

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE 9/27/2016

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 9/27/2016 at 6:30 p.m. in Conference Room 408 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.:**  
2016-ZC-3740

**Applicant:**  
OSHKOSH REALTY CORP,

**Agent:**  
None

**Location of Premises:**  
NEKIMI AVE  
OSHKOSH, WI 54904

**Tax Parcel No.:**  
012-031903

**Legal Description:**  
Being a part of the SE 1/4 of the SE 1/4, Section 18, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

**Explanation:**  
Applicant is requesting a zoning map amendment to R-1 (Rural Residential) to create a residential lot.

### INITIAL STAFF REPORT

**Sanitation:**  
System Required  
Private System

**Overlays:**  
Shoreland

**Current Zoning:**

A-2 General Agriculture

**Proposed Zoning:**

R-1 Rural Residential

**Surrounding Zoning:**

**North:** A-2

**South:** A-2

**East:** R-1

**West:** R-1

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

**Describe Present Use(s):**

Vacant land abutting Nekimi Ave attaches to larger A-2 parcel.

**Describe Proposed Use(s):**

Single family residence.

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

Proposed private sewer and well.

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

Parcel is adjacent to other single family homes.

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

Surrounding land use is single family homes.

**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;

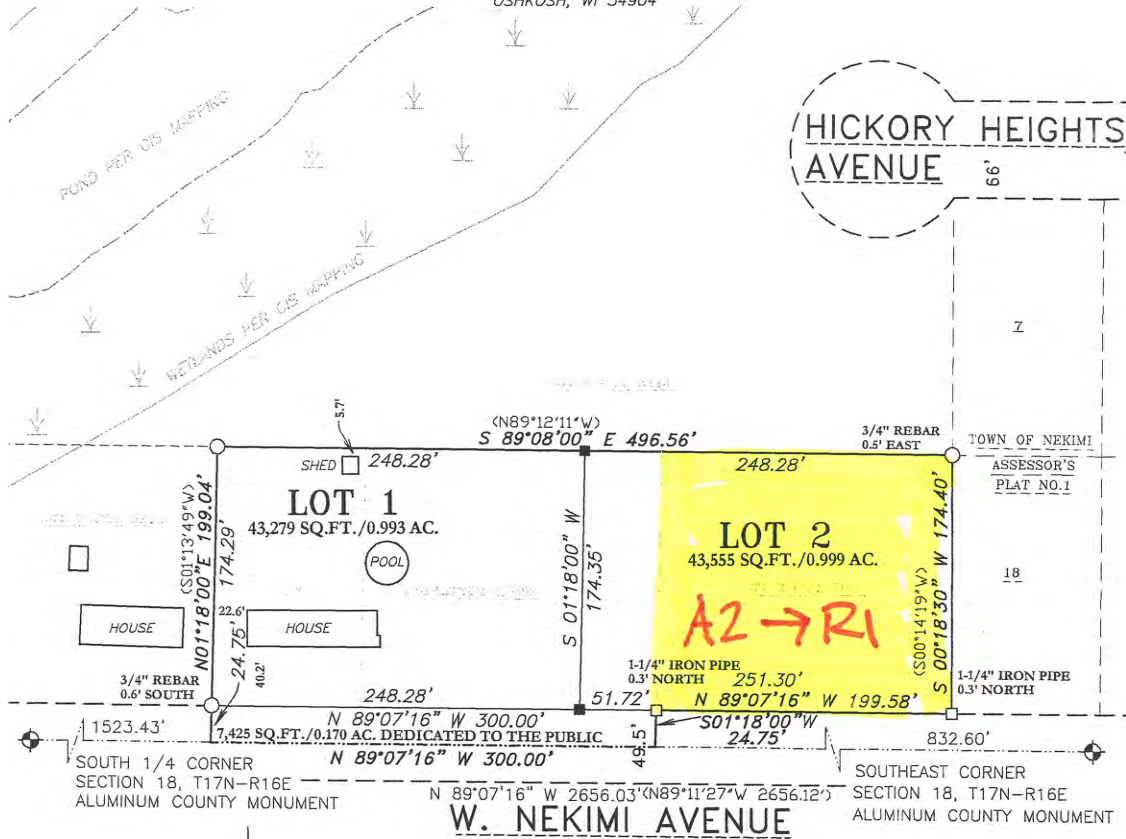
(2) whether the amendment is consistent with other planning documents adopted by the Board of County Supervisors; and

(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. \_\_\_\_\_**

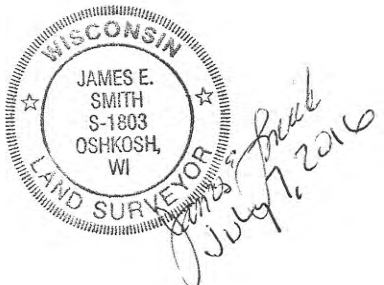
ALL OF LOT 19 OF "TOWN OF NEKIMI ASSESSOR'S PLAT NO. 1", PART OF LOT 2 OF CERTIFIED SURVEY MAP 5114, AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:  
MIKE BALKE  
4582 NEKIMI AVE  
OSHKOSH, WI 54904



Scale 1 inch = 100 feet  
0 50 100 200  
BEARINGS ARE REFERENCED TO THE WINNEBAGO COUNTY COORDINATE SYSTEM OF 1983(1997) IN WHICH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 18, BEARS N89°07'16"W

- LEGEND**
- 1-1/4" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
  - 3/4" REBAR FOUND
  - 1-1/4" O.D. IRON PIPE FOUND
  - ⊙ GOVERNMENT CORNER FOUND
  - x-x- FENCE LINE
  - ( ) RECORDED AS



**Martenson & Eisele, Inc.**  
101 West Main Street  
Omro, WI 54963  
www.martenson-eisele.com  
P 920.685.6240 F 920.685.6340  
Planning Environmental Surveying Engineering Architecture

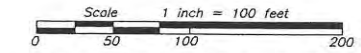
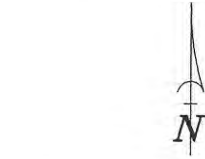
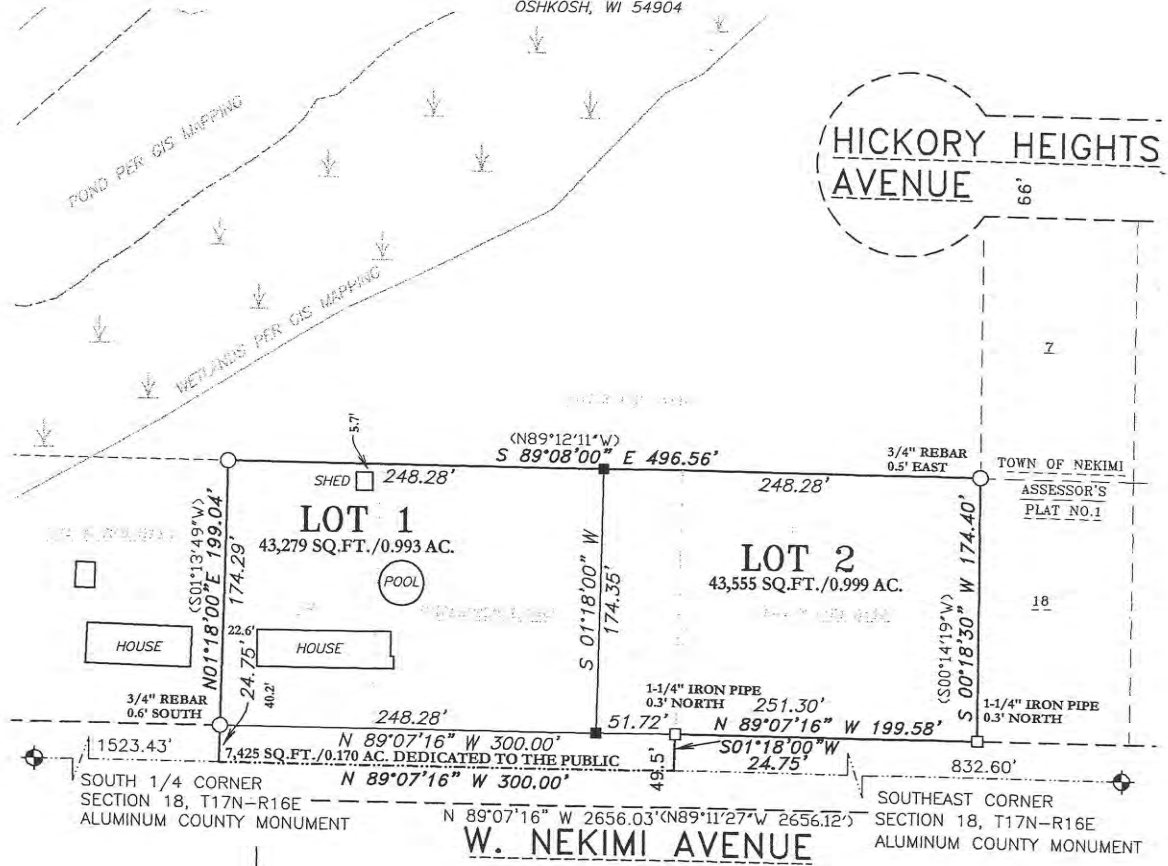
PROJECT NO. 0-2074-001  
FILE 2074001CSM SHEET 1 OF 3  
This instrument was drafted by: DSL



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

ALL OF LOT 19 OF "TOWN OF NEKIMI ASSESSOR'S PLAT NO. 1", PART OF LOT 2 OF CERTIFIED SURVEY MAP 5114, AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 16 EAST, TOWN OF NEKIMI, WINNEBAGO COUNTY, WISCONSIN.

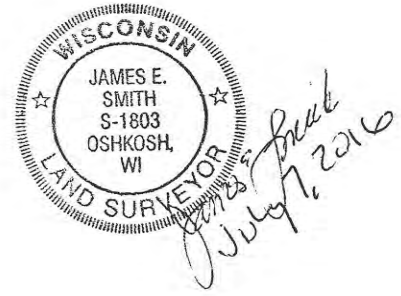
SURVEY FOR:  
MIKE BALKE  
4582 NEKIMI AVE  
OSHKOSH, WI 54904



BEARINGS ARE REFERENCED TO THE WINNEBAGO COUNTY COORDINATE SYSTEM OF 1983(1997) IN WHICH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 18, BEARS N89°07'16" W

**LEGEND**

- 1-1/4" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- 3/4" REBAR FOUND
- 1-1/4" O.D. IRON PIPE FOUND
- ⊕ GOVERNMENT CORNER FOUND
- FENCE LINE
- ( ) RECORDED AS



**Martenson & Eisele, Inc.**

101 West Main Street  
Omro, WI 54963  
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P 920.685.6240 F 920.685.6340

Planning  
Environmental  
Surveying  
Engineering  
Architecture



**Application #16-ZC-3740**

Date of Hearing:

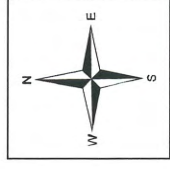
September 27, 2016

Owner(s):

Oshkosh Realty Corp

Subject Parcel(s):

012031903(P)



Winnebago 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	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area





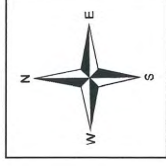
**Application #16-ZC-3740**

Date of Hearing:  
**September 27, 2016**

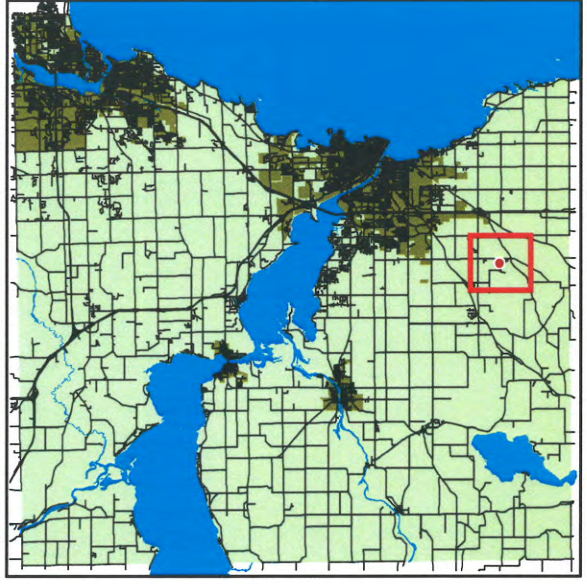
Owner(s):  
**Oshkosh Realty Corp**

Subject Parcel(s):  
**012031903(P)**

*Winnebago County  
WINGS Project*

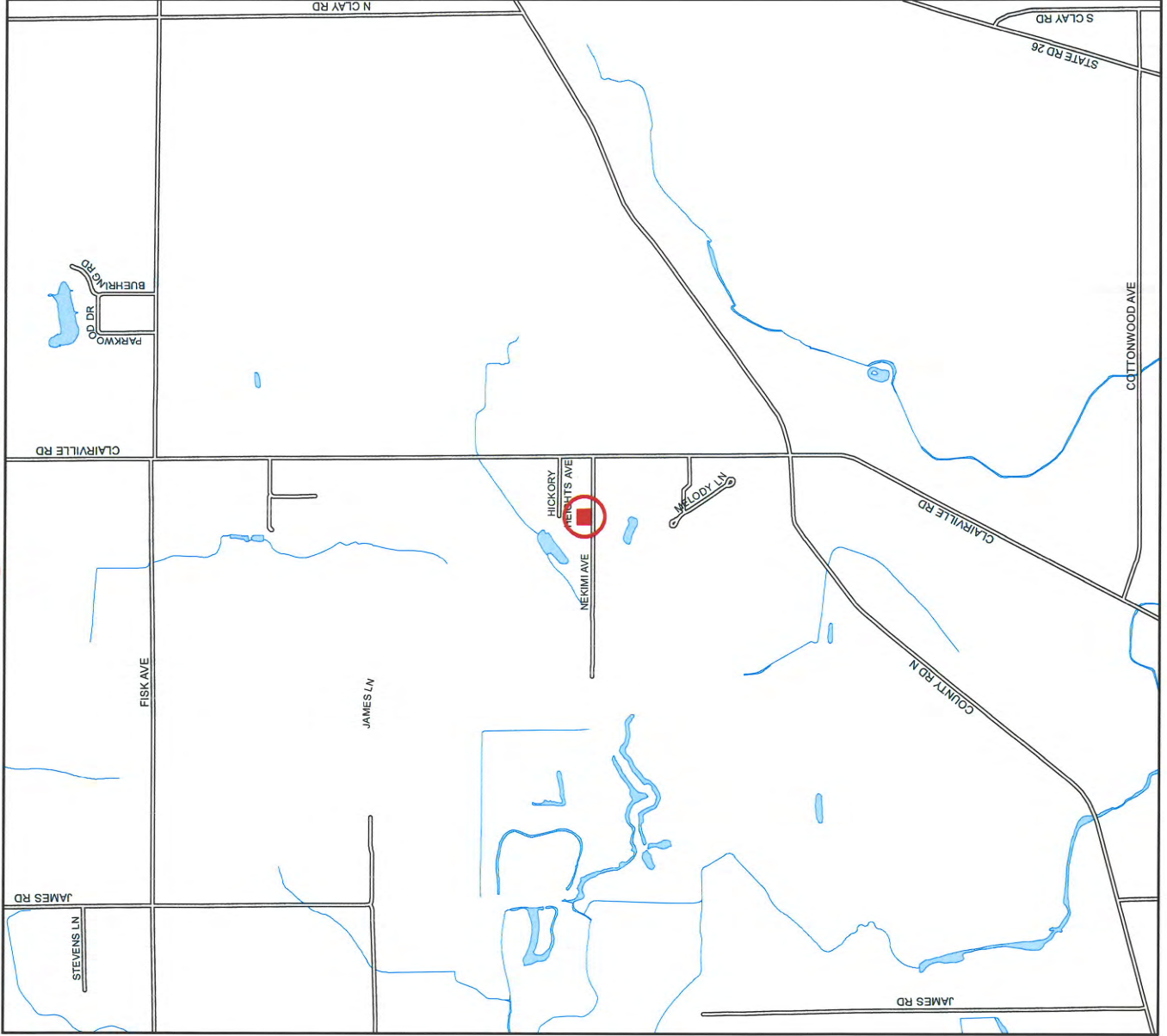


**● = SITE**



**WINNEBAGO COUNTY**

**○ = SITE**



1 inch : 2,000 feet

# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE

9/27/2016

### TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Conditional Use which is regulated by either Chapter 23, the Town/County Zoning Code, or Chapter 27, the Shoreland Zoning Code. 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 9/27/2016 at 6:30 p.m. in Conference Room 408 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 CONDITIONAL USE REQUEST

