ. FT. (44.43 ACRES) AND IS SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

THAT THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN PARCEL NUMBERS 012-0524, 012-0527 AND 012-0527-02 BEING THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENT(S): DOCUMENT NO. 1454002 AND

THAT I HAVE MADE THIS SURVEY BY THE DIRECTION OF RONALD B. MILLER, SHIRLEY E. MILLER, KEVIN J. CONDON AND ANN M. CONDON, OWNERS OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE LAND SUBDIVISION ORDINANCE OF WINNEBAGO COUNTY.

DATE \_\_\_\_\_

ANDREW L. HUNTER, WISCONSIN  
PROFESSIONAL LAND SURVEYOR S-2835

**OWNERS CERTIFICATE**

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP. WE ALSO CERTIFY THAT THIS MAP IS TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: WINNEBAGO COUNTY AND TOWN OF NEKIMI.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

RONALD B. MILLER (TRUSTEE)  
RONALD B. MILLER AND SHIRLEY E. MILLER REVOCABLE TRUST DATED OCTOBER 31, 2007

SHIRLEY E. MILLER (TRUSTEE)  
RONALD B. MILLER AND SHIRLEY E. MILLER REVOCABLE TRUST DATED OCTOBER 31, 2007

**STATE OF WISCONSIN)**  
: SS  
\_\_\_\_\_  
**COUNTY)**

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017 THE  
AFOREMENTIONED RONALD B. MILLER AND SHIRLEY E. MILLER, TO ME KNOWN TO BE THE  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC  
\_\_\_\_\_  
COUNTY, WI  
MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Sheet 3 of 3

PART OF THE N.E. 1/4 OF THE N.E. 1/4 AND PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 30, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

**OWNERS CERTIFICATE**

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE WINNEBAGO COUNTY SUBDIVISION ORDINANCE.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
KEVIN J. CONDON

\_\_\_\_\_  
ANN M. CONDON

**STATE OF WISCONSIN)**  
\_\_\_\_\_:SS  
**COUNTY)**

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017 THE AFOREMENTIONED KEVIN J. CONDON AND ANN M. CONDON, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
COUNTY, WI  
MY COMMISSION EXPIRES \_\_\_\_\_

**COUNTY TREASURERS CERTIFICATE**

I \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER FOR WINNEBAGO COUNTY, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY LAND INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATE \_\_\_\_\_ TREASURER \_\_\_\_\_

**TOWN TREASURERS CERTIFICATE**

I \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER FOR THE TOWN OF NEKIMI, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY LAND INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATE \_\_\_\_\_ TREASURER \_\_\_\_\_

**NEKIMI TOWN BOARD CERTIFICATE OF APPROVAL AND ACCEPTANCE OF ROAD DEDICATION**

THIS CERTIFIED SURVEY MAP, BEING PART OF THE N.E. 1/4 OF THE N.E. 1/4 AND PART OF THE N.W. 1/4 OF THE N.E. 1/4, SECTION 30, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN, IS HEREBY APPROVED.

DATE \_\_\_\_\_ TOWN BOARD REPRESENTATIVE \_\_\_\_\_

**CERTIFICATE OF WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE**

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF WINNEBAGO COUNTY, WISCONSIN, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS MINOR SUBDIVISION WAS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE.

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

RONALD B. MILLER AND SHIRLEY E. MILLER REVOCABLE TRUST

I. PARTIES:

A. RONALD B. MILLER and SHIRLEY E. MILLER, Husband and Wife, 834 Clairville Road, Oshkosh, Wisconsin 54904, hereinafter referred to as "Settlors."

B. RONALD B. MILLER and SHIRLEY E. MILLER, Husband and Wife, 834 Clairville Road, Oshkosh, Wisconsin 54904, hereinafter referred to as "Trustee."

II. RECITALS:

A. The Settlors are husband and wife and desire to establish a Revocable Trust in order to manage and distribute their assets during the Settlors' lifetime and at the time of the death of either or both of them.

B. The Settlors have executed Pour-over Wills and a Marital Property Agreement in order to implement their estate plan.

C. The Settlors desire to avail themselves of the provisions of §766.58(3) Wisconsin Statutes, and to that end hereby declare that all property placed in trust shall be classified as marital property unless this provision is amended to provide otherwise, or as may be otherwise provided in a Marital Property Agreement.

III. AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration,

IT IS AGREED as follows:

A. Recitals. The Recitals to this Agreement are incorporated herein by reference.

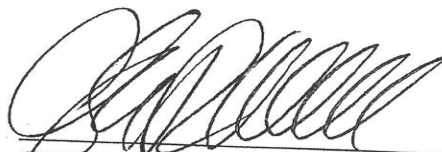
B. Transfers to the Trust. Settlors hereby transfer to Trustee, in trust, for the uses and purposes hereafter prescribed, the property described in the attached Schedule A, receipt of which is hereby acknowledged by Trustee. Trustee may also accept further additions to the trust from any source. Any additions to the trust shall be administered under the provisions of the Trust Agreement, including any amendments.

C. Beneficiary. Settlors shall be the sole beneficiaries of the trust estate prior to the death of both of the Settlors.

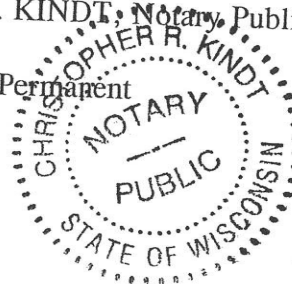
D. Distribution of Income. Prior to the death of both Settlors, Trustee may, in its discretion, distribute to or use and apply for the direct or indirect benefit of Settlor, such amounts from the net income of the trust as Trustee determines advisable. Any income not so distributed shall be accumulated in a separate and distinct income account.

STATE OF WISCONSIN)  
WINNEBAGO COUNTY)

Personally came before me, this 31<sup>st</sup> day of October, 2007 the above-named Ronald B. Miller and Shirley E. Miller, Settlers, to me known to be the person who executed the foregoing instrument and acknowledged the same.

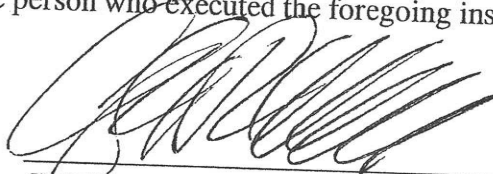


CHRISTOPHER R. KINDT, Notary Public  
State of Wisconsin  
My Commission is Permanent

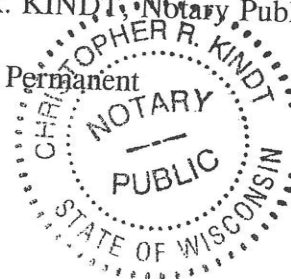


STATE OF WISCONSIN)  
WINNEBAGO COUNTY)

Personally came before me, this 31<sup>st</sup> day of October, 2007, the above-named Ronald B. Miller and Shirley E. Miller, Trustees, to me known to be the person who executed the foregoing instrument and acknowledged the same.



CHRISTOPHER R. KINDT, Notary Public  
State of Wisconsin  
My Commission is Permanent





Wisconsin Department of Agriculture, Trade and Consumer Protection  
 Division of Agricultural Resource Management  
 Farmland Preservation Program  
 2811 Agriculture Dr., PO Box 8911  
 Madison WI 53708-8911  
 Phone: (608) 224-4637

DATCP Date Entered

DATCP #

## Notice of Rezoning or Conditional Use/Special Exception in the Exclusive Agricultural Use District (EAZ)

(Farmland Preservation Law, Ch. 91, Wis. Stats.)

Please send us this form when rezones from or CUP/SEPs in the Exclusive Agricultural District are approved or when EAZ lands are annexed.

1. Town/Village/City of: Nekimi County: Winnebago

2. This Notice is for: Rezoning ☒ (From: A1 To: A2) CUP/SEP ☐ Both ☐

3a. Owner's name at time of Petition:

Kevin J & Ann M Condon phone number: (920) 410-8364

Address (city, state, zip code) 4509 Cottonwood Ave Oshkosh WI 54904

3b. Person, business or government initiating petition (if different than 3a)

phone number: ( )

Address (city, state, zip code)

3c. If the land is being annexed, fill out items 5, 7, 8 and 9. Municipality annexing:

4. Location of the Property granted rezone or CUP/SEP

| ¼ ¼ sect  | ¼ sect    | Section   | Town      | Range    | ¼ ¼ sect  | ¼ sect   | Section  | Town     | Range    |
|-----------|-----------|-----------|-----------|----------|-----------|----------|----------|----------|----------|
| <u>SE</u> | <u>NE</u> | <u>30</u> | <u>17</u> | <u>N</u> | <u>16</u> | <u>E</u> | <u>W</u> | (circle) | <u>N</u> |
| <u>NW</u> | <u>NE</u> | <u>30</u> | <u>17</u> | <u>N</u> | <u>16</u> | <u>E</u> | <u>W</u> | (circle) | <u>N</u> |

Parcel Number(s) before rezoning/CUP (parcels involved)

012 0530 012 0527

### 5. Land Area and Improvements

Total Acreage: In farm before rezone: 192.82 In parcel before rezone: \_\_\_\_\_

In original parcel and in Exclusive Ag. District: \_\_\_\_\_

How many acres were rezoned out of exclusive agricultural district or granted CUP/SEP? \_\_\_\_\_

How many acres were rezoned into exclusive agricultural district? \_\_\_\_\_

Were there improvements on the original parcel? yes ☒ no ☐

If yes, what percentage of the improvements were rezoned or granted a CUP/SEP? \_\_\_\_\_

### 6. Type of and Findings for Conditional Use / Special Exceptions in EAZ District (please check)

What is the type of CUP/SEP? (these are the only types allowed by statute)

- |   |  |
|---|--|
| a. <input type="checkbox"/> Agricultural (specify: _____)         | g. <input type="checkbox"/> Farm family business (specify: _____)                |
| b. <input type="checkbox"/> Agricultural-related (specify: _____) | h. <input type="checkbox"/> Farm consolidation (farm land added to another farm) |
| c. <input type="checkbox"/> Institutional (specify: _____)        | i. <input type="checkbox"/> Non-metallic mineral extraction                      |
| d. <input type="checkbox"/> Governmental (_____)                  | j. <input type="checkbox"/> Lease for oil/gas exploration/extraction             |
| e. <input type="checkbox"/> Religious                             | k. <input type="checkbox"/> Easement for ice age trail uses                      |
| f. <input type="checkbox"/> Gas/Electric Utility (_____)          | l. <input type="checkbox"/> Other utility  |

m. residential uses allowed as conditional use / special exception: (specify)

☐ residence for owner of farm parcel (s. 91.75(2)(b)1.) ☐ residence for parent/child of farmer (s. 91.75(2)(b)3.)

☐ residence for farmer / farm worker (s. 91.75(2)(b)2.) ☐ parent or child of resident retired farmer (s. 91.75(2)(b)4.)

Please confirm that findings were made that CUP/SEP are "consistent with agricultural use." (s. 91.01(10)).

☐ The activity will not convert land that has been devoted primarily to agricultural use.

☐ The activity will not limit the surrounding land's potential for agricultural use.

☐ The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.

☐ The activity will not conflict with agricultural operations on other properties.

If land was not rezoned or annexed skip to Question 9.

**General information** required (for all rezones):

**Miles** from city or village boundary: \_\_\_\_\_

Is the land served by public sewer? **yes** / **no** no

Is the land served by public water? **yes** / **no** no

**Miles** from existing residential subdivision: \_\_\_\_\_

Is the land within a sanitary district? **yes** / **no** no

Is the land in transition area on the farmland preservation plan? **yes** / **no**

**REASON for Rezoning:** (If land was rezoned into more than one type of use, please specify the acres for each use.)

a. ☐ Develop land for **non-Agricultural residential use**

If more than 1 lot was developed: Number of lots \_\_\_\_\_ Average lot size (acres) \_\_\_\_\_

b. ☐ Farm-related Residence (**farmer or parent / child / retirement** (circle) of farm owner-operator)

c. ☐ **Farm consolidation** (farmland added to another farm)

d. ☐ Existing **buildings sold off** (no farm consolidation)

e. ☐ **Pre-existing use** (specify: \_\_\_\_\_)

f. ☐ Sub-35 acre, **Legal nonconforming** parcel of record

g. ☐ Develop for **Industrial** use

h. ☐ Develop for **Commercial** use

i. ☐ Develop for **Recreational** use

j. ☐ Rezone for **Conservancy** use

k. ☒ **Other** (please specify) correct boundary lines with neighbors

**8. Soils and Land Use/Cover Information**

a. **Land Capability Classification** in parcel rezoned out of exclusive agricultural district (approximate percentage of land from soil survey).

% of land in Capability Classes I-II \_\_\_\_\_ % of land in Capability Class IV \_\_\_\_\_

% of land in Capability Class III \_\_\_\_\_ % of land in Capability Classes V – VIII \_\_\_\_\_

b. **Type of land use/cover** in parcel rezoned out of exclusive agricultural district (approximate)

% of land in cropland \_\_\_\_\_ % of land in woodland \_\_\_\_\_

% of land in pasture \_\_\_\_\_ % of land in other (specify) \_\_\_\_\_

**9. Certification History**

Have any zoning certificates been issued for the property rezoned or granted the non-agricultural CUP/SEP in the last 10 years? **Yes** / **No** No

If **YES**, you must attach:

☐ copies of any zoning certificates issued for the property during the last 10 years AND

☐ a written legal description of the property removed, such as a warranty deed, land contract, certified survey map or subdivision plat.

**10. Findings for Rezoning**

**Please confirm** rezoning was approved only after findings were made based on consideration of the following as required by s. 91.77(1):

☐ Adequate public facilities to accommodate the development either exist or will be provided within a reasonable time.

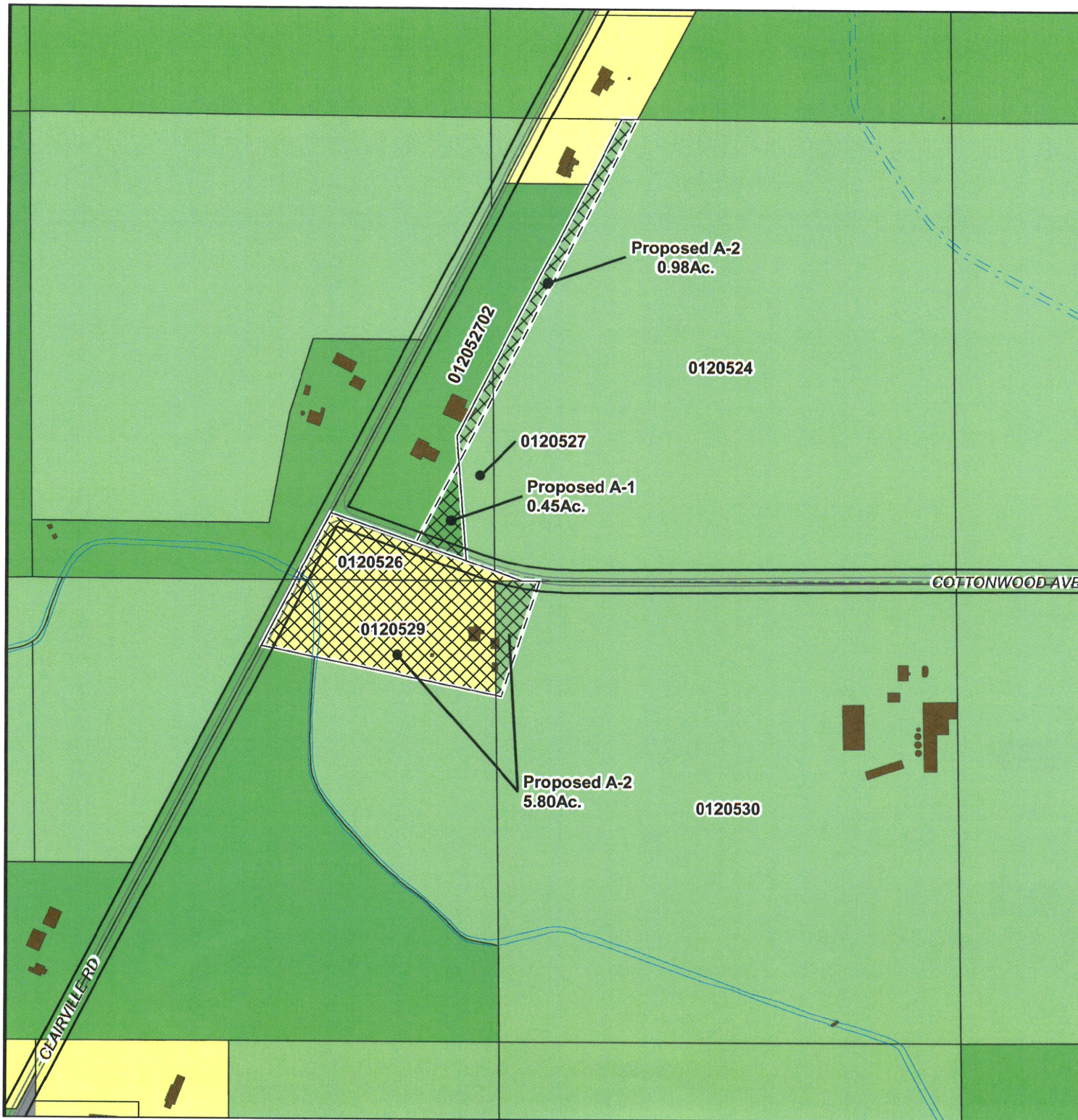
☐ Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

☐ The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural areas.

Is the rezone consistent with the certified County Agricultural Preservation plan? **Yes** / **No**

**11. Official Authorization and Documentation**

Signature of Zoning Authority \_\_\_\_\_ Title \_\_\_\_\_ Date of Signature \_\_\_\_\_ Local Approval Date \_\_\_\_\_ Effective Date \_\_\_\_\_



## Application #17-ZC-4320

Date of Hearing:

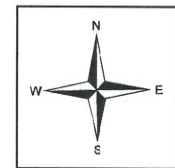
December 19, 2017

Owner(s):

Miller, Ronald & Shirley /  
Miller, Douglas & Linda /  
Condon, Kevin & Ann /

Subject Parcel(s):

0120524(P) / 0120526 /  
0120527(P) / 012052702(P) /  
0120529 / 0120530(P)



Winnebago County  
WINGS Project

**Scale**

1 inch : 400 feet

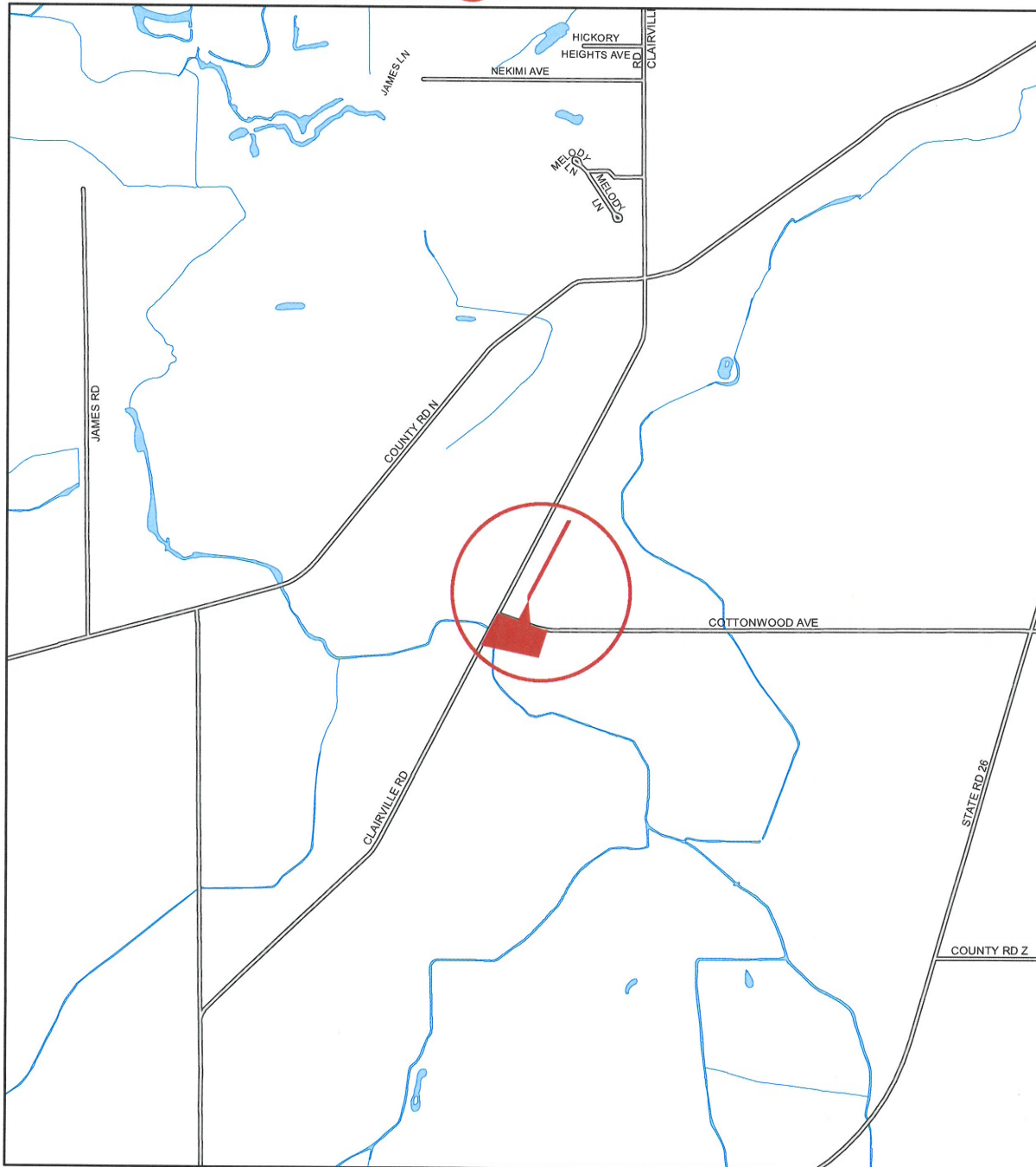
## County Zoning Districts

|     |     |                |
|-----|-----|----------------|
| 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 | Town<br>Zoning |

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area

○ = SITE



1 inch : 2,000 feet

## Application #17-ZC-4320

Date of Hearing:

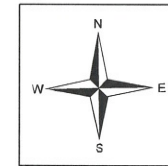
December 19, 2017

Owner(s):

Miller, Ronald & Shirley / Miller, Douglas & Linda /  
Condon, Kevin & Ann /

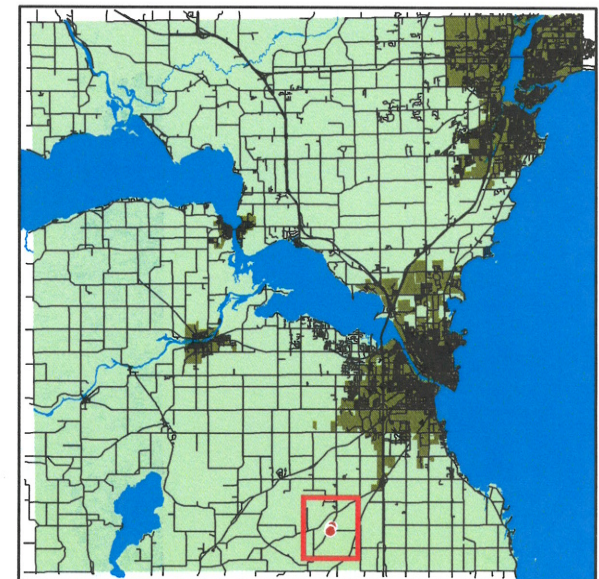
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012052702(P) / 0120529 / 0120530(P)



Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY