

R E S O L U T I O N

DATE: December 17, 2013

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 8

WHEREAS, it is desirable to amend the Zoning Ordinance and the Zoning Map of the TOWN OF WOLF RIVER in accordance with the petition of ALL OWNERS REQUESTING ZONING CHANGES and

WHEREAS, said request is 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 WOLF RIVER, be and the same, are amended to provide that the attached described property be changed from the classification of A-1 & A-2 of said ordinance, which it now and heretofore had, to the zoned district of A-2 & A-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 WOLF RIVER)

PARCEL NO: ALL OWNERS REQUESTING ZONING CHANGES FROM A-1 TO A-2 and A-2 TO A-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 _____,
2013.

Mark Harris



OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

zoningdepartment@co.winnebago.wi.us

Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z DELIBERATIVE AGENDA OF November 8, 2013

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Town Zoning Changes

1. Town Zoning Changes (town zoning jurisdiction) – Town of Wolf River

The town zoning changes for all property owners' requesting zoning changes from A-1 to A-2 and from A-2 to A-1 is consistent with Winnebago County's Land Use Plan. The Town of Wolf River approved all the zoning change requests to from A-1 to A-2 and from A-2 to A-1. Winnebago County's land use plan shows future land use as agricultural for all zoning changes. The town zoning changes to A-2 and A-1 also comply with Winnebago County's Farmland Preservation Plan.

RECOMMENDATION: Forward zone changes to County Board for action.

Forward to County Board for approval 4-0-1 (Cabert)

Wolf River Town Hall
8800 County Road II
PO Box 338
Fremont, WI 54940
Phone: 920-446-3837
FAX: 920-446-2491

SUBMITTAL FORM

ZONING CHANGES: Block zoning change for 25 parcels/8 landowners from A1 to A2, associated with the zoning ordinance rewrite for the following parcels located in the Town of Wolf River, Winnebago County, Wisconsin and zoning changes from A2 to A1 for 2 parcels/1 landowner to qualify lands in the district under classification eligibility under the Wisconsin State Farmland Preservation Program for the following parcels located in the Town of Wolf River, Winnebago County, Wisconsin. Dave read off the list of parcels affected by this block zoning change:

Drews/Richard & Lewin/Bonnie	032-0019, 032-0020
Kempf/Brian Lee	032-0122, 032-0108, 032-0133, 032-0104
Krenke/Darwin & Donna	032-0172, 032-0370, 032-0366, 032-036701
Krenke/Dean & Margaret	032-000902
Krenke/Timothy T	032-0368, 032-036801, 032-037001
Maierhafer, Leon & Carol S	032-066201, 032-0660, 032-0664, 032-0623
Stuebs, Neal (Steve Stuebs)	032-0415
Warnke, Ronald F & Rebecca E	032-0658, 032-0419, 032-0420, 032-0421, 032-0651, 032-0424

AND zoning change from A2 to A1 to qualify lands in the district under classification eligibility under the Wisconsin State Farmland Preservation Program for the following parcels located in the Town of Wolf River, Winnebago County, Wisconsin

Wiedmeyer/Andrew (formerly P Hintz)	032-023901, 032-0239
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The Town Board of Wolf River reviewed the above request for a zoning change and made the following motion,

☒ APPROVED ☐ DISAPPROVED

1. Does the Town have an adopted land use plan? (yes) (no)
2. Does the request agree with the plan? (yes) (no) (N/A)

Susan J. Gilbert

Attested: Susan J. Gilbert, Clerk

Date: August 26, 2013

PUBLIC HEARING MINUTES TOWN OF WOLF RIVER

August 12, 2013, 6:15 pm

The Town of Wolf River held a Public Hearing at the Wolf River Town Hall on August 12, 2013.

The Public Hearing was called to order by Chair Randy Rutten at approximately 7:00 pm on August 12, 2013, to take comments on the proposed Town of Wolf River Farmland Preservation (A-1 Zoning) Ordinance. Notices were published in the Waupaca County Post West on 7-25-13 and the Winneconne News on 7-24-13. Notices were also posted at the Town Hall and the Fremont Post Office. Per the Town Clerk all required notices were properly completed.

Present: Randy Rutten, Dave Koepp, Bill Liedtke.

Also present: Andy Wiedmeyer, Jim Freer, Leslie Owens, Ron Warnke, Lee Robbert, Keith Hahn, Dan Rieckmann, Dick Larsen, Patty Sprenger, Karleen Liedtke and Judy Knaus.

Hearing comments: Chair Randy Rutten opened the hearing up for public comments on the proposed Farmland Preservation Ordinance. No written comments were received. Andy Wiedmeyer was present and stated he does not want any of his property in Town or County jurisdiction zoned A-1, he wants all his property zoned A-2. Dave Koepp stated that this hearing is to enact the Farmland Preservation Ordinance and has no effect on the zoning changes; he also stated that the P & Z committee inserted a paragraph in the Farmland Preservation Ordinance and wanted it placed on the record that the Town reserves the right to review the Farmland Preservation Ordinance at the end of 2017. Judy Knaus responded to Dave's question of will Winnebago County approve the ordinance with the added right to review date of 2017. Brian O'Rourke, Winnebago County P & Z indicated that approval or denial would be up to the State of Wisconsin. Bill Liedtke questioned the size of the Wiedmeyer acreage zoning change; Andy has a total of approximately 166 acres, and 6.23 acres need to be rezoned. Randy asked who had jurisdiction of the 6.23 acres. The Town of Wolf River has jurisdiction of said acreage, the balance of his land is presently zoned A-1, some under Town and some under County zoning jurisdiction. Randy Rutten questioned who would be monitoring this ordinance; assumption was the state would be monitoring Winnebago County. Randy Rutten commented that maybe a review should begin a year prior to 2017 so we could amend if needed. Dan Rieckmann stated that if and when possible he would also like to opt out of A-1 zoning. Judy commented that the conversion fee was removed and maybe that is why it is more difficult to remove A-1 acreage than in the past. The Winnebago County Farmland Preservation Plan text and maps (dated March 13, 2012) were State of Wisconsin certified on June 27, 2012, this certification expires at the end of the day on December 31, 2017. The Town of Wolf River needs to adopt our own Farmland Preservation Ordinance and complete the Town wide zoning changes for any parcel that was included in the already certified County Farmland Preservation Plan. The Town of Wolf River received a year extension which will expire at the end of 2013. Dave Koepp commented that we still need State of Wisconsin approval of the Ordinance and zoning map. Bill Liedtke questioned where our directions came from - the State of Wisconsin or Winnebago County? The Town has received paperwork from both. The Town received an extension from the State to complete our ordinance and zoning changes but the Town is under Winnebago County's Farmland Preservation Plan. Randy Rutten read aloud the paragraph in the proposed ordinance regarding the review in 2017. Questions were asked about what happens next if the ordinance does not get State approval. If the State of Wisconsin (DATCP) does not approve our ordinance we will need to discuss other actions. Dan Rieckmann questioned why some land is County zoned. Lee Robbert talked about county/shore land zoning. Jim Freer commented on interpretation of shore land zoning and jurisdiction was DNR. Dave Koepp stated the State delegates' enforcement to the County. Randy Rutten asked for more questions or comments, if none he requests a motion to close.

Adjournment: Motion made by Dave Koepp, seconded by Bill Liedtke. Motion carried unanimously.
Public Hearing was closed at 7:24 pm.

Prepared by:
Judy A Knaus
Planning and Zoning Secretary

August 26, 2013

Board Meeting
(Unapproved)

THE TOWN BOARD MEETING was called to order by Chairman Rutten about 7:02 p.m. on August 26, 2013 at the Wolf River Town Hall.

NOTICES of this meeting were sent in to the Chronicle and the Winneconne News. Notices were posted at the Town Hall and the Fremont Post Office. Notices were e-mailed for posting at Hahn-a-Lula Resort, and Union Star. Notices were also e-mailed to the Town Board, Attorney, Building Inspector/Zoning Administrator, and Assessor.

PRESENT: Randy Rutten, Bill Liedtke, David Koepp, Ray Koepp, Susan Gilbert, Lee Robbert, and Attorney Karen Marone.

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Four additional persons per attendance record on file.

PLEDGE OF ALLEGIANCE was recited.

MINUTES OF MEETING: Motion by Koepp/second Liedtke/carried 3-0 to approve the minutes of the July 22, 2013 meeting. Motion by Koepp/second Liedtke/carried 3-0 to approve the August 12, 2013 Public Hearing minutes.

PUBLIC FORUM ON AGENDA ITEMS AND REQUEST FOR FUTURE AGENDA ITEMS: Lee Robbert requested an item be placed on next month's agenda about dredging or cleaning out Schmidt's ditch and also an item about completing the ditching project near Zittau. Maybe the attorney can check into who pays the shared that the DNR owns.

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Majerhafer, Leon & Carol S
Stuebs, Neal (Steve Stuebs)
Warnke, Ronald F & Rebecca E

032-0019, 032-0020 ✓
032-0122, 032-0108, 032-0133, 032-0104 ✓
032-0172, 032-0370, 032-0366, 032-036701 ✓
032-000902 ✓
032-0368, 032-036801, 032-037001 ✓
032-066201, 032-0660, 032-0664, 032-0623 ✓
032-0415 ✓
032-0658, 032-0419, 032-0420, 032-0421, ✓
032-0651, 032-0424 ✓

AND zoning change from A2 to A1 to qualify lands in the district under classification eligibility under the Wisconsin State Farmland Preservation Program for the following parcels located in the Town of Wolf River, Winnebago County, Wisconsin

Wiedmeyer/Andrew (formerly P Hintz)

032-023901, 032-0239 IN FLP ✓

Dave stated the Plan & Zone Committee recommends the block rezoning be approved by the Town Board. Secretary Judy Knaus turned over letters from the residents requesting the above zoning changes for Farmland Preservation. Dave stated Andrew Wiedmeyer did not wish his land to be changed from A2 to A1, but the former owner did so at this time, there is nothing he can do about that. Motion by Liedtke/second Koepp/carried 3-0 to approve the above-listed zoning changes.

RESOLUTION: Farmland Preservation Ordinance Chapter C, Zoning District Regulations, Section 1.05 Agricultural District (1)(A) to qualify lands in the district or under this classification for eligibility under the Wisconsin state Farmland Preservation program and to conserve productive farming areas, assure a proper economic and physical environment for continued agricultural use of land, maintain an open rural character, assure compatible types and densities of development on lands that are useable for agricultural pursuits; minimize other land uses incompatible with farming, and prevent the uncontrolled spread of residential development. Motion by Liedtke/second Koepp/carried 3-0 to approve the Farmland Preservation Ordinance, Chapter C, Zoning District Regulations. Secretary Knaus turned over the application for Farmland preservation Zoning Ordinance Certification, which will need to be completed and sent into the State of Wisconsin after Winnebago County approves our Farmland Preservation ordinance. The Board congratulated the Plan & Zone Committee for their hard work in completing the Farmland Preservation Ordinance and finally bringing it to the Board for approval.

WINNEBAGO COUNTY MUNICIPAL RECYCLING SURPLUS AGREEMENT: For funds generated by the sale of recyclable material in 2012. The amount of the surplus this year is \$355,059. Winnebago County has the responsibility of debt service to the Tri-County Single-Stream Recycling Facility in the amount of \$160,614 and is asking the participating municipalities for that amount from the surplus fund. Two options were offered for the municipalities to vote on. The first would be that the entire amount LESS the \$160,614 be given back to the participating municipalities OR the entire amount would be given back to the participating municipalities. The Town of Wolf River's amount for the second option would be a refund in the amount of \$1,943.34 and option 1 would be \$1,132.28. Motion by Koepp/second Liedtke/carried 3-0 to approve Option #1 - let Winnebago County keep \$160,614 of the surplus for their debt service and the Town of Wolf River be refunded \$1,132.28 of the surplus. The clerk will notify Winnebago County Recycling of the Board's decision.

WINNEBAGO COUNTY HIGHWAY ANNUAL MAINTENANCE AGREEMENT: Motion by Liedtke/second Koepp/carried 3-0 to approve the Annual Maintenance Agreement with the Winnebago County Highway Dept.

TOWN HALL BUSINESS:

☐ The town received the invoice for 7 new emergency address signs to replace those stolen and a few new ones. The invoice is