

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
PUBLIC HEARING
September 28, 2010
6:30 P.M.
Lounge Room – Courthouse

PRESENT: Supervisors, Patrick Brennand, Chairman, Claud Thompson, Jeanette Diakoff, Joanne Sievert, and Thomas Egan. Cary Rowe, Zoning Administrator. Guests present.

The meeting was called to order by Patrick Brennand, Chairman at 6:30 P.M. Committee members introduced themselves and Zoning Administrator explained appeals procedure and stated that protests for rezoning must be made 24 hours prior to the County Board meeting.

1. Planning & Zoning Committee, Chapter 22, “Winnebago County Comprehensive Plan” – Text Amendment.

Zoning Administrator stated that he received a memo from the Associate Planner requesting a 30-day adjournment for this item at the request of various Towns. Motion by J. Sievert to adjourn this item to the October public hearing. Seconded by C. Thompson. Motion carried unanimously. T. Egan questioned why this item had to be adjourned. Zoning Administrator stated that the Towns were requesting clarification of the proposed amendment before taking any action. Jim Erdman – 2492 Hickory Ln, Oshkosh, was sworn in. Mr. Erdman stated that section 22.09 (4) regarding City and Village plans addressed the recently passed legislation well. Mr. Erdman also stated that extra-territorial authority was not addressed and that section 22.09 (4) should only address land divisions and not zoning. There was no additional testimony and this portion of the hearing was closed.

2. Michael Poole / Duane Howard, 9351 Maple Ln & 9420 Manu Rd, Town of Winchester – Conditional Use (Adjourned from August PH).

The conditional use request was for an extraction site for sand and gravel to be used for fill. Zoning Administrator stated that he received a letter from the Winchester Town Board denying the conditional use request with the following findings: a) Town does have an adopted land use plan. b) Action does not agree with adopted Town plan. The amendment of the plan would also negatively impact the agricultural and natural resource plan elements. The quarry and buffer area would take in numerous homes and a cemetery as well as an environmentally sensitive area. c) The property is now used as productive agricultural land. The continued loss of agricultural acreage is a major concern. d) Adjacent property values will be lowered. The opinion of a real estate agent familiar with area states that the proposed conditional use will cause a decrease to the neighboring property values. e) Manu Rd will be subject to further deterioration even if the traffic is allowed to only go to the West from the site to Highway 45. A large portion of the road will be subject to undue

wear and tear. f) Property owners near the proposed extraction site have expressed to the Town their opposition to the conditional use permit because of additional traffic, damage to Manu Rd, decrease in property values, and safety concerns for children who live along Manu Rd. Opposed neighbors include: Gerald Kloehn -9690 Manu Rd, Paul Sellner -9554 Manu Rd, Ed Zeniske -9450 Manu Rd, Pat Schroeder - 9442 Manu Rd, Paul Beatty -9502 Sand Pit Rd, and David and Kim Jacob -9588 Manu Rd. Accordingly, the Zillges proposal is not compatible with adjacent uses. Zoning Administrator also read letter from Amy Jo Christianson – Realtor regarding potential negative impact of property values near extraction sites. Buck Sweeney, of Axley Brynelson, LLP, was sworn in. Mr. Sweeney stated that he compared the previously submitted Town findings for denial to the revised Town findings for denial and concluded there was no difference. Mr. Sweeney also pointed out that the finding regarding road degradation had already been addressed by his client with a road reconstruction agreement with the Town. George Dearborn - 2303 Valleywood Ln, Appleton, was sworn in. Mr. Dearborn stated that he was representing the town board and that the conditional use request does not comply with the Town's future land use plan. Ben Joas – 8870 County Rd M, Larsen, was sworn in. Mr. Joas read the Town findings for denial into the record. Mr. Joas also submitted a letter from the Town Assessor which stated that the extraction site may have an adverse effect on neighboring property values. J. Sievert asked what environmental sensitive areas were. Mr. Joas read the description of these areas from the Town's comprehensive plan. Patti Schroeder – 9442 Manu Rd, Larsen, was sworn in. Ms. Schroeder stated that she was concerned about the resulting pond, her private well, dust, noise and the potential 20 year operation of the site. Scott Hrcirik – 9452 Manu Rd was sworn in. Mr. Hrcirik expressed concerns about traffic, his well and road damage. Buck Sweeney pointed out that Sec. 66.1001(3) states ordinances must be consistent with the comprehensive plan and that the County's comprehensive plan shows agricultural use which allows extraction sites by conditional use. Paul Timm, of AECOM, was sworn in. Mr. Timm summarized the chronology of meetings leading to tonight's meeting. He also stated that the operational plan addressed hours of operation, dust control, well depth and quality, and that there would be no pumping. Mr. Timm testified that ECRPC had verbally approved the reclamation plan. J. Sievert affirmed her understanding that there would be no blasting or crushing and that the maximum depth of extraction would be 10-ft below the water table. Mr. Timm advised Supervisor Sievert that the DNR approved the wetland delineation on the site. Tim Zillges – 1800 Fountain Ave, Oshkosh, was sworn in. Mr. Zillges stated that the product will be used for concrete sand and that the duration of the extraction will be 10-12 years. J. Sievert affirmed well monitoring was proposed. Patti Schroeder stated that her old well is only 40-ft deep. Zoning Administrator stated that sec. 17.02(7)(1) of the county's zoning ordinance allows ponds in an agricultural districts without a permit and that the matter before the committee is a conditional use permit for an extraction site. T. Egan asked if extraction could occur on the adjacent parcel to the west (parcel number 028-0136) to which Zoning Administrator responded yes. There was no additional testimony and this portion of the hearing was closed.

3. American Bank, Sunshine Harbour Condominium Plat, Town of Winneconne – Conditional Use (Adjourned from August PH).

The conditional use request is for amending an existing conditional use permit for development of single family dwellings with private on-site sewage disposal systems. Zoning Administrator indicated he had received an e-mail from applicant requesting an adjournment to the October public hearing in order to have a drainage plan prepared to present to the committee. Motion by J. Sievert to adjourn this item to the October public hearing. Seconded by C. Thompson. Motion carried unanimously. There was no additional testimony and this portion of the hearing was closed.

4. Grundy Enterprises LLC, SW Corner of County Rd Y & County Rd T, Town of Oshkosh – Conditional Use

The conditional use request is for amending an existing conditional use permit to expand a lawfully existing extraction operation. Robert Bingen representing Michels Materials was sworn in. Mr. Bingen explained why the application is before the committee again. Mr. Bingen also testified that the new agreement with the Town of Oshkosh will allow blasting and crushing through 2010 after which, the site could operate for two more years to sell the material. There is an option for a one year extension if not all material is sold. Jerry Fry, Oshkosh Town Chairman stated that the Town approved the conditional use permit. Zoning Administrator stated that the town conditions were essentially the same as previously approved with the exception of the new time frame for blasting and crushing as previously stated by Mr. Bingen. There was no additional testimony and this portion of the hearing was closed.

5&6. Broadway Estates Inc, 7906 Broadway Rd, Town of Rushford – Zoning Change & Conditional Use

Applicant is requesting a zoning change to P-1 and a conditional use to operate a private campground. Joe Thibedeau – applicant, was sworn in. Mr. Thibedeau testified that the campground is private with no commercial income and that it is owned by 15 shareholders. The campground has been in existence for 30 – years. Daniel Hilt – Broadway Estates shareholder, was sworn in. Mr. Hilt stated that he desired a conditional use only rather than having to get a zoning change. John Masters – 7950 Broadway Rd, Omro, was sworn in. Mr. Masters was concerned about use, traffic, trash, sanitary systems and year round camping. Joe Thibedeau testified that there was a holding tank at the site. Zoning Administrator asked Mr. Thibedeau what size the holding tank was. Mr. Thibedeau did not know but Mr. Hilt thought it was about half a pumpers truck load when recently pumped out. Arthur Jarvenpaa - 7972 Broadway Rd, Omro was sworn in. Mr. Jarvenpaa was concerned

about speed of traffic and trash. Aaron Masters – 7918 Broadway Rd, Omro, was sworn in. Mr. Masters was concerned about traffic as well. John Masters was also concerned about the presence of permanent structures in the floodway. Joe Thibedeau responded to all concerns saying he was working with Eric Rasmussen from the Winnebago County Zoning Office to get all the right permits including a zoning change to properly operate the existing campground. There was no additional testimony and this portion of the hearing was closed.

ADJOURNMENT

MOTION made by J. Diakoff to adjourn the meeting. Seconded by C. Thompson. Motion carried unanimously. Meeting adjourned at 8:04 P.M.

Respectfully submitted,

Cary A. Rowe
Recording Secretary