**Application No.:**

2016-CU-3780

**Applicant:**

SOPER TRUCKING LLC,

**Agent:**

SOPER, JACK

**Location of Premises:**

3486 SAND PIT RD  
OSHKOSH, WI 54904

**Tax Parcel No.:**

016-058202

**Legal Description:**

Being a part of the NW 1/4 of the SE 1/4, Section 24, Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

**Code Reference:**

Chapter 23, Section 23.8-41, "Land uses generally allowed within zoning districts" (sections 23.8-297 & 23.8-416)

**Description of Proposed Use:**

Applicant is requesting a conditional use permit for a contractor yard and a vehicle storage yard.

### INITIAL STAFF REPORT

**Sanitation:**

Existing System

Private System

**Overlays:**

None

**Current or Proposed Zoning:**

I-2 Heavy Industrial

**Code Reference:**

Chapter 23, Section 23.8-41, "Land uses generally allowed within zoning districts" (sections 23.8-297 & 23.8-416)

**Description of Proposed Use:**

Applicant is requesting a conditional use permit for a contractor yard and a vehicle storage yard.

**Surrounding Zoning:**

**North:** B-2

**South:** A-2

**East:** A-2

**West:** A-2

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

**Describe the Proposed Use:**

We propose to store dump trucks and repair our work trucks. We also wish to run a towing and storage business at this location. This would be a good location as we do a lot of road projects around the area.

**Describe How the Proposed Use Will Not Have Any Adverse Effects on Surrounding Property:**

There should be no adverse effects on surrounding property as there is farm fields all around this property. We are also going to do improvements to the building such as painting the building, new garage doors and landscaping.

**SECTION REFERENCE AND BASIS OF DECISION**

**23.7-114 Basis of decision**

The town board and town plan commission of the town in which the proposed conditional use is located in making their recommendation and Planning and Zoning Committee in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and

- (9) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

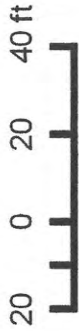
In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.



# Site Map

## Legend

- Address Marker
- Tax Parcel
- Section Number
- Conveyance Divisions
- Conveyance Types
  - Certified Survey
  - Condominium
  - Assessor Plat
  - Subdivision
  - Plat of Survey
- Lakes

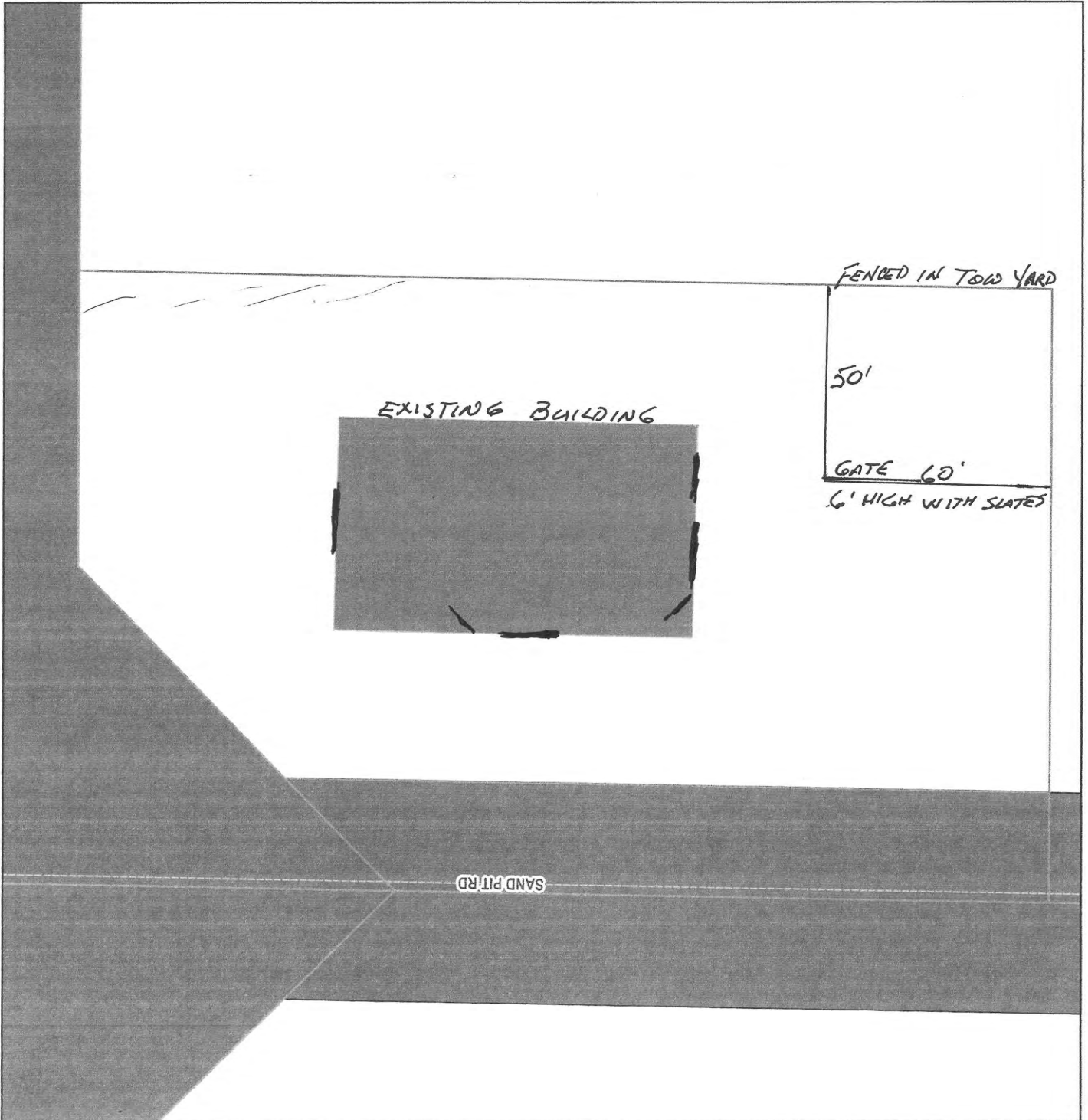


1 Inch = 40 Feet



WINGS Project Disclaimer  
This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business. \*Data for this map copyrighted December 31, 2006\*

Jul 20, 2016 @ 01:46 PM



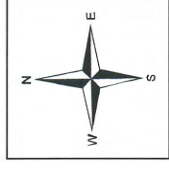


**Application #16-CU-3780**

Date of Hearing:  
September 27, 2016

Owner(s):  
Soper Trucking LLC

Subject Parcel(s):  
016058202



Winnemago County  
WINGS Project

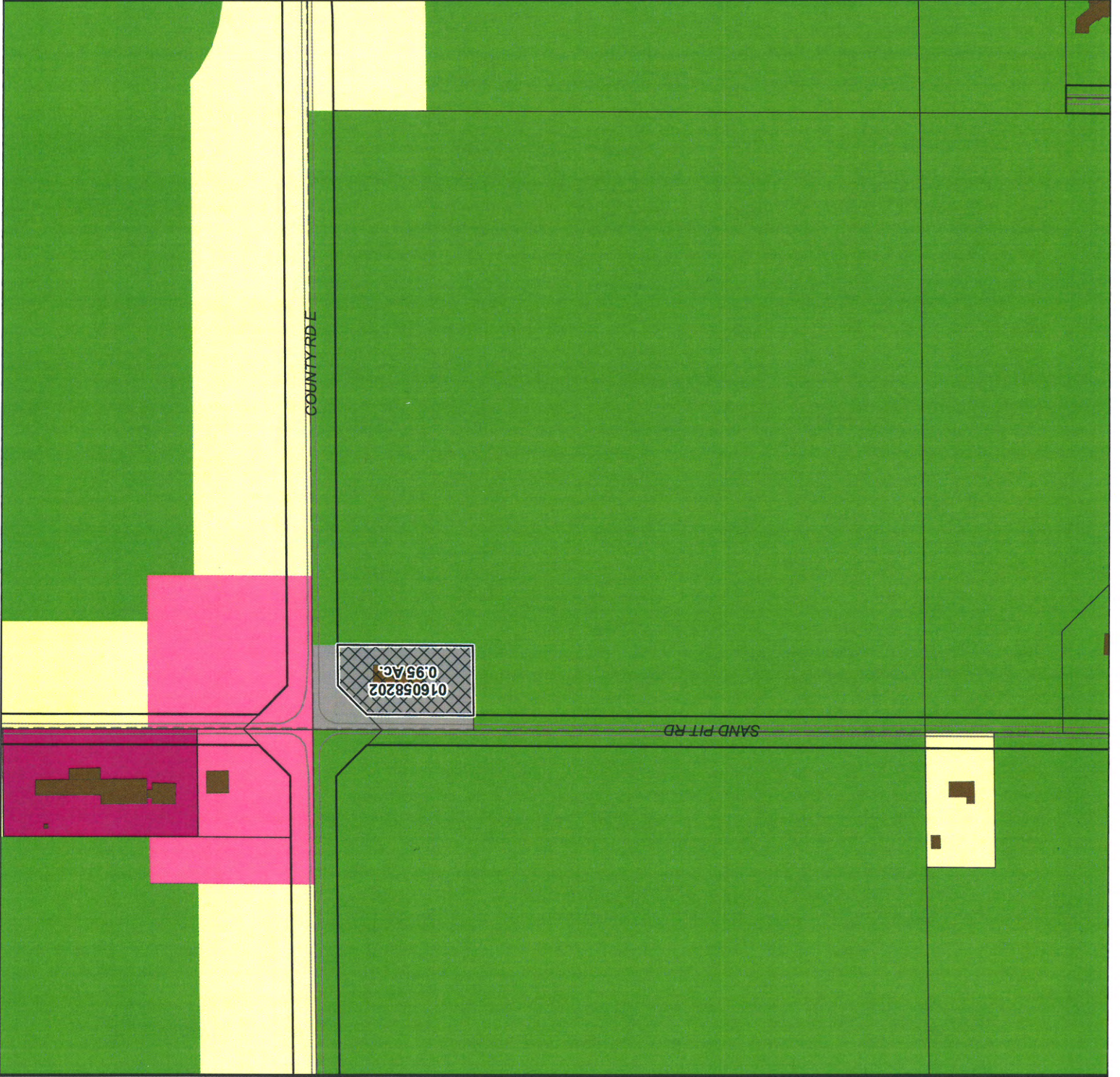
**Scale**  
1 inch : 300 feet

**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	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area





**Application #16-CU-3780**

Date of Hearing:  
**September 27, 2016**

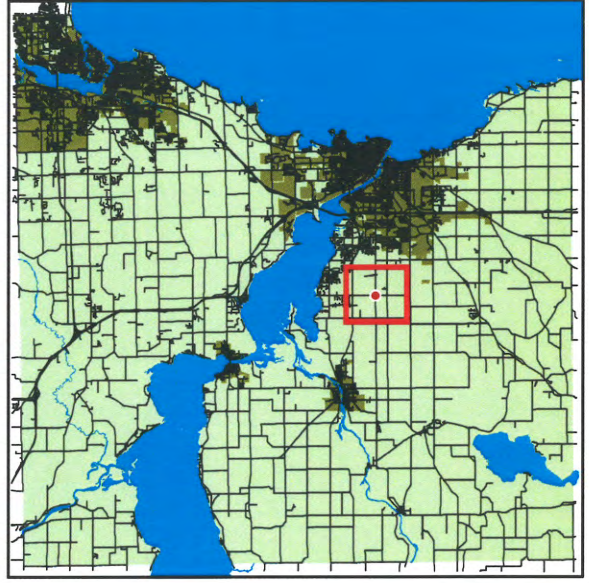
Owner(s):  
**Soper Trucking LLC**

Subject Parcel(s):  
**016058202**

*Winnebago County  
WINGS Project*

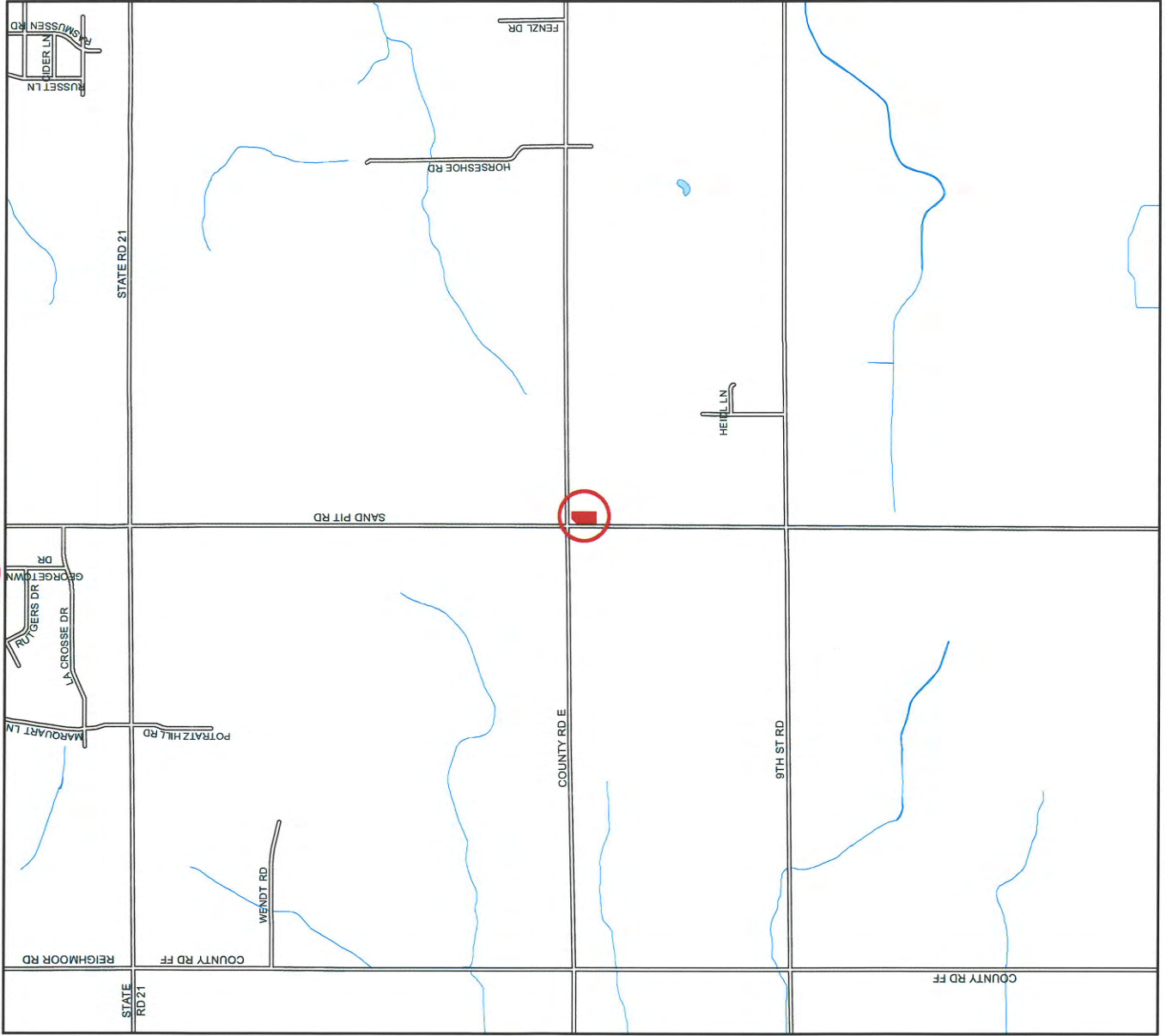


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**WINNEBAGO COUNTY**

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# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE 9/27/2016

### TO WHOM IT MAY CONCERN:

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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.:**  
2016-ZC-3750

**Applicant:**  
YINGLING, MICHAEL S

**Agent:**  
SCHMIDT, JASON R - JR SCHMIDT BUILDERS LLC

**Location of Premises:**  
RICHTER LN  
LARSEN, WI 54947

**Tax Parcel No.:**  
032-073019

**Legal Description:**  
Being a part of Government Lot 3, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

**Explanation:**  
Applicant is requesting a zoning map amendment to R-1 out of wetlands.

### INITIAL STAFF REPORT

**Sanitation:**  
Existing System  
Private System

**Overlays:**  
Floodplain  
Shoreland

Wetlands

**Current Zoning:**

R-1 Rural Residential

**Proposed Zoning:**

R-1 Rural Residential (out of wetlands)

**Surrounding Zoning:**

**North:** R-1

**South:** R-1

**East:** R-1

**West:** R-2

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

**Describe Present Use(s):**

Residential garage/storage.

**Describe Proposed Use(s):**

Residential garage/storage

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

Driveway leading up to new garage. New garage will have gas for heat, electric, and water.

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

Because the existing garage isn't in very good working order, and the new garage will be bigger, new and a maintenance free material will be used. Steel roofing and siding increasing property value.

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

Where the garage is to be built, it will now match the other off lots that have garages, so the street will be somewhat uniform.

**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.



**ADDENDUM TO QUIT CLAIM DEED**

**GRANTOR:** DEBRA P. FLOYD, Life Estate Beneficiary

**GRANTEE:** MICHAEL S. YINGLING, Life Estate Beneficiary

**PARCEL No.:** 032 073019 and 032 079004

**LEGAL DESCRIPTION:**

That part of FRACTIONAL LOT THREE (3) of Section Thirty-six (36) Township Twenty (20) North, of Range Fourteen (14) East, in the Town of Wolf River, Winnebago County, Wisconsin described as follows, viz: Commencing at the point of intersection of the extended Southerly line of Lot 1 in Richter's Plat, map of which is recorded in Winnebago County, Wisconsin Registry in Volume 8 of Plats on Page 32, with the Easterly line of Private Road, as located on said Plat, the place of beginning; thence northerly, along the Easterly line of said Private Road, 25 feet; thence easterly, parallel with the extended Southerly line of said Lot 1, 125 feet; thence southerly, parallel with the Easterly line of said Private Road, 75 feet, to point of intersection with the extended Southerly line of the Northerly 1/2 of Lot 2 in said Richter's Plat; thence westerly, along the extended Southerly line of the Northerly 1/2 of said Lot 2, 125 feet, to the Easterly line of said private Road; thence northerly, along the Easterly line of said Private Road, 50 feet, to the place of beginning.

AND

The Southerly twenty-five (25) feet of Lot one (1) and the Northerly fifty (50) feet of Lot two (2) of Richter's Plat Subd. of Frac. Lots two (2) and three (3) of the Southeast one-quarter (SE 1/4) of Section thirty-six (36), Township twenty (20) North, Range fourteen (14) East, Town of Wolf River, Winnebago County, Wisconsin, according to the Plat thereof recorded in Volume 8 of Plats, page 32, Records of Winnebago County, Wisconsin, in the Town of Wolf River.



**Point of Beginning**

**Re: Parcel I.D. 032073019  
7479 Richter Lane  
Larsen, WI 54947**

**Property Boundary Description**

Part of Government Lot 3 of Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin, more particularly described as follows:

Commencing at the East ¼ corner of Section 36, Township 20 North, Range 14 East; thence S 01°13'49" E along the East line of said Section 36, 242.89 feet; thence N 90°00'00" W, 616.61 feet to the point of beginning (POB) of the property to be described; thence S 61°07'51" W, 125.08 feet to the Easterly line of Richter Lane; thence N 28°36'30" W along said Easterly line of Richter Lane, 75.60 feet; thence N 61°20'14" E, 124.97 feet; thence S 28°41'05" E, 75.15 feet to the point of beginning.

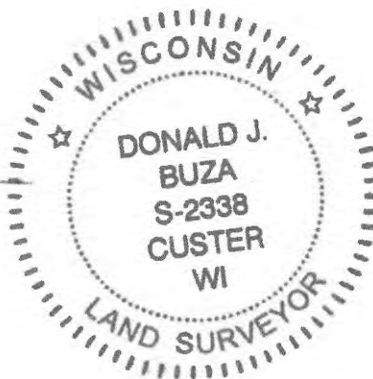
**Wetland Boundary Description** (located within the above described property)

Part of Government Lot 3 of Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin, more particularly described as follows:

Beginning at the above mentioned point of beginning (POB); thence S 61°07'51" W, 2.33 feet; thence N 27°46'31" W, 35.05 feet; thence N 33°46'49" W, 27.45 feet; thence N 84°17'25" W, 14.10 feet; thence S 70°52'42" W, 25.33 feet; thence N 28°39'46" W, 0.61 feet; thence N 61°20'14" E, 40.82 feet; thence S 28°41'05" E, 75.15 feet to the point of beginning.

Dated this 21<sup>st</sup> day of July, 2016.

Donald J. Buza, PLS



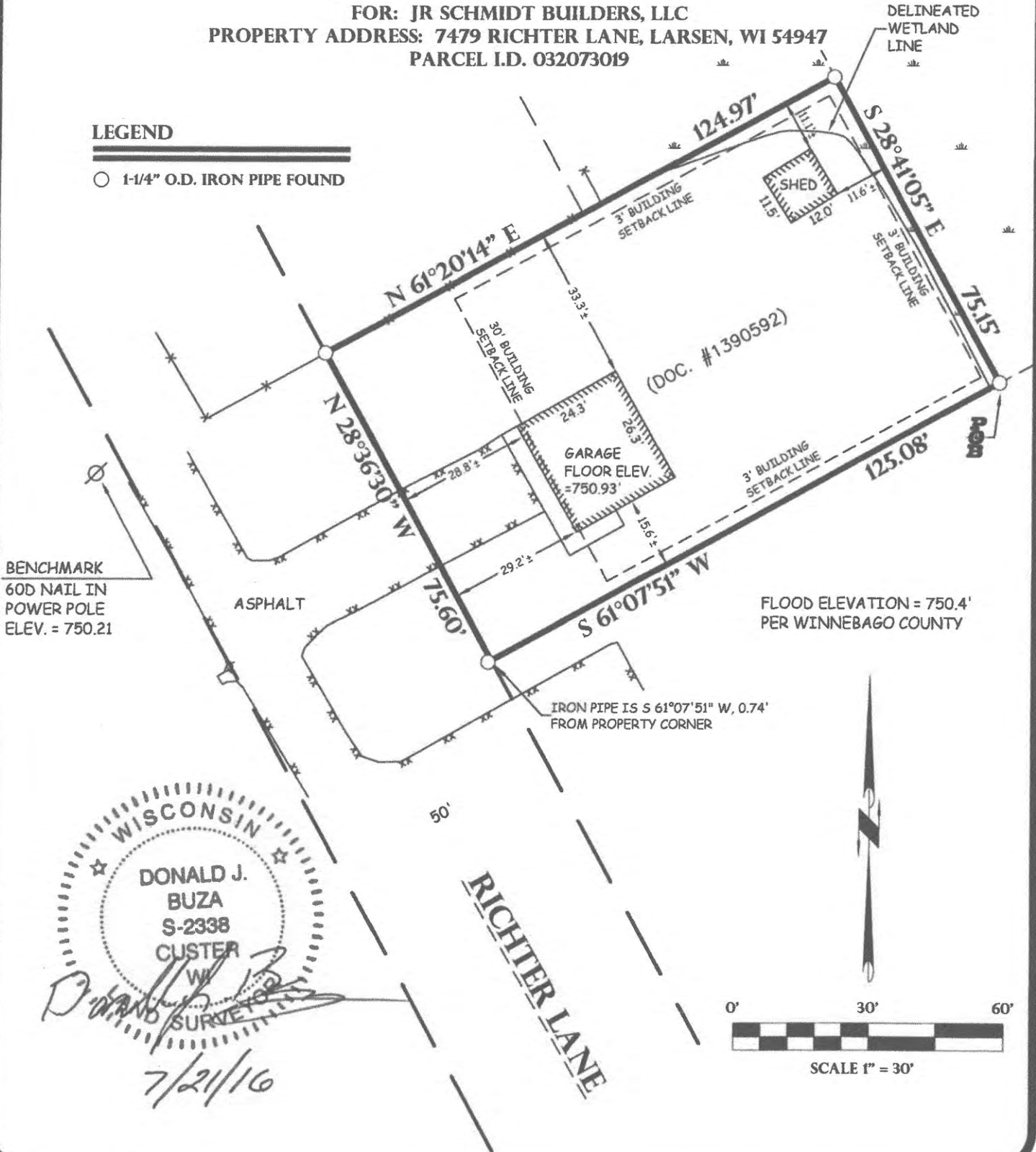
# SITE PLAN

(EXISTING CONDITIONS)

FOR: JR SCHMIDT BUILDERS, LLC  
 PROPERTY ADDRESS: 7479 RICHTER LANE, LARSEN, WI 54947  
 PARCEL I.D. 032073019

## LEGEND

○ 1-1/4" O.D. IRON PIPE FOUND



WISCONSIN  
 DONALD J. BUZA  
 S-2338  
 CLUSTER  
 W  
 LAND SURVEYOR  
 7/21/16



Civil Engineering  
 Land Surveying  
 Landscape Architecture  
**Donald J. Buza, PLS #2338**  
 5709 Windy Drive, Suite D  
 Stevens Point, WI 54482  
 715.344.9999(Ph) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY DONALD BUZA  
 AND DRAWN BY TRAVIS OLDS

FIELD BOOK 61 PAGE 22

JOB # 16.450

SHEET 1 OF 2 SHEETS



ECOLOGICAL SERVICES

A Division of Robert E. Lee & Associates, Inc.

1250 Centennial Centre Blvd. • Hobart, WI 54155

Serving *Wisconsin, Michigan, Minnesota and Illinois*



## Wetland Delineation Report

Parcel 032073019

*Prepared for*

**Point of Beginning, Inc.**

5709 Windy Drive, Suite D

Stevens Point, WI 54481

Project No. 15677001

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July 18, 2016

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## INTRODUCTION

NES Ecological Services (NES) – A Division of Robert E. Lee & Associates, Inc., under contract with Point of Beginning, Inc., conducted a wetland delineation on Parcel 032073019 located in Section 36, T20N, R14E, Town of Wolf River, Winnebago County, Wisconsin (Appendix A). The area investigated is approximately 0.28 acres in size and contains approximately 0.0098 acres (428 ft<sup>2</sup>) of wetland.

NES is a natural resources firm focusing entirely on issues associated with wetlands, native habitat restoration and wildlife management. NES staffs ecologists specializing in wetlands, botany, and wildlife who are well qualified to assist individuals, companies, and municipalities with a variety of wetland services, ecological surveys, natural resource planning, and native habitat restoration projects. The wetland ecologists involved with this project are James Havel and Kyle Bretl. Mr. Havel has a B.S. in Wildlife Management and Biology and a M.S. in Environmental Science, which provides him with a very strong background in natural resource sciences including wetland ecology. He has been working at NES for the past eighteen years performing wetland related activities. Mr. Bretl has a B.S. in Resource Management with minors in Soil Science, Wildlife Ecology, and Natural Science and has over seven years of wetland delineation, monitoring, and restoration experience.

Mr. Havel is a Wisconsin Department of Natural Resources (WDNR) Assured Wetland Delineator and was lead field worker and report author for this project.

## PRE-FIELD REVIEW

An initial review of the United States Geological Survey (USGS) Topographic Map (National Geographic Society, 2016); the Wisconsin Department of Natural Resources (WDNR) Surface Water Data Viewer (SWDV) (2016); 1938 United States Department of Agriculture (USDA) orthophoto, 1999 United States Geological Survey (USGS) orthophoto; 1941, 1957, 1975, 1981 & 2009 Winnebago County orthophotos; 2004 – 2006, 2008, 2010, 2013 & 2015 National Agricultural Imagery Program (NAIP) orthophotos and the Natural Resource Conservation Service (NRCS) Web Soil Survey (2016) was performed prior to the wetland delineation in order to gain familiarity with the site's topography, existing wetland vegetation and soils data.

### Topography

The USGS topographic map (Appendix A) indicates the project area is flat and located within a large wetland complex, east of Richter Lane. Residential buildings are located west of the lane along the shore of Lake Poygan.

### Past Land Uses

Based on the aerial photograph from 1938, the site historically was fallow. Richter Lane appears to be present and ends at the current boat landing north of the project area; by 1957 the road appears to have been constructed to its current extents and development began on the lake shoreline. The 1981 photo indicates the presence of a small building/garage on the site.

### Wetland Mapping

The WDNR SWDV (Appendix B) indicates the presence of Wetland Indicator Soil throughout the project area. A forested/emergent wetland (T3/E2K) is mapped approximately 15 feet west of the project area.



## Mapped Soils

The NRCS Web Soil Survey indicates the presence of two soil series, both of which are considered wetland indicator soils (soils mapped by the USDA NRCS with a drainage class of somewhat poorly, poorly, or very poorly drained) within the site (Table 1 and Appendix B).

**Table 1. Mapped Soil Units within Project Area**

Soil Series	Hydric Inclusion*	Drainage	Percent Composition On-Site**
Nebago variant mucky loamy fine sand (Ng) †	Nebago variant	Very Poorly Drained	75.8%
Udorthents, 0-3% slopes (UoA)		Somewhat Poorly Drained	24.2%

\* NRCS National Hydric Soils List (2015)

\*\*Source: Calculated using NRCS Web Soil Survey website (2016)

† NRCS Listed Hydric Soil

## Precipitation

Recent and historical precipitation data from the nearest weather station was examined and analyzed using the NRCS Rainfall Documentation Worksheet (weighted month method) to determine if current antecedent hydrologic conditions were considered dry, normal, or wet for the project area. The weather station referenced for this project is WI6330 (Oshkosh).

Based on the data displayed in Table 2, March and May had wetter than normal precipitation levels while April was drier than normal. According to the Observed Daily Data for Station WI6330, a total of 3.41 inches of precipitation was recorded in the two weeks prior (June 1-15) to conducting the site visit on June 16<sup>th</sup>. Data from the NRCS WETS Table for Station WI6330 (Appendix C) and the NRCS Rainfall Documentation Worksheet (Appendix D) indicates precipitation for the three month period prior to conducting the fieldwork (March – May) is on the high end of the normal range. This information indicates hydrologic conditions are wetter than normal for this time of year.

**Table 2. Summary of Precipitation between March and May, 2016 in Oshkosh, Wisconsin**

Category	March	April	May
Recorded Precipitation	3.67	1.49	4.31
Normal Range*	1.08 – 2.67	1.97 – 3.42	1.81 – 3.58
Condition	WET	DRY	WET

Precipitation values are measured in inches

\*Normal Range limits refer to a “30% chance will have less than or more than”

Source: NRCS WETS Table – Station WI6330 (Oshkosh) (Appendix D)

## METHODOLOGY

Wetland boundaries were established based on a combination of the routine and comprehensive wetland delineation method as defined in the *Regional Supplement to the 1987 Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Regions* (NC/NE Supplement) (USACE ERDC, 2012).

Equipment & Materials Utilized:

- Base Maps
- Trimble GeoXH
- Panasonic FZ-G1 Toughpad
- WetForm NC/NE Supplement Data Forms
- 25-foot tape
- Soil Auger
- Sharp Shooter Spade
- Munsell Soil Color Charts (Munsell Color, 2010)

Vegetation, soils and hydrology data were collected and recorded on NC/NE Supplement Data Forms (Appendix E) at a total of three sample plots. A second wetland plot was not established due to the close proximity of the wetland boundary to the east property line. These plots were chosen based upon guidance in the NC/NE Supplement, the *2015 Guidance for Submittal of Delineation Reports to the St. Paul District USACE and the WDNR*, and because NES felt they adequately covered and characterized the subject area.

### Vegetation

At each sample plot, the percent cover for each species within the vicinity of the plot was visually estimated and recorded on the NC/NE Supplement data forms. Herbaceous, shrub & sapling and tree & vine layers were measured within 5-foot, 15-foot and 30-foot radius plots, respectively. Dominant species were then determined by applying the 50/20 rule and Prevalence Index and their wetland indicator status was taken from *The National Wetland Plant List: 2016 wetland ratings* (Lichvar, 2016). After the indicators were applied, a decision regarding the dominance of hydrophytic vegetation was made.

### Soils

At the sample plots, a soil pit was dug with a spade to a depth of at least 24 inches. The presence and abundance of mottling, matrix color, and texture were then recorded for each of the soils found. The Munsell Soil Color Charts were used to determine the hue, value and chroma of all soils that were observed when moist.

The profiles were also observed to determine the presence of hydric indicators that are listed in the NC/NE Supplement. The presence or absence of these indicators was then used to determine if hydric soils exist at the sample plot.

### Hydrology

Prior to conducting the on-site investigation, all available background data were reviewed to determine the presence of saturated soil conditions or standing water. If present, surface water depths were measured and recorded at each sample plot; however, if standing water was absent, the presence of free standing water and/or soil saturation within the excavated soil pit was measured. Soil pits are typically left open for at least one hour prior to recording data. In addition to measuring water depths, the site was investigated for other primary and secondary indicators listed on the data forms.

## RESULTS

### Site Description

#### Current Land Uses

The site currently contains a driveway, detached garage and small storage shed. A wetland exists on the very northern and eastern edge of the property. The remaining area is composed of a garden and manicured lawn.

#### Water Features/Hydrology

No waterways were identified on-site.

Primary wetland hydrology indicators A2 (High Water Table) & A3 (Saturation) and secondary indicators D2 (Geomorphic Position) and D5 (FAC-Neutral Test) were recorded at the one wetland plot.

The NRCS WETS Table for Station WI6330 (Oshkosh) indicates that precipitation in March & May was wetter than normal while April was drier than normal.

#### Soils

Soil at wetland plot matched the A11 (Depleted Below Dark Surface) NRCS Hydric Soil Indicator.

#### Plant Communities

Three communities (one upland and two wetland) were identified on-site (Table 3).

**Table 3. Surveyed Plant Communities**

Upland Communities	Wetland Communities
Manicured Lawn	Emergent/Wet Meadow
	Forested Wetland

## Findings

### Wetland Communities

One wetland was located during the site visit conducted by NES on June 16, 2016 (Appendix F).

**Wetland 1**, an emergent wet meadow/forested wetland (E2/T3K), is 428 ft<sup>2</sup> in size (Plot 1). The complex corresponds to the forested/emergent (T3/E2K) wetland indicated on the WDNR SWDV.

Plot 1: Normal circumstances are not present due to mowing. Vegetation is considered significantly disturbed due to mowing. Dominant vegetation is *Fraxinus pennsylvanica*, *Salix nigra* & *Carex lacustris*. The Dominance Test and Prevalence Index are 100% and 1.716. The water table was present at 8 inches and saturation was present at 4 inches below the soil surface. Primary wetland hydrology indicators A2 & A3 and secondary indicators D2 & D5 were present. Soil matched the A11 NRCS Hydric Soil Indicator.

The wetland boundary was established using a combination of hydrophytic vegetation, wetland hydrology indicators, hydric soil, topography and professional judgment. Soil probes were taken between established upland and wetland sample plots and within the upland/wetland transition zone along the boundary to observe the soil profile and hydrology indicators. Obvious topographic changes, vegetation and hydrology indicators were visually assessed within the transition zone to establish differences between the upland and wetland communities.



Photo 1. Wetland 1, Emergent/Wet Meadow community viewing North past Plot 1.



**Photo 2. Wetland 1, Forested community viewing Northeast**



**Photo 3. Garden & Manicured Lawn, Viewing Southwest past Plot 3.**



## CONCLUSION

The USACE Regulatory Program includes Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA). Section 10 requires a permit for any work in, over, or under a navigable water of the U.S., while Section 404 requires a permit for the discharge of dredged or fill material into waters of the U.S. Many waterbodies and wetlands in the U.S. are considered waters of the U.S. and are therefore subject to the USACE Section 404 regulatory authority; however, isolated wetlands and headwater streams may not be considered jurisdictional. The WDNR regulates all wetlands, navigable waters, and adjacent lands under a variety of Wisconsin State Statutes (Chapter 30 and 281) and Wisconsin Administrative Codes (NR 103, 299, 350, and 353). Municipalities, townships, and counties may also apply regulations such as but not limited to zoning setbacks and protections over floodplains, shorelands, waterways, and wetlands. Each agency independently makes decisions over the regulatory jurisdiction of wetlands and waterways. Any permit requirements associated with a particular project will be determined by regulatory staff.

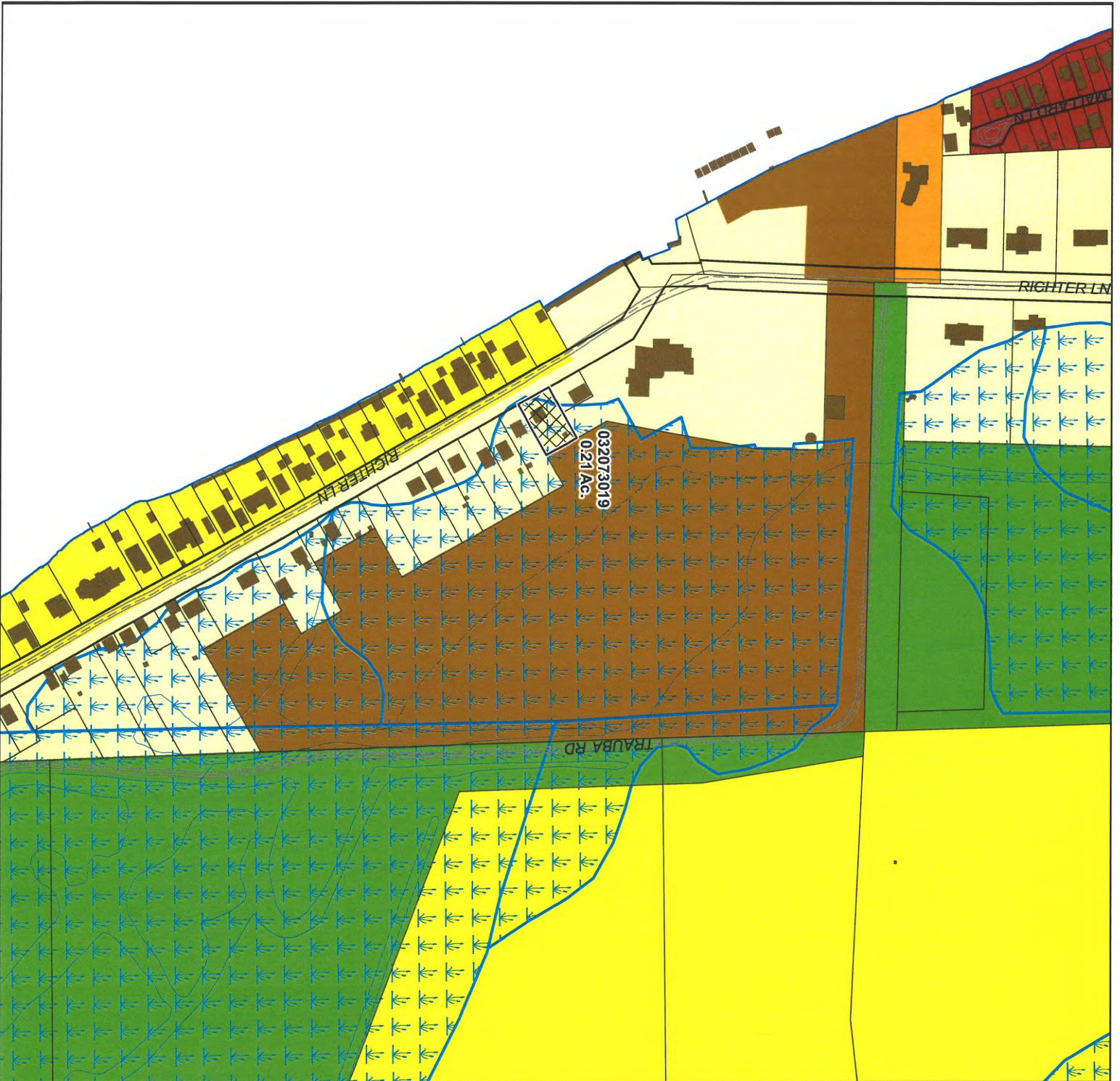
Wetland boundaries established on the property are NES' best estimate of their locations based upon the conditions and field indicators observed at the time of our site investigation. Our wetland boundaries are seldom changed; however, the regulating agencies (USACE, WDNR and other local governing units) decide their ultimate location. As a result, our wetland boundaries could be adjusted slightly during an agency review. Weather factors and the time of year reviewed are just two factors that could change a wetland's appearance and result in a boundary change. Because changes could occur, it is NES' policy to recommend to all our clients that they receive agency concurrence from both the WDNR and the USACE.

However, since Mr. Havel is a Professional Wetland Delineator assured by the WDNR, he will not need WDNR concurrence. The WDNR has thoroughly reviewed his education, field experience and report preparation capabilities and accepted him into their program, which means automatic concurrence on any project in which he is the lead field investigator and report author. As part of the program requirements, however, he is still required to send a copy of the report to the WDNR in Madison. Unfortunately, the USACE does not yet have a similar program so we will send them a copy of the report to ensure they agree with the wetland boundary established by NES. Agency concurrence will also guarantee that this delineation is valid for the next five years.



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**Application #16-ZC-3750**

Date of Hearing:  
September 27, 2016

Owner(s):  
Yingling, Michael S.

Subject Parcel(s):  
032073019



Winnebago 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	Town Zoning

City of Oshkosh Extraterritorial  
Zoning Jurisdiction

Incorporated Area



○ = SITE

**Application #16-ZC-3750**

Date of Hearing:

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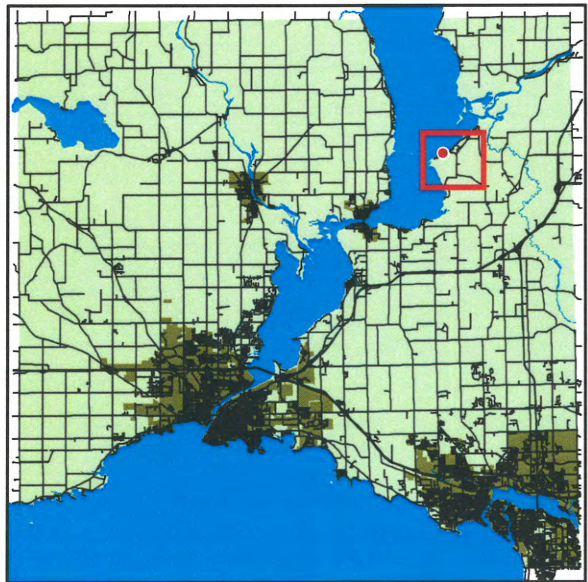
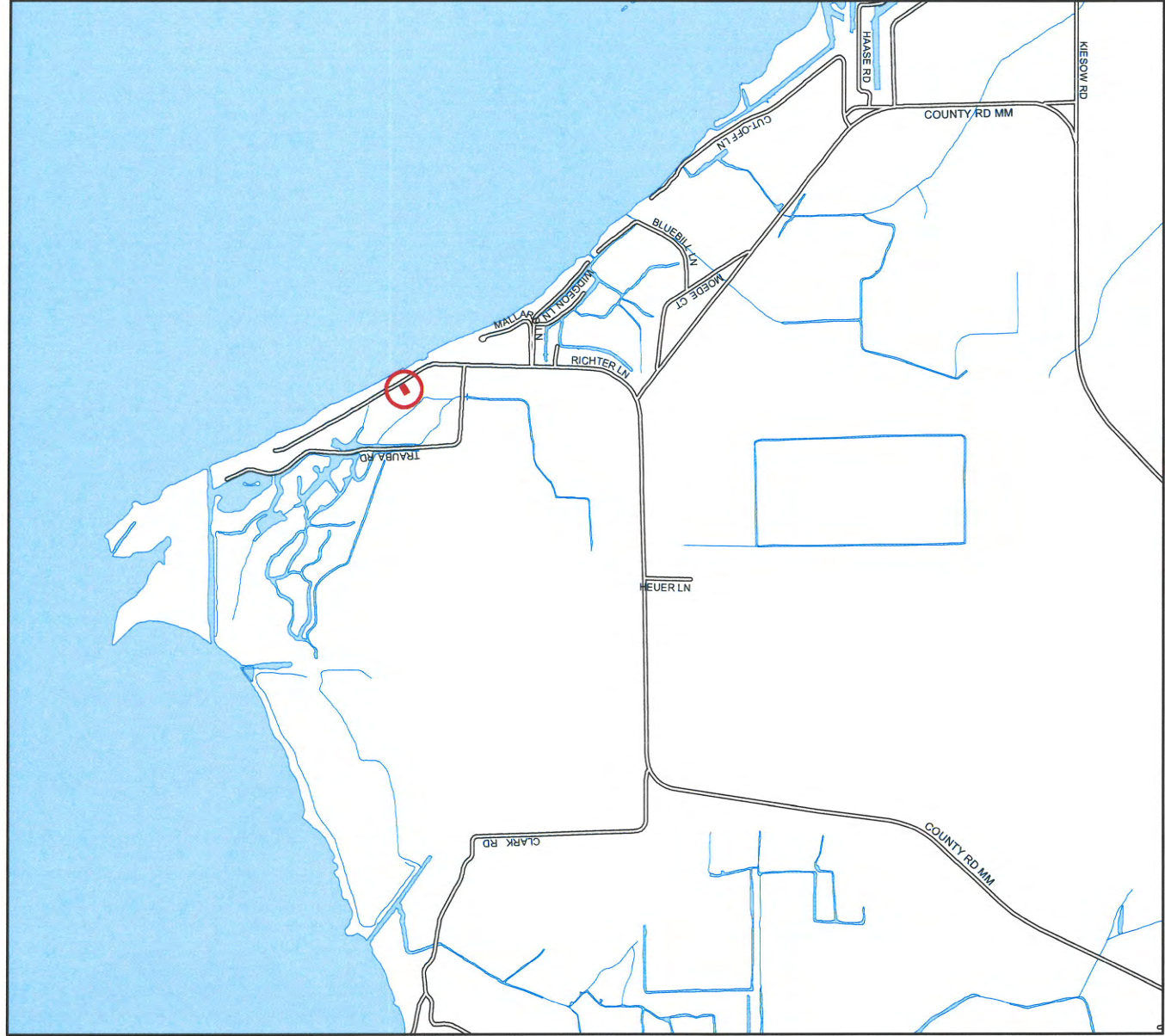
Subject Parcel(s):

032073019



*Winnabago County  
WINGS Project*

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY