

## MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

January 20, 2020

### 1. Call to Order:

The meeting was called to order at 6:00 P.M. by Chairman, Brian Noe. The Pledge of Allegiance to the flag was given.

### 2. Roll Call:

Chairman Brian Noe, Supervisors, Mark Krings and David Friess, Clerk Paula Beulen, Treasurer Beth Jackson, and Attorney Karen Marone were present.

### 3. Statement of Public Notice:

Notice of this meeting was posted at the Omro Town Hall and the Town website. The Omro Herald and Oshkosh Northwestern were notified via email.

### 4. Public Input:

- Brian Seaman – would like to know what is happening with the DOT property on Hwy 21. The Town continues to negotiate with the DOT regarding this property.
- Karleen Murphy – has a concern for the property at LaCrosse and Hwy 21. Would like to know how the drainage will be handled with the ditches and run-off. Concerned with how dangerous the intersection is at Sand Pit and Hwy 21 and how the storage units would negatively affect that.
- Dean Van Dyke – 5150 Lacrosse Dr – concerned with proposed storage units. Why would the Town not try to develop property with infrastructure in it? The storage units could be placed on other land
- Chris Musha – 5142 Lacrosse Dr – the barrier proposed between the storage sheds and the neighborhood is inadequate. There should be more concealment
- Peggy Rupnow – 3974 Georgetown Ct – concerns with storage unit, wanted to make sure the PC received the email she sent
- Beth Lux – 6071 Springbrook Rd – concern with flooding at Springbrook intersection. Chairman Noe stated with could only be mitigated once the farmfield around there is developed. She would also like to know what she should do about her lawn sinking.
- Karen Packman – 5168 Sand Pit Lane – wanted to know why you wouldn't look for lower property if you have to remove dirt
- Chairman Noe stated he wanted to clear some things up since he was not at the last Planning Commission meeting.
  - Cannot do a conditional use if zoned B-2
  - County cannot change zoning without town approval

### 5. Community Policing Discussion:

- Deputy Plaske stated no unusual crime in the area. The Deputy has not had to enforce any ATV ordinances as of yet.

### 6. Approval of Minutes:

- **Special Meeting December 11, 2019**
- **December 16, 2019**
- **Motion:** Supervisor, David Friess approved the minutes from December 11 and December 19,

2019. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

**7. Consider Zoning change: for Harve Ross, parcel #016-037105 at the corner of LaCrosse and Sand Pit Road from B-2 to A-2.**

- Eric Wagner stated that he looked extensively at other properties in the Town of Omro and Town of Algoma and could not find land with access to Hwy 21
- The potential Sand Pit and Hwy 21 corridor will allow people to have access to the property
- Eric Wagner stated that he spent a great deal of money on this project. Worked with everyone he could, talked to neighbors, tried to work with every concern given. Have been very transparent with this whole process.
- Eric Wagner stated that according to all his research storage sheds are the least impactful to a property. In his father's and his experience there will only be 12 -15 cars per day.
- Resident Dean Van Dyke would like to know what the elevation is for this property. Driveway elevation is 850 and the driveway is 842 the berm elevation is 3 feet. The height of the building will still be visible. The south end of the property is significantly higher than the driveway itself.
- Resident Tom Tuschl – 5178 Ciscel Dr – does this apply to the whole parcel of 016-037105. Yes, until the CSM is filed there is only one parcel number.
- **Motion:** Supervisor, David Friess moved to deny the request for the zoning change for parcel 016-037105 from B-2 to A-2 due to light pollution, the size of the unit, and the outdoor storage. Chairman, Brian Noe seconded the motion because of the height of the land, infrastructure not utilized and the people who built in the area would like it to stay the same.

Ayes – 3, Nays – 0, Motion carried

**8. Consider CSM: for Eric Wagner, parcel #016-037105**

- Tabled for now

**9. Consider Conditional Use Permit for: Eric Wagner, for proposed storage facility on the 10-acre parcel number 2 to be created by the CSM for parcel #016-037105.**

- Tabled for now

**10. Consider site plan review for proposed storage facility applying for conditional use on 10-acre parcel number 2 to be created by the CSM for parcel #06-037105.**

- Supervisor Friess has a concern with outdoor storage
- Supervisor Friess asked if the Barony has any covenants. Eric Wagner stated that he has a copy of the covenants for the Barony but they do not apply to his property.
- Eric Wagner stated he moved the outdoor storage behind the building so it will not be seen by the road.
- Supervisor Friess is also concerned with the outdoor lighting, 935,000 lumens shown on the site plan. A car dealership for example has 350,000 lumens. Eric Wagner is willing to compromise with the lighting as long as there is enough lighting for security.
- Tabled for now

**11. Discussion on ATV/UTV ordinance creation and direction to plan commission on actions to be taken and how the Town board wishes to proceed.**

- Winnebago County has no ATV trails
- DNR will not write citations for ATV's on roads.
- Sheriff's Dept will only enforce County ordinances
- DNR keeps records of fatalities, low pressure – high volume tires cause accidents
- Village of Winneconne and City of Omro has an ATV ordinance in place



- Town of Winneconne only has one road that ATV's are allowed on
- Municipality is required to pay for signs
- There is no law enforcement for the Town if the Town passes this
- Resident Beth Lux – 6071 Springbrook Rd – people blow through stop sign in cars and no one is policing, just want the option to use the ATV on the roads. Can use the ATV year round, wants Omro to be leader.
- Resident Phil Lux – Springbrook Rd – asked the Deputy if any ATV problems in other towns – none per Deputy attending meeting. Deputy has not had to enforce any ordinances on ATV's
- Paul Swederske – resident of City of Omro – recreational activity that involves family. Would like to get access to public boat landings and hunting land
- Jeff Kasten – resident of City of Omro – started an ATV club to raise money for signs
- Resident Carla Schrieber – 4372 Swallow Banks Lane – ATV routes are safer than trails
- **Motion:** Supervisor, Mark Krings moved to allow the Plan Commission to come up with an ATV plan. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

#### **12. Treasurer's Report:**

- Tax refunds of \$12,290.41 through 12/31/2019.
- **MOTION:** Supervisor, Mark Krings moved to approve the Treasurer's report and the refunds of \$12,290.41. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

#### **13. Payment of Invoices:**

- **Motion:** Supervisor, David Friess moved to approve the payment of invoices in the amount of \$23,252.06. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

#### **14. Upcoming Workshops and Meetings – authorization to attend.**

- Chairman Noe and Clerk Beulen will attend the WTA district meeting on Saturday, February 8<sup>th</sup>, 2020.
- Supervisor's Friess and Krings will attend the WTA district meetings on Friday, March 6<sup>th</sup>, 2020.

#### **15. Reports:**

##### **Road Supervisor:**

- The county has been doing tree trimming and filling pot holes. Would pre-treating the road help? Consider trying it on Sand Pit.

##### **Clerk:**

- Election grant requires the Town hire a managed services to monitor our computer equipment. The current IT company will charge \$1,620.00 a year for this service.
- **Motion:** Supervisor, David Friess moved to approve hiring Computer Fixer Guys as the Town of Omro's managed services for \$1,620.00 a year. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

##### **Plan Commission:**

- PC report stands as stated.
- Chairman Noe stated that someone is thinking of acquiring Ormand Beach II, starting like a new subdivision, will need stormwater requirements.
- Chairman Noe thanked prior PC Chair Tuschl for his help with this.

##### **Town Attorney:**

- Conditional use permits granted specifically to a specific business. The Conditional use permit

does not follow the property.

**Town Supervisor:**

- None

**Town Chairman:**

- Chairman Noe stated Dan Feyen approached him, would like to have a meeting
- Chairman Noe stated Strand will be here February/March for Storm water study
- Chairman Noe stated the Town applied for three MLS grants. Two grants on our own and one with Winneconne. Have not heard anything yet.
- Chairman Noe stated that he received a contact from their attorney. The Town provided enough details for the client.
- Chairman Noe will reply to County regarding IDB funds and fill out the form.
- Chairman Noe spoke to the County to make sure the Town of Omro is not at the bottom of the list. The County asked for our list early
- The Town will send an email to the County requesting they look into the zoning violations with the Town junk properties
- Improve lighting at the town hall.
- **Motion:** Supervisor, David Friess moved to approve the lighting project. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

**16. Items to be placed on next meeting agenda.**

- Audit committee.
- Post PC draft items on the website.

**17-18. Motion:**

Supervisor, David Friess moved to convene into closed session pursuant to WIS STATS Sections 19.85 (1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of deliberating or negotiating the purchase of public property, and for the purpose of considering employment, promotion, compensation or performance evaluation of an employee. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

- Closed Session at 8:31 p.m.
- Roll Call:  
Chairman Brian Noe, Supervisors, Mark Krings and David Friess, Clerk Paula Beulen, Attorney Karen Marone and Treasurer Beth Jackson.

**19. Motion:**

Supervisor David Friess moved to convene into open session. Supervisor Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

- Open Session at 8:38 p.m.
- Roll Call:  
Chairman Brian Noe, Supervisors, Mark Krings and David Friess, Clerk Paula Beulen, Attorney Karen Marone and Treasurer Beth Jackson.

**20. Adjourn:**

- **MOTION:** Supervisor, David Friess moved to adjourn at 8:43 p.m. Supervisor, Mark Krings



seconded the motion.

Ayes – 3, Nays – 0, Motion carried

Approved: \_\_\_\_\_, 2020.

Paula Beulen, Clerk  
Town of Omro

Re: CSM and Storage proposal 021219

Brian Noe <chairman@townofomro.us>

Sat 3/23/2019 1:58 PM

To: Eric Wagner <ejwags@hotmail.com>

Cc: Tom Tuschl <pcchairman@townofomro.us>; Kern, Rich <richakern@charter.net>; James E. Smith <jims@martenson-eisele.com>; Wallace and Audrey <wawags72@hotmail.com>; Sundee Wagner <smwagner2@hotmail.com>; Steve Hoopman <hoopmans@firstweber.com>

1 attachments (4 MB)

Letter from Forensic Appraisal Group (1).pdf;

Hello Eric,

I will attempt to respond to each of the questions you have asked.

I believe that part of the application for the zoning change includes the portion that includes the requests you to describe why the proposed use would be the highest and best use for the property. When asked at the meeting to explain further how this was the highest and best use for the property (as opposed to other permitted uses that would be permitted uses and have to comply with other town and county regulations) there was no answer of how this would be a better use for the property, especially when considering the existing sewer and water infrastructure that exists that could serve this site which will not be utilized. It is the applicants burden to make the case that the zoning change being requested will be in the interest of providing the highest and best use of the property.

As for the difference in B-2 and B-3 zoning I would direct you to the County Zoning Code for additional information on the permitted uses in each of those zoning categories and review the land use matrix for these zoning categories.

I am unclear what misinformation you believe the neighbors were providing. Some of the neighbors speaking that night provided specific references from the Town's Comprehensive Land Use plan which is used as a basis for zoning in the town, supporting their objection to the zoning change. I believe you were previously provided with a copy of the information provided to the Plan Commission by Tom Tuschl in a previous email. I am including in this email an additional document that was sent to me prior to the Town Board meeting that was not presented the night of the Town Board meeting since you chose to withdraw your application. I suspect this document will be provided at future meetings, so I am providing this to you in full disclosure of documents being provided to the Town. As indicated previously there have been other allegations of this being a "done deal" and questions of why we agreed to allow you to make a future application, and with each of these I have refuted and provided explanation to correct any misinformation on those issues.

You have all the information I have on this issue and should be in a position to respond to and correct any information that you believe is inaccurate, and provide documentation that supports your position.

While there may be some residents that may oppose any development on this property, as I have indicated to many of them if there is a proposed development that complies with all the applicable regulations the Town is obligated to approve it. Just as was the case with the CSM that you applied for and was approved.

The same applies to a zoning change or conditional use permit application. If the criteria for these is met, and they comply with the Comprehensive Land Use Plan and other applicable regulations the Town is again obligated to approve them. As the applicant you have the burden to show you meet these requirements, and those having objection have the burden to make the case that what is being proposed does not meet the requirements. The plan commission and town board both hear each side and consider all the facts presented and in reviewing the applicable rules make a decision to approve or deny based on these facts.

The fact that a commission member lives in the same neighborhood does not preclude them from taking a position and being involved in process.

I am unsure how or why you believe I have "complete control of the planning commission and the temperament of the residents present" I reserved any comment until after all the resident had spoke, and only spoke up to keep the process of approving the CSM moving when other members of the commission were reluctant to make a motion to approve in light of most people haven spoke against the development. If you recall there was a slight moan and sigh in the audience when we approved the CSM since there were those that still believed this was a "done deal". When it came to the zoning change, we had already heard many people speak against it, so we were at the point of reviewing the application and this is when I questioned how or why this was the best use of the property and how the change in zoning was being justified since a zoning



change is applicable to the parcel of land and not a specific project. There was little information provided to support that position in the application or by you and your consultant/ surveyor.

As indicated in a prior email from Tom Tuschl it is not possible for us to all meet with you due to open meetings laws, and these decisions are decisions to be made by the entire boards, having been provided with the same information. While you will still need to show how the proposed zoning change is supported by the comp plan and is the highest and best use of the property, you might want to consider having a meeting with residents in the area to see if you can address some of their concerns and find a way that your proposed development could be better than one of the other permitted uses for that area to help make the case this is the best use. I think the residents recognize this land will be developed by someone for some purpose in the near future, and perhaps they would be willing to work with you and or the owner to come up with a plan that works for everyone. If you wish to have such a meeting we could consider allowing you to use the Town Hall for such a meeting.

There are no specific sites that were being proposed for a development such as yours. The point was that there are numerous sites in the Town that would NOT require a zoning change and would be a Conditional Use in A-2 zoning. Understanding that the La Cross St Site requires a zoning change that needs to be substantiated and made in compliance with the Town's Comprehensive Land Use plan and not create the opportunity for more objectional noncompatible used adjacent to residential zoning if the zoning is changed, this was a way to avoid needing to go through the zoning change process.

I don't believe you are facing a "hostile" commission, and even while many residents expressed objection they did so for the most part in a civil manner. Like any other issue that these boards have dealt with I believe all sides will be considered, and you have been provided with all the information you need to decide if you wish to proceed with making another application in which you can substantiate the approvals you are requesting.

**Brian Noe, Town Chairman**

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On Thu, Mar 21, 2019 at 10:05 AM Eric Wagner <[ejwags@hotmail.com](mailto:ejwags@hotmail.com)> wrote:

Hi Brian,

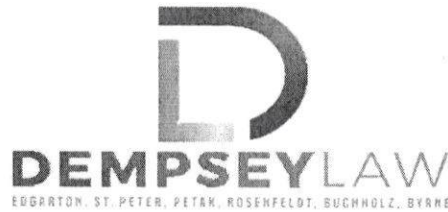
Thanks for your response. My impression based on Tom's report was that the board should elaborate on what is "the best use" of the La Crosse St property. Without the board defining or establishing guardrails on what is acceptable/not acceptable use, I am not sure how to adequately address the board's concerns. Do you?

Secondly, can you please educate me on the "intensive" changes you are referencing that B3 affords over B2? I admit I am a novice however when I reviewed the Winnebago County code more closely I did not see this since a majority of businesses referenced under B3 zoning similarly require a conditional use permit. Furthermore salvage yards are not allowed under B2 or B3. If amenable, we could just request B3 zoning on just the property we wish to purchase (10 acres). Your thoughts?

Third, I acknowledge there was some opposition from a few neighbors and there was quite a bit of misinformation spread that should have been tamped down due to County code and zoning requirements. While I fully appreciate and respect all of the neighbors concerns, my family has been in business for 25 years and we have never had issues with our neighbors. We maintain a clean facility in a more densely populated neighborhood than the location currently proposed and

**PARTNERS:**

TIMOTHY M. DEMPSEY  
CHARLES J. HERTEL  
JOHN A. ST. PETER  
PAUL W. ROSENFELDT  
BRIAN D. HAMILL  
PETER J. CULP  
MATTHEW PARMENTIER  
HEATH G. MYNSBERGE



**OF COUNSEL:**

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**ASSOCIATES:**

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DEJAN ADZIC  
JOSHUA R. COOK

**RETIRED:**

A.D.(DAN) EDGARTON  
ROBERT V. EDGARTON  
RONALD L. PETAK  
TERRENCE J. BYRNE

February 18, 2020

Attorney Karen L. Marone  
Law Office of Karen L. Marone  
2080 W. 9<sup>th</sup> Avenue, #114  
Oshkosh, WI 54904-8072

RE: Town of Omro/Eric Wagner

Dear Karen:

As you know, Eric Wagner has filed a petition for a change of zoning, a conditional use permit and a certified survey map with respect to certain real property that is owned by Harve Ross located between Lacrosse Drive and Highway 21. Specifically, Mr. Wagner has requested that the property be rezoned from B-2 to A-2 and that he be granted a conditional use permit in order to construct storage facilities on that property.

At the meeting that took place at the Town Hall on Saturday, February 15, 2020, Town Chairman Brian Noe stated that the proposed change of zoning was "legally prohibited". He further stated that the proposed use does not fit the future land use map for the area in question and that it is illegal to zone in contradiction of the future land use map. For the reasons set forth below the change in zoning and the contemplated use are not contrary to the future land use map for the property in question.

The issue of the zoning change is controlled by the Smart Growth Law as contained in Wis. Stat. § 66.1001. Enclosed for your consideration is an email exchange that took place between my partner, Matthew B. Parmentier, and the principal author of the Smart Growth Law, Brian W. Ohm. Also enclosed is a copy of an email from Mr. Parmentier to me from yesterday. A review of the enclosed reflects that the Town is not legally prohibited from making the zoning change. Instead, rezonings must be "consistent with" the comprehensive plan.

We believe that the proposed zoning change is consistent with the future land use maps for the area in question. In the first place, the land use maps contemplate that the property shall be utilized for "commercial" purposes. Importantly, those maps do not distinguish between B-2 or B-3 zoning, which

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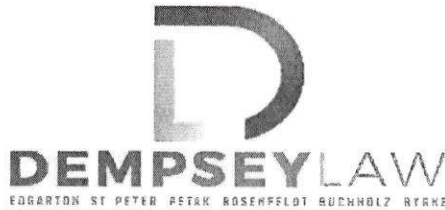
De Pere  
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Dempsey & Buchholz  
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Waupun, WI 53963  
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(f)920-235-2011

Byrne & Dempsey  
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Wausau, WI 54403  
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(f)715-842-5189

Oshkosh  
210 North Main St  
Oshkosh, WI 54901  
(p)920-235-7300  
(f)920-235-2011





are both commercial zonings. Importantly, storage facilities are permitted uses for properties zoned B-3. Under the circumstances, the only reasonable legal conclusion is that the installation of storage units on the site is consistent with the future land use plan.

It is acknowledged that the proposed change of zoning would be from B-2 to A-2. In my discussions with Carey Rowe it was indicated that the County regards the A-2 zoning as being entirely consistent with commercial zoning. He described that zoning as "neutral".

Please consider the enclosed as well as what is set forth above with members of the Town Board. To the extent that you seek a formal opinion letter from our office, we are prepared to provide one. As was indicated to you during our meeting, to the extent that the Board has concerns about the project, Mr. Wagner is willing to work in a reasonable way with the Board to address the concerns that the Board might have, including issues of outdoor storage, light pollution, height of the land and buildings and the use of infrastructure. We thank you for your consideration.

Sincerely,

DEMPSEY LAW FIRM, LLP



Charles J. Hertel  
cjh@dempseylaw.com

CJH:sma  
Enclosure

cc: Eric Wagner

BCC  
Matt  
Parmentier +  
Wally  
Wagner

Shannon M. Andris

wagner

**From:** Matthew B. Parmentier  
**Sent:** Monday, February 17, 2020 4:30 PM  
**To:** Charles J. Hertel  
**Subject:** FW: Question re: 66.1001

Chuck:

In follow-up to our conversation about the "consistency" requirement in the Smart Growth Law, I'm forwarding an email that Brian Ohm sent me several years ago. Brian was the chief author of the law.

The statute requires that rezonings be "consistent with" the comprehensive plan, but the concept of consistency is vague. It's not as simple as comparing the proposed rezoning with the designation on the Future Land Use Map. Rather, it requires an analysis under the entire text of the comprehensive plan. You won't be surprised to know that most comprehensive plans contain broad and sometimes conflicting goals. The result is that many things can be characterized as consistent even if the proposed rezoning does not match the future land use map.

The other thing I can tell you is that designations on the Future Land Use Map are based on land use, not necessarily the zoning district. That's why Future Land Use Maps often use categories that do not match the zoning districts. While your proposal would apparently necessitate a rezoning to an agricultural district, the proposal is not for an agricultural use and that's an important distinction.

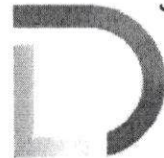
Finally, there is a statutory procedure for amending comprehensive plans that is quite similar (though not identical) to the rezoning process. I regularly see rezoning applications that also request amendments to the comprehensive plan if there is a consistency issue.

Hope this information is helpful.

Matt

Matthew Parmentier, Partner  
Dempsey, Edgerton, St. Peter, Petak & Rosenfeldt

Noe -  
County can not change zoning w/o Town approval



**DEMPSEY LAW**  
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**From:** Matt Parmentier <mparmentier@lawfdl.com>  
**Sent:** Monday, February 17, 2020 3:29 PM  
**To:** Matthew B. Parmentier <MBP@dempseylaw.com>  
**Subject:** FW: Question re: 66.1001

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**From:** Brian W. Ohm [bwohm@wisc.edu]  
**Sent:** Thursday, September 12, 2013 3:25 PM  
**To:** mparmentier  
**Subject:** Re: Question re: 66.1001

Hi Matt:

As for question 1, under 66.1001(3), if a local government "enacts or amends" any of the listed ordinances, those ordinances need to be consistent with the local comprehensive plan. Since a rezoning is an amendment of the zoning ordinance map, the rezoning would need to be consistent with the local comp. plan. Under 66.1001(1)(am), "consistent with" means "further or does not contradict the objectives, goals, and policies contained in the comprehensive plan" so a consistency determination needs to look at more than just the future land use map. There may be policies, etc., that help guide the interpretation of the plan. For example, a city's comp. plan might provide policies, etc., for how the city will handle annexations -- e.g., "It is the policy of the city to temporarily zone land as agricultural when that land is annexed to the city." Even though the city's future land use map in the plan might not designate the zoning for areas that might be annexed to the city, the city would probably be ok relying on the policy language.

Actions that don't involve the enactment or amendment of the ordinance are not required to be consistent. A variance, for example, does not involve amending the zoning ordinance so it is not subject to the consistency requirement of 66.1001(3).

As for question 2, there are two parts -- the boundary change and the temporary zoning. As for the boundary change, the original law (2009 Wis. Act 9) required that annexations had to be consistent with local comp. plans. That was removed about a year later and shows legislative intent not to include annexations in the consistency requirement. At some point, however, everyone (city and town) will need to change their comp. plans to reflect the boundary changes. Other than in the required 10 year update, the law is not clear when that should happen. (The cooperative boundary agreement law was changed post-1999 to try to incorporate cooperative boundary plans into the local comp. plans so things are a bit different if you are dealing with annexations undertaken pursuant to a cooperative boundary agreement.)

As for the temporary zoning, the 66.1001(3) consistency requirement only references city/village zoning ordinances enacted/amended under 62.23(7). (I'm assuming you are talking about an annexation under 66.0217 and you are not dealing with land subject to the county shoreland zoning ordinance.) If the temporary zoning is done as part of the annexation ordinance, that is not one of the ordinances that needs to be consistent with the comp. plan under 66.1001(3). If the city is doing the temporary zoning under 62.23(7) or when the city gets around to amending the city zoning ordinance under 62.23(7) to actually zone the annexed land, then it will

need to do so consistent with the city's comp. plan (though as I mentioned in response to ques. 1, it may be easy for the city to do with policy language).

Keep in mind there are other laws that require relationships with the comp. plan. For example, cities, villages, and towns need to make a finding that the plan for a proposed tax increment financing district is in "conformity" with the comp. plan of the city, village, or town. Wis. Stat. §§ 66.1105(4)(g) for cities and villages and 60.85(3)(g) (2003) for towns. If you are dealing with an annexation that also includes a proposed TIF district, then this might become an issue. I hope this helps answer your questions.

Brian

On 09/12/13, **mparmentier** <[mparmentier@lawfdl.com](mailto:mparmentier@lawfdl.com)> wrote:

Professor Ohm:

I am an attorney in Fond du Lac, and I have a couple of questions about the comprehensive planning statute that I am hoping you have some thoughts on.

First, subsection (3) identifies various ordinances that must be consistent with the comprehensive plan. Is the prevailing understanding that this consistency is judged on an entire-ordinance basis, or is it judged on an action-by-action basis? To provide an example, if a municipality rezones a property, is consistency measured by asking if the individual rezoning is consistent with the future land use map, or is the question whether the zoning map viewed as a whole remains consistent with the future land use map?

Second, is there anything to suggest that annexations must be consistent with the comprehensive plan? The annexation statute allows an annexing municipality to designate a temporary zoning classification for annexed territory. Must that temporary classification be consistent with the comp plan?

Thanks in advance for taking the time to share your thoughts. I know that you are the authority on the law.

Matt

Matthew Parmentier

Edgerton, St. Peter, Petak & Rosenfeldt



10 Forest Avenue

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RE: Eric Wagner/Town of Omro

Matthew B. Parmentier <MBP@dempseylaw.com>

Wed 2/19/2020 9:50 AM

To: Charles J. Hertel <CJH@dempseylaw.com>

Cc: Eric Wagner <ejwags@hotmail.com>; wawags72@hotmail.com <wawags72@hotmail.com>; Shannon M. Andris <SMA@dempseylaw.com>

1 attachments (1 MB)

2020\_02\_19\_09\_29\_03.pdf;

Hi, Chuck.

In response to your letter, you're correct. The final authority over the rezoning remains with the County, although a town's denial – if done correctly – can alter the process.

I have attached the relevant portion of the County's zoning ordinance and highlighted the important parts. Here's what you'll see:

- When a rezoning application is submitted to the County, the County will send it to the relevant town for review. The affected town has the option to adopt a resolution opposing the proposed amendment. If they do that, the resolution must be forwarded to the County before, at, or within 10 days of the County's public hearing on the rezone. The town can extend that deadline by an additional 20 days. If they don't follow these steps, their "denial" has no legal effect. The County can take it or leave it.
- If the town properly adopts a resolution opposing the amendment, then the County's Planning and Zoning Committee – which is merely advisory to the County Board – cannot recommend unqualified approval of the rezone. Instead, it can either recommend denial or recommend approval "with changes."
- But again, that recommendation is advisory only. There is no such constraint on the County Board, which makes the final decision. Its role is to review the Planning and Zoning Committee's report and then can either pass the rezone as proposed, deny the rezone, or refer it back to the Planning and Zoning Committee for modifications.

If the County is supportive of the rezoning but feels boxed in by the Town's denial, one option would be to volunteer a deed restriction on the property or conditions in the CUP that address the concerns the Town raised – to the extent they are legitimate concerns (the mere fact that neighbors don't like it is not enough). That could give the Committee enough room to recommend approval "with changes" (i.e., with the conditions).

Matt

Matthew Parmentier, Partner

Dempsey, Edgerton, St. Peter, Petak & Rosenfeldt



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**From:** Shannon M. Andris  
**Sent:** Tuesday, February 18, 2020 4:34 PM  
**To:** Matthew B. Parmentier <MBP@dempseylaw.com>  
**Cc:** Eric Wagner <ejwags@hotmail.com>; wawags72@hotmail.com  
**Subject:** Eric Wagner/Town of Omro

Sincerely,  
Shannon M. Andris  
Firm Paralegal and  
Legal Assistant to Charles J. Hertel, Esq.



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Dempsey & Buchholz  
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115 Forest St  
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Oshkosh  
210 North Main St Oshkosh,  
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7300  
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## ARTICLE 7 SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS

### Divisions

1. Code amendment (text and zoning map)	11. Special exception
2. Zoning map amendment due to annexation	12. Variance
3. Establishment of zoning for county-owned lands	13. Administrative appeal
4. Planned development overlay district	14. Zoning permit
5. Reserved	15. Temporary Use Permit
6. Conditional use	16. Site and operation plan
7. Special use permit for specified livestock operations	17. Rural accessory building determination
8. Determination of unsafe conditions	18. Registration of a nonconforming use
9. Termination of approval	19. Code interpretation
10. Reserved	

### DIVISION 1 CODE AMENDMENT

#### Sections

23.7-1 Generally	23.7-6 Application content
23.7-2 Initiation	23.7-7 Staff report content
23.7-3 Application and review procedure	23.7-8 Appeal
23.7-4 Effective date of adopted ordinance	23.7-9 Informational brochure
23.7-5 Basis of decision	

#### 23.7-1 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map as established in division 2 of article 8. This division describes the procedures and requirements to amend this chapter and the zoning map.

#### 23.7-2 Initiation

Any of the following may submit an application to amend the text of this chapter or the zoning map as established in division 2 of article 8:

- (1) a property owner in the area to be affected by the proposed amendment;
- (2) the town board of any town in which this chapter is in effect;
- (3) the Planning and Zoning Committee; and
- (4) any member of the Board of County Supervisors.<sup>80</sup>

#### 23.7-3 Application and review procedure<sup>81</sup>

The general steps outlined below shall be used to amend the text of this chapter and the zoning map.

- (1) **Submittal of application materials.** The applicant shall submit a complete application to the county clerk along with the application fee as may be established by the Board of County Supervisors.
- (2) **Staff review.** Within 30 days of submittal, the administrator shall either schedule a date for the public hearing with the Planning and Zoning Committee if the application is deemed complete or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the

<sup>80</sup> Commentary: See s. 59.69(5)(e)(1), Wis. Stats.

<sup>81</sup> Commentary: See ss. 59.69(5)(e) and 59.69(6), Wis. Stats.



application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

- (3) **Transmittal of application.** The clerk shall forward one copy of the application to the committee and to each county supervisor whose district would be affected by a revision to the zoning map.
- (4) **Notice to county board.** The clerk shall provide a report to the Board of County Supervisors regarding the application at its next succeeding meeting.
- (5) **Special notice to airport.** If the application is for any change in an airport affected area, as defined in s. 62.23(6)(am)1.b., Wis. Stats., the administrator shall mail a copy of the notice by regular mail to the owner or operator of the airport bordered by the airport affected area.
- (6) **General notice by type of application.** If a proposed amendment would revise the text of this chapter, the administrator shall provide for class 2 public notice, town notice, agency notice, distribution list notice, and meeting agenda notice consistent with division 2 of article 6. If a proposed amendment would revise the zoning map and is initiated by a property owner, the administrator shall provide for class 2 public notice, an on-site sign, town notice, property owner notice, agency notice, distribution list notice, and meeting agenda notice consistent with division 2 of article 6. If a proposed amendment would revise the zoning map and is initiated by the county, the administrator shall provide for class 2 public notice, town notice, agency notice, distribution list notice, and meeting agenda notice consistent with division 2 of article 6.
- (7) **Town review and determination.** The town board of a town affected by the proposed amendment may review the application and may adopt a resolution opposing the proposed amendment and forward a certified copy of the same to the committee before, at, or within 10 days after the public hearing. The town board may extend its time for adopting such resolution by an additional 20 days (i.e., a total of 30 days after the public hearing) by passing a resolution and providing a certified copy of the same to the county clerk within 10 days after the public hearing. The extension shall remain in effect for not more than 30 days after the public hearing or until the town board adopts a resolution rescinding the extension and provides a certified copy of the same to the county clerk.
- (8) **Public hearing.** Allowing for proper notice, the committee shall conduct a public hearing consistent with division 3 of article 6.
- (9) **Staff report preparation and distribution.** The administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the committee and the applicant. The administrator shall also provide a copy to interested people upon request.
- (10) **Planning and Zoning Committee recommendation.** As soon after the public hearing as possible, but no sooner than 10 days after the public hearing or 30 days after the public hearing if the town board passed a resolution establishing a 20-day extension, the committee shall meet to make a written recommendation to the Board of County Supervisors to (1) deny the proposed amendment, (2) approve the proposed amendment without revision, or (3) approve the proposed amendment with revision(s) it deems appropriate. Such revision to the proposed amendment shall relate to those matters considered at the public hearing or to a town's resolution of opposition. If a town board adopts a resolution opposing a proposed zoning map amendment within its jurisdiction, or if a majority of town boards under the jurisdiction of this chapter adopt a resolution opposing a proposed text amendment, the committee shall either recommend denial of the proposed amendment or recommend approval with change.
- (11) **Transmittal of determination.** If the committee action is favorable, it shall cause an ordinance to be drafted effectuating its determination and shall forward the proposed ordinance along with its recommendation to the Board of County Supervisors. If the committee action is not favorable, the committee shall report its determination to the board including its reasons for denial. Proof of publication of the public notice and proof of the giving of notice to the town clerk of the public hearing shall be attached to either report. In addition, town board resolutions opposing the proposed amendment, if any, shall be attached to either report.
- (12) **County Board of Supervisors' decision.** After reviewing the proposed ordinance and the committee's report, the board may (1) enact the proposed ordinance as drafted or with amendments, (2) deny the proposed



amendment, or (3) refuse to deny the petition as recommended in which case it shall refer the petition to the committee with directions to draft an ordinance to effectuate the proposed amendment and report the ordinance back to the board which may then enact or reject the ordinance.

- (13) **Required vote with protest of airport.** If a proposed amendment would make any change in an airport affected area, as defined under s. 62.23(6)(am)1.b., Wis. Stats., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the county clerk at least 24 hours prior to the date of the meeting of the board at which the report of the committee is to be considered, no ordinance which makes such change may be approved except by the affirmative vote of two-thirds of the members of the board present and voting.
- (14) **Required vote with a protest by qualified property owners.** If a protest against a proposed amendment is filed with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the committee is to be considered, duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on the proposed ordinance may be deferred until the committee has had a reasonable opportunity to ascertain and report to the board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If the statements are found to be true, the proposed ordinance may not be enacted except by the affirmative vote of three-fourths of the members of the board present and voting. If the statements are found to be untrue to the extent that the required frontage or area ownership is not present, the protest may be disregarded.<sup>82</sup>
- (15) **Notification of decision.** Within a reasonable time following the board's decision, the administrator shall notify the applicant and the committee of its decision.
- (16) **Town notification of decision.** Within 7 days of the board's decision, the administrator shall notify the municipal clerk of the effected towns and the county clerk shall certify a duplicate copy of the ordinance if one was adopted and send the same to the municipal clerks of the effected towns.<sup>83</sup>
- (17) **Preparation of new zoning map.** If the zoning map is amended, the administrator shall within 60 days of the date of decision cause a new zoning map to be prepared consistent with division 2 of article 8.

#### 23.7-4 Effective date of adopted ordinance

If an adopted ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, at, or within 10 days after the public hearing or 30 days after the public hearing with a valid resolution establishing a 20-day extension, whichever is applicable, after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by the ordinance of the effective date and also insert the effective date in the proceedings of the county board. Any other amendatory ordinance when enacted shall within 7 days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by the ordinance are located. If after 40 days from the date of the enactment a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county clerk, or if, within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall be in effect in all of the towns affected by the ordinance. Any ordinance relating to the location of boundaries of districts shall within 7 days after enactment by the county board and approval of the county executive be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by the change are located and shall become effective 40 days after enactment of the ordinance by the county board unless such town board prior to such date files a certified copy of a resolution disapproving of the ordinance with the county clerk. If such town board approves the ordinance, the ordinance shall become effective upon the filing of the resolution of the town board approving the ordinance with the county clerk. The clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all

<sup>82</sup> Commentary: See s. 23.6-10 regarding an informational brochure describing the requirements of a protest.

<sup>83</sup> Commentary: See s. 59.69(2)(f), Wis. Stats.



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Sincerely,  
Shannon M. Andris  
Firm Paralegal and  
Legal Assistant to Charles J. Hertel, Esq.



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2011



submitted by the clerk under par. (g) to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area.

3. Except as provided under subd. 3m., if a town affected by the proposed amendment disapproves of the proposed amendment, the town board of the town may file a certified copy of the resolution adopted by the board disapproving of the petition with the agency before, at or within 10 days after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

3m. A town may extend its time for disapproving any proposed amendment under subd. 3. by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the clerk of the county in which the town is located. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the clerk of the county in which the town is located.

4. As soon as possible after the public hearing, the agency shall act, subject to subd. 3., on the petition either approving, modifying and approving, or disapproving it. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the board with its recommendations. If the agency after its public hearing recommends denial of the petition it shall report its recommendation directly to the board with its reasons for the action. Proof of publication of the notice of the public hearing held by the agency and proof of the giving of notice to the town clerk of the hearing shall be attached to either report. Notification of town board resolutions filed under subd. 3. shall be attached to either such report.

5. Upon receipt of the agency report the board may enact the ordinance as drafted by the zoning agency or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the agency in which case it shall rerefer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the ordinance back to the board which may then enact or reject the ordinance.

5g. If a protest against a proposed amendment is filed with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning agency under subd. 4. is to be considered, duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on the ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If the statements are found to be true, the ordinance may not be enacted except by the affirmative vote of three-fourths of the members of the board present and voting. If the statements are found to be untrue to the extent that the required frontage or area ownership is not present the protest may be disregarded.

5m. If a proposed amendment under this paragraph would make any change in an airport affected area, as defined under s. 62.23 (6) (am) 1. b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning

agency under subd. 4. is to be considered, no ordinance which makes such a change may be enacted except by the affirmative vote of two-thirds of the members of the board present and voting.

6. If an amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, at or within 10 days under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by the ordinance of the effective date and also insert the effective date in the proceedings of the county board. The county clerk shall submit a copy of any other amendatory ordinance, under par. (g), within 7 days of its enactment, to the town clerk of each town in which lands affected by the ordinance are located. If after 40 days from the date of the enactment a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county clerk, or if, within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall be in effect in all of the towns affected by the ordinance. The county clerk shall submit under par. (g), within 7 days of its enactment, any ordinance relating to the location of boundaries of districts only to the town clerk of the town in which the lands affected by the change are located. Such an ordinance shall become effective 40 days after enactment of the ordinance by the county board unless such town board prior to such date files a certified copy of a resolution disapproving of the ordinance with the county clerk. If such town board approves the ordinance, the ordinance shall become effective upon the filing of the resolution of the town board approving the ordinance with the county clerk. The clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

7. When any lands previously under the jurisdiction of a county zoning ordinance have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in sub. (7), the board may, on the recommendation of its zoning agency, enact amendatory ordinances that remove or delete the annexed lands from the official zoning map or written descriptions without following any of the procedures provided in subds. 1. to 6., and such amendatory ordinances shall become effective upon enactment and publication. A copy of the ordinance shall be forwarded by the clerk to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede s. 66.1031.

(f) The county zoning agency shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance or amendment that affects the allowable use of the property owned by the person. Annually, the agency shall inform residents of the county that they may add their names to the list. The agency may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the county's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the county zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if the agency receives a petition under par. (e) 2., the agency shall send a notice, which contains a copy or summary of the proposed ordinance or petition, to each person on the list whose property, the allowable use or size or density requirements of which, may be affected by the proposed ordinance or amendment. The notice shall be by mail or in any reasonable form that is agreed to by the person and



**Fwd: Town of Omro**

Wallace and Audrey <wawags72@hotmail.com>

Fri 2/14/2020 7:01 PM

To: Eric Wagner <ejwags@hotmail.com>

Sent from my iPhone

Begin forwarded message:

**From:** Marilyn Potratz <marilypotratz@gmail.com>

**Date:** February 14, 2020 at 6:56:46 PM EST

**To:** "wawags72@hotmail.com" <wawags72@hotmail.com>

**Subject: Town of Omro**

Town of Omro,

I, Robert J. Potratz and my wife, Marilyn, have owned the property that is across the road from the proposed new development since the 1970s. We've always been interested in seeing some type of commercial development in the Sandpit Road/State Hwy 21 corridor.

Having noticed the storage units that the Wagners have on Old Hwy. 21 and Leonard Point Road, we feel it would be a nonintrusive addition and benefit to the community. The Town of Omro does not have to provide water or sewer for this development and it's an additional benefit to the town's tax base.

For these reasons we are in favor of Parcel 016-037105 being approved for commercial development.

Sincerely,

Robert J. and Marilyn Potratz



**Tell the Omro Town Board of Supervisors you support  
Business Development in the Town of Omro!**

Harve and Rene Ross are selling their commercially zoned property across from the Barony Estates (HWY 21 and Sandpit Rd) so a family owned mini storage facility can be built.

Mini Storage would be:

1. Among the lowest impact commercial development for the property.
2. An excellent visual and sound buffer for neighbors who reside near HWY 21.
3. A great amenity for nearby residents who live in communities that restrict outdoor storage.
4. Additional tax revenue for the Town of Omro.

#	Print Name	Address	Email / Phone #	Signature
1	Rene Ross	3871 Cty. FF Omro	(920) 685-5662	Rene Ross
2	Harve Ross	3871 Cty FF Omro	920-562-7890	Harve Ross
3	Rob Giese	3754 Cty Rd FF Omro	920-685-6272	Rob Giese
4	BECKY GIESE	" " " " "	920-685-0272	Becky Giese
5	NATEC POTRATZ	5317 ST Rd 1 Omro	920-252-2839	Nate Potratz
6	Tony Potratz	3866 Cty Rd FF omro	920-379-5333	Tony Potratz
7	Ryan Busse	3341 Cty Rd FF omro	420-279-0342	Ryan Busse
8	Thomas J. Gruszecki	5341 Cty Rd E	920-685-6111	Thomas Gruszecki
9	Eric Rangeloff	3670 Cty Rd FF		Eric Rangeloff
10	Hisa Rangeloff	3670 Cty Rd FF		Hisa Rangeloff
11	John Linde	5516 STATE RD 21	920-379-6756	John Linde
12	Gwen Marcellis	3933 Reighmoor Rd	920-573-1255	Gwen Marcellis
13	Chris Marcellis	3933 Reighmoor Rd	920-279-4553	Chris Marcellis
14	Don Weber	3779 County Rd FF	920-488-6918	Don Weber
15	John GIDDINGS	2905 Co. Rd. E	920-527-8230	John Giddings
16	BRIAN Seaman	3569 Sandpit Rd	920-410-7843	Brian Seaman
17	Lisa Hoffmann	3568 Sandpit Rd	920-420-4759	Lisa Hoffmann
18	Laurin Hoffmann	3568 Sandpit Rd	920-420-3027	Laurin Hoffmann
19	Randall Potratz	4144 Reighmoor Rd	920-379-2616	Randall Potratz
20	Nancy Potratz	4144 Reighmoor Rd	920-379-4978	Nancy Potratz
* 21	Glenn Anklaam	4375 Reighmoor Rd.	920-379-7087	Glenn Anklaam
22	Barbara Anklaam	4375 Reighmoor Rd.	920-685-2660	Barbara Anklaam
23	Thersten Chapin	5623W Reighmoor Rd.	920-685-0280	Thersten Chapin
* 24	Wayne Schmick	4511 Rivermoor Rd	1-920-685-2714	Wayne Schmick
25	Craig McMullin	4196 Rivermoor Rd		Craig McMullin



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#	Print Name	Address	Email / Phone #	Signature
1	SHARON MAMMILLIN	4196 RIVERMOOR OMRO		Sharon Mammillin
2	Tim Both Lux	6071 Springbrook Rd. Omro		Tim Both
3	Kam Zemke	4090 Reighmoor Rd Omro		Kam Zemke
4	Dawnn Clark	3785 Cty Rd FF Omro		Dawnn Clark
* 5	CHARLES CLARK	3785 COUNTY RD FF OMRO		Charles Clark
6	DAVE SCHERER	3943 Reighmoor Rd Omro		David Scherer
7	Cheri Potratz	4360 Reighmoor Rd Omro		Cheri Potratz
8	Randy Bursie	3341 COUNTY RD FF OMRO		Randy Bursie
9	Dave Barnett	3113 Co FF OMRO		Dave Barnett
10	Ron Albright	3358 Sandpit Rd Oshtemo		Ron Albright
11	Jeff Meyers	6070 9th St		Jeff Meyers
12	Paula Lampe	5516 State Rd 21, Omro		Paula Lampe
13	IRIS BUSSE	5494 COUNTY RD E OMRO		Iris Busse
14	Earl Busse	5494 " E OMRO		Earl Busse
15	Art Eberhart	3522 CTY RD FF		Art Eberhart
16	Janis Eberhart	3522 Cty Rd FF		Janis Eberhart
17	Allen Lambert	5206 STATE RD 21		Allen Lambert
18	Phillip Laker	5206 State RD 21		Phillip Laker
19	Wange Treprow	5406 9th St Rd		Wange Treprow
20	Judy Lambert	3303 Co Hwy FF		Judy Lambert
21	Karen Szep	5812 9th St Rd		Karen Szep
22	Richard Szep	5812 9th St Rd		RICHARD SZEP
23	John Egan	7015 W 9th		John Egan
24	Robert Komer	4436 SAND PIT RD		Robert Komer
25	Rene Gornach	4436 Sand Pit Rd		Rene Gornach

\* former planning Commission



**Tell the Omro Town Board of Supervisors you support  
Business Development in the Town of Omro!**

Harve and Rene Ross are selling their commercially zoned property across from the Barony Estates (HWY 21 and Sandpit Rd) so a family owned mini storage facility can be built.

Mini Storage would be:

1. Among the lowest impact commercial development for the property.
2. An excellent visual and sound buffer for neighbors who reside near HWY 21.
3. A great amenity for nearby residents who live in communities that restrict outdoor storage.
4. Additional tax revenue for the Town of Omro.

#	Print Name	Address	Email / Phone #	Signature
1	Sherry Lux	6023 Springbrook	685-6368	Sherry Lux
2	Sandra Scouronski	4642 Rivermoor	685-6504	Sandra Scouronski
3	Thomas Scouronski	4642 RIVERMOOR RD	685-6504	Thomas Scouronski
4	Bill Parker	4939 Rivermoor Rd	410-7268	Bill Parker
5	Nathan Pelt	4639 Rivermoor Rd	410-7268	Nathan Pelt
6	Doug Bladorn	4637 Rivermoor	410-2202	Doug Bladorn
7	Bill Bladorn	4635 Rivermoor	426-3264	Bill Bladorn
8	Bill Tollard	4630 Friedrich Ave	379-3424	Bill Tollard
9	Eugene Rohan	4405 Rivermoor Rd	685-6501	Eugene Rohan
10	Gary Beck	5105 Sandpit Lane	920-428-0550	Gary Beck
11	Kathryn Beck	4520 Sandpit Rd.	(920) 420-2395	Kathryn Beck
12	<del>Marlene Ross</del>	3923 Reighmoor Rd	920-527-1109	<del>Marlene Ross</del>
13	Marlene Ross	3923 Reighmoor Rd	920-527-0321	Marlene Ross
14				
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# UPDATE: PERSONAL STORAGE FACILITY

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TOWN OF OMRO - PLANNING COMMISSION

ERIC WAGNER AND WALLACE WAGNER

OCTOBER 3, 2019



# CONCERNS RAISED FROM FIRST MEETING

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- Property values would decrease as much as 20%
- Placement of Driveway and Traffic
- Does Crime increase with Personal Storage Facilities (e.g. Theft, Sex Predators)?
- Nuisance Concerns – Junkyard, Noise, Tenants Living in Storage Facilities, and Excess Outdoor Lighting
- Changing the current B-2 zoning to B-3 could spur less desirable development in the future (e.g. junkyard)



PROPERTY VALUES WOULD DECREASE AS  
MUCH AS 20%

---



# WILL PROPERTY VALUES BE AFFECTED BY PERSONAL STORAGE?

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- No data exists that a Personal Storage Facility will cause a 20% drop in property values.
  - Fox Valley Cities Appraisal Company (Matthew Hietpas; Certified General Appraiser and Co-Owner)
    - “I see no market data that would support mini-storage units having a negative impact on neighborhoods. Also with building codes and covenants that are in place today there are pretty high standards that need to be met to make them aesthetically pleasing to the eye.”
    - A residential appraiser also stated “he has never seen homes decrease from having mini-storage, if anything this would be a positive and increase the value of your home.”
- In Town of Algoma, our research found neighborhood property values have increased on par with market trends around two Personal Storage Facilities located on Omro and Leonard Point Roads.
  - Spare Space (1564 Leonard Point RD)
  - Algoma Storage (3435 Omro RD)



# TOWN OF ALGOMA: RECENTLY SOLD HOMES ADJACENT TO/NEAR ALGOMA STORAGE / SPARE SPACE

SOURCE: WINNEBAGO COUNTY REGISTER OF DEEDS

#	Parcel ID (PIN)	Address	Recent		Previous		% Change
			Date Sold	Price	Date Sold	Price	
1	#0023396	1519 Hayden DR	6/14/2019	\$349,900	11/7/2012	\$257,000	36.1
2	#0022894	3435 Milford DR	6/10/2019	\$240,000	4/13/2009	\$173,000	38.7
3	#0021126	1283 Leonard Pt RD	6/19/2018	\$167,000	5/17/2013	\$85,000	96.5
4	#0022881	3464 Milford Dr	8/16/2018	\$209,000	2/27/2009	\$180,000	16.1
5	#0023596	3459 Nelson RD	4/11/2019	\$305,000	4/30/2015	\$235,000	29.8
6	#0023148	1121 Cambria CT	7/13/2018	\$178,000	8/31/2000	\$168,400	5.7
7	#0022664	1229 Snowdon DR	10/29/2018	\$189,900	5/23/2014	\$175,000	8.5
8	#0022666	1207 Snowdon DR	12/21/2018	\$225,000	9/15/2003	\$180,000	25.0
9	#0021015	3224 Leonard Pt LN	3/2/2018	\$258,500	10/11/2011	\$154,500	67.3
10	#0023474	1540 McIntosh Ct	6/24/2019	\$360,000	9/27/2013	\$265,000	35.8
11	#0022898	3456 Omro RD	11/17/2016	\$165,000	2/16/2000	\$130,000	26.9
12	#0022885	3487 Charlie Anna DR	3/15/2019	\$245,000	10/31/2014	\$195,000	25.6

**Data does not support claim of property depreciation!**



# TOWN OF ALGOMA: RECENTLY SOLD LAND ADJACENT TO/NEAR ALGOMA STORAGE / SPARE SPACE

SOURCE: WINNEBAGO COUNTY REGISTER OF DEEDS

#	Parcel ID (PIN)	Address	Recent Sales		Notes
			Date Sold	Price	
1	#0023602	1465 Addie Pkwy	5/3/2018	\$47,750	0.5 Acres
2	#0023730	3275 Nelson RD	10/10/2018	\$62,000	0.43 Acres
3	#0023731	3269 Nelson RD	12/7/2015	\$64,000	0.43 Acres
4	#0023736	Nelson RD	6/4/2019	\$62,900	0.44 Acres
5	#00200281902	Leonard Pt RD	7/19/2019	\$162,000	1.19 Acres
6	#002013503	Nelson RD	6/18/2019	\$68,000	0.70 Acres was subdivided from Spare Space
7	#002013502	3251 Nelson RD	5/23/2018	\$72,000	0.83 Acres was subdivided from Spare Space
8	#0023601	1468 Gloria CT	3/16/2018	\$48,950	0.6 Acres

**Data does not support claim of property depreciation!**



# TRAFFIC AND PLACEMENT OF DRIVEWAY

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# TRAFFIC IMPACT

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- Based on all our experience and research,
  - Personal Storage Facilities have one of the lowest impact of any commercial business on adjoining neighborhoods from a traffic perspective
    - Tenants tend to use Personal Storage Facilities to store items not needed for daily use
    - Tenants tend to store and forget.
  - At Algoma storage, we typically see,
    - Not more than 15 vehicles per day during warmer months.
    - That number drops drastically during winter months (1-5 vehicles per day).

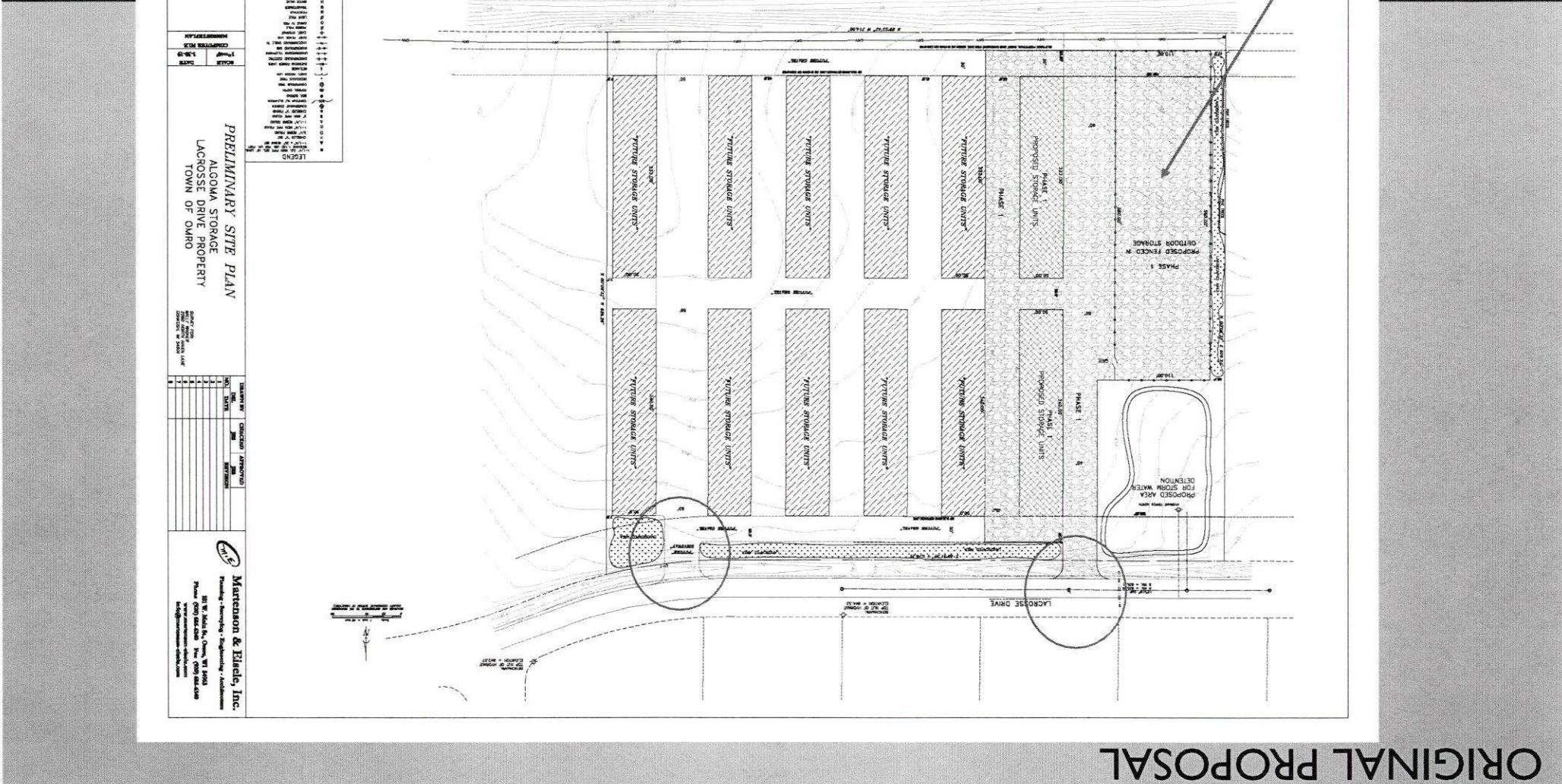


# DRIVEWAY PLACEMENT

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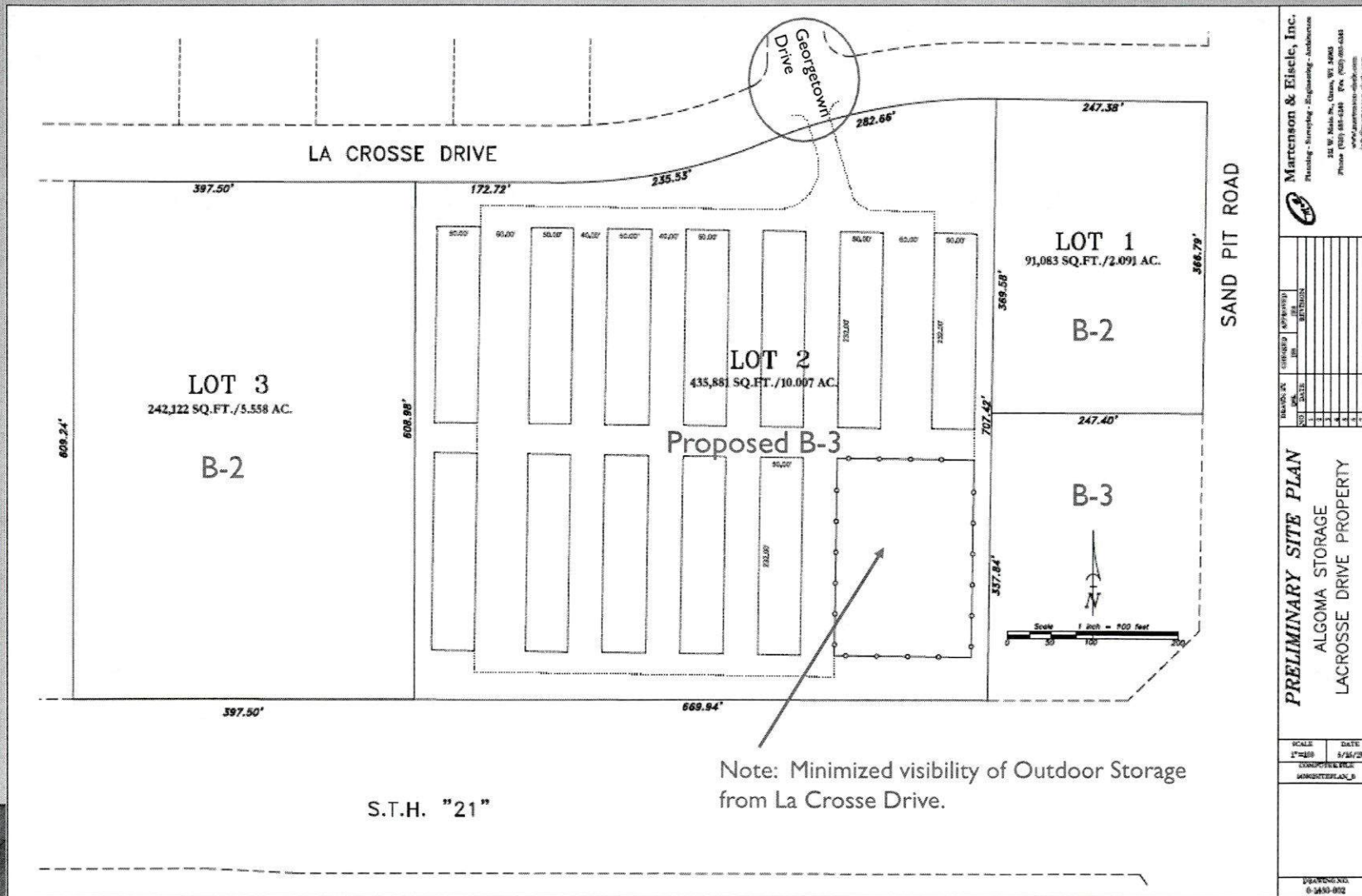
- Due to concerns raised during last meeting, we decided it would be best to revise the proposed CSM and Site Plan
  - Moved proposed 10 acre site approximately 400' towards Sandpit Rd (East)
  - Revised proposed site plan and pushed driveway so that it would intersect with Georgetown RD







## REVISED SITE PLAN TO ADDRESS DRIVEWAY/TRAFFIC CONCERNS





ARE HIGHER RATES OF CRIME  
ASSOCIATED WITH MINI STORAGE?

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# ALGOMA STORAGE – NOT ASSOCIATED WITH HIGHER RATES OF CRIME

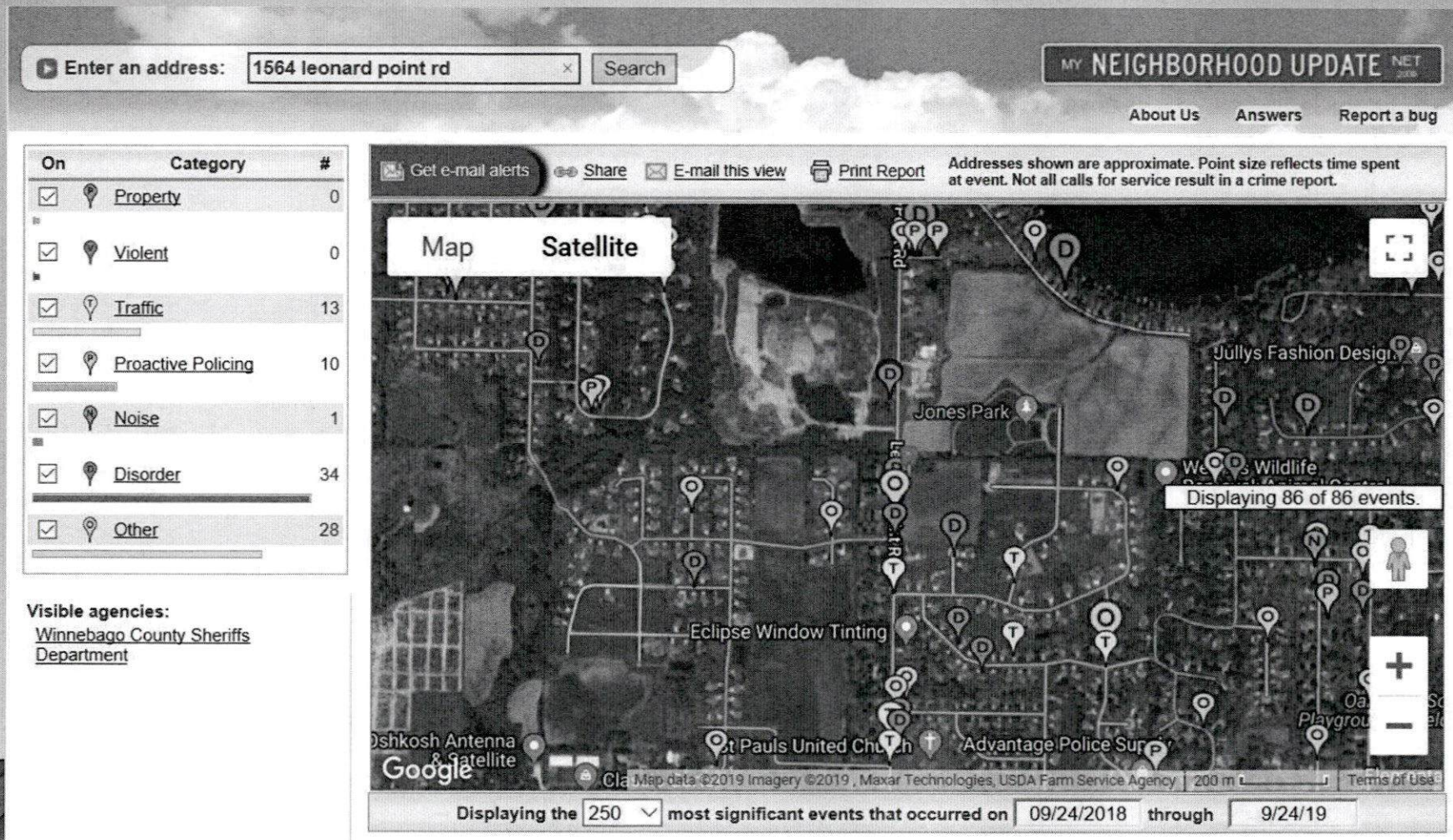
SOURCE: MYNEIGHBORHOODUPDATE.NET; WINNEBAGO COUNTY SHERIFF DEPT.





# SPARE SPACE – NOT ASSOCIATED WITH HIGHER RATES OF CRIME

SOURCE: MYNEIGHBORHOODUPDATE.NET; WINNEBAGO COUNTY SHERIFF DEPT.





# CRIME

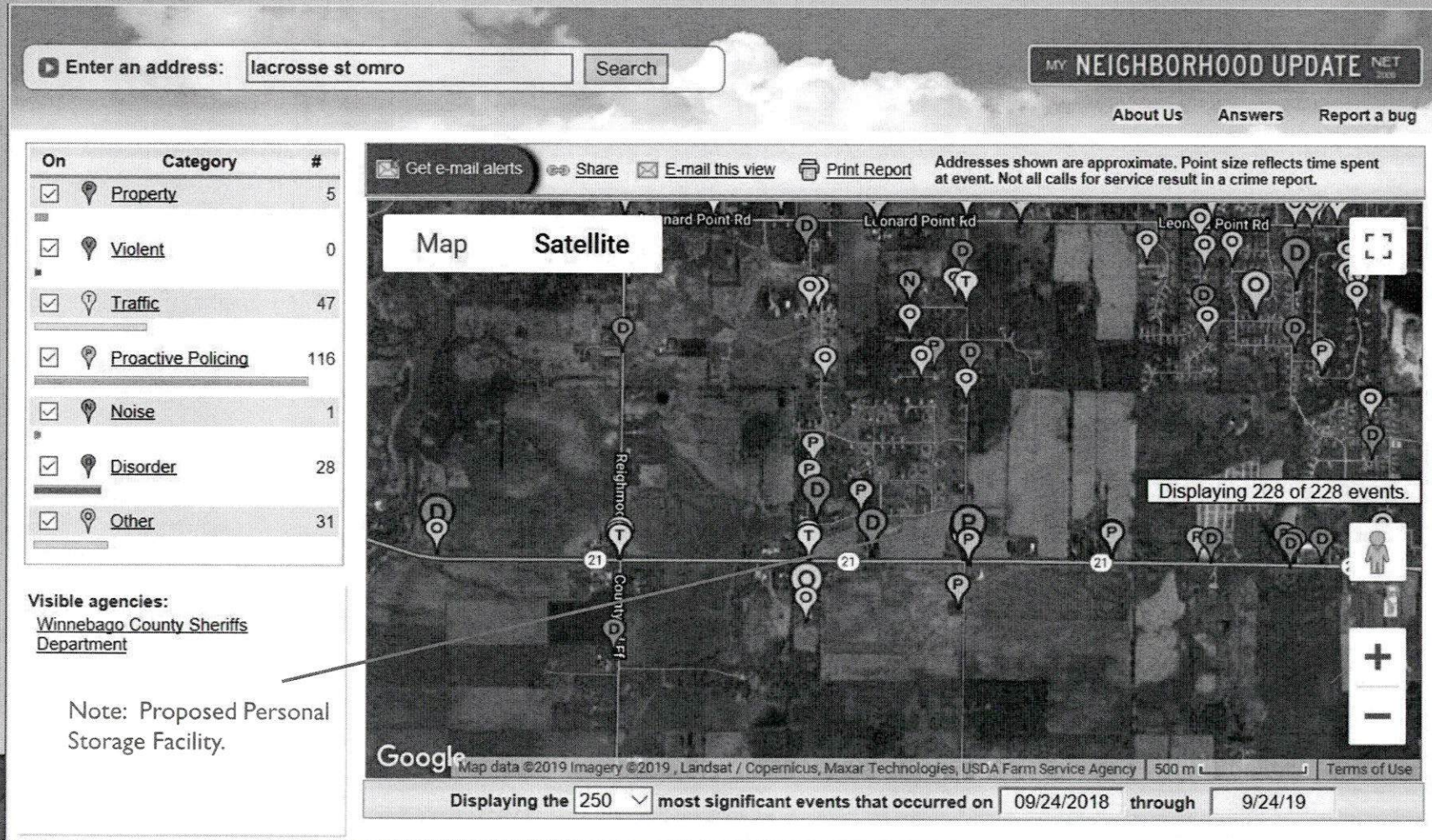
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- Our family has owned Algoma Storage since 1994
  - We reviewed data from Winnebago County Sherriff's Department for the last 10 years as well as the last couple of years for Spare Space
    - No evidence to support sexual predators frequent storage facilities
    - One instance of someone obtaining access to a unit
      - Tenant did not find anything taken
- Our proposed Mini Storage Facility is designed from the ground up to deter crime
  - Layout will be highly visible from Highway 21
  - 24 hour video surveillance
  - Owner will be checking facility daily



# UNFORTUNATELY, THE TOWN OF OMRO IS NOT IMMUNE

SOURCE: MYNEIGHBORHOODUPDATE.NET; WINNEBAGO COUNTY SHERIFF DEPT.





NUISANCE CONCERNS – JUNKYARD, NOISE,  
TENANTS LIVING IN STORAGE FACILITIES,  
AND EXCESS OUTDOOR LIGHTING

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# NUISANCE CONCERNS

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- Personal Storage Facilities are regulated by:
  - Existing Winnebago County Codes, Laws, and Ordinances
  - Lease Contract
- Site CANNOT become a Junkyard, allow “wrenching”, and/or allow Tenants to live in Storage Facilities
  - To do otherwise, would result in citations, fines, and eviction
- Outdoor Lighting is also controlled under existing Town of Omro Site Plan Ordinance (Adopted 11/12/2007).
  - **7. Lighting.** No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding, shall be identified on the face of the site plan, and shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties.



# “WRENCHING” AND “HUMAN HABITATION” ARE PROHIBITED

SOURCE: CHAPTER 23 - TOWN/COUNTY ZONING – ARTICLE 8 LAND USE PAGE 173

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## 23.8-402 Personal Storage Facility

- (a) **Minimum lot area.** The lot on which a personal storage facility is located shall be at least one acre in size.
- (b) **Access.** The access to a cubicle shall not open directly onto a public road right-of-way.
- (c) **Surfacing of travel-ways.** Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. Consistent with the procedures and requirements of article 7 of this chapter, the Planning and Zoning Committee may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.
- (d) **Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- (e) **Uses.** Only uses that are accessory to storage shall occur. No portion of the building shall be used for fabrication, repair, or any similar use or for human habitation.
- (f) **Design.** The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area.
- (g) **Fencing of outdoor storage area.** An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.
- (h) **Setback of outdoor storage area.** Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.



CHANGING THE CURRENT B-2 ZONING TO  
B-3 COULD SPUR LESS DESIRABLE  
DEVELOPMENT IN THE FUTURE (E.G.  
JUNKYARD)

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# WHAT CURRENTLY FALLS UNDER B-2?

SOURCE: CHAPTER 23 - TOWN/COUNTY ZONING – LAND USE (B6-B13)

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- **Permitted**

- Agriculture, (Crop); Sewage Sludge Disposal; Forestry
- Restaurant; Tavern; Group Day Care Center; Convenience Retail Sales; General Retail Sales; Administrative Services; Body Piercing Establishment; Financial Services; Funeral Home; General Repair; General Services; Health Care Clinic; Instructional Services; Professional Services; Tattoo Establishment; Veterinary Clinical (Small Animal); Indoor (Entertainment and Recreation)
- Administrative Government Center; Community (Center, Cultural Facility, Garden); Educational Facility (Pre-K-12 and Post-Secondary); Park; Public Safety Facility; Recreation Trail; Worship Facility; Storm Water Mgt Facility; Telecommunication Facility (Concealed and Unconcealed); Utility Installation (Minor); Wind Energy System (Large and Small); Mass Transit Terminal; Off-Site Parking Lot; Park and Ride; Railroad Line; Street

- **Conditional Use Permit**

- Greenhouse; Dam; Mixed Use Housing; Hospice Care Center; Nursing Home; Retirement Home; Temporary Shelter; Boarding House; Overnight Lodging; Resort; Brewpub
- Vehicle (Fuel Station, Repair Shop, Sales and Rental, Service Shop); Outdoor Sales; Commercial Kennel; Equipment Rental, Small; Health Care Center; Outdoor (Entertainment and Recreation)
- Cemetery; Unspecified Public Use; Solar Energy System; Utility Installation (Major); Bus Storage Facility; Marina; Artisan Shop

NOTE: There are many things currently permitted that may be deemed undesirable. A Personal Storage Facility would have the least impact to the neighborhood from a traffic perspective and could serve as an excellent visual and noise buffer between Highway 21 and adjacent residential land.





# WHAT CHANGES IF ZONED B-3 FOR PERSONAL STORAGE?

SOURCE: CHAPTER 23 - TOWN/COUNTY ZONING – LAND USE (B6-B13)

---

- **Permitted**

- Agriculture, (Crop); Sewage Sludge Disposal; Forestry
- Mixed Use Housing; Group Day Care Center; Hospice Care Center; Nursing Home; Retirement Home; Boarding House; Overnight Lodging; Resort; Brewpub; Restaurant; Tavern; Vehicle (Fuel Station, Repair Shop, Sales and Rental, and Service Shop); Convenience Retail Sales; General Retail Sales; General Retail Sales, Large Format; Outdoor Sales; Administrative Services; Adult-Orientated Business; Body Piercing Establishment; Commercial Kennel; Equipment Rental, Small; Financial Services; Funeral Home; General Repair; General Services; Health Care Clinic; Health Care Center; Instructional Services; Professional Services; Tattoo Establishment; Veterinary Clinical, Small Animal; Indoor (Entertainment and Recreation); Outdoor Entertainment
- Administrative Government Center; Community Center; Community Cultural Facility; Community Garden; Educational Facility (Pre-K-12 and Post-Secondary); Park; Public Safety Facility; Recreation Trail; Worship Facility; Storm Water Mgt Facility; Telecommunication Facility (Concealed and Unconcealed); Utility Installation (Minor); Wind Energy System (Large and Small); Mass Transit Terminal; Off-Site Parking Lot; Parking Structure; Park and Ride; Railroad Line; Street; Artisan Shop

- **Conditional Use Permit**

- Greenhouse; Dam, Multi-Family Building (3-4 and 5-8 Units); Townhouse (3-4 and 5-8 Units); Temporary Shelter; Campground; Group Recreation Camp
- Heavy Vehicle Sales and Repair; Truck Stop; Equipment Rental, Large; Landscape Business; Veterinary Clinic, Large; Driving Range; Outdoor Recreation
- Cemetery; Maintenance Garage; Unspecified Public Use; Solar Energy Institution; Utility Installation, Major; Bus Storage Facility; Marina; Personal Storage Facility; Construction Equipment (Repair and Sales & Service)

NOTE: Salvage Yards are not permitted under B-2 or B-3 (Requires I-2 Zoning). Adult-Orientated Businesses would not be permitted since the land falls with 600 feet of property zoned residential.



# WHAT CAN BE BUILT UNDER A-2?

SOURCE: CHAPTER 23 - TOWN/COUNTY ZONING – LAND USE B6-B13

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- **Permitted**

- Agriculture, (Crop and General); Greenhouse; Forestry; Sewage Sludge Disposal
- Single Family Dwelling; Community Garden; Park; Recreation Trail; Storm Water Mgt Facility; Telecommunication Facility (Concealed and Unconcealed); Utility Installation (Minor); Wind Energy System (Large and Small); Railroad Line; Street; Composting Facility

- **Conditional Use Permit**

- Agriculture-related Use; Agriculture (General; 500 Animal Units or more)); Dam; Hunting Preserve; Hospice Care Center; Campground; Group Recreation Camp; Migrant Labor Camp; Resort
- Commercial Kennel; Commercial Stable; Landscape Business; Veterinary Clinic, General; Driving Range; Golf Course; Outdoor Shooting Range
- Administrative Government Center; Animal Shelter; Cemetery; Community Center; Correctional Center; Educational Facility (Pre-K-12 and Post-Secondary); Maintenance Garage; Unspecified Public Use; Worship Facility; Solar Energy System; Utility Installation, Major; Utility Maintenance Yard; Airport; Bus Storage Facility; Marina; Park and Ride Lot; Personal Storage Facility; Artisan Shop; Batching Facility Associated with a Nonmetallic Mine; Biofuels Production Plant; Nonmetallic Mine; Solid Waste Landfill; Solid Waste Transfer Station

NOTE: We discussed this option with the Zoning Administrator for Winnebago County (Cary Rowe) and it is a viable option for Personal Storage. We are seeking direction from Planning Commission.





# EXAMPLES OF MODERN PERSONAL STORAGE FACILITIES

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Note: This is an example of a "grandfathered" storage facility. Built prior to current Winnebago County Code.

However, this facility is well maintained, clean, and no outdoor clutter.





# APPENDIX

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# LETTER FROM FOX CITIES APPRAISAL CO.



PO BOX 222 Appleton, WI 54912 | p 920.729.0229 www.foxcitiesappraisal.com

Mr. Eric Wagner  
4314 Stonegate Court  
Oshkosh, WI 54904

Mr. Wagner,

I have been a real estate appraiser dealing primarily in commercial appraisals for 6 years. I have also recent started selling/buying/leasing commercial real estate this past October. Based on my experience and knowledge of the market and projects that I have done, I have not seen the development of Mini-storage units hamper with development or market value of residential properties.

I have interviewed two separate real estate agents with them having similar responses to what my knowledge on the subject. One broker stated "The residential neighborhood would not see a decrease in value, if anything it could be a positive, mini-storage gives you a lot/parcel that doesn't have people around all the time and if you need storage you can get there easily." Another broker stated that "based on his knowledge he has never see neighborhoods see decreases in property value due to the development of mini-storage."

I also interviewed two appraisers who have not seen any market data that shows there would be a decrease in value. One appraiser stated "there is a newer mini-storage development off of Leonard Point in Algoma, which is a 10 acre parcel in a residential neighborhood, that built mini-storage and there is still new homes being built around it." A residential appraiser also stated "he has never seen homes decrease from having mini-storage, if anything this would be a positive and increase the value of your home."

A development in 2017 I appraised on the north side of Appleton was constructed along Highway JJ and consisted of the construction of a 46 unit mini-storage facility. This is along a major artery with other commercial development, however, the areas to the north west and to the south and south west have exploded with residential and multi-family development in the past 3-5 years, indicated to me there is not a market impact based on mini-storage development.

On the next page there is a google map showing this development. The red circle is the development I appraised. The yellow highlighted area is areas that are currently in the development stage in developing single family residential homes (the yellow west of French Road is Emerald Valley Estates which has sold out of their first 3 phases and have phase 4 & 5 currently under construction)(the yellow east of French Road is North Edgewood Estates which has just completed construction and is now selling lots). The area circled in blue (Bridgewater Trails) there is currently a development in multi-family units.



Again I do not do valuation on residential properties, but based on experience and conversation with local appraisers and real estate agents, I see no market data that would support mini-storage units having a negative impact on neighborhoods. Also with building codes and covenants that are in place today there are pretty high standards that need to be met to make them aesthetically pleasing to the eye.

  
Matthew P. Hielpos  
WI Certified General Appraiser




## OTHER EXAMPLES OF RECENTLY SOLD HOMES IN TOWN OF ALGOMA

SOURCE: ZILLOW.COM

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#	Address	Recent		Previous		% Change
		Date Sold	Price	Date Sold	Price	
1	4567 Bellhaven LN	8/23/2017	\$292,500	1/3/2007	\$280,000	4.5
2	4298 Bellhaven LN	7/12/2019	\$389,900	12/14/2012	\$312,000	25.0
3	4490 Ravine Way	3/12/2019	\$385,000	10/31/2014	\$365,000	5.5
4	1928 Scarlet Oak TRL	4/3/2018	\$371,000	11/5/2012	\$290,000	27.9
5	2622 Oakwood CIR	9/13/2019	\$260,000	4/29/2016	\$220,000	18.2
6	3915 Leonard PT RD	5/26/2017	\$229,900	10/2/2014	\$209,900	9.5
7	2861 Shorehaven CT	8/2/2019	\$389,500	2/1/2006	\$320,000	21.7
8	2860 Westmoor RD	11/3/2019	\$195,000	5/20/2015	\$181,500	7.4
9	2706 Beechnut DR	9/10/2019	\$419,900	12/1/2011	\$340,000	23.5
10	3107 Spring Valley RD	4/17/2017	\$175,000	12/28/2007	\$148,000	18.2

**No apparent differentiation in rates of property values of homes sold across from, near, or further away from Personal Storage Facilities!**





# ADDITIONAL INFORMATION

---

- The revised site plan addresses traffic by reducing the number of driveways from two to one entrance as well as moving driveway east towards Sandpit RD.
  - This will limit traffic passing through the neighborhood and address concerns for wear and tear on La Crosse.
  - Aligns driveway with Georgetown Drive.
- The revised site plan also address visibility of outdoor storage
- Vehicle traffic after dusk is none or very minimal.
- Town of Algoma Sanitary District is not concerned about utilization of existing infrastructure (municipal water and sewer).
- We do not foresee any added cost to the Town of Omro for the proposed Storage Facility.
- Increased tax revenue for the Town of Omro.
- It fulfils a need by creating an amenity of Personal Storage that is utilized by residents of nearby subdivisions with restrictive covenants.

**One concern we cannot address is that some residents want zero development on that property. Personal Storage Facilities is about the most benign commercial development. When Highway 21 improvements occur, the intersection of Sandpit RD and 21 will be improved. This will likely spur more interest of commercial development that could adversely impact the neighborhood. Owners on La Crosse Drive should have been aware that property across the street was zoned for commercial development.**



# INTRODUCTION PRIOR TO PRESENTATION

---

- Good evening!
- Thanks again for giving us time on the agenda to update the Planning Commission on our Personal Storage Project between Highway 21 and La Crosse Drive.
- At our last meeting, several concerns were raised that we hope to address in this presentation tonight. Before making any formal requests for a CSM or zoning change, we are seeking some direction from the Planning Commission on whether we've adequately addressed all of the concerns.
- Since our last meeting in March, we have a few updates.
- In June, my wife and I sold our home in Virginia and moved our large, young family back to Wisconsin to be closer to family. I was born and raised in Oshkosh, in a neighborhood just off of Omro Road whereas my wife is from the Baraboo area. We built a new home less than 5 minutes from the site of the proposed personal storage facility.
  - We revised the proposed site plan based on driveway and traffic concerns
  - We conducted additional research and compiled facts and comparison data to address other areas of concern.
  - My father and I met individually with most of the neighbors on La Crosse Drive to discuss our revised proposal the end of August.
- Since we have only 30 minutes, I won't have time to read every detail on my slides. Thus, my plan is to present my slides in a timely fashion so everyone here tonight gets the opportunity to view the entire presentation deck. I would be more than happy to go back over any of my slides in detail or answer questions once I have finished. I will share an electronic copy of the deck with the Planning Commission after the meeting.



## RE: Wagner Storage LaCrosse Drive Plans

Jack Richeson <jackr@martenson-eisele.com>

Fri 1/24/2020 12:33 PM

To: Eric Wagner <ejwags@hotmail.com>; Mom and Dad <wawags72@hotmail.com>; James E. Smith <jims@martenson-eisele.com>

 5 attachments (13 MB)

0-1430-002 Lighting Plan (1-24-2020).pdf; IES Lighting level guide.pdf; Example Pole Light 1.pdf; Proposed Pole Light.pdf; Proposed Wall Light.pdf;

Eric,

Regarding your lighting question from this morning, attached is our lighting plan separated from the plan set. The maximum illumination is 8 foot candles directly below one of the lights, but generally we are looking at average peaks of 5-6 foot candles and minimums of 0.2-0.4 foot candles in the middle of the aisles. Attached is an IES Recommendation Guide for lighting levels. The exterior lighting rows are on the second page. A typical area has an average of 3 foot candles for security. For comparison, gas stations are at 10-15 foot candles, so our proposed site is half as bright as a gas station.

Our two fixtures are also attached. We have used the proposed pole lights on other parking lots, and I also included a second typical example pole light. The pole lights range from 10,000 lumens to 15,000 lumens, and we specify those levels based on pole height. The major criteria is the foot candle level on the ground, not the lumen level.

I am not sure why the Town is concerned about 5000 lumen fixtures being too bright, but they can contact me if they have questions about the lighting design process.

Thanks,

**Jack J. Richeson, P.E.**

Project Engineer IV

[jackr@martenson-eisele.com](mailto:jackr@martenson-eisele.com)

 Company Signature\_emails 3x1

Visit us at [www.martenson-eisele.com](http://www.martenson-eisele.com)

And Like us on  and 

1377 Midway Road, Menasha, WI 54952

Phone 920-731-0381

Cell 920-202-1277





# FOOTCANDLE LIGHT GUIDE

Footcandles are the most common unit of measure used by lighting professionals to calculate light levels in businesses and outdoor spaces. A footcandle is defined as the illuminance on a one square foot surface from a uniform source of light. The Illuminating Engineering Society (IES) recommends the following footcandle levels to ensure adequate illumination and safety for occupants. Below is a guideline for common areas to assist in achieving appropriate light levels with the greatest energy-efficiency.

Building Area & Task	Average Maintained Footcandles (Horizontal) (FC)	Range of Maintained Footcandles (Horizontal) (FC)	Average Maintained Footcandles (Vertical) (FC)	Range of Maintained Footcandles (Vertical) (FC)	Comments
<b>WAREHOUSING &amp; STORAGE</b>					
Bulky Items—Large Labels	10		5		
Small Items—Small Labels	30		15		
Cold Storage	20	10 - 30	10	5 - 15	
Open Warehouse	20	10 - 30			
Warehouse w/Aisles	20	10 - 30	10	5 - 15	
<b>COMMERCIAL OFFICE</b>					
Open Office	40	30 - 50			@30" Above Finished Floor (AFF)
Private Office	40	30 - 50			@30" AFF
Conference Room	30				Matte surface reflectance for the table 40% recommended
Restroom	18	7.5 - 30			
Lunch & Break Room	15	5 - 20			
<b>EDUCATIONAL (SCHOOLS)</b>					
Classroom	40	30 - 50			@30" AFF
<b>Gymnasium</b>					
Class I (Pro or Div. 1 College)	125		30		
Class II (Div. 2 or 3 College)	80		20		
Class III (High School)	50		150		
Class IV (Elementary)	30		100		
Auditorium	7.5	3 - 10	5	2.5 - 10	
Corridor	25	10 - 40			

This guide is a collaborative effort of Energy Trust of Oregon and the Lighting Design Lab, Seattle, Washington.



Building Area & Task	Average Maintained Footcandles (Horizontal) (FC)	Range of Maintained Footcandles (Horizontal) (FC)	Average Maintained Footcandles (Vertical) (FC)	Range of Maintained Footcandles (Vertical) (FC)	Comments
<b>INDUSTRIAL/MANUFACTURING</b>					
Assembly					
Simple (Large Item)	30	15 - 60	30	15 - 60	
Difficult (fine)	100	50 - 200	100	50 - 200	
Component Manufacturing					
Large	30	15 - 60	30	15 - 60	
Medium	50	25 - 100	50	25 - 100	
<b>EXTERIOR</b>					
Parking (Covered)	5				1FC min, 10:1 Max to Min Uniformity
Parking (Open) (Medium Activity)					
Lighting Zone 3 (Urban)	1.5	.75 - 3	.8	.4 - 1.6	
Lighting Zone 2 (suburban)	1	0.5 - 2	.6	.3 - 1.2	
Gas Station Canopy	12.5	10 - 15			
Safety (Building Exterior)	1	0.5 - 2			If security is an issue—raise average level to 3
<b>RETAIL</b>					
General Retail (Ambient)		50			
Department Store	40	20 - 80	15	7.5 - 30	
Perimeter			75	35 - 150	
Accent Lighting (Displays)					3 - 10 times greater than ambient light levels
<b>AUTOMOTIVE</b>					
Showroom	50	25 - 100	10	5 - 20	
Service Area	50	25 - 100	30	15 - 30	
Sales Lot (Exterior)					
Lighting Zone 3 (Urban)	20	10 - 40	20	10 - 40	
Lighting Zone 2 (Suburban)	15	7.5 - 30	15	7.5 - 30	
<b>GROCERY</b>					
Circulation	20	10 - 40	7.5	3.5 - 15	
General Retail	50	25 - 100	20	10-40	
Perimeter			50	25-100	
<b>BANKING</b>					
ATM	20	10-40	15		Vertical at face of ATM

**NOTES:**

- This guide is based on information gathered from the IES The Lighting Handbook 10th Edition. It is highly recommended that all lighting professionals refer to the full IES guide when specifying lighting projects.
- At least half of users are in the 25 - 65 age range
- Horizontal—horizontal plane that average maintained foot-candles are measured
- Vertical—vertical plane that average maintained foot-candles are measured
- It is the responsibility of the specifier to determine and provide appropriate lighting levels for each space

Energy Trust of Oregon

421 SW Oak St., Suite 300, Portland, OR 97204

1.866.368.7878

503.546.6862 fax

energytrust.org

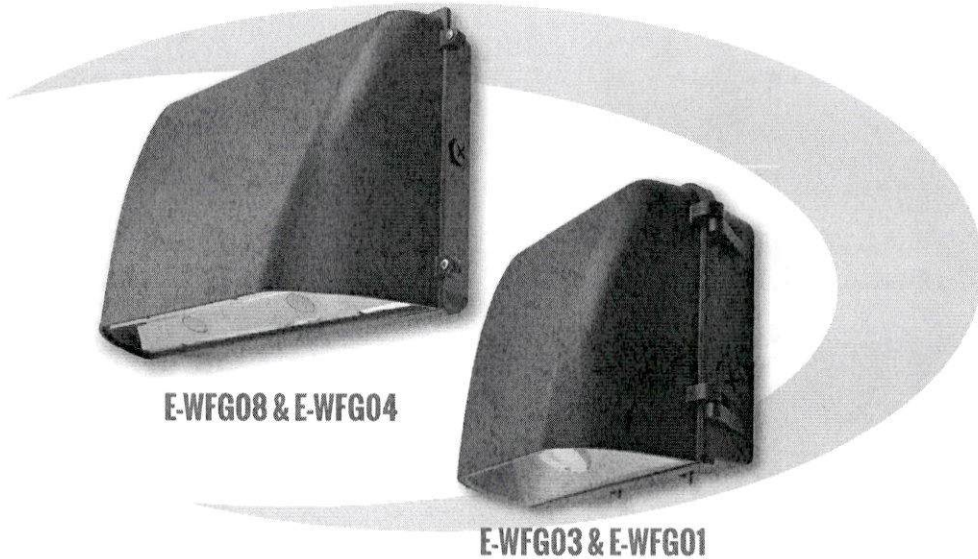
Energy Trust of Oregon is an independent nonprofit organization dedicated to helping utility customers benefit from saving energy and tapping renewable resources. Our services, cash incentives and energy solutions have helped participating customers of Portland General Electric, Pacific Power, NW Natural and Cascade Natural Gas save on energy costs. Our work helps keep energy costs as low as possible, creates jobs and builds a sustainable energy future. Printed with vegetable-based inks on paper that contains 100% post-consumer waste. 7/13

Rev.07/2013



# E-WFG Series

LED Full Cutoff Architectural Wall Pack  
Replaces up to 250W MH



If Indiana Jones was a wall pack. Okay, not exactly. But these LED Architectural Wall Packs sure are tall, dark, and affordable.

## Recommended Use

- Security
- Pathways
- Perimeter Lighting

## Input Voltage

- Universal (120V through 277V Operation)

## Versatile

- Multiple output options in the same form factor and family style allow for a similar look that meets the needs of your whole facility.
- Complete offering in 3000K, 4000K, and 5000K

## Certifications

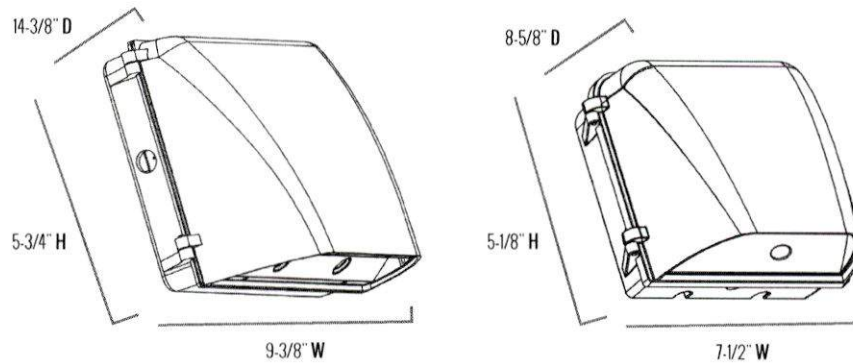
**CREE**  **LEDs**

**5 YEAR**  
WARRANTY





## E-WFG Series



### Series Overview

DIMENSIONS	PRODUCT WEIGHT	MOUNTING HEIGHT	SPACING
14-3/8" D x 9-3/8" W x 5-3/4" H	8.6 lbs.	10 to 18 feet	2 to 3 times the mounting height
8-5/8" D x 7-1/2" W x 5-1/8" H	4.8 lbs.	8 to 15 feet	

### Fixture Specifications

<b>HOUSING</b>	Durable, die cast aluminum heat sink & housing UV stabilized dark bronze polyester powder-coat finish
<b>LENS ASSEMBLY</b>	Impact resistant tempered glass, metal reflector
<b>MOUNTING</b>	Preset drilling locations/hole pattern for center mount j-box as well as traditional offset j-box location for quick and easy installation

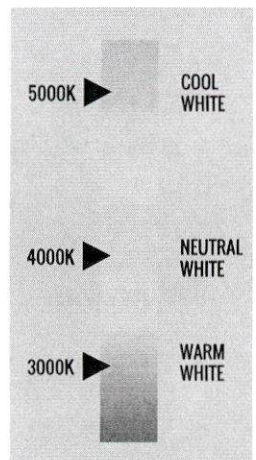
### Electrical Performance

OPERATING RANGE	LIFESPAN L <sub>70</sub> AT 25°C (77°F)	POWER FACTOR	TOTAL HARMONIC DISTORTION	DIMMABLE
-40°C (-40°F)	Estimated >100,000 Hours	> 0.9	< 20%	No
INPUT VOLTAGE (CURRENT DRAW)	120V	208V	240V	277V
E-WFG08A	0.61A	0.35A	0.30A	0.26A
E-WFG04A	0.29A	0.17A	0.15A	0.13A
E-WFG03A	0.23A	0.13A	0.12A	0.10A
E-WFG01A	0.09A	0.05A	0.05A	0.04A

### Warranty & Certifications

WARRANTY	cULus LISTED
5-Year Limited	Wet Locations

### CORRELATED COLOR TEMPERATURE (CCT)



Due to continuous product improvement, information in this document is subject to change.

Revision Date: 06/25/18

1501 96<sup>th</sup> Street, Sturtevant, WI 53177 | Phone (888) 243-9445 | Fax (262) 504-5409 | [www.e-conolight.com](http://www.e-conolight.com)

e-conolight®



## DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy conscious illumination to walkways, parking lots, roadways, building areas and security lighting applications. IP66 rated and UL/cUL Listed for wet locations.

Catalog #	AF-02-LED-E1-T4W	Type	
Project			
Comments		Date	
Prepared by	Jack Richeson		

## SPECIFICATION FEATURES

### Construction

Extruded aluminum driver enclosure thermally isolated from Light Squares for optimal thermal performance. Heavy-wall, die-cast aluminum end caps enclose housing and die-cast aluminum heat sinks. A unique, patent pending interlocking housing and heat sink provides scalability with superior structural rigidity. 3G vibration tested and rated. Optional tool-less hardware available for ease of entry into electrical chamber. Housing is IP66 rated.

### Optics

Patented, high-efficiency injection-molded AccuLED Optics technology. Optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability to meet customized application requirements. Offered standard in 4000K (+/- 275K) CCT 70 CRI. Optional 3000K, 5000K and 6000K CCT.

### Electrical

LED drivers are mounted to removable tray assembly for ease of maintenance. 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Standard with 0-10V dimming. Shipped standard with Eaton proprietary circuit module designed to withstand 10kV of transient line surge. The Galleon LED luminaire is suitable for operation in -40°C to 40°C ambient environments. For applications with ambient temperatures exceeding 40°C, specify the HA (High Ambient) option. Light Squares are IP66 rated. Greater than 90% lumen maintenance expected at 60,000 hours. Available in standard 1A drive current and optional 600mA, 800mA and 1200mA drive currents (nominal).

### Mounting

**STANDARD ARM MOUNT:** Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during mounting. When mounting two or more luminaires at 90° and 120° apart, the EA extended arm may be required. Refer to the

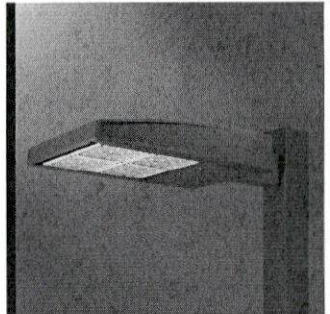
arm mounting requirement table. Round pole adapter included. For wall mounting, specify wall mount bracket option. **QUICK MOUNT ARM:** Adapter is bolted directly to the pole. Quick mount arm slide into place on the adapter and is secured via two screws, facilitating quick and easy installation. The versatile, patent pending, quick mount arm accommodates multiple drill patterns ranging from 1-1/2" to 4-7/8". Removal of the door on the quick mount arm enables wiring of the fixture without having to access the driver compartment. A knock-out enables round pole mounting.

### Finish

Housing finished in super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Heat sink is powder coated black. Standard housing colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available.

### Warranty

Five-year warranty.

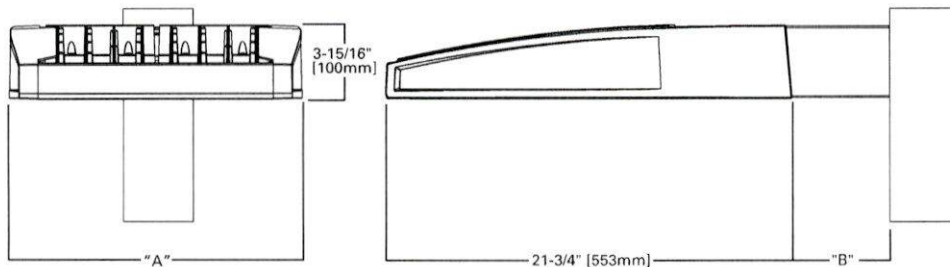


## GLEON GALLEON LED

1-10 Light Squares  
Solid State LED

AREA/SITE LUMINAIRE

## DIMENSIONS

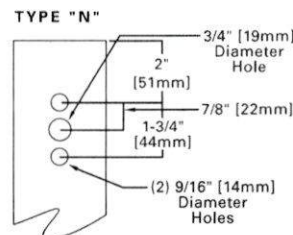


### DIMENSION DATA

Number of Light Squares	"A" Width	"B" Standard Arm Length	"B" Optional Arm Length <sup>1</sup>	Weight with Arm (lbs.)	EPA with Arm <sup>2</sup> (Sq. Ft.)
1-4	15-1/2" (394mm)	7" (178mm)	10" (254mm)	33 (15.0 kgs.)	0.96
5-6	21-5/8" (549mm)	7" (178mm)	10" (254mm)	44 (20.0 kgs.)	1.00
7-8	27-5/8" (702mm)	7" (178mm)	13" (330mm)	54 (24.5 kgs.)	1.07
9-10	33-3/4" (857mm)	7" (178mm)	16" (406mm)	63 (28.6 kgs.)	1.12

NOTES: 1. Optional arm length to be used when mounting two fixtures at 90° on a single pole. 2. EPA calculated with optional arm length.

### DRILLING PATTERN



### CERTIFICATION DATA

UL/cUL Wet Location Listed  
ISO 9001  
LM79 / LM80 Compliant  
3G Vibration Rated  
IP66 Rated  
DesignLights Consortium™ Qualified\*

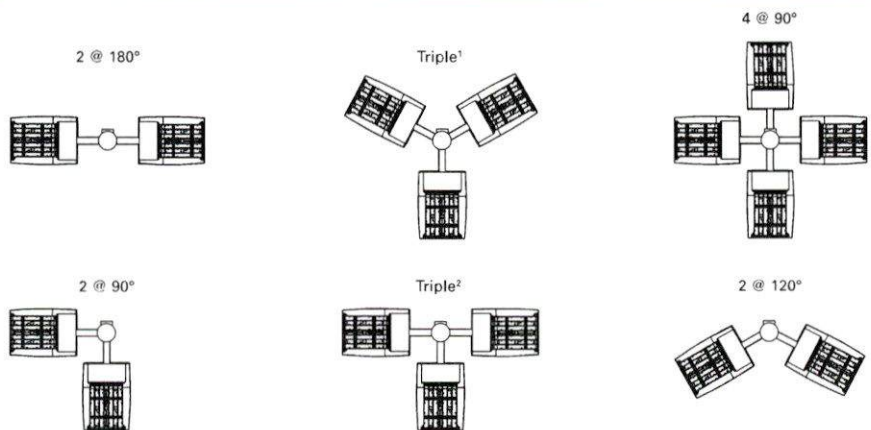
### ENERGY DATA

**Electronic LED Driver**  
>0.9 Power Factor  
<20% Total Harmonic Distortion  
120V-277V 50/60Hz  
347V & 480V 60Hz  
-40°C Min. Temperature  
40°C Max. Temperature  
50°C Max. Temperature (HA Option)



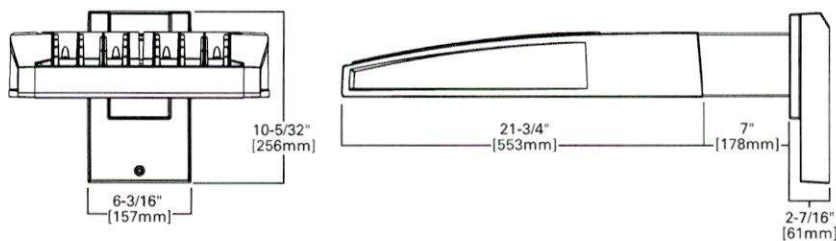
## ARM MOUNTING REQUIREMENTS

Configuration	90° Apart	120° Apart
GLEON-AF-01	7" Arm (Standard)	7" Arm (Standard)
GLEON-AF-02	7" Arm (Standard)	7" Arm (Standard)
GLEON-AF-03	7" Arm (Standard)	7" Arm (Standard)
GLEON-AF-04	7" Arm (Standard)	7" Arm (Standard)
GLEON-AF-05	10" Extended Arm (Required)	7" Arm (Standard)
GLEON-AF-06	10" Extended Arm (Required)	7" Arm (Standard)
GLEON-AF-07	13" Extended Arm (Required)	13" Extended Arm (Required)
GLEON-AF-08	13" Extended Arm (Required)	13" Extended Arm (Required)
GLEON-AF-09	16" Extended Arm (Required)	16" Extended Arm (Required)
GLEON-AF-10	16" Extended Arm (Required)	16" Extended Arm (Required)

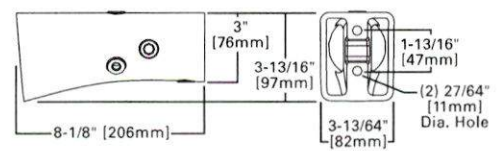


NOTES: 1 Round poles are 3 @ 120°. Square poles are 3 @ 90°. 2 Round poles are 3 @ 90°.

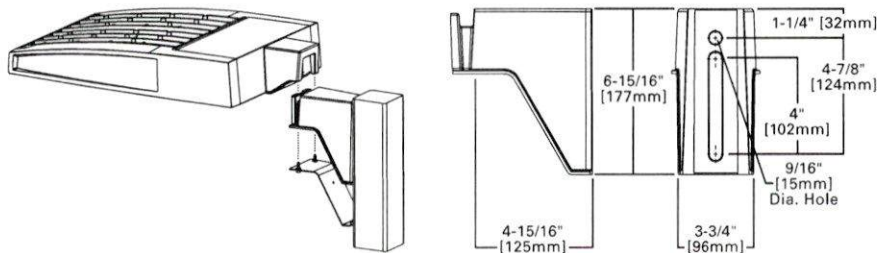
## STANDARD WALL MOUNT



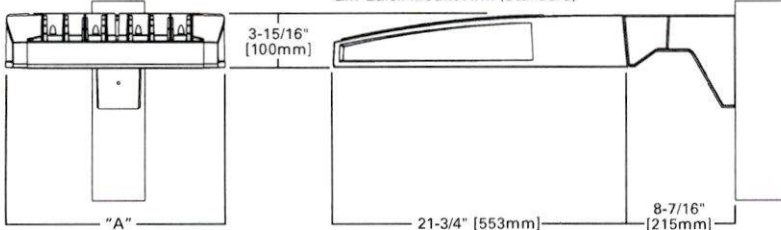
## MAST ARM MOUNT



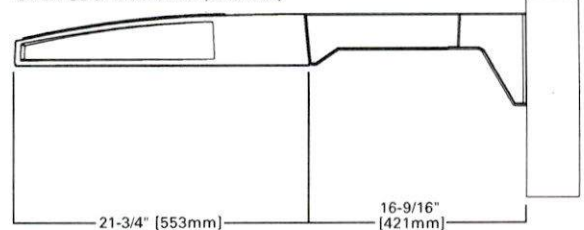
## QUICK MOUNT ARM (INCLUDES FIXTURE ADAPTER)



QM Quick Mount Arm (Standard)



QMEA Quick Mount Arm (Extended)



## QUICK MOUNT ARM DATA

Number of Light Squares <sup>1,2</sup>	"A" Width	Weight with QM Arm (lbs.)	Weight with QMEA Arm (lbs.)	EPA (Sq. Ft.)
1-4	15-1/2" (394mm)	35 (15.91 kgs.)	38 (17.27 kgs.)	1.11
5-6 <sup>3</sup>	21-5/8" (549mm)	46 (20.91 kgs.)	49 (22.27 kgs.)	
7-8	27-5/8" (702mm)	56 (25.45 kgs.)	59 (26.82 kgs.)	

NOTES: 1 QM option available with 1-8 light square configurations. 2 QMEA option available with 1-6 light square configurations. 3 QMEA arm to be used when mounting two fixtures at 90° on a single pole.



# Winnebago County Planning and Zoning Department

## NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE

1/28/2020

### 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 1/28/2020 at 6:30 p.m. in Conference Room 120 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.:** 2020-ZC-5220

**Applicant:** ROSS, HARVE C; ROSS, RENE M

**Agent:** SMITH, JAMES E - MARTENSON AND EISELE

**Location of Premises:** WEST OF 3903 SAND PIT RD

**Tax Parcel No.:** 016-037105

**Legal Description:**

Being part of Lot 2 of CSM-5109, located in the SE 1/4 of the NW 1/4, Section 13, Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

**Explanation:**

Applicant is requesting a zoning map amendment to A-2 (General Agriculture District) to develop a personal storage facility.



**INITIAL STAFF REPORT**

**Sanitation:** System Required; Private System

**Overlays:** None

**Current Zoning:** B-2 Community Business

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

**Surrounding Zoning:** North: R-2; South: A-2; East: R-1;B-3; West: B-2;A-2

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

**Describe Present Use(s):** General Agriculture

**Describe Proposed Use(s):** Mini storage buildings and open storage on 10 acres (Lot #2 of proposed CSM). See attached site plan. Buildings to be built in phases.

**Describe The Essential Services For Present And Future Uses:** In initial phases of construction, sewer and water are not a requirement. In the future, sewer and water may be required for future phases of development.

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

A Personal Storage facility will provide a well planned and convenient storage service for neighboring residential areas. A mini storage business provides a quiet, low impact commercial environment with low daily traffic movements and are also a logical use for lands abutting a State Trunk Highway from a location, access, and visibility perspective.

The site will be professionally designed and will meet Town and County, drainage, lighting, access, environmental, and other related requirements.

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

Proposed use meets the Town's future land use planning. Surrounding land use: North, single family residential subdivision. West, vacant land general agricultural use (Lot #3 of proposed CSM (B-2)). South, STH "21". East, vacant land general agricultural use (Lot #1 of proposed CSM (B-2)) and vacant state-owned land (B-3).

A mini-storage business provides a quiet, low impact commercial environment with low daily traffic movements and are also a logical use for lands abutting a State Trunk Highway from a location, access, and visibility perspective.

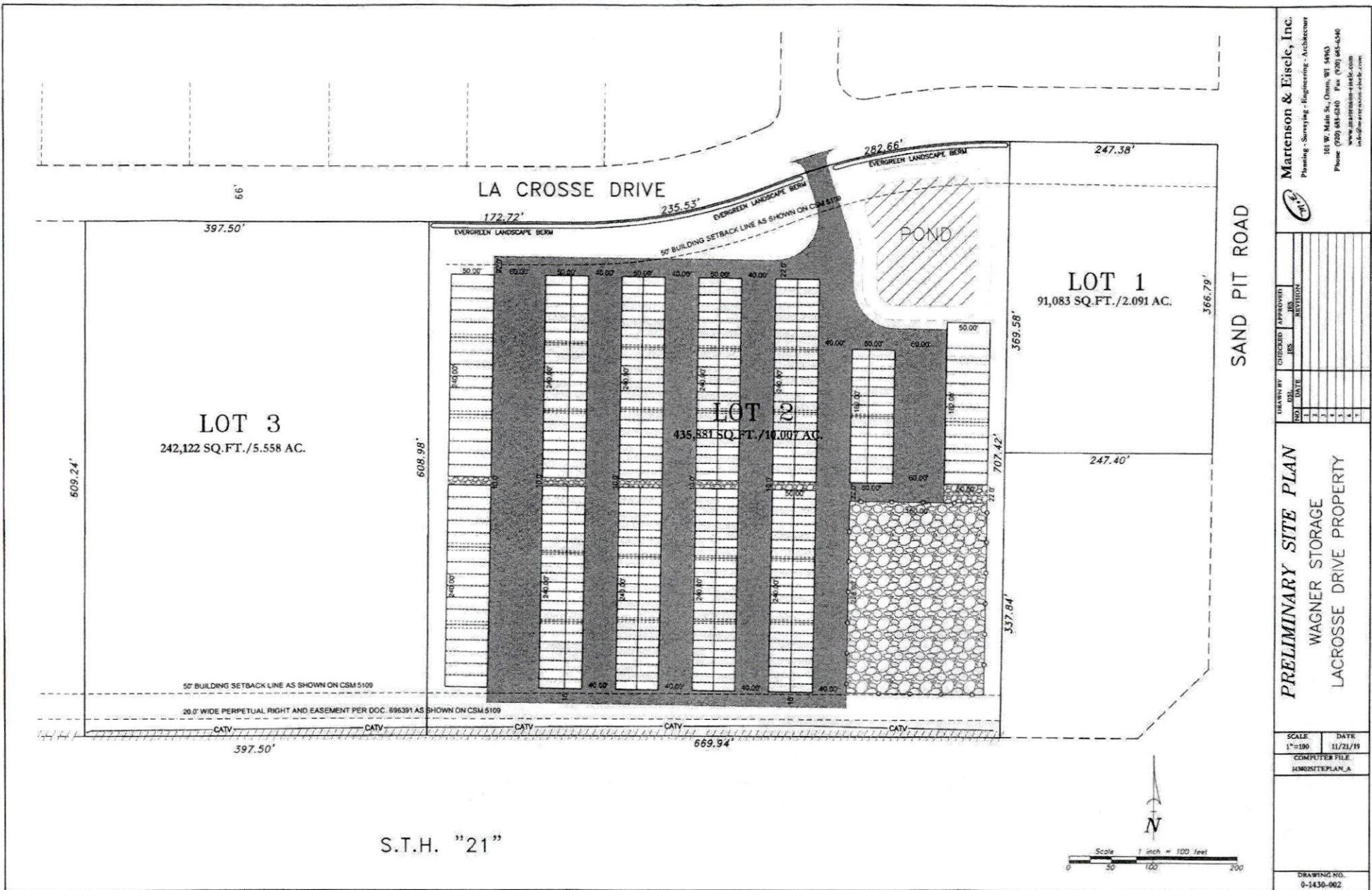
**SECTION REFERENCE AND BASIS OF DECISION**

**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.





**Martenson & Eisele, Inc.**  
Planning - Surveying - Engineering - Architecture  
101 W. Main St., Owen, WI 54903  
Phone (920) 681-6240 Fax (920) 681-6340  
www.martensoneisele.com  
info@martensoneisele.com



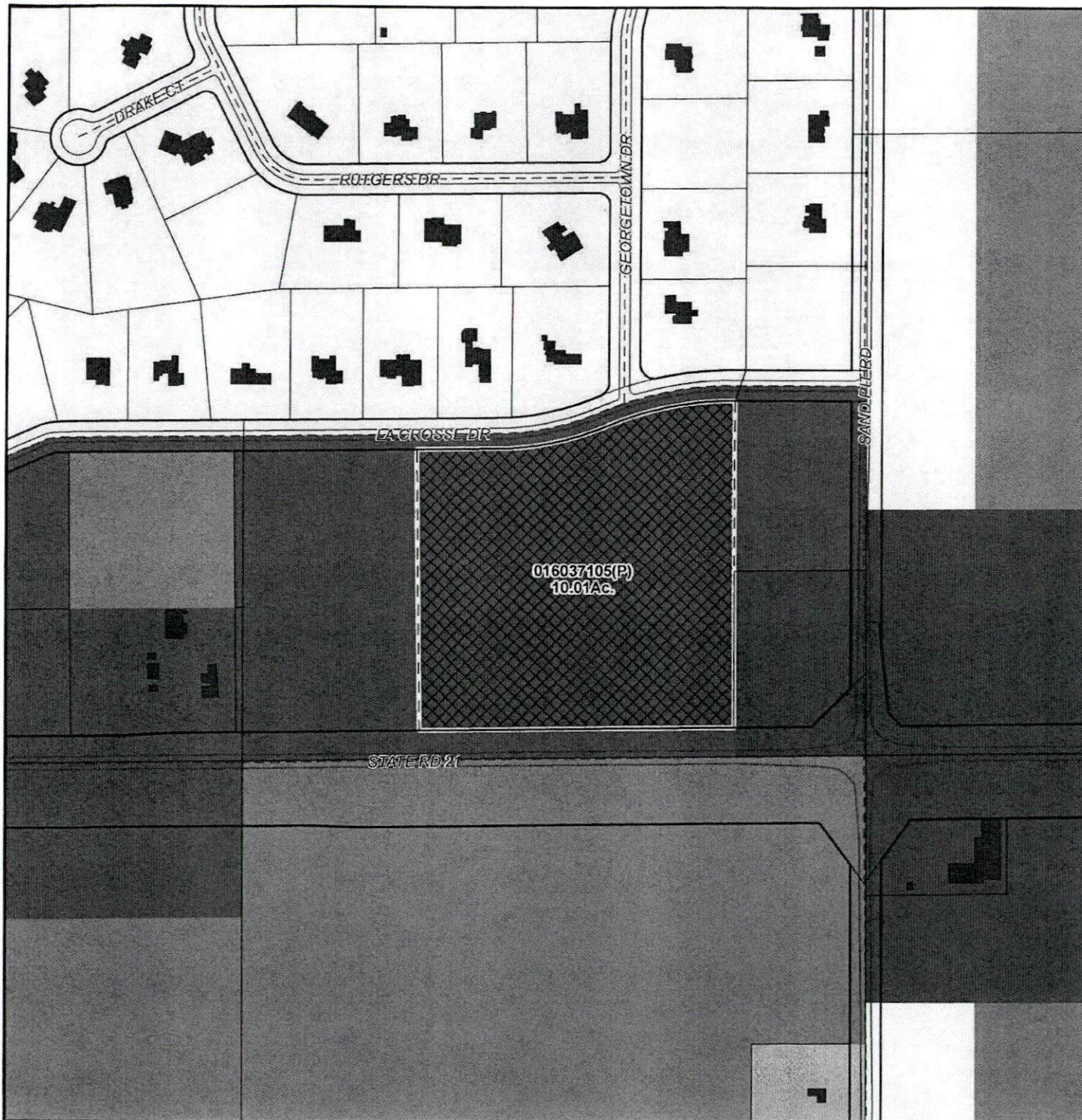
NO.	DATE	DRAWN BY	CHECKED	APPROVED	JES	JES	REVISION
1							
2							
3							
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5							
6							
7							
8							
9							
10							

**PRELIMINARY SITE PLAN**  
**WAGNER STORAGE**  
**LACROSSE DRIVE PROPERTY**

<b>SCALE</b> 1"=100'	<b>DATE</b> 11/21/19
<b>COMPUTER FILE</b> H000SITEPLAN_A	

**DRAWING NO.**  
0-1430-002



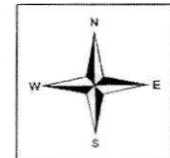


**Application #20-ZC-5220**

Date of Hearing:  
January 28, 2020

Owner(s):  
Ross, Harve C & Rene M

Subject Parcel(s):  
016037105(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



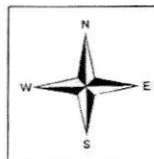
○ = SITE

Application #20-ZC-5220

Date of Hearing:  
January 28, 2020

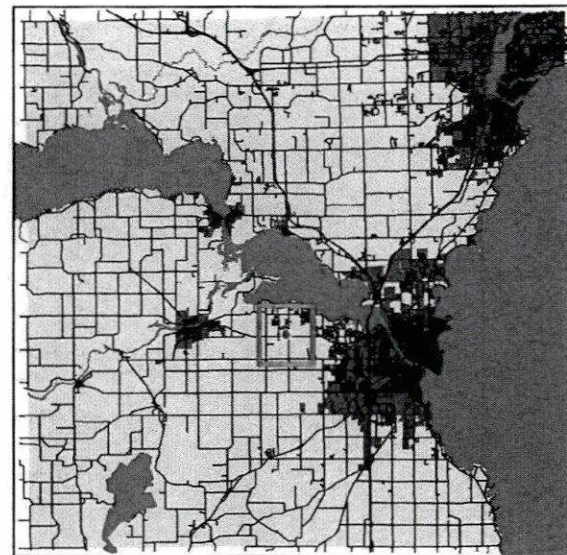
Owner(s):  
Ross, Harve C & Rene M

Subject Parcel(s):  
016037105(P)



Winnebago County  
WINGS Project

● = SITE



WINNEBAGO COUNTY

1 inch : 2,000 feet



ROSS, HARVE C  
ROSS, RENE M  
3871 COUNTY RD FF  
OMRO WI 54963

HENKE, MICHAEL S  
HENKE, SARA L  
3989 GEORGETOWN DR  
OMRO WI 54963

LAMBERT, ALLEN R  
LAMBERT, JACQUELINE L  
5206 STATE RD 21  
OMRO WI 54963

LUEDTKE, ANDREW E  
LUEDTKE, HANNAH R  
5214 LA CROSSE DR  
OMRO WI 54963

ROSENQUIST, PAUL R  
ROSENQUIST, MELISSA A  
3986 GEORGETOWN DR  
OMRO WI 54963

VAN DYKE, DEAN  
VAN DYKE, JACQUELINE  
5150 LA CROSSE DR  
OMRO WI 54963

AFAT, JABER Y  
ALKURDI, MARYAM H  
2170 W 9TH AVE APT 2  
OSHKOSH WI 54904

JONMAR INVESTMENTS LLC  
3402 NELSON RD  
OSHKOSH WI 54904

LEROY, CLAYTON J  
LEROY, KAYLEE A  
5178 LA CROSSE DR  
OMRO WI 54963

MUSHA, CHRISTOPHER M  
MUSHA, LAURIE L  
5142 LA CROSSE DR  
OMRO WI 54963

RUPNOW, DAVID C  
RUPNOW, DEBRA J  
3974 GEORGETOWN DR  
OMRO WI 54963

JAMES SMITH  
MARTENSON & EISELE  
101 W MAIN ST  
OMRO WI 54963

BARKALOW, BRANDON J  
BARKALOW, AMY N  
5226 LA CROSSE DR  
OMRO WI 54963

KIESOW, KEVIN P  
3987 SAND PIT RD  
OSHKOSH WI 54904

LINSE, GREGORY A  
LINSE, MARY L  
5256 LA CROSSE DR  
OMRO WI 54963

POTRATZ, ROBERT J  
POTRATZ, MARILYN K  
2381 JAMES RD  
OSHKOSH WI 54904

STOBBE, RYAN J  
STOBBE, STACIE J  
5166 LA CROSSE DR  
OMRO WI 54963

12/16/19



# TOWN OF OMRO COMPREHENSIVE PLAN 2015-2035

## Omro Town Board

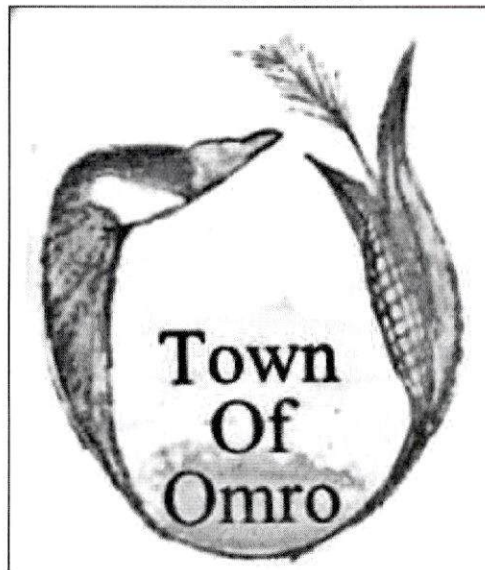
Brian Noe, Chairman  
Charles Whittaker, Supervisor  
Allen Knurr, Supervisor

## Other Town Officials

Bev Searvogel, Town Clerk  
Paula Beulen, Town Treasurer  
Karen Marone, Town Attorney

## Planning Commission

Thomas Tuschl, Chairperson  
Douglas Gunz  
Brian Noe  
Wayne Schmick  
Barbara Meyers  
Glenn Anklam  
Barbara Stanek





# TOWN OF OMRO COMPREHENSIVE PLAN 2004-2024 2008 UPDATE

## Omro Town Board

Brian Noe, Chairman  
Charles Whittaker, Supervisor  
Allen Knurr, Supervisor

## Other Town Officials

Barbara Croisant, Town Clerk  
Viola L. Schmick, Town Treasurer  
Robert Wertsch, Town Attorney

## Planning Commission

Thomas Tuschl, Chairperson  
Douglas Gunz  
Brian Noe  
Wayne Schmick  
Barbara Meyers  
Glenn Anklam  
Barbara Stanek



## Martenson & Eisele, Inc.

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Menasha, Wisconsin 54952-0449  
(920) 731-0381 • (800) 236-0381 • FAX (920) 733-8578



# TOWN OF OMRO COMPREHENSIVE PLAN 2004-2024 2008 UPDATE

## Omro Town Board

Brian Noe, Chairman  
Charles Whittaker, Supervisor  
Allen Knurr, Supervisor

## Other Town Officials

Barbara Croisant, Town Clerk  
Viola L. Schmick, Town Treasurer  
Robert Wertsch, Town Attorney

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Thomas Tuschl, Chairperson  
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Brian Noe  
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Glenn Anklam  
Barbara Stanek



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Menasha, Wisconsin 54952-0449  
(920) 731-0381 • (800) 236-0381 • FAX (920) 733-8578



# TOWN OF OMRO COMPREHENSIVE PLAN 2004-2024

## Omro Town Board

Douglas A. Gunz, Chairman  
Charles Whittaker, Supervisor  
William Mack, Supervisor

## Other Town Officials

Betty A. Reimer, Town Clerk  
Viola L. Schmick, Town Treasurer  
Robert Wertsch, Town Attorney

## Planning Commission

Thomas Tuschl, Chairperson  
Douglas Gunz  
Brian Noe  
Wayne Schmick  
Barbara Meyers  
Glenn Anklam  
Richard Zentgraf

Jerry Bougie, Winnebago County Planning Department, assisted the Town of Omro in the preparation of the first Plan draft. In 2003, Warren Utecht from Martenson & Eisele, Inc., conducted an extensive rewrite, which is the following version of the Town of Omro Comprehensive Plan.



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## **PURPOSE OF THE COMPREHENSIVE PLAN**

### **Why Plan?**

General Dwight D. Eisenhower was quoted as saying, "In preparing for battle I have always found that plans are useless, but planning is indispensable."

Well, General, perhaps plans are not "useless," but the point is true. The real benefit of planning - community or otherwise - is working through the process, not the production of a map or document at the end. In this context, the word "plan" is a verb, not a noun; it is an action, not a result.

Good planning brings people together to talk about what responsible growth looks and feels like. It encourages discussion among citizens, agencies, and governments. It presents choices on how and where to live; how to get to and from work, school, home, and play; and how a community will look, function, and feel.

The planning process identifies what is and what can be, and fosters discussion on how the past influenced the present and can guide the future. It is an opportunity to discuss options and develop common goals. It provides a focus for finding and discussing innovative ways to meet diverse community needs.

The "finished" plan – the map or report – is really little more than the documentation of the planning process. It records facts and describes a scenario for the future. It displays how financial and human resources might be allocated. It illustrates the planning process's discussion and findings.

A good plan is not the end of a process but the beginning of a new one. It is the starting point for implementation, a guide for change. It cannot be viewed strictly as "law," but, rather, as a reference for future decision-making. The plan is a tool, not just a product.

### **Why Plan in the Town of Omro?**

#### **State of Wisconsin Comprehensive Planning Legislation**

The most complete community planning legislation in Wisconsin's history was included in the State of Wisconsin Biennial Budget for 1999-2001, and was revised in May 2000 for technical changes.

The planning legislation found in State Statute 66.1001 provides local governmental units with the framework to develop comprehensive plans and assists the community in making informed land use decisions. The framework includes nine specific elements and fourteen goals. By January 1, 2010, all communities that make land use decisions will need to base



those decisions on an adopted comprehensive plan prepared in accordance with the legislation.

The State of Wisconsin also offers a comprehensive planning grant program (S.S. 16.965 and 16.9615) that provides communities with an incentive to undertake a comprehensive planning process.

## **Town Planning**

Currently, about ninety percent of the town's land area is undeveloped. By far, the greatest use of land is for agricultural purposes. The Town of Omro's close proximity, however, to major population centers, traffic corridors, and waterways is creating development pressures within the town. These development pressures, primarily in the form of residential development, are certain to continue in the future.

Therefore, the Omro Town Board felt that a consistent strategy and vision was necessary in balancing the needs of maintaining the town's rural character with future development activity. The Board felt that a comprehensive land use plan that included future strategies and visions on land use development was the best way to succeed in maintaining the town's rural character into the future, while still allowing development to take place.

On September 11, 1995, the Omro Town Board unanimously supported a motion to begin developing a comprehensive land use plan with the assistance of Winnebago County. The motion also included a provision for a survey of all town property owners to get their input and thoughts on town development issues. The survey would be used to shape the town's planning activities and visions for the future. In addition, the Town Board agreed that a citizen planning committee be formed to work with the County on developing the plan.

## **Citizens Survey**

A survey was created and distributed to all town property owners in February 1996. A total of 447 responses were returned, a response rate of greater than fifty percent. Included in the survey were questions related to property owners' feelings regarding existing and future development. Most respondents were property owners who have lived in the town for more than ten years on a rural lot that was not part of a subdivision.

Most respondents felt that the amount of residential, commercial and industrial development in the town at that time was about right or there was too much already. A smaller share felt that more development should be encouraged.

About three-fourths of the respondents felt that the Town Board should adopt policies to regulate the amount and location of new development in the town. The largest share (45%) of respondents felt that this development should occur on lots that are at least one acre in size. Another one-fourth of respondents felt development should occur on lot sizes of one-half acre or less.



## **Enforcement and Interpretation of the Future Land Use Plan Map**

The aspects of the Future Land Use Plan map and the Land Use Goals, Objectives and Policies, are enforced as if they were included in the Town of Omro Subdivision Ordinance and other Town of Omro ordinances as are all parts of the Town of Omro Comprehensive Plan. Any differences in text are enforced in favor of the governing ordinance.

There are some land uses which are not predictable. For such uses the Town of Omro Planning Commission and the Town Board of Supervisors will make decisions on the suitability of the intended new use and arrange a process for allowing the use at the location.

Even though areas are set aside as "Residential" the Town of Omro Planning Commission and the Town Board of Supervisors may consider and allow "Neighborhood Businesses" to locate in a residential neighborhood. An example of such a business might be a "small" grocery store.

While lines on the map are sharp, there are times when the Planning Commission and the Town Board would find it reasonable for a use to exist which crosses the drawn line or is located immediately but not broadly adjacent to such line. Such uses may be allowed without amending the Future Land Use Plan map. Those will be decided on a case-by-case basis and will not automatically be considered precedential.



## **Land Use Goals, Objectives, and Policies**

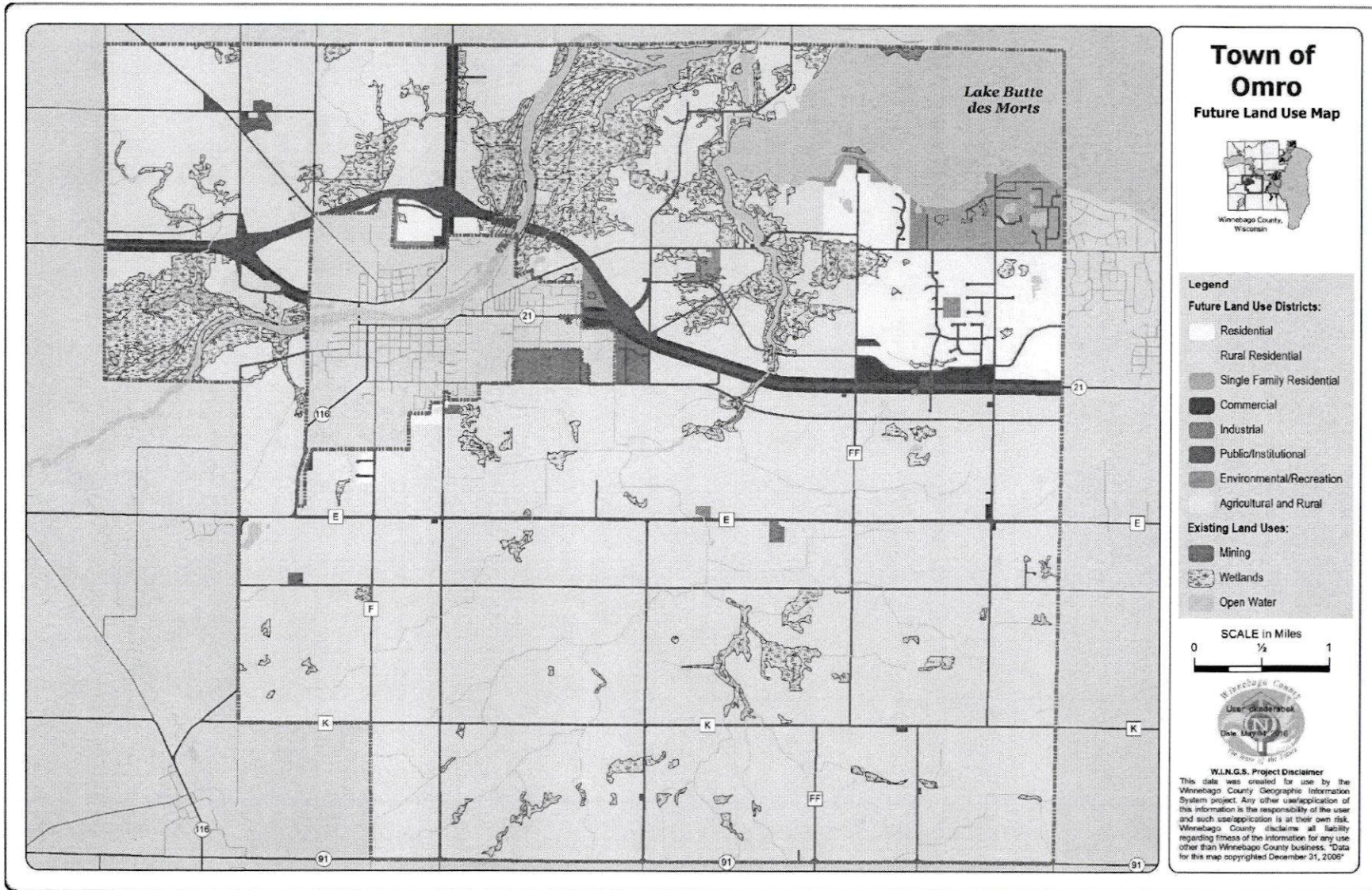
### **Goal #1**

Ensure that the character, magnitude and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical, and economic environment, and enhances the quality of life of all residents.

### **Objectives**

1. That the Town may adopt site plan regulations (applicable to all but residential uses) that deal with safe ingress/egress, on-site traffic flow, and parking to meet annual maximum daily requirements.
2. The adopted zoning and future land division regulations shall ensure and provide that building permits are issued only upon certification that transportation facilities, water, sanitary systems, solid waste, and other services are available to serve proposed development.
3. The Town shall encourage the use of innovative land use development techniques, such as planned development projects and cluster subdivisions.
4. Residential subdivisions shall be designed to include an efficient system of internal circulation for all vehicles and pedestrians, including the provision for external collector streets and trails, where applicable, to feed all traffic onto external arterial roads and highways.
5. The developer will be responsible to protect residential areas from incompatible commercial and industrial uses by the use of open space, vegetative buffers and fences, as appropriate.
6. The Town shall encourage development within reach of existing sanitary district sewer systems.
7. The Town shall discourage isolated residential developments that require higher service costs through proper implementation of the Comprehensive Plan.
8. Prior to the approval of a development, the Town shall evaluate its impact on existing land use, transportation, essential services such as sewer and water, recreation, and drainage.
9. The Town shall encourage commercial activities to locate in designated commercial areas through the use of proper zoning district designation, as appropriate to the intensity and type of use to be permitted as directed in the Land Use Element of this Comprehensive Plan.
10. The Town shall require adequate off-street parking and loading facilities in all commercial areas.







# **Town of Omro** **Future Land Use Map**



## **Legend**

Tax Parcel

## **Future Land Use Districts:**

Residential

Rural Residential

Single Family Residential

Commercial

Industrial

Public/Institutional

Environmental/Recreation

Agricultural and Rural

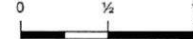
## **Existing Land Uses:**

Mining

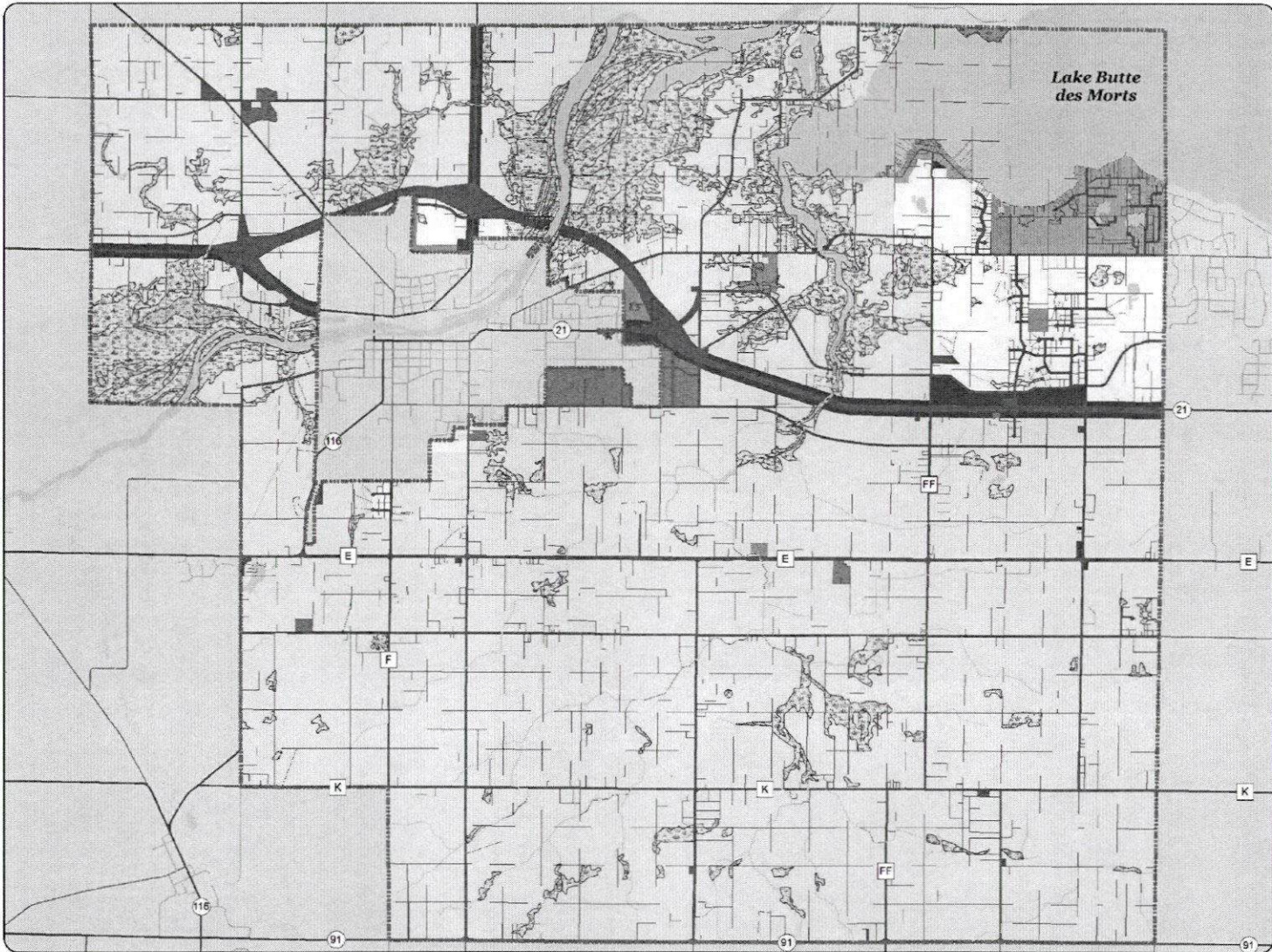
Wetlands

Open Water

SCALE in Miles



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11. The Town shall require the separation of industrial areas from residential and commercial districts through adequate buffering and screening.
12. The developer/owner of any site shall retain ultimate responsibility for on-site construction, maintenance, and management of stormwater run-off, which shall be provided in such a manner to comply with Town, County and State requirements.
13. Historic designations through the use of the Federal designation process shall be encouraged, when appropriate, for the purpose of preserving and protecting a structure's or property's character.
14. Work towards achieving the highest and best use of all vacant and under-utilized lands and buildings in the Town of Omro through the implementation of long-range comprehensive planning.
15. Strive to make development decisions consistent with the Comprehensive Plan.
16. Coordinate land use planning activities in the Town of Omro with planning activities in neighboring jurisdictions and the region.
17. Guide new development only to those areas in the town that are well- suited for urban development.
18. Coordinate land development projects with transportation system projects to achieve the highest and best use of remnant or underutilized lands.
19. Coordinate land use planning activities in the Town of Omro with the plans and activities of school districts, sanitary districts, Fire Department, and other providers of municipal services and facilities.
20. Improve the visual quality and physical design of the Town of Omro by developing and continuing to enforce signage, landscaping, property maintenance, site plan review, building design, parking, and outdoor storage regulations which foster high quality urban development.
21. Prohibit the expansion of non-conforming land uses that are incompatible with the recommendations of the Comprehensive Development Plan.



## Goal #2

Encourage an orderly and planned pattern of community growth and development within sanitary districts, and discourage development of lands on prime farmland.

## Objectives

1. Maintain a rural character, limiting subdivision of properties, especially outside sanitary districts or sewer service area.
2. Limit industrial and commercial development to appropriate locations adjacent to State Highways 21, 91, and 116, especially at State Highway 21 bypass interchanges.
3. Review new subdivisions in view of the potential development of adjoining lands.
4. Where urban development (more densely developed housing areas, as opposed to scattered rural development) in active sanitary districts is appropriate, encourage such development in an efficient and economical manner.
5. Encourage urban development consistent with distinctive individual community character and identity.

In this Plan, State highways, officially known as "State Trunk Highways", are often abbreviated as "STH", as in STH 21. Likewise, "County Trunk Highways" are often written as "CTH", as in CTH "FF".

## Policies

### Rural Preservation Area

Emphasis of area is for large open spaces for continued rural uses, mainly farming, but with expectation of limited lot splits through certified survey maps.

### Proposed Limitations

1. One residence on a single parcel not less than five acres and no division of land can occur on less than ten (10) acres that creates more than two (2) lots, until such time as public sewer becomes available.
2. Creation of no more than eight residential building sites (new and existing) for every mile of town road per side, and no new lots that front on or need access to any County or State Highway. (See also Town of Omro Access Ordinance.)
3. New residential building sites shall have at least 100 feet of frontage on a town road.
4. Any division of more than two lots on ten (10) or more acres shall be divided according to the Town of Omro's Cluster Subdivision Ordinance.



5. When new lots of 10 acres or less are created they shall have "shadow" divisions that would show proposed splits into even smaller lots when the area develops enough to become urban in nature and have sewer available. No structures will be permitted to cross these "shadow" lines.

## **Rural Residential Area**

Emphasis of area is for small open spaces for continued rural character but not farming, but with expectation of limited lot splits through certified survey maps. The expectation is that zoning could be either agriculture or residential whichever fits Winnebago County Zoning requirements.

### **Proposed Limitations**

1. One residence on a single parcel not less than two acres.
2. No new lots that front on or need access to any County or State Highway.
3. On Town roads new residential building sites shall have at least 75 feet of frontage.
4. When new lots are created they shall have "shadow" divisions that would show proposed splits into even smaller lots when the area develops enough to become urban in nature and have sewer available. No structures will be permitted to cross these "shadow" lines.

## **Residential Area (Outside of Sanitary Sewer Area)**

Emphasis is on higher development densities with a likewise de-emphasis on farming activities. This area would see a greater number of lots in a residential cluster development than in the rural preservation area, and likewise a decrease in the amount of open space. Scattered uses for residential and businesses also allowed. Development in this area would need to occur on a public sanitary system. Major land division is required to connect to municipal water.

### **Proposed Limitations**

1. One residence on a single parcel that is 1 acre or less but no less than ½ acre. (See also Town of Omro Sub-Division Ordinance.)
2. New Residential lots shall have frontage no less than 75 feet on a town or subdivision road.



3. Hookups required to sewer system if a new principal structure is within 200 feet of the sewer line.

### **Sewer Service Area Provisions**

1. Emphasis of area is to allow the highest density of development on a public sewer system.
2. Development would be more conventional in nature, usually containing small lots in subdivisions less than 1 acre but no less than 1/2 acre each in size. Some scattered individual building lots outside of subdivisions also possible, usually by certified survey map. Area shown on map contains existing and projected sewer service area as approved by DNR. (See also Town of Omro Sub-Division Ordinance.)

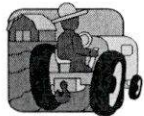


## SUMMARY OF THE PLANNING PROCESS

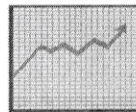
### The Vision for the Town of Omro

"When we look at the Town of Omro in the future we want to see...

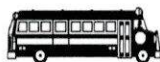
- ❖ **Rural Preservation** (farmland, open space, forest lands, clean water and air)



- ❖ **Well-planned growth**



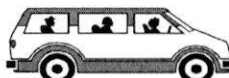
- ❖ Promotion of a **quality educational system**



- ❖ **Quality and adequate services** (police, fire, ambulance, utilities)



- ❖ **Safe and efficient transportation** within the town and to area communities.



- ❖ Provision of **quality recreational opportunities** (parks, trails, boating)"



The Town Planning Committee used these visions to assist them in developing key aspects of the town plan, such as the Future Land Use Map, and development standards. These are described later in the plan.



## Goals, Objectives, and Policies for Plan Elements

A visioning process gives town residents and the Town Board common goals, and a foundation upon which future planning efforts can be based. The Town's Citizen Planning Committee utilized the comments provided in the survey to formulate the future vision or goal statements for the planning process. Based on comments received through the 1996 survey, the following future Vision Statements were agreed to by the Town Planning Committee:

Goals and objectives are intended to provide the framework for guiding the Town of Omro's future land use decisions, including developing the Land Use Plan recommendations contained in this Town Comprehensive Plan. These goals and objectives reflect the strong desire of the town to **preserve the unique "rural character"** of the community. Major themes of the Town's Goals and Objectives are the preservation of **prime agricultural lands**, protecting and enhancing the **environmental resources**, and minimizing the impact of **"urban sprawl."**

Goals represent *common ideals* of the community that can be reached or achieved through the actions of government leaders, private enterprise, citizen organizations, and residents of the town. Objectives, on the other hand, are a *strategy or specific course of action* that can be *implemented* to satisfy or achieve the desired community goals.

### Agricultural, Natural, and Cultural Resources

#### Goal

Protect the productive agricultural lands in the town for long-term farm use and maintain agriculture as a major economic activity and way of life, and conserve, protect and enhance the natural resources and environmentally sensitive areas that exist in the town.

#### Objectives

1. Protect the prime agricultural lands in the town by maintaining farms and productive acreage.
2. Encourage residential development and other types of urban land uses to locate away from prime agricultural lands, and recommend areas that would best accommodate non-farm uses.
3. The Town of Omro will not encourage the creation of any new landfill or quarry/gravel pit operations within the town boundaries.
4. Encourage farmers and agricultural landowners to continue their participation in state and federal agency programs that would provide benefits for keeping land in agricultural production.
5. The Town of Omro should investigate other implementation methods or techniques that would preserve productive farmland.



6. The Fox River should be protected from urban development encroachment and non-suitable agricultural practices.
7. The Town of Omro should work cooperatively with Winnebago County and the State of Wisconsin to ensure that watersheds, shoreline areas, wetlands, and woodlands are protected for future generations.
8. The Town of Omro shall implement the Town Erosion Control and Storm Water Ordinances.
9. The Town will support State and Federal government agency efforts to protect and upgrade the quality of surface waters and groundwater within the town.
10. The Town will encourage efforts to protect and preserve areas needed to support local wildlife.
11. The Town of Omro will work to eliminate light pollution in order to protect wildlife and preserve the rural dark night sky for future generations.
12. The Town of Omro should work closely with Winnebago County and other governmental units to protect and preserve Lake Butte Des Morts.
13. The Town of Omro should review all development plans in or adjacent to important natural features, with the intent of preserving those features.

## **Transportation**

### **Goal**

Achieve a safe, efficient, and environmentally sound transportation system that provides personal mobility to all segments of the population, and supports the economy of the Town of Omro and the region.

### **Objectives**

1. Integrate transportation with other functional elements of comprehensive planning in recognition of the fact that the primary objective of a transportation system is to connect or relate activity locations.
2. Provide a street and highway system which, together with other transportation facilities, will meet short- and long-range needs, interests, and objectives of the town's citizens in a cost-effective manner.
3. Encourage development of a transportation system that minimizes environmental disruption and strives to maintain a quality environment.
4. Develop a transportation system compatible with existing and future land use patterns.



5. Encourage private developers to incorporate bicycle-pedestrian paths through future subdivisions, consistent with an overall multi-purpose trail network.
6. Adopt an Official Map that reserves adequate rights-of-way for future reconstructed or newly-constructed streets, pedestrian, and bicycle facilities.
7. Link the town's transportation system with the Winnebago County Transportation Plan, through coordinated intergovernmental long-range transportation and land use planning.
8. To establish priorities and a roadway improvement spending plan, the Town should consider adoption of a capital improvements plan.
9. Ensure that pedestrian crossings at major intersections are properly designed to provide maximum safety and convenience to those crossing these heavily- traveled streets.
10. Minimize the impact of new transportation projects on existing neighborhoods, businesses and natural resources, through the use of buffering requirements.
11. The Town may implement access-control regulations along town roads to facilitate safe travel and control the number of residential platting on roadways.
12. If new home access points are requested on substandard town roads, the petitioner shall be responsible to dedicate the necessary right-of-way and improve such roads to existing town standards.
13. The Town will work with East Central Regional Plan Commission, the State of Wisconsin, and Winnebago County to prioritize and schedule reconstruction of roadways through the town.
14. Adequately maintain and plow town roads.
15. Limit dead-end streets (cul-de-sacs) where possible, or, if no turn-around exists, work with the adjacent property owner(s) to dedicate an adequate turn- around.
16. Limit new development on private roads.
17. Be an active member of the STH 21 Advisory Committee in support of the reconstruction of STH 21 and the construction of the STH 21 bypass.
18. Develop a five-year transportation improvements program that is integrated with the other elements of the Town's Comprehensive Plan.
19. Continue to use the PASER program to help prioritize needed street improvements.
20. Encourage the development of a trails system on which pedestrians and bicyclists can travel to all parts of the town and beyond using the Winnebago County trail system



21. Continue to work with the Oshkosh Red Cross to provide transportation for elderly and disabled residents of the Town of Omro.
22. Coordinate transportation improvements with the City of Omro and the Towns of Poygan, Rushford, Algoma; Winnebago County; East Central Wisconsin Regional Planning Commission; and the Wisconsin Department of Transportation.
23. Develop an Official Map in order to reserve adequate right-of-way for future constructed or reconstructed streets and pedestrian and biking trails.
24. Review existing Town ordinances and standards as needed to implement the recommendations of this plan.

### **Policies**

1. Study officially mapping road extensions as they relate to Highways 21, 91, and 116.
2. Support preliminary Highway 21-bypass concept (see Future Land Use Map) and study the need to officially map the proposed bypass.
3. Support and encourage widening STH 21 to four lanes from Oshkosh area to Omro.
4. Limit future access to Highway 21 and work with Winnebago County, WisDOT and East Central Regional Planning on future road accesses for Highway 21.
5. Study limits on driveway accesses to town roads.
6. The Town of Omro shall review, revise and adopt a five-year transportation improvement program that is consistent with this Plan.

### **Housing**

#### **Goal**

Promote safe, affordable, quality housing for current and future town residents.

#### **Objectives**

1. Stabilize the physical condition of older homes by creating and enforcing property maintenance codes
2. Buffer residential areas from incompatible land uses.
3. Identify the most suitable areas for new residential dwelling units on the Land Use Plan Map, and guide new residential development to those areas.



4. Encourage the location of new housing units in areas that can be served by a sanitary district.
5. Project housing needs based on population forecasts and project land requirements for these housing needs over the next planning period.
6. Homes that are no longer habitable should be demolished to protect the safety and welfare of the residents.

## **Utilities and Community Facilities**

### **Goal**

Promote the provision of government services and facilities in an efficient, environmentally sound and socially responsible manner.

### **Objectives**

1. Provide efficient and economical public facilities and services.
2. Foster cooperation and coordination in the provision of services where efficiency, equity and economies of scale can be obtained with other entities.
3. Develop a capital improvements program that is consistent with this Plan.
4. Promote economy and equity in the delivery of town and utility district services.
5. Promote development within sanitary districts, which will effectively and economically serve development.
6. Develop service phasing plans that are coordinated with the town's Land Use and Transportation portions of the Comprehensive Plan.
7. Where appropriate, have developers dedicate park and open space land in locations where housing density is occurring.

### **Policies**

#### **Parks and Recreation**

1. In the plat review process, the Town should pursue parkland dedication, based on the language of the Town of Omro's Subdivision Ordinance and future park sites shown on the Future Land Use Map.
2. The Town should establish a timeframe to build active and passive type park improvements, including the town land already owned south of STH 21.
3. Study development of future on or off road trails.



## **Economic Development**

### **Goal**

A growing and vital economy for all residents shall be promoted through careful planning and diversification of commercial and industrial land uses that may develop around State Highways 21, 91 and 116 corridors, and other appropriate locations in the town.

### **Objectives**

1. Identify future commercial and industrial areas around the future State Highway 21 interchanges. In other locations in the town, encourage commercial and industrial uses to locate adjacent to existing development of the same kind, subject to compatibility with surrounding land uses.
2. Anticipate the need for frontage road development along portions of STH 21.
3. Consider rezoning an appropriate amount of land along portions of State Highways 21 and 91.
4. The Town will seek assistance to support economic development through county, regional, and state economic development programs that apply to the town.

## **Intergovernmental Cooperation**

### **Goal**

The Town of Omro will strive to communicate and work with surrounding political entities, seeking ways to conduct joint planning and service agreements.

### **Objectives**

1. On a continuing basis, the Town of Omro will strive to communicate with surrounding communities, school districts, the County, and other entities to seek ways to provide services jointly with others.
2. The Town will meet as needed with adjoining communities regarding boundary issues and any other mutual interests.



## **IMPLEMENTING THE COMPREHENSIVE PLAN**

The following are the recommendations for implementing the Town of Omro's Comprehensive Plan. These recommendations provide a series of action steps necessary to achieve the Town's vision. The Town Planning Committee developed these recommendations over the course of many meetings. Even though the plan itself receives formal adoption, much additional action must be taken by the town to ensure these recommendations are followed through. A timetable should be done to help the town stay on course when implementing the recommendations.

### **Goals and Objectives**

#### **Goal**

Revise existing ordinances and/or create new regulations to assure a system of orderly growth and development that achieves a balanced natural, physical, and economic environment and enhances the quality of life of all residents.

#### **Objectives**

1. The Town will consider adoption of an Official Map Ordinance, Capital Improvement Plan, and design standards that will implement the goals and objectives of the Comprehensive Plan. In some instances, this will require close coordination with Winnebago County.
2. Permanently protect environmental corridors from development through a combination of zoning, official mapping, public acquisition, developer land dedications, and other options.
3. The Town of Omro will consider adopting an ordinance to eliminate light pollution in order to protect wildlife and preserve the rural dark night sky for future generations.
4. The Town shall prohibit development activities from locating in wetlands, 100-year floodplains, and delineated conservation areas, through the use of proper site plan review procedures, zoning, and adopted flood plain management objectives and objectives of this plan.
5. On an ongoing basis, the Town shall review, amend, and enforce existing land use regulations to effectively guide and manage future growth and land development.
6. The Town shall enforce and amend specific ordinances that provide for drainage and stormwater management and protect potable water, wells, and aquifer recharge areas.



7. Strive to establish a positive image of the town by improving the visual quality of development along key community entryways, such as STH 21, STH 91, and STH 116. This could be achieved by creating and enforcing signage and site plan regulations.
8. Environmentally sensitive areas, such as ponds, wetlands, drainageways, and their associated vegetative communities, shall be conserved and protected from the effects of urbanization and development activities through the creation and enforcement of environmental regulations.

## **Programs and Actions**

The implementation section of the plan provides the necessary “tools” to carry out the future plan recommendations. This includes a Town of Omro Future Land Use Map that shows recommended areas for development density and preferred areas for the preservation of the town’s rural character. In general, the future plan recommendations are the key link to implementing the Town’s Future Vision Statements.

This section of the plan outlines a course of action for Town of Omro officials to follow and implement over the next 20 years of the plan (from 2015–2035). Implementation will take the form of adopting and implementing a number of land use regulation ordinances and policies, which are further explained as follows:

### **Zoning Ordinance**

Zoning laws regulate which activities (land uses) are permitted in which areas (zones) of the town. Zoning regulations also set forth standards for development (such as setbacks, height, density, etc.) which are designed to bring about efficient and attractive developments. A zoning code or ordinance is comprised of two parts: the ordinance text, which spells out the regulations, and the zoning district map, which identifies the boundaries for each district (residential, commercial, industrial, etc.).

It must be emphasized that zoning is intended to carry out the Comprehensive plan. Zoning ordinances are derived from the powers granted to local municipalities by State Statutes Chapter 62.23, and Chapters 60.61 and 60.62 pertaining to town zoning powers.

The Town of Omro does not have its own zoning code. Rather, the Town works with Winnebago County Officials to enforce the County’s Zoning Ordinance.

To implement the land use plan recommendations, the Town should take great care to review each rezoning request in light of the future Land Use Plan, and work closely with the Winnebago County Planning Department to assure compliance with the Town’s Plan. At some future point, the zoning map should “mirror” the land use plan map.

### **Official Mapping**

State Statutes Chapter 62.23 allows the Town of Omro Planning Commission to create and maintain an official map of the municipality. An Official Map shows present and pro-



posed future roads, parks, trails, and public facilities. The law limits compensation to private property owners who construct buildings on designated future streets or public areas.

### **Sign Regulation**

All signage in the town is regulated by both the Winnebago County Sign Ordinance and the Town's own signage regulations. The State of Wisconsin Department of Transportation signage on state highways is allowed as government signage, and is not regulated by the Town Sign Code.

### **Erosion and Storm Water Control Ordinances**

The Winnebago County and Town of Omro Subdivision, Erosion Control, and Stormwater Drainage Ordinances regulate drainage issues in subdivisions. The Town Planning Commission reviews and analyzes drainage on all plats, and will call in professional help as needed. Federal, State and DNR regulations and the Winnebago County Drainage Board cover drainage on farms and rural areas.

### **Historic Preservation Ordinances**

The Town of Omro would consider requests from property owners who seek written support to preserve historical buildings. No Historic Preservation Ordinance is in effect, and no such ordinance is anticipated in the future.

### **Site Plan Regulation**

At the present time, the Town of Omro does not have a site plan review process. However, in the future, the town may find a need for site plan regulations as commercial and industrial development occurs on State Highways. [Note: In 2007 the Town of Omro adopted a site plan ordinance which regulates commercial properties.]

### **Design Review Ordinances**

The Town of Omro will not likely adopt design review standards at any time in the foreseeable future.

### **Building Codes**

Building codes in the Town of Omro are enforced through the Town Building Inspector. All county, state and national codes are the standards followed.

### **Mechanical Codes**

Mechanical codes in the Town of Omro are enforced through the Town Building Inspector and follow all State of Wisconsin and National standards.



## **Sanitary Codes**

Winnebago County regulates all on-site sanitary systems, when property is not served by a public sanitary sewer system. If a public sanitary sewer line is available in an adjacent street, connection to such sewer line shall occur as opposed to constructing an independent system.

## **Subdivision Ordinances**

Wisconsin State Statutes Chapter 236 set forth the necessary requirements to divide land in the State. A subdivision ordinance establishes criteria, standards and guidelines for the orderly layout of streets, lots, open space areas and utility easements and other land division issues. The code also identifies how subdivisions relate to each other and public highways to ensure the importance of orderly planning in the town.

The Town of Omro has its own subdivision ordinance. Winnebago County continues to have review powers, but the town plays a greater role in the initial review and ultimate adoption of new plats. The Town and County subdivision ordinances cover both subdivisions as well as certified survey maps (minor land divisions of 4 lots or less).

## **Capital Improvements Program**

A capital improvements program is a financial planning tool used by local units of government to map out a spending strategy. The typical capital improvements program usually outlines a five or six year spending plan for major equipment purchases (fire truck, computer system, etc.) and capital outlays (street reconstruction, debt refinancing, etc.) that requires major public expenditures. A capital improvements program (CIP) prioritizes the various expenditures or projects, provides cost estimates, and identifies the funding source or sources (tax levy, grants, fees, etc.) necessary to accomplish the project.

As the Town of Omro continues to grow and develop over the next twenty years, it may be beneficial to develop a Capital Improvements Program for the reasons already identified. The adoption of a CIP would also help implement the comprehensive plan recommendations. The Planning Commission may make recommendations to more closely align the CIP with the Comprehensive Plan. Once prepared, the CIP should be periodically reviewed and updated.

## **Taxing and Spending Power**

Taxing policies can discourage the amount of development that occurs in the community. Spending policies may act as an incentive to encourage new development. Taxing and spending power should relate closely to the capital improvements program.

## **State Laws**

In addition to the state statutes previously cited, Wisconsin has regulations that are enforced at the county or local level. These regulations include preservation of flood plains,



wetlands, ponds and shoreland areas, assessment policies, location of community based residential and day care facilities, and so forth.

## **Special Districts**

Consideration of storm water improvement districts should also be evaluated to address storm water runoff issues that will be generated by all types of future development.

Impact fees are not necessarily a type of special district, but could be studied by the Town to assist financially in the future creation of police services, added fire protection, parks and recreation programs, and other services that will eventually be demanded by a growing town population.

It is the intent of the Omro Future Land Use Plan to allow for logical, planned growth that is adequately serviced by appropriate levels of various public services. The provision of these services in the future is the key to implementing the plan's vision.

## **Public Sanitary Sewer Expansion Issues**

The Town of Omro's sanitary sewer district should review existing regulatory tools and development policies to determine how they affect the planning, financing, and extension of public sanitary sewer lines to serve, or not serve, new development. Funds to study potential sewer line engineering or install desired public sewer lines could come from taxes or impact fees, levied by the Town's Sanitary District.

Particular attention should be given to large lot development serviced with on-site systems within the plan's sewered growth areas. Allowance for this type of development may hinder the economics of extending future sanitary sewer mains.

As new development is reviewed by the Town, certain issues should be to consider from a design perspective, such as:

- ❖ Lot size
- ❖ Lot frontage
- ❖ Potential for future lot splits
- ❖ Allowance of "cluster developments" with a single community well and treatment system
- ❖ Reservation of easements for future sewer extensions
- ❖ Road patterns which allow for effective extension of sewer in the future

An inspection and maintenance program for on-site systems along lakeshore areas should be initiated by the Town and/or County to ensure the protection of water quality. Inspection information can be used in future studies for the expansion of sanitary sewer.

Request amendments to the existing Sewer Service Area plans by East Central Planning as necessary to implement the Town's Plan.



## **Consistency with Other Elements of the Comprehensive Plan**

The Town of Omro Planning Commission will be responsible for comparing all proposed development with each element of the Comprehensive plan, including the natural environment (wetlands, high ground water and bedrock, and soil limitations for below grade septic systems). The Town will also consider implementation tools, such as land use ordinances and an official map, to assure consistency of land use decisions with Comprehensive Plan recommendations.

## **Measurement of Progress**

The Town of Omro Planning Commission will provide a report on the community's progress as it pertains to the Comprehensive Plan each year at the annual meeting. The Planning Commission will undertake a review of the Comprehensive Plan biannually. And will develop more detailed planning procedures to further assess the potential for implementing the Plan's vision.

## **Plan Update Process**

As a method of keeping the Plan current, the Town Planning Commission and the Town Board will review any changes suggested for the plan in even numbered years. The Town will also consider plan updates every five years and a comprehensive review every ten years.



## PART 2: INVENTORY AND ANALYSIS

### ISSUES AND OPPORTUNITIES

This section will look at past, present, and future trends in demographics for the Town of Omro. Demographic trends include information on the town's population and economic characteristics. Trend information helps "paint a picture" of the changing issues in the town, and the types of opportunities that these trends can provide the town in the future. The changes in demographics have a direct link to changes in land use and, ultimately, the quality of life and overall character of the town.

#### Location

The Town of Omro is centrally located within Winnebago County. Lake Butte des Morts and the Town of Winneconne border it on the north, Town of Utica on the south, Town of Algoma to the east, and the Town of Rushford to the west. The town entirely circles the City of Omro, and has the Fox River running through the northwestern one-fourth of the town. The Town's eastern boundary is only 1½ miles from the western edge of the City of Oshkosh. Highway 21 bisects the town from east to west and is a major traffic corridor for regional and Wisconsin travelers.

#### Population Characteristics

**Table 1**  
**Population Change, 1950-2010**

Year	Town of Omro	% Change	Winnebago County	% Change
1950	1,100		91,103	
1960	1,221	11.0%	107,928	18.5%
1970	1,444	18.3%	129,946	20.4%
1980	1,684	16.6%	131,772	1.4%
1990	1,616	-4.0%	140,320	6.5%
2000	1,875	16.0%	156,763	11.7%
2010	2,116	12.9%	166,994	6.5%

Source: U.S. Census

#### Population History

In 1950, the Town of Omro had a population of 1,100 persons. Between 1950 and 1999, the total population increased by 775 persons (an average of fifteen per year), bringing the town's population to 1,875. The town saw relatively rapid population growth during the 1960s and 1970s, and declining population in the 1980s. A steadier population in-



crease has been seen in the 1990s (see Table 1). Between 1960 and 2010 the population increased by 895 persons (an average of 18 per year) bringing the population to 2,116. From 2000 to 2010 the population increased by 241 which averages 24 per year even with the recession in the middle of that period.

Increases in population tend to follow good economic times, and decreases in population tend to follow slower economic times. In addition, population fluctuations are related to changes in societal factors, such as the growth in the 1960s being due to the tail end of the post-war baby boom. Slower economic times in the first half of the 1980s created a decline in the Town of Omro's population, as people working primarily in agriculture needed to look for employment in other types of work. Therefore, some population was lost as people moved out of the town to seek employment opportunities in other communities.

Population growth in the town since 1950 has generally been at a slower rate than Winnebago County as a whole. The 1970s was a lone exception to this as the Town of Omro grew at a much faster rate than the county. Recently, however, the population growth rate for the town and county has been relatively similar, with the county growing at a slightly higher pace than the town (see Table 1). However, in the period from 2000 to 2010 the percentage of growth in the Town of Omro was eclipsed only by the Town of Algoma in the communities cited in Table 1.

**Table 2**  
**Population Change of Various Communities, 1950 - 2010**

	Town of Omro	Town of Algoma	Town of Utica	Town Of Rushford	City of Omro	Town of Winneconne	Winnebago County
1950	1,100	1,647	940	1,326	1,470	731	91,103
1960	1,221	2,177	987	1,320	1,991	914	107,128
1970	1,444	3,158	1,029	1,415	2,341	1,408	129,946
1980	1,684	3,249	1,038	1,420	2,763	1,595	131,772
1990	1,616	3,492	1,046	1,361	2,836	1,761	140,320
2000	1,875	5,702	1,168	1,471	3,177	2,145	156,763
2010	2,116	6,822	1,299	1,561	3,517	2,350	166,994
2001*	1896	5,819	1,193	1,472	3,171	2,196	157,283
2002*	1,933	5,933	1,201	1,497	3,185	2,245	159,161
2020*	2,300	7,770	1,400	1,655	3,740	2,540	177,050
2030*	2,520	8,925	1,515	1,765	4,020	2,760	188,680
% Change							
1990 to 2000	16.0	63.3	11.7	8.1	12.0	21.8	11.7
2000 to 2010	12.9	17.2	11.2	6.1	10.7	9.6	6.5
1950 to 2002	75.7	260.2	27.8	12.9	116.7	207.1	74.7
1960 to 2010	73.3	213.4	31.6	18.3	76.6	157.1	55.9

Source: U.S. Census, compiled by ECWRPC

\*Wisconsin Department of Administration Estimated Population



## TRANSPORTATION

The existing rural-residential aspects of the Town of Omro point to the importance the automobile has had on the citizens and economy of the town since the first half of the twentieth century. Today's easy access to services within and outside the area were major transportation decisions for town residents in the early part of the twentieth century. These time savings reached through ease of travel have since opened the town to many opportunities, including increased residential development. Evaluation of the town's system of roadways, traffic patterns and other transportation services are an important element of any planning activity.

### Road Classification

The Town of Omro has about 78 miles of roadway within its borders (see Map 2 on next page). These roads are classified as local, collector, or arterials. Each type provides a different function and is described below.

In this Plan, State highways, officially known as "State Trunk Highways", are often abbreviated as "STH", as in STH 21. Likewise, "County Trunk Highways" are often written as "CTH", as in CTH "FF".

### Local Roads

Local roads are primarily the Town-owned roads, and serve as direct access to homes, businesses and agricultural uses. There are about 44 miles of local roads in the town.

### Collector Roads

County-owned roads serve as collector streets in the town. They provide for traffic movement and land access - a balance between local road functions and arterial road functions. There are about twenty miles of County-owned roads in the town. They include County Roads "E", "F", "FF", and "K".

### Arterial Roads

State Highways are the primary arterial roadways in the town. These roadways are designed to move traffic with minimal obstruction. This means that land access is secondary to traffic movement. These roads are access-controlled by the State. State permits are therefore required for access. About fourteen miles of State Roads exist in the town. They are State Roads 21, 91 and 116.

### Access Permits

Access to local, county and state roads requires a permit. The primary purpose of access permits is for safety. The town requires culvert permits for anyone interested in obtaining a new access to a town road. The County Highway Department issues driveway access



permits for all county roads, and the Wisconsin Department of Transportation issues access permits for all state roads.

### **Traffic Volume**

Map 2 shows how traffic volumes have changed between 1988 and 2002 for selected roadways in the town. Traffic volumes can be used as a tool to determine street improvement priorities.

The highest traffic counts are found on State Highway 21 east of Reighmoor Road, with 12,500 vehicles per day. This traffic count doubled since 1991, when there were 6,650 vehicles per day. Traffic on STH 21 is projected to increase as both the Town of Omro and City of Omro continue to attract home owners. Continued traffic volume increases in the next ten years will increase the need for a STH 21 bypass around the City of Omro.

Traffic volume is monitored so it can be compared to the capacity for which a stretch of road is designed. Measuring the relationship between the two can provide valuable information when a roadway should be upgraded and/or reconstructed to handle the present and future traffic volumes. This is called volume-to-capacity ratio.

Only Highway 21 has a volume-to-capacity ratio that would suggest an upgrade in the future. Presently, STH 21 has about 12,500 vehicles traveling along it each day. Its designed capacity is 10,000 vehicles. Therefore, the volume-to-capacity has already been exceeded. Traffic volumes that are higher than the designed capacity suggest that the roadway is becoming unsafe and inefficient for travel. Upgrading to alleviate this may be necessary in the near future. To this end, planning activities by the East Central Wisconsin Regional Planning Commission (ECWRPC) and the Wisconsin Department of Transportation have been undertaken recently to look at options for the Highway 21 corridor.

Because of the increasing traffic load, the State of Wisconsin has changed the status of STH 21 from a "Connecting Highway" to a "Backbone Highway." This new designation will support the contention from communities along STH 21 that this highway needs to be upgraded to an expressway status and, in the long-term, to freeway status.

State Highway 91 also experienced heavier traffic loads from 1991 to 2000. During that time, traffic counts near Waukau jumped from 1,790 vehicles to 3,700 vehicles per day. Leonard Point Road has shown a significant increase, from 190 vehicles in 1991 to 370 per day in 2000. This may reflect the increasing residential growth that has been occurring in this part of the town. Another road that experienced a jump in traffic was CTH "FF", from CTH "E" to STH 21. This segment of CTH "FF" went from 380 vehicles in 1991 to 990 vehicles per day in 2000.



## Commercial and Industrial Uses

Commercial uses accounted for 6.5 acres of land area in the town in 2003. This amounted to 0.02% of the total area of the town. The commercial uses are mostly found along State Highway 21 and Sand Pit Road.

The town also had about 44.2 acres of industrial land in 2003, or less than 2% of the town's area.

**Table 35**  
**Existing Land Use Acreage, 2003**

Land Use Type	Acres	Percent of Total Land Area
One- and Two- Family Residential	903.33	3.97%
Multi-Family Residential	0.00	0.00%
Mobile Homes	2.22	0.01%
Agriculture/Vacant/Open Space	17,206.20	75.60%
Commercial	6.50	0.03%
Industrial	13.68	.06%
Mining	96.46	.42%
Public/Institutional	4.58	.02%
Recreational	24.81	.10%
Transportation	678.09	2.98%
Transportation and Utilities	5.68	.02%
Utilities	1.91	.00%
Water	1,889.47	8.30%
Woodlands	1,925.28	8.40%
Total	22,758.21	100.00%

Source: Martenson and Eisele, Inc., 2003

## Recreation and Conservation Uses

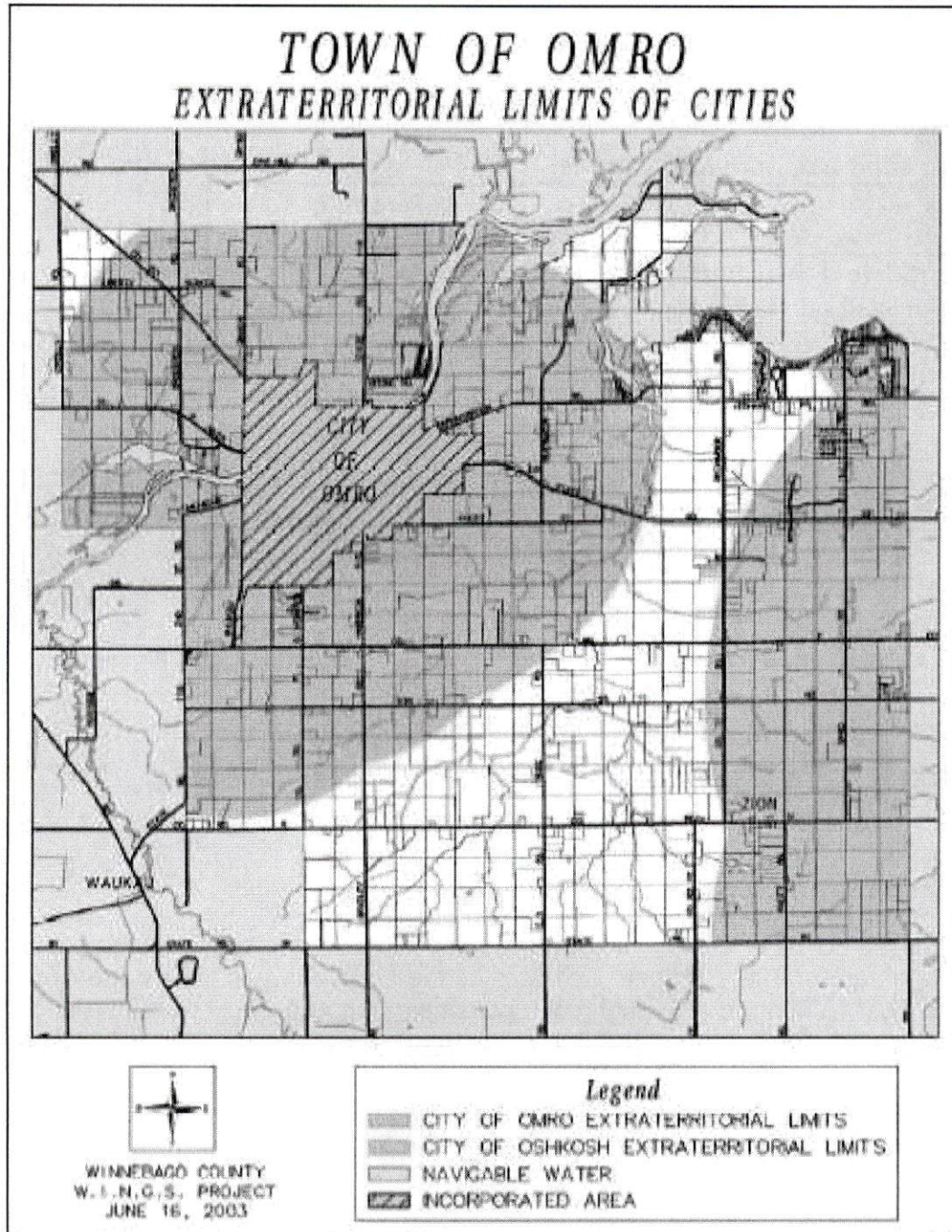
About 1% (25 acres) of the developed acreage in the town is made up of recreation and conservation areas. These include such uses as the County-owned Lake Butte des Morts Park and Boat Landing; the Springbrook Sportsman Club and Upper Lakes Fishing Club, both on Springbrook Road; and the Fox Valley Hunting and Fishing Club, located on CTH "E".

## Other Land Uses

The remaining developed acreage in the town is a mix of other land use types. They include such uses as non-metallic mining sites; utilities and public facility uses, such as the Town Hall and school sites; and the Town Landfill located off CTH "FF".



Map 16



**Martenson & Eisele, Inc.**

Planning - Surveying - Engineering - Architecture  
[www.martenson-eisele.com](http://www.martenson-eisele.com)  
[info@martenson-eisele.com](mailto:info@martenson-eisele.com)  
 pmsc189306\_06-24-04



**AMENDED BARONY COVENANTS**



8 1 2 5 9 1 7  
Tx:4088395

**1652200**

**REGISTER'S OFFICE  
WINNEBAGO COUNTY, WI  
RECORDED ON**

**11/07/2013 11:43 AM**

**JULIE PAGEL  
REGISTER OF DEEDS  
RECORDING FEE 30.00**

**Return to:**

First State Bank  
PO Box 268  
New London, WI 54961

**Tax Parcel No.: See Attached Exhibit A**

9C



### AMENDED BARONY COVENANTS

The following conditions, covenants and restrictions for the development of certain lots in the development known as "The Barony" are hereinafter referred to as the "Amended Barony Covenants" or generally referred to as the "covenants". The covenants contained in this document restate and replace those recorded as "Barony Covenants", as Document Number 1347969 on March 16, 2005. These covenants replace prior covenants titled as "Hughes Covenants" and recorded as document number 1069782 on August 18, 1999, as subsequently amended. The Barony Covenants, as amended, are hereby restated and the Hughes Covenants, as amended, are removed and neither is of any further force or effect.

WHEREAS, these amended covenants apply to the 74 lots and Outlots One and Two contained in The Barony development located in the Town of Omro, Wisconsin, the legal description of which as attached hereto as Exhibit A;

WHEREAS, First State Bank (hereinafter referred to as "FSB") presently owns 56 of lots 1 through 74 and Outlots One and Two contained in The Barony development;

WHEREAS, FSB has the authority to remove, modify, annul, waive, change and/or amend the prior covenants pursuant to paragraph 20 of both the Hughes Covenants and the Barony Covenants, as the owner of more than 75% of the lots subject to the Hughes Covenants and The Barony Covenants; and

WHEREAS, FSB desires to control the purpose for which the lots are used, to maintain a high standard of quality with respect to the development thereon, and to facilitate the same, to obligate the owners of the lots or any part thereof, to be bound by certain conditions, covenants and restrictions for the benefit and protection of the investment of each lot owner.

NOW, THEREFORE, FSB hereby declares and provides that all of the lots contained in The Barony development (as more particularly described on Exhibit A) are hereby subject to the following covenants:

#### 1. SINGLE FAMILY RESIDENCES

The lots shall be used for single-family residential purposes only with a private, standard size garage for two cars or more attached to said dwelling. The garage shall be built at the time of the initial construction. No motor vehicle, trailer, basement, tent, shack, detached garage, barn or outbuilding, shall at any time, be used as a residence.

#### 2. PETS

Only two domestic animals may be kept on any lot owner's premises. No other animals, livestock or poultry of any kind shall be raised, bred or kept on the lot. Commercial animal boarding, kenneling or treatment is prohibited whether for fee or not.



### 3. LOT APPEARANCE

The lot buyer shall be responsible for maintaining the lot in a neat condition. Pre-construction lots shall be cultivated or tended to so as to keep them free of noxious weeds or grasses in excess of 6 inches. Post-construction lots shall be maintained in accordance with No. 10 of these Covenants and shall comply with all existing ordinances.

### 4. PARKING OF VEHICLES

The parking of service vehicles owned or operated by the lot owners and their families is prohibited unless they are kept in garages. The storage of immobile automobiles, snowmobiles, motorcycles or any other recreational vehicle is prohibited unless kept inside garages.

### 5. RELOCATION OF EXISTING STRUCTURES PROHIBITED

No building constructed elsewhere shall be moved upon any lot. No sheds may be constructed or placed on any lot.

### 6. FENCES

Fences are permitted provided they fall into one of the following categories: Split rail or decorative wood. If a solid fence is used, the exterior must be the same as the interior, except outdoor dog kennels or runs should be no larger than 10' x 12' and may be a chain-link fence.

### 7. SIGNS

No signs of any type shall be displayed in public view of any lot without prior written consent of FSB, except lawn signs of not more than 4 square feet in area advertising a property for sale.

### 8. TRASH

All trash and waste shall be kept in sanitary containers and out of public view.

### 9. MINIMUM FLOOR AREA

Each residential structure of a ranch-style design shall be no less than 1,700 square feet of living space. Any other style of conventional housing shall be no less than 2,000 square feet.

- a. Living space is defined as those levels totally above the exterior finished grade, excluding garage.



- b. The above minimum floor area requirements may be reduced by the Architectural Control Committee in any individual case in the event the proposed Architectural design and quality of the house is such that it presents an appearance comparable or superior to the appearance of other houses built in The Barony.
- c. The maximum height of the peak of any roof will be no greater than 32 feet above base level.

#### 10. BUILDING STANDARDS AND APPROVAL

No building shall be erected, placed or altered on any lot unless the construction, specifications, landscaping, finished lot topography and other conditions comply with the standards set forth in these covenants (including those in this paragraph 10 and elsewhere) and have been approved by the Architectural Control Committee, including any variances to the standards which may be granted by the Architectural Control Committee in the exercise of its sole discretion. For so long as FSB owns at least ten percent 10% of the lots in The Barony, the Architectural Control Committee shall consist of FSB or one or more persons or entities appointed by FSB to serve as the Architectural Control Committee.

The following standards shall be adhered to in the design and construction:

- a. All roof pitches shall be 6/12 or greater, and all chimneys and exterior flues shall be enclosed.
- b. Aluminum, steel, vinyl, brick, stone and most wood siding types, including log homes, will be permitted. However, "Texture 1-11" hardboard or other similar siding is not permitted. All wood siding must be sealed, stained or painted. Trim, siding and roofing colors will be coordinated to provide the most esthetic combination.
- c. Each residential structure erected shall have its entire external construction completed and the lot fully landscaped within 18 months from the date of issuance of the building permit, except for delays in completion due to strike, war, or acts of God. All external construction must be completed prior to occupation.
- d. All driveways from the garage to the lot line shall be paved using asphalt or concrete materials within 18 months from the date of occupancy. Driveway culverts shall be installed under all driveways by the lot owner. All driveway culverts shall be sized according to the recorded drainage plan and shall have apron and sections on each end.



- e. All unattached buildings or sheds shall conform to the main structure, in design, materials and colors.
- f. Building elevations and finished grades must comply with the street elevation and the finished grade of the recorded grading and drainage plan.
- g. No material changes or deviations in or from such plans and specifications as approved shall be made once approved by the Architectural Control Committee.

At any time when FSB does not own at least 10% of the lots in The Barony, the Architectural Control Committee shall consist of at least three (3) and not more than five (5) persons or entities appointed by the owners of the lots in The Barony. Persons elected by the owners to serve as the Architectural Control Committee shall be elected for three-year terms at a meeting of the owners at which at least twenty-five percent (25%) of the owners are present in person or by proxy, which meeting may be conducted in person and/or by any electronic means by which all participants can hear and respond simultaneously.

Such meeting shall be held not fewer than ten (10) days or more than sixty (60) days following the date of delivery of written notice of the time, place and purpose of the meeting to the owner(s) of each lot in the Barony by first class mail delivered to the mailing address to which the tax bill for each such lot was last mailed by Winnebago County.

The person(s) calling such meeting shall present a list of candidates and shall accept nominations of additional candidates from the participants at the meeting. The owner of each lot in the Barony participating in such meeting in person or by proxy shall have one vote which shall be cast for a single candidate. The candidates (at least three but not more than 5) receiving the highest vote totals shall serve as the Architectural Control Committee. Actions taken by the Architectural Control Committee shall be by majority vote of the members of the Committee.

## 11. LANDSCAPING

The following are minimum landscaping requirements:

- a. No landowner shall cause the obstruction of any swale or drainage way, whether protected by easement or not, which is in existence at the time of development so as to impede the flow of surface water from the other lots through such swale or drainage way. This shall include the drainage ditches along public streets.
- b. Each lot owner shall plant and maintain no less than 2 shade trees (of 2-3" caliper) within the front yard and 2 trees on the remainder of the property.



Trees shall be planted within 30 days of occupancy of the home or upon completion of construction, whichever occurs first. Trees are not required to be planted during winter months when the ground is frozen, but rather shall be planted as soon as weather conditions permit.

- c. All yards shall be fertilized and sodded, or fertilized, seeded and mulched. This requirement includes the terrace area within the street right-of-way.
- d. The maintenance of the plantings and yard areas are the responsibility of the lot owner. Any required trees or shrubs which die shall be removed and replaced by the lot owner in accordance with Section 11(b).
- e. The use of decorative landscape beds, berms, and plantings is encouraged; however, the complete screening of the front yard is prohibited.

## 12. FRONT AND SIDE YARD REQUIREMENTS

No building shall be located closer than 40 feet from the front lot line. No building shall be located nearer than 15 feet from one side lot line and 10 feet on the other side. Where one and one-half, two, or more lots are acquired as a single building site, the side lot lines shall refer only to the side boundaries bordering the adjoining property.

## 13. TERM OF COVENANTS

These covenants shall run with the land and shall be binding on all owners and lots covered by this document for a period of 25 years from the date this document is recorded, after which time it shall automatically stand renewed for successive 10 year periods unless an instrument terminating or changing such covenants in whole or in part is signed by the owners of greater than fifty percent (50%) of the lots and recorded in the office of the Winnebago County Register of Deeds.

## 14. ENFORCEMENT ACTIONS

If any person shall violate any of these covenants set forth above, any person owning any lot or lots of The Barony, including any other lots later subjected to these covenants by subsequent document, shall have the right to bring legal proceedings against the person or persons violating.

## 15. VALIDITY

Invalidation of any of these covenants or any severable part of any covenant by judgment or court order, shall in no way affect any of the other provisions, which shall remain in full force and effect.

## 16. GRADING AND DRAINAGE



These lots are controlled by a recorded grading and drainage plan. Each lot owner shall be solely responsible for complete compliance for both the grading and drainage plan. With regard to lots 50 through 55, the 10-foot native planting buffer as described in the storm water facilities maintenance agreement, shall be maintained by the respective lot owners in accordance with said storm water facilities maintenance agreement and alteration or destruction of said 10-foot buffer is prohibited.

#### 17. ZONING

All lots and improvements are further subject to all applicable zoning laws, ordinances and building codes.

#### 18. AMENDMENT

These conditions, covenants and restrictions may be removed, modified, annulled, waived, changed and/or amended at any time and in any manner by a written declaration setting forth such amendment, etc., which has been executed by the owners of greater than fifty percent (50%) of the lots covered by these Covenants and recorded in the Register of Deeds Office for Winnebago County, Wisconsin.

#### 19. VOTING

Whenever owners have right to vote, the owners shall have such a right proportional to the number of lots (or fraction thereof) which such owner owns.

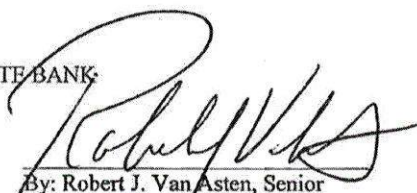
[Signature page follows]



[Signature page of the Barony covenants]

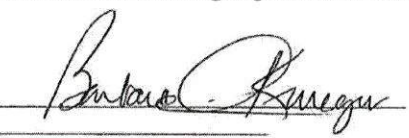
IN WITNESS WHEREOF we have set our hands and seals this 5<sup>th</sup> day of November 2013.

FIRST STATE BANK

  
By: Robert J. Van Asten, Senior  
Vice President/Senior Credit Officer

STATE OF WISCONSIN     )  
                                  ) ss.  
~~WABAPCA~~  
OUTAGAMIE COUNTY     )

Personally came before me on this 5 day of November 2013, the above named Robert J. Van Asten, known to be the person who executed the foregoing instrument and acknowledged the same.

  
Notary Public, State of Wisconsin  
My commission 07-05-2015

This instrument drafted by:  
Scott C. Barr  
McCarty Law LLP  
Attorneys at Law  
2401 East Enterprise Avenue  
Appleton WI 54913-7887

BARBARA A. KRUEGER  
Notary Public-State of Wisconsin  
My Commission Expires July 5, 2015



(f) **Archive of superseded maps.** The county clerk shall maintain a permanent archive of superseded zoning maps that are created after April 29, 2012.

(g) **Amendment.** The procedure and requirements to amend the zoning map are provided in article 7 of this chapter.

### 23.8-27 to 23.8-40 Reserved

## DIVISION 3 ALLOWABLE LAND USES

### Sections

23.8-41	Land uses generally allowable within zoning districts	23.8-47	Special provisions for community living arrangements
23.8-42	Similarity of land uses	23.8-48	Special provisions for specified foster homes and treatment foster homes
23.8-43	Land uses not listed	23.8-49	Site restrictions
23.8-44	Project classified in more than one land use category	23.8-50	Map of conditional uses
23.8-45	Establishment of an accessory land use prior to establishment of principal use	23.8-51	Special provisions for structures located on multiple parcels under the same ownership
23.8-46	Reserved	23.8-52	Residential accessory use limitations

### 23.8-41 Land uses generally allowed within zoning districts

(a) **General purpose zoning districts.** For the purposes of this chapter, land uses, as defined in article 3 of this chapter, are classified as principal, accessory, or temporary. Exhibit 8-1 lists principal land uses (Series 1 to 16), accessory uses (Series 17), and temporary uses (Series 18). Each of the land uses are designated as one of the following:

- (1) permitted in the zoning district by right provided that all other provisions of this chapter are met,
- (2) allowed in the zoning district as a conditional use provided that all other provisions of this chapter are met, or
- (3) not permitted in the zoning district.

Any commercial or industrial land use that is shown as permitted by right that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a conditional use.

(b) **Planned development districts.** Land uses that are permitted in a planned development district are enumerated in the general development plan for the district, along with development standards, if any.



Exhibit 8-1 Land use matrix

			Base Zoning District													
1	Agriculture	Review	Special Standards	A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
1.01	Agriculture-related use	ZP,SP,PO	23.8-231	C	C	-	-	-	-	-	-	-	-	-	P	C
1.02	Agriculture, crop	-	23.8-232	P	P	P	P	P	P	P	P	P	P	P	P	P
1.03	Agriculture, general	ZP	23.8-233	P	P	-	-	-	-	-	-	-	-	-	-	-
1.03	Agriculture, general, 500 animal units or more	ZP	23.8-233	C	C	-	-	-	-	-	-	-	-	-	-	-
1.04	Greenhouse	ZP,SP,PO	23.8-234	P	P	-	-	-	-	-	-	C	C	-	C	C
2 Resource-Based Uses																
2.01	Dam	ZP,SP,PO	23.8-241	C	C	C	C	C	C	C	C	C	C	C	C	C
2.02	Forestry	-	23.8-242	P	P	P	P	P	P	P	P	P	P	P	P	P
2.03	Hunting preserve	ZP,SP,PO	23.8-243	-	C	-	-	-	-	-	-	-	-	-	C	C
2.04	Sewage sludge disposal	-	23.8-244	P	P	P	P	P	P	P	P	P	P	P	P	P
2.05	Wildlife park	ZP,SP,PO	23.8-245	-	C	-	-	-	-	-	-	-	-	-	C	C
3 Residential																
3.01	Mixed-use housing	ZP,SP	23.8-251	-	-	-	-	-	-	-	-	C	P	P	-	-
3.02	Manufactured/mobile home community	ZP,SP,PO	23.8-252	-	-	-	-	-	-	P	-	-	-	-	-	-
3.03	Multifamily building, 2 units	ZP	23.8-253	-	-	-	-	P	P	-	-	-	-	P	-	-
3.04	Multifamily building, 3–4 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	P	-	-
3.04	Multifamily building, 5–8 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	C	-	-
3.04	Multifamily building, 9 or more units	ZP	23.8-254	-	-	-	-	-	C	-	-	-	-	C	-	-
3.05	Nonfarm residence	ZP	23.8-255	C	-	-	-	-	-	-	-	-	-	-	-	-
3.06	Single-family dwelling [1]	ZP	23.8-256	-	P	P	P	P	-	-	-	-	-	-	-	-
3.07	Townhouse, 3–4 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	P	-	-
3.07	Townhouse, 5–8 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	C	-	-
3.07	Townhouse, 9 or more units	ZP,SP	23.8-257	-	-	-	-	-	C	-	-	-	-	C	-	-
3.08	Twin home	ZP	23.8-258	-	-	-	-	P	P	-	-	-	-	P	-	-
4 Special Care Facilities																
4.01	Adult family home	ZP	23.8-261	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02	Community living arrangement, 8 or fewer residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02	Community living arrangement, 9–15 residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02	Community living arrangement, 16 or more residents [2]	ZP,SP, PO	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.03	Foster home and treatment foster home [3]	ZP	23.8-263	-	-	P	P	P	P	-	-	-	-	-	-	-
4.04	Group day care center [4]	ZP,SP	23.8-264	-	-	-	-	C	C	-	P	P	P	P	C	C
4.05	Hospice care center	ZP,SP	23.8-265	-	C	C	C	C	P	-	C	C	P	C	-	-
4.06	Nursing home	ZP,SP	23.8-266	-	-	C	C	C	P	-	-	C	P	C	-	-
4.07	Retirement home	ZP,SP	23.8-267	-	-	C	C	C	P	-	-	C	P	C	-	-
4.08	Temporary shelter [5]	ZP,SP, PO	23.8-268	-	-	-	-	-	-	-	C	C	C	-	-	-
5 Group Accommodations [6]																
5.01	Boardinghouse	ZP,SP, PO	23.8-271	-	-	-	-	-	C	-	-	C	P	C	-	-
5.02	Campground	ZP,SP,PO	23.8-272	-	C	-	-	-	-	-	-	-	C	-	-	-
5.03	Group recreation camp	ZP,SP,PO	23.8-273	-	C	-	-	-	-	-	-	-	C	-	-	-
5.04	Migrant labor camp	ZP,SP,PO	23.8-274	C	C	-	-	-	-	-	-	-	-	-	-	-
5.05	Overnight lodging	ZP,SP,PO	23.8-275	-	-	-	-	-	-	-	-	C	P	P	-	-
5.06	Resort	ZP,SP,PO	23.8-276	-	C	-	-	-	-	-	-	C	P	C	-	-
6 Food and Beverage Sales																
6.01	Brewpub	SP,PO	23.8-281	-	-	-	-	-	-	-	-	C	P	P	C	-
6.02	Restaurant	SP,PO	23.8-282	-	-	-	-	-	-	-	C	P	P	P	-	-
6.03	Tavern	SP,PO	23.8-283	-	-	-	-	-	-	-	C	P	P	C	-	-

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Exhibit 8-1 Land use matrix – continued

7 Vehicle Rental, Sales, and Service	Review	Special Standards	Base Zoning District												
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
7.01 Heavy vehicle sales and rental	ZP,SP,PO	23.8-291	-	-	-	-	-	-	-	-	-	C	-	P	C
7.02 Truck stop	ZP,SP,PO	23.8-292	-	-	-	-	-	-	-	-	-	C	-	C	C
7.03 Vehicle fuel station	ZP,SP,PO	23.8-293	-	-	-	-	-	-	-	-	C	P	C	C	C
7.04 Vehicle repair shop	ZP,SP,PO	23.8-294	-	-	-	-	-	-	-	-	C	P	-	C	C
7.05 Vehicle sales and rental	ZP,SP,PO	23.8-295	-	-	-	-	-	-	-	-	C	P	-	C	-
7.06 Vehicle service shop	ZP,SP,PO	23.8-296	-	-	-	-	-	-	-	-	C	P	-	C	C
7.07 Vehicle storage yard	ZP,SP,PO	23.8-297	-	-	-	-	-	-	-	-	-	-	-	C	C
<b>8 General Sales</b>															
8.01 Convenience retail sales	ZP,SP,PO	23.8-301	-	-	-	-	-	-	-	P	P	P	P	-	-
8.02 General retail sales	ZP,SP,PO	23.8-302	-	-	-	-	-	-	-	C	P	P	C	-	-
8.03 General retail sales, large format	ZP,SP,PO	23.8-303	-	-	-	-	-	-	-	-	-	P	-	-	-
8.04 Outdoor sales	ZP,SP,PO	23.8-304	-	-	-	-	-	-	-	C	C	P	-	C	-
<b>9 General Services</b>															
9.01 Administrative services	ZP,SP,PO	23.8-311	-	-	-	-	-	-	-	C	P	P	P	-	-
9.02 Adult-oriented establishment	ZP,SP,PO	23.8-312	-	-	-	-	-	-	-	-	-	P	-	-	-
9.03 Body-piercing establishment	ZP,SP,PO	23.8-313	-	-	-	-	-	-	-	C	P	P	P	-	-
9.04 Commercial kennel	ZP,SP,PO	23.8-314	-	C	-	-	-	-	-	-	C	P	P	C	-
9.05 Commercial stable	ZP,SP,PO	23.8-315	-	C	-	-	-	-	-	-	-	-	-	C	-
9.06 Equipment rental, large	ZP,SP,PO	23.8-316	-	-	-	-	-	-	-	-	-	C	-	P	C
9.07 Equipment rental, small	ZP,SP,PO	23.8-317	-	-	-	-	-	-	-	-	C	P	-	-	-
9.08 Financial services	ZP,SP,PO	23.8-318	-	-	-	-	-	-	-	P	P	P	P	-	-
9.09 Funeral home	ZP,SP,PO	23.8-319	-	-	-	-	-	-	-	C	P	P	P	-	-
9.10 General repair	ZP,SP,PO	23.8-320	-	-	-	-	-	-	-	C	P	P	P	C	-
9.11 General services	ZP,SP,PO	23.8-321	-	-	-	-	-	-	-	C	P	P	P	-	-
9.12 Health care clinic	ZP,SP,PO	23.8-322	-	-	-	-	-	-	-	C	P	P	P	-	-
9.13 Health care center	ZP,SP,PO	23.8-323	-	-	-	-	-	-	-	-	C	P	P	-	-
9.14 Instructional services	ZP,SP,PO	23.8-324	-	-	-	-	-	-	-	C	P	P	P	C	-
9.15 Landscape business	ZP,SP,PO	23.8-325	-	C	-	-	-	-	-	-	-	C	-	P	-
9.16 Professional services	ZP,SP,PO	23.8-326	-	-	-	-	-	-	-	P	P	P	P	-	-
9.17 Tattoo establishment	ZP,SP,PO	23.8-327	-	-	-	-	-	-	-	C	P	P	P	-	-
9.18 Veterinary clinic, general	ZP,SP,PO	23.8-328	C	C	-	-	-	-	-	-	-	C	-	C	-
9.19 Veterinary clinic, small animal	ZP,SP,PO	23.8-329	-	-	-	-	-	-	-	C	P	P	P	C	-
<b>10 Recreation and Entertainment</b>															
10.01 Driving range	ZP,SP,PO	23.8-341	-	C	-	-	-	-	-	-	-	C	-	C	-
10.02 Golf course	ZP,SP,PO	23.8-342	-	C	C	C	C	C	-	-	-	-	-	C	-
10.03 Indoor entertainment	ZP,SP,PO	23.8-343	-	-	-	-	-	-	-	-	P	P	P	-	-
10.04 Indoor recreation	ZP,SP,PO	23.8-344	-	-	-	-	-	-	-	-	P	P	P	-	-
10.05 Outdoor entertainment	ZP,SP,PO	23.8-345	-	-	-	-	-	-	-	-	C	P	-	C	-
10.06 Outdoor recreation	ZP,SP,PO	23.8-346	-	-	-	-	-	-	-	-	C	C	-	C	-
10.07 Outdoor shooting range	ZP,SP,PO	23.8-347	-	C	-	-	-	-	-	-	-	-	-	C	C
<b>11 Government and Community Services</b>															
11.01 Administrative government center	ZP,SP,PO	23.8-351	-	C	C	C	C	C	-	P	P	P	C	C	-
11.02 Animal shelter	ZP,SP,PO	23.8-352	-	C	-	-	-	-	-	-	-	C	-	P	C
11.03 Cemetery	ZP,SP,PO	23.8-353	C	C	C	C	C	C	-	C	C	C	-	-	-
11.04 Civic use facility	ZP,SP,PO	23.8-354	-	-	-	-	-	-	-	-	-	P	-	C	-
11.05 Community center	ZP,SP,PO	23.8-355	-	C	C	C	C	C	-	C	P	P	C	-	-
11.06 Community cultural facility	ZP,SP,PO	23.8-356	-	-	-	-	-	-	-	C	P	P	P	-	-
11.07 Community garden	ZP,SP,PO	23.8-357	C	P	P	P	P	P	-	P	P	P	P	P	-

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Exhibit 8-1 Land use matrix – continued

			Base Zoning District													
11	Government and Community Services - cont.	Review	Special Standards	A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
11.08	Correctional facility	ZP,SP,PO	23.8-358	-	C	-	-	-	-	-	-	-	-	-	P	C
11.09	Educational facility, pre-K through 12	ZP,SP,PO	23.8-359	-	C	C	C	C	C	-	C	P	P	P	-	-
11.10	Educational facility, post-secondary	ZP,SP,PO	23.8-360	-	-	-	-	-	-	-	C	P	P	P	C	-
11.11	Maintenance garage	ZP,SP,PO	23.8-361	-	C	C	-	-	-	-	-	-	C	-	P	C
11.12	Park	ZP,SP,PO	23.8-362	-	P	P	P	P	P	P	P	P	P	P	P	P
11.13	Public safety facility	ZP,SP,PO	23.8-363	-	C	C	C	C	C	-	P	P	P	P	P	C
11.14	Recreation trail	SP, PO	23.8-364	C	P	P	P	P	P	P	P	P	P	P	P	P
11.15	Unspecified public use	ZP,SP,PO	23.8-365	-	C	C	C	C	C	C	C	C	C	C	C	C
11.16	Worship facility	ZP,SP,PO	23.8-366	C	C	C	C	P	P	-	P	P	P	P	C	-
12 Telecommunications and Utilities [7]																
12.01	Solar energy system	ZP,SP,PO	23.8-371	C	C	C	C	C	C	C	C	C	C	C	C	C
12.02	Stormwater management facility	ZP,SP,PO	23.8-372	C	P	P	P	P	P	P	P	P	P	P	P	P
12.03	Telecommunication facility, concealed	ZP	23.8-373	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04	Telecommunication facility, unconcealed	ZP	23.8-374	P	P	P	P	P	P	P	P	P	P	P	P	P
12.05	Utility installation, major	ZP,SP,PO	23.8-375	C	C	C	C	C	C	C	C	C	C	C	P	P
12.06	Utility installation, minor	ZP,SP,PO	23.8-376	P	P	P	P	P	P	P	P	P	P	P	P	P
12.07	Utility maintenance yard	ZP,SP,PO	23.8-377	C	C	-	-	-	-	-	-	-	-	-	P	P
12.08	Wind energy system, large	-	23.8-378	P	P	P	P	P	P	P	P	P	P	P	P	P
12.09	Wind energy system, small	ZP,SP,PO	23.8-379	P	P	P	P	P	P	P	P	P	P	P	P	P
13 Transportation																
13.01	Airport	ZP,SP,PO	23.8-381	-	C	C	C	-	-	-	-	-	-	-	P	P
13.02	Bus storage facility	ZP,SP,PO	23.8-382	-	C	-	-	-	-	-	-	C	C	C	P	P
13.03	Marina	ZP,SP,PO	23.8-383	-	C	C	C	C	C	C	C	C	C	C	C	C
13.04	Mass transit terminal	ZP,SP,PO	23.8-384	-	-	-	-	-	-	-	-	P	P	P	C	-
13.05	Off-site parking lot	ZP,SP,PO	23.8-385	-	-	-	-	-	-	-	C	P	P	P	C	-
13.06	Parking structure	ZP,SP	23.8-386	-	-	-	-	-	-	-	-	-	P	P	C	-
13.07	Park-and-ride lot	ZP,SP	23.8-387	-	C	C	C	C	C	-	C	P	P	C	C	C
13.08	Railroad line	ZP, BP, SP PO	23.8-388	C	P	P	P	P	P	P	P	P	P	P	P	P
13.09	Street	-	23.8-389	P	P	P	P	P	P	P	P	P	P	P	P	P
14 General Storage																
14.01	Bulk fuel storage	ZP,SP,PO	23.8-401	-	-	-	-	-	-	-	-	-	-	-	P	P
14.02	Personal storage facility	ZP,SP,PO	23.8-402	-	C	-	-	-	-	-	-	-	C	-	P	C
14.03	Truck terminal	ZP,SP,PO	23.8-403	-	-	-	-	-	-	-	-	-	-	-	P	P
14.04	Warehouse	ZP,SP,PO	23.8-404	-	-	-	-	-	-	-	-	-	-	-	P	P
15 Industrial Uses																
15.01	Artisan shop	ZP,SP,PO	23.8-411	-	C	-	-	-	-	-	C	C	P	P	P	C
15.02	Batching plant associated with a nonmetallic mine [21]	ZP,SP,PO	23.4-412	C	C	-	-	-	-	-	-	-	-	-	C	C
15.03	Biofuels production plant	ZP,SP,PO	23.8-413	C	C	-	-	-	-	-	-	-	-	-	-	C
15.04	Construction equipment repair	ZP,SP,PO	23.8-414	-	-	-	-	-	-	-	-	-	C	-	P	P
15.05	Construction equipment sales and service	ZP,SP,PO	23.4-415	-	-	-	-	-	-	-	-	-	C	-	P	P
15.06	Contractor yard	ZP,SP,PO	23.8-416	-	-	-	-	-	-	-	-	-	-	-	P	C
15.07	Industrial, heavy	ZP,SP,PO	23.8-417	-	-	-	-	-	-	-	-	-	-	-	-	P
15.08	Industrial, light	ZP,SP,PO	23.8-418	-	-	-	-	-	-	-	-	-	-	-	P	P
15.09	Nonmetallic mine	ZP,SP,PO	23.8-419	C	C	-	-	-	-	-	-	-	-	-	C	C
15.10	Salvage yard	ZP,SP,PO	23.8-420	-	-	-	-	-	-	-	-	-	-	-	-	C

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Exhibit 8-1 Land use matrix – continued

			Base Zoning District													
16	Solid Waste	Review	Special Standards	A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
16.01	Composting facility	ZP,SP,PO	23.8-431	P	P	-	-	-	-	-	-	-	-	-	P	P
16.02	Recycling center	ZP,SP,PO	23.8-432	-	-	-	-	-	-	-	-	-	-	-	P	P
16.03	Solid waste landfill	ZP,SP,PO	23.8-433	-	C	-	-	-	-	-	-	-	-	-	C	C
16.04	Solid waste transfer station	ZP,SP,PO	23.8-434	-	C	-	-	-	-	-	-	-	-	-	P	P
17	Accessory Uses															
17.01	Adult family home [9]	ZP	23.8-441	P	P	P	P	P	P	P	P	P	P	P	-	-
17.02	Amateur radio antenna [8]	-	23.8-442	P	P	P	P	P	P	P	P	P	P	P	-	-
17.03	Automated teller machine	ZP	23.8-443	-	-	-	-	-	-	-	P	P	P	P	-	-
17.04	Backyard chickens	-	23.8-444	P	P	P	P	P	-	P	-	-	-	-	P	P
17.05	Bed and breakfast [8]	ZP,SP,PO	23.8-445	C	C	C	C	C	-	-	P	P	-	P	-	-
17.06	Boat dock	-	23.8-446	P	P	P	P	P	P	P	P	P	P	P	P	P
17.07	Boathouse [8][24]	ZP	23.8-447	P	P	P	P	P	P	-	-	-	-	-	-	-
17.08	Boathouse, off-site [24]	ZP	23.8-448	-	-	P	P	-	-	-	-	-	-	-	-	-
17.09	Commercial truck parking [8]	-	23.8-449	P	P	P	P	P	P	P	P	P	P	P	P	P
17.10	Deck [23]	ZP	23.8-450	P	P	P	P	P	P	P	P	P	P	P	P	P
17.11	Exterior communication device [8]	-	23.8-451	P	P	P	P	P	P	P	P	P	P	P	P	P
17.12	Family day care home [8]	ZP	23.8-452	P	P	P	P	P	P	P	P	P	P	P	-	-
17.12	Farm building storage	ZP	23.8-453	P	C	-	-	-	-	-	-	-	-	-	-	-
17.14	Farm residence [20]	ZP	23.8-454	P	P	-	-	-	-	-	-	-	-	-	-	-
17.15	Farmstead retail outlet	ZP,SP,PO	23.8-455	C	C	-	-	-	-	-	-	-	-	-	-	-
17.16	Fence	ZP	23.8-456	P	P	P	P	P	P	P	P	P	P	P	P	P
17.17	Foster home and treatment foster home [8]	ZP	23.8-457	P	P	P	P	P	P	P	P	P	P	P	-	-
17.18	Garage, nonresidential [10]	ZP	23.8-458	-	-	-	-	-	-	-	P	P	P	P	P	P
17.19	Garage, off-site residential	ZP	23.8-459	-	-	P	P	-	-	-	-	-	-	-	-	-
17.20	Garage, residential [8,22]	ZP	23.8-460	P	P	P	P	P	P	P	P	P	P	P	-	-
17.21	Garden	-	23.8-461	P	P	P	P	P	P	P	P	P	P	P	P	P
17.22	Gazebo [23]	ZP	23.8-462	P	P	P	P	P	P	P	P	P	P	P	P	-
17.23	Greenhouse [8,13]	ZP	23.8-463	P	P	P	P	P	P	P	-	-	-	-	-	-
17.24	Helipad [11, 12]	ZP,SP,PO	23.8-464	-	-	-	-	-	-	-	-	-	-	-	-	-
17.25	Home occupation, major [8]	ZP,SP,PO	23.8-465	-	C	C	C	C	C	-	C	C	C	C	-	-
17.26	Home occupation, minor [8]	ZP	23.8-466	P	P	P	P	P	P	P	P	P	P	P	-	-
17.27	Hot tub [8]	-	23.8-467	P	P	P	P	P	P	P	P	P	P	P	-	-
17.28	Household livestock, 2.5 acres or more but less than 5 acres [8]	ZP	23.8-468	P	C	C	-	-	-	-	-	-	-	-	-	-
17.29	Household livestock, 5 acres or more [8]	ZP	23.8-468	P	P	C	-	-	-	-	-	-	-	-	-	-
17.30	Indoor sales incidental to light industrial use	ZP	23.8-469	-	-	-	-	-	-	-	-	-	-	-	C	-
17.31	Kennel, hobby [8]	ZP,SP,PO	23.8-470	C	C	C	C	C	C	C	C	C	C	C	-	-
17.32	Kennel, private [8]	-	23.8-471	P	P	P	P	P	P	P	P	P	P	P	-	-
17.33	Lean-to	ZP	23.8-472	P	P	P	P	P	P	P	P	P	P	P	P	P
17.34	Light industrial use incidental to indoor sales	ZP,SP,PO	23.8-473	-	-	-	-	-	-	-	-	-	-	-	C	-
17.35	Mother-in-law suite [8, 23]	ZP	23.8-474	P	P	P	P	P	-	-	-	-	-	-	-	-
17.36	Outdoor display incidental to indoor sales	ZP,SP,PO	23.8-475	-	-	-	-	-	-	-	-	C	C	C	-	-
17.37	Outdoor food and beverage service	ZP,SP,PO	23.8-476	-	-	-	-	-	-	-	C	C	C	C	-	-
17.38	Outdoor furnace	ZP	23.8-477	P	P	P	P	P	P	P	P	P	P	P	P	P
17.39	Parking lot (on-site)	ZP	23.8-478	P	P	P	P	P	P	P	P	P	P	P	P	P
17.40	Patio	-	23.8-479	P	P	P	P	P	P	P	P	P	P	P	P	P
17.41	Pergola [23]	ZP	23.8-480	P	P	P	P	P	P	P	P	P	P	P	P	P
17.42	Play structure [8]	-	23.8-481	P	P	P	P	P	P	P	P	P	P	P	P	-
17.43	Pond	ZP,SP	23.8-482	P	P	C	C	C	C	C	P	P	P	P	P	P
17.44	Private reception venue	ZP	23.8-483	-	P	-	-	-	-	-	-	-	-	-	-	-
17.45	Rural accessory building [8]	ZP	23.8-484	P	P	P	P	P	P	P	-	-	-	-	-	-

continued on next page



Exhibit 8-1 Land use matrix – continued

17	Accessory Uses – continued	Review	Special Standards	Base Zoning District												
				A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
17.46	Service window, drive-up	ZP,SP	23.8-485	-	-	-	-	-	-	-	C	C	C	C	-	-
17.47	Service window, walk-up	ZP,SP	23.8-486	-	-	-	-	-	-	-	C	C	C	C	-	-
17.48	Solar energy system, building-mounted	-	23.8-487	P	P	P	P	P	P	P	P	P	P	P	P	P
17.49	Solar energy system, free-standing	ZP	23.8-488	P	P	P	P	P	P	P	P	P	P	P	P	P
17.50	Storage container, 1 or 2 units	ZP	23.8-489	-	-	-	-	-	-	-	P	P	P	-	P	P
17.51	Storage container, 3 or more units	ZP,SP	23.8-489	-	-	-	-	-	-	-	C	C	C	-	C	C
17.52	Swimming pool	ZP	23.8-490	P	P	P	P	P	P	P	P	P	P	P	-	-
17.53	Temporary shelter [10]	ZP,SP,PO	23.8-491	-	-	-	-	-	-	-	C	C	C	C	-	-
17.54	Utility cabinet	-	23.8-492	P	P	P	P	P	P	P	P	P	P	P	P	P
17.55	Yard shed [13][24]	-	23.8-493	P	P	P	P	P	P	P	P	P	P	P	P	P
18	Temporary Uses															
18.01	Agricultural product sales, off-site	-	23.8-501	-	P	P	-	-	-	-	P	P	P	P	P	P
18.02	Agricultural product sales, on-site	-	23.8-502	P	P	P	P	P	P	P	P	P	P	P	P	P
18.03	Earth materials stockpile, off-site [14]	ZP,SP,PO	23.8-503	-	C	-	-	-	-	-	-	-	-	-	C	C
18.03	Earth materials stockpile, on-site [15]	-	23.8-503	-	P	P	P	P	P	P	P	P	P	P	P	P
18.04	Farmers market [16]	TU,SP,PO	23.8-504	P	P	P	-	-	-	-	C	P	P	P	C	-
18.05	General outdoor sales	TU,SP,PO	23.8-505	-	-	-	-	-	-	-	-	C	P	-	C	-
18.06	Model home	ZP	23.8-506	-	-	P	P	P	P	-	-	-	-	-	-	-
18.07	Off-site construction yard	SP,PO	23.8-507	-	C	C	C	C	C	C	C	C	C	C	C	C
18.08	On-site construction office [17]	-	23.8-508	-	-	P	P	P	P	-	-	P	P	P	P	P
18.09	On-site construction yard [17]	-	23.8-509	-	-	P	P	P	P	-	-	P	P	P	P	P
18.10	Portable storage container	-	23.8-510	-	P	P	P	P	P	P	P	P	P	P	P	P
18.11	Re-locatable building [18]	ZP,SP,PO	23.8-511	-	-	-	-	-	-	-	C	C	C	C	-	-
18.12	Seasonal product sales	-	23.8-512	C	P	P	-	-	-	-	P	P	P	P	P	P
18.13	Snow disposal site	ZP,SP,PO	23.8-513	C	C	-	-	-	-	-	C	C	C	C	C	C
18.14	Special event	TU,SP,PO	23.8-514	-	P	P	P	-	-	-	P	P	P	P	P	-
18.15	Special event of regional significance	TU,SP,PO	23.8-515	-	C	C	C	-	-	-	C	C	C	C	C	-
18.16	Special event of regional significance - camping	TU	23.8-516	-	P	P	P	P	P	-	P	P	P	P	P	P
18.17	Special event of reg. significance - concessions	TU	23.8-517	-	P	P	P	P	P	-	P	P	P	P	P	P
18.18	Special event of regional significance - parking	TU	23.8-518	-	P	P	P	P	P	-	P	P	P	P	P	P
18.19	Wind test tower	-	23.8-519	P	P	P	P	P	P	P	P	P	P	P	P	P
18.20	Yard sale [19]	-	23.8-520	P	P	P	P	P	P	P	P	P	P	P	-	-

## Zoning Districts:

A-1 Agribusiness; A-2 General agriculture; R-1 Rural residential; R-2 Suburban residential; R-3 Two-family residential; R-4 Multi-family residential; R-8 Manufactured/mobile home community; B-1 Local service; B-2 Community business; B-3 General business; M-1 Mixed use; I-1 Light industrial; I-2 Heavy industrial

## Table Key:

A "P" indicates that the use is permitted in the zoning district by right, provided that all other provisions of this chapter are met. These uses generally do not undergo public review, but are reviewed at the administrative level to ensure compliance.

A "C" indicates that the use is permitted in the zoning district as a conditional use provided that all other provisions of this chapter are met.

A "-" indicates that the use is not permitted in the zoning district.

"ZP" indicates zoning permit; "SP" indicates site plan; "PO" indicates plan of operation; "TU" indicates temporary use permit



## Notes:

1. In the A-1 zoning district, a single-family dwelling may be located on a parcel not constituting a farm or on a parcel of land created after April 29, 2012.
2. See s. 23.8-47 for special provisions that may apply.
3. See s. 23.8-48 for special provisions that may apply.
4. A family day care home (4-8 children) is an accessory use and is therefore listed in Series 17.
5. This use may be an accessory use when associated with a worship facility, community center, and the like.
6. A bed and breakfast is an accessory use and is therefore listed in Series 17.
7. An amateur radio station is an accessory use and is therefore listed in Series 17.
8. This use may only occur with a principal residential use.
9. This use may only occur with a principal residential use or with a group day care center.
10. In addition to the zoning districts listed, this use may occur with a governmental or institutional use as a conditional use. This use may also be a principal use; see series 1 through 16.
11. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use.
12. This use may only occur with a health care center as a conditional use.
13. A zoning permit is not required for this use if less than 8 feet in height and occupies a horizontal area of not more than 100 square feet.
14. Earth materials are obtained in whole or in part from another location.
15. Earth materials are obtained on the parcel as part of the land development process.
16. In addition to the zoning districts listed, this use may occur with a public park as a permitted use or with a governmental or institutional use (e.g., church, library or school) as a conditional use.
17. When this use is in place for more than 365 days, it is considered a conditional use.
18. This use may only occur with a governmental or institutional use (e.g., church, library, or school) as a conditional use.
19. This use may only occur with a principal residential use or with a governmental or institutional use (e.g., church, library, or school).
20. In the A-1 zoning district, no more than one farm residence may be located on a base farm tract as designated by the Board of Supervisors by resolution.
21. A batching plant when not associated with an approved nonmetallic mine is classified as heavy industrial (See 15.07).
22. See s. 23.8-45(d).
23. This structure shall be considered an accessory structure even though principal building setbacks may apply.
24. These structures do not count towards the maximum number of detached accessory buildings or towards the maximum accessory area allowed in the zoning district.



**SITE PLAN**

**LOT 1**  
91,083 SQ.FT./2.091 AC.

**LOT 2**  
435,881 SQ.FT./10.00 AC.

**LOT 3**  
5,558 SQ.FT./0.127 AC.

**PHASE 1:** 41,525 S.F. INDOOR STORAGE  
36,480 S.F. OUTDOOR STORAGE  
STORM WATER BASINS

**PHASE 2:** 24,000 S.F. OUTDOOR STORAGE

**PHASE 3:** 48,000 S.F. INDOOR STORAGE

**PHASE 4:** 48,000 S.F. INDOOR STORAGE

**PHASE 5:** CONVERT OUTDOOR STORAGE TO 24,000 S.F. INDOOR STORAGE

**LA CROSSE DRIVE**

**BENCHMARK**  
TOP NUT OF HYDRANT  
ELEVATION = 842.07

**BENCHMARK**  
TOP NUT OF HYDRANT  
ELEVATION = 844.53

**18" CMP**  
N INV. = 837.95  
S INV. = 838.07

**212.66'**

**247.38'**

**247.40'**

**369.58'**

**707.42'**

**337.84'**

**669.94'**

**397.50'**

**20.0' WIDE PERPETUAL RIGHT AND EASEMENT PER DOC. 696391 AS SHOWN ON CSM 5109**

**50' BUILDING SETBACK LINE AS SHOWN ON CSM 5109**

**50' E-11 DRWG SETBACK LINE AS SHOWN ON CSM 5109**

**EVERGREEN LANDSCAPE BERM**

**POND**

**SCALE IN FEET**

**N**

**S.T.H. "21"**

### TOPOGRAPHIC LEGEND

11	1" x 12" WOOD PIPE SET	—	DECREASE POWER LINES	GO	GO VALVE
12	1-1/4" x 12" WOOD PIPE SET	—	UNDERGROUND ELECTRIC	—	EXIST TRIMM W/VALVE
13	1-1/2" x 12" "SET	—	UNDERGROUND TELEPHONE	—	EXIST TRIMM
14	1" WOOD PIPE FOUND	—	UNDERGROUND ELECTRIC	—	YARD SIGN
15	1-1/4" WOOD PIPE FOUND	—	UNDERGROUND TELEPHONE	—	EXIST SWAMPY AREA
16	1-1/2" WOOD PIPE FOUND	—	UNDERGROUND GAS	—	EXIST SWAMPY W/VALVE
17	1" IRON PIPE FOUND	—	EXIST FENCE LINE	—	EXIST SWAMPY
18	1-1/4" IRON PIPE FOUND	—	DO NOT	—	EXIST SWAMPY
19	1-1/2" IRON PIPE FOUND	—	DO NOT	—	EXIST SWAMPY
20	CONCRETE FOUND	—	DO NOT	—	EXIST SWAMPY
21	REINFORCED CONCRETE	—	DO NOT	—	EXIST SWAMPY
22	REINFORCED IRON	—	DO NOT	—	EXIST SWAMPY
23	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
24	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
25	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
26	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
27	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
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77	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY
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79	CONCRETE PILE	—	DO NOT	—	EXIST SWAMPY

LOCATED IN THE SOUTHEAST 1/4  
OF THE NORTHWEST 1/4 OF  
SECTION 13, T 18 N, R 15 E, IN  
THE TOWN OF OMRO,  
WINNEBAGO COUNTY, WISCONSIN

SCALE	DATE
BAR SCALE	12/20/2019

G-1430-002de.dwg

DRAWING NO.  
C1.1



**RE: Alternte parcel for storage 032219**

Kevin Mraz <kevin@algomasd.org>

Mon 3/25/2019 2:01 PM

To: 'Brian Noe' <chairman@townofomro.us>; 'Tom Tuschl' <pcchairman@townofomro.us>

Cc: 'Kern, Rich' <richakern@charter.net>; 'Rowe, Cary' <CRowe@co.winnebago.wi.us>; 'Eric Wagner' <ejwags@hotmail.com>; 'Wally Wagner' <wawags72@hotmail.com>

Brian,

Both of these parcels are in the Algoma Sanitary District.

The Algoma Sanitary District has installed a 4" water service line up to each property line. The District also has a sanitary sewer line up to each property line as well. We do not have an easement on either lot as the utility services stop at the property line.

All the Special Assessments have been paid in full.

The water and sewer mains are in the road ROW frontage of each lot. If you need specific drawings we can send them for exact locations, but since this proposal does not use water and sewer the exact location may not be an issue for this approval.

Let me know what other information we can provide to assist you.

Respectfully,

**Kevin Mraz**

Director of Public Utilities

Town of Algoma Sanitary District #1

3477 Miller Drive

Oshkosh WI, 54904

Tel: (920)426-0335

Fax: (920)426-1181

**From:** Brian Noe <chairman@townofomro.us>

**Sent:** Saturday, March 23, 2019 12:31 PM

**To:** Tom Tuschl <pcchairman@townofomro.us>

**Cc:** Kern, Rich <richakern@charter.net>; Mraz, Kevin <kevin@algomasd.org>; Rowe, Cary <CRowe@co.winnebago.wi.us>; Eric Wagner <ejwags@hotmail.com>; Wally Wagner <wawags72@hotmail.com>

**Subject:** Re: Alternte parcel for storage 032219

Hello Tom,

I believe that many of the same issues / concerns would apply to these parcels.

Cary,



Is there any possibility of addressing this with a planned development that is specific to this project and would provide protection from other less desirable uses possible if the zoning is changed to B-3 and would allow more control to alleviate some of the concerns with this proposed development?

**Brian Noe**, Town Chairman

*This message originates from Brian Noe. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Law. If this message is sent to a quorum or a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.*

On Fri, Mar 22, 2019 at 12:49 PM Tom Tuschl <[pcchairman@townofomro.us](mailto:pcchairman@townofomro.us)> wrote:

Brian,

A call came in from Wally Wagner this morning. He was suggesting moving the self storage project over to the west to the corner of 21 and Marquart. He would be looking at two parcels: 16-0368-06 and 016-0368-05. Together they make up about 8 acres which are zoned B-2. Access to the parcels would be off Marquart.

Since I missed the existing infrastructure on the first plan I am reluctant to say outright that this is a better option.

Note that I have cc'd Eric and Wally in this inquiry.

It seemed that the biggest objections in the first project were existing infrastructure and B-3 so close to residential. Are those two objections still present with this new proposal?

Kevin,

What is in the ground on these parcels?

Cary,

GIS says the City of Oshkosh shows these two as future residential but the Town shows future commercial. Did the last response from the City account for these parcels as well?

--

Tom Tuschl--Chair--Town of Omro Plan Commission

--

Brian Noe

Town of Omro Chairman





# OMRO HERALD

NUMBER 3

THURSDAY, JANUARY 16, 2020

\$1.00 PER COPY

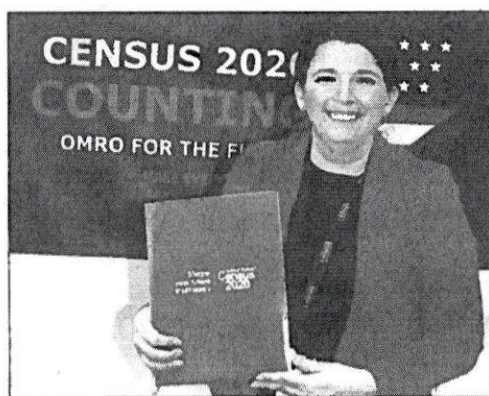
## Census challenge will be responses from possible hard-to-count subjects

By Tony Daley

Despite the mission to get counts of everyone for this 10 year cycle's 2020 U.S. Census, enumerators, field workers, and other personnel are still going to have a harder time getting all the data, especially from sources of what the Bureau calls "hard-to-count" subjects in the nation's population.

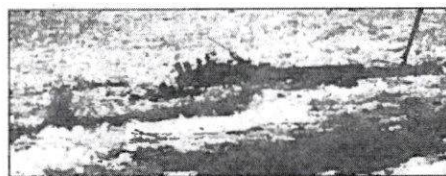
Giving her administrative report to the Common Council on Tuesday, January 7, Omro's City Administrator Linda Kutchenritter, discussed the recent Complete Count Committee's meeting with Census Partnership Specialist Dawn Miller.

Kutchenritter repeated some of the HTC (hard-to-count) populations that may challenge Census



GETTING COMPLETE COUNTS may be challenged by some people not wanting to answer questions, a problem with solutions, according to Dawn Miller.

SEE CENSUS, PAGE 4



OMRO HERALD PHOTO

DEBRIS OF A DOWNED POWER pole remains in a Town of Omro field at the intersection of State Highway 21 and Rivermoor Road

## Driver injured in one-car crash

By Tony Daley

A single-vehicle crash late night Monday, January 13, where a truck caromed into a stop sign and downed a power line pole at the intersection of Highway 21 and Rivermoor Road, sent the seriously injured driver to the hospital and cut electrical power to hundreds of area residents.

According to information from Patrol Lieutenant Jeff

Meyer of the Winnebago County Sheriff's Office, law enforcement responded to the single-vehicle accident at 11:19 p.m. to the Town of Omro intersection.

Meyer indicated, "A witness reported a truck traveling west on Highway 21. The truck entered a south ditch and struck a stop sign and a utility pole before coming to rest in a field."

SEE CRASH, PAGE 10

## Town planners recommend zoning, conditional use on storage facilities

By Tony Daley

Nothing is finalized yet.

But things are moving closer to a developer starting to build storage facilities on 10 acres fronting Lacrosse Drive near the Barony Country Estates residences close to the Sand Pit Road intersection in the

Town of Omro.

Deciding to pass an agricultural zoning change, conditional land use permit, and certified survey map on to the town board, the Planning Commission on Thursday, January 9, provided input on the project, which has been the object of several heated talks since early 2019 among officials

and members of the public.

Planners by a majority recommended the zoning change from B-2 business to A-2, along with stipulated conditions for permitting of a storage-facilities project.

That project is still pending sale of targeted 10 acres by owner Harve Ross to developer Eric Wagner.

The project is also pending two more steps, as identified at the outset of last week's meeting by Town of Omro Planning Commission Chair Rich Kern.

"Before getting started, I want everyone to understand, this commission and the

SEE ZONING, PAGE 4

## ATV/UTV coordinates with city for route sign donations

By Tony Daley

ATV/UTV travel within the City of Omro is getting closer to its 2020 start.

Signage for new ATV/UTV routes will be coordinated through an Omro terrain club collecting donations that will go to the City of Omro.

The city will own and has agreed to maintain the permanent signs once they are put up, officials agreed at the Tuesday, January 7 Common Council session.

The actions follow adoption of an extensive ATV/UTV ordinance by the City of Omro in 2019, governing safety, provisions, route allowances, and other features of all-terrain transportation within the city limits.

**"THEY WOULD BE OWNED BY THE CITY."**

—LUD WURTZ

Currently affiliated with the already established Fox River Wheels terrain club operating out of the City of Berlin, the Omro ATV/UTV club is working on donations for the signs, said terrain advocate, Todd Cimermanic, who was part of the city's ad hoc subcommittee tasked with researching and drafting Omro's new ATV/UTV legislation, which was eventually ordained by the Common Council.

SEE ATV/UTV, PAGE 5

## Omro man charged with making terrorist threats

By Omro Herald

An Omro man is charged with a felony for allegedly making terrorist threats.

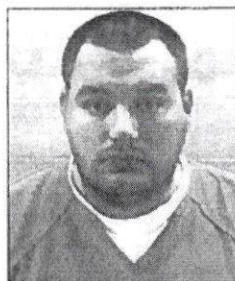
Joel B. Faust Jr., 31, listed in state judicial records as residing in the 200 block of Jefferson Avenue, is charged with one felony count of terrorist threats – public panic or fear, according to a criminal complaint filed on January 8.

A supporting affidavit indicates the scene of the offense the Kwik Trip store in the City of Omro's downtown.

Report notes indicate a police call around 3 a.m. on the morning of January 4 dispatching Omro Police to the location, after a 911 call was made by an unidentified male subject.

According to the criminal complaint, the male subject "stated that he had everyone inside the Omro Kwik Trip at gunpoint."

Three calls came in from



JOEL B. FAUST JR.

On the first call, the male stated he had "everyone at gunpoint," before the 911 hang-up, the supporting affidavit states.

On the second call, the man stated that "everyone was going to die and they better send the cavalry."

On the third call, the man stated "hurry up, there's bullets flying

Omro Police arrived at the store at approximately 3:12 a.m., when the officer parked his vehicle in the lot near the gas pumps and deployed his service rifle, states the affidavit.

Complaint reporting adds about the defendant, Faust, "The male had two objects in his hands that [the Omro officer] could not identify. However, the object in the man's left hand appeared silver and metallic."

Further report notes state that, when the officer pulled up, "The man waved this object at him."

Although the Omro officer self-identified and ordered the defendant to drop anything he had in his hands, Faust "continued to walk westbound ... in [the Omro Police officer's] general direction, and continued to ignore orders," states the complaint.

Affidavit narrative indicates that the defendant was again



## ATV/UTV presentation nearing for town board Zoning

By Tony Daley

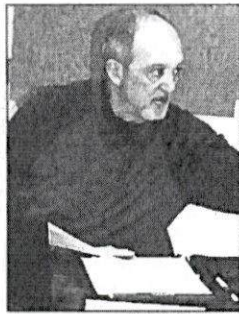
ATV/UTV talks were postponed at the Thursday, January 9, Planning Commission meeting. But the latest delay is only going until the February planners' session.

For several months, a subcommittee of planners Rich Kern, Commission Chair, and fellow planning member, Chris Muscha, has worked on researching all-terrain legislation potentially applicable to the town.

January 9's latest talks filled town hall seats with terrain supporters, who have been awaiting an official town decision and move forward to get terrain transport going.

While information from Winnebago County might be returned to the Planning Commission via Town Chair Brian Noe, according to Kern, the "committee of two" researching ATV/UTV implementation in the Town of Omro is leading toward a February wrap-up, at least at the commission level, to "have a proposal ready for the February town board meeting."

Kern added, "We've gathered a great deal of information already



OMRO HERALD PHOTO

**RESEARCH IS COMING to a close on ATV/UTV issues through subcommittee work in the Town of Omro, as discussed during the Planning Commission meeting on January 9 with Chairman Rich Kern.**

that we're going to condense and present to the board for a recommendation. We do have a draft ordinance we're going to start with, the board may amend or change it."

Kern emphasized, "But we should be able, at the February

meeting, to close this out at our level. I think we have most, if not all, of the information we need. We have a draft ordinance and a map."

Fellow ATV/UTV subcommittee researcher Muscha concurred. "Rich and I will knock it out. I have a pretty good handle on the ordinance draft."

According to Muscha, he took legislative pieces from difference ordinances throughout the state.

He added about the immediate future of the subcommittee ATV/UTV work and nearing completion, "I think it should be pretty smooth going."

Muscha has also been talking with some ATV/UTV public constituents about issues such as a local clubs' readiness to disperse signage in the Town of Omro as soon as terrain travel becomes part of municipal code.

The same club work on local signage is proceeding apace in the neighboring City of Omro, which passed its own ATV/UTV ordinance in December 2019, following the legislative lead earlier that year by the Rushford Township with its own ordinance enactment.

CONTINUED FROM PAGE 1

town, including its board, only act in an advisory capacity regarding zoning and conditional uses. What we do here is not binding [on Winnebago County.]"

Residents around the proposed Wagner project, if the land is purchased from Ross, again packed Omro's Town Hall, taking issue with not only the nature of the storage project but also with the way town government in Omro has handled the whole matter from the beginning.

However, Kern reminded the public that its input was restricted to opinions that could be taken "into consideration" by the Planning Commission for its submission to the town board.

The town board, in turn, would also have no power in zoning/CUP (conditional use permit) matters except for its own advisory input made to the county.

"We don't have the power to say yes or no at this level or at the board level. It's the county that will make the decision," Kern emphasized.

Asked by a citizen if it were a common occurrence for the county to overrule what the town recommends, Kern replied, "If we include any conditional uses that the county says aren't going to fly, that are onerous or unreasonable, they can kick it out. That's one of the reasons we try very hard not to go overboard. We want reasonable conditions for the developer, and one of the things that Chris [Muscha, the sole dissenting vote against sending on the certified survey map, zoning, and conditional use permit to the town board] is going to recommend tonight, as a condition, is that the Planning Commission actually take some oversight over the construction process, to ensure that all the conditions are met in a timely fashion."

Planning commissioner Muscha had much more to say, points going to what he explained to this newspaper on Friday, January 10, as two main points he was bringing up to the public and fellow planners on Thursday night: "Community impact and public safety."

Muscha claimed the matters having not been given sufficient attention by the developer, Eric Wagner, who was present with his father, Wally, who manages storage facilities closer to the City of Oshkosh; nor were the community-impact and safety subjects amplified enough by Planning Commission members during talks that were extended several extra time segments during the lengthy January 9 session.

For Muscha, the storage project proposal, governmental decision process, and committee level activities seemed to have progressed to what he suggested was almost a foregone conclusion.

Certainly, in terms of dealing with conditional land uses, criteria, and the restrictions on commission input on zoning jurisdiction, there was nothing much town government or outcries from the people could accomplish.

ing that there is no political pressure constituents can exert or governmental officials can exercise when it comes to critical jurisdictional zoning and use permission, whether of a safety or community nature.

Kern brought up an important point about the entire zoning direction taken for the storage facilities being targeted to go across the street from the Barony Country Estates.

Under the business B-2 zoning that exists right now for those 10 acres owned by Ross and being tendered to developer Wagner, storage facilities can go on the land without rezoning, only with conditional uses as advised — only advised — by the town for Winnebago County's ultimate evaluation.

Kern pointed out that the Planning Commission endeavored since 2019 to at least put those acres into A-2 agricultural zoning, instead of, for example, a B-3 business jurisdiction that would have effectively opened up the land for more types of businesses, perhaps many even more onerous to the Barony residents who already are extremely opposed to storage facilities fronting Lacrosse Drive.

But the bottom line is that, even the storage lockers, which Muscha claimed are "not something that people want," at least among many of his neighbors, "Public input may count for little. The only thing we can do is put on conditions at the level of the Planning Commission, which recommends zoning issues," while those public safety and community impact issues go by the wayside.

Kern noted that the storage project, if developed, would be implemented in phases.

In the first phase are scheduled what Kern described as "really only three rows of buildings," but mentioned the possibility of the second phase potentially having built "outdoor storage," although that option could wind up being converted to structures, as well.

As part of planned conditions under the CUP's conditional array, one stipulation the Planning Commission is recommending to the Town of Omro board is that any building "not specifically identified in the original site plan will have to be compatible" with those original structures originally set out in drawings and design materials.

Kern added, "There is an agreement with the developer to put a berm across Lacrosse Drive, two to three feet high or potentially higher, and line it with trees."

However, kind, copse arrangement, and species of trees may wind up coming down to issues of what might be "cost-prohibitive" for the developer, Wagner, Kern indicated.

"We're going to be looking at what is reasonable and feasible," Kern said about planners' addressing this as part of initial conditional-use deliberations, which also initially involved the berm fronting the entire storage complex.

Wagner spoke up, saying, "That is not true. We're going to leave that land to the west untouched,

## Census

CONTINUED FROM PAGE 1

data collection in Omro including students, hotels, and other Omro community segments also mentioned at the Monday, January 6, kickoff count session by City Clerk Barbara Van Clake.

"The mobile home park might be one of the targeted audiences," said Van Clake.

The 2020 Year has U.S. Census officials emphasizing the importance of garnering as much informational feedback from citizens as possible, while also ensuring privacy, as Miller told the Omro Complete Count Committee volunteers during their startup training, orientation, and planning meeting.

Yet how will the Census reach everyone over its timeline leading up and past the April 1 Census Day when there may be uncertainty, distrust, or caution about replying about personal information?

A member of the Omro 2020 Complete Count Committee, Michelle Jeske, also the Chief Polling Inspector for the City of Omro, told fellow count volunteers that she'd been approached by a lady who had received questions and who asked her opinion about giving data.

"She told me she wasn't interested in turning in the questionnaire due to some of the questions that were asked," Jeske explained.

Those kinds of privacy concerns are shared among some citizens and may be exacerbated in some hard-target respondents' groups such as ethnic, transient, or multiple living unit populations fearing reprisals or intervention from law enforcement or immigration personnel, despite what Miller described as oaths of allegiance for preserving Census data and a number of Bureau protocols related to collecting, compiling, and utilizing Census information.

Such concerns are nevertheless mobilizing Census workers nationwide to strategize ways for effective special outreach to those hard-to-count contingents, Miller indicated during her Omro orientation.

Still, some questions may worry some people or provoke resistance in others, indicated Jeske, who gave as an example given to her, "When do you leave for work?"

Jeske said about the woman who asked her advice, "Her concern was, she has minor children at home, and she said, 'There's no way I'm going to tell these people when I leave for work, when I have minor children at home.'"

But the woman wanted Jeske's help, asking about

Survey," which are data tools and resources utilized to, as the literature for the committee stated, "discover your community" through a fact-finding "data access tool developed by the U.S. Census Bureau for the public."

Although such survey tools "also come out from the U.S. Census," as Miller said, she remarked about Jeske's advice to people worried about confidentiality, "I think that was great advice to call the Census."

Jeske concurred, "Give them your concerns over the phone, by talking to a human, and it's not going through the mail."

Otherwise, the challenge for reaching some populations will bear on the 2020 U.S. Census, Jeske indicating that citizens do have a legitimate concern about "their information being out there. It is hard to get people to send stuff like that in. That's the biggest uphill [battle]," Jeske noted.

However, Miller advised the Omro 2020 Complete Count Committee on some helpful ways to ask those questions by looking at why those questions are asked and therefore being prepared.

Part of the materials reviewed by the Omro 2020 Complete Count Committee volunteers was a "Why We Ask" document giving a "snapshot of the nation" about how the "Census results affect your voice in government, how much funding your community receives, and how your community plans for the future."

U.S. Census questions include:

- Population count (number of people living or staying at an address)
- Any additional people living or staying, as a way of ensuring that people are only counted once, and at the right place according to where they reside on Census Day
- Owner/renter in order to create statistics about homeownerships and renters, which can be used as indicators of the nation's economy and help in administering housing programs and informing planning decisions
- Phone numbers in case of needed contact, with assurances said numbers will not be shared
- Additional questions request data on name, sex, age, date of birth, and race.

The United States Census 2020 will also be asking about "Hispanic, Latino, or Spanish Origin," in order to create ethnicity related group statistics. These data are indicated in the literature shared by the Omro Census volunteers as "data collected...



her responsibility for replying to such questions: "Am I going to get in trouble for not doing this?"

Jeske's answer was, "My suggestion would be to call the Census and tell them your concern. And, as a parent, yeah, I probably wouldn't answer that question either, and say, 'It's none of your business.'"

Miller noted that the question probably came from what she called "the American Community

needed by federal agencies to monitor compliance with antidiscrimination provisions, such as under the Voting Rights Act and the Civil Rights Act."

For more information about Omro's part in the U.S. 2020 Census, contact Omro City Hall's Barbara Van Clake, Clerk and Deputy Treasurer, at (920) 685-7000, Fax (920) 685-7011, or email: [bvanclake@omro-wi.com](mailto:bvanclake@omro-wi.com).

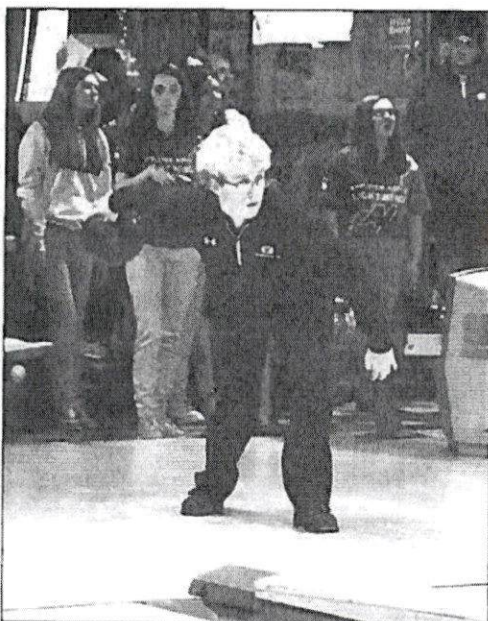
Said Muscha to the *Omro Herald* the day following the planning debates, "At the town level it's almost a moot point when it comes to public input on land development. There is nothing that the public can really do."

Essentially, Muscha was claim-

but it is in phases, and it does cover a good distance. There's a spillway that leads into the detention pond ... but beyond that, the berm will not be done."

The reason for that, said Wagner, was the developer "hoping to lease that back for agricultural use."





MITCH KALLAS TOTALED a team-high 24 strikes in two matches last week for the Omro bowling team.

## Omro splits pair of matches

By Steve Clark

The Omro High School bowling team split a pair of matches last week, beating Appleton West on Tuesday before failing to Appleton North at Legends Lanes on Thursday.

Omro fell behind 3-1 against Appleton West but rattled off wins in the final five games to win 6-3. The Foxes averaged 224 per game over the final games with a high mark of 246.

For the match, Omro averaged an impressive 202 and outscored Appleton West by more than 300 pins.

Mitch Kallas had a big night to lead Omro, totaling 13 strikes and four spares in his 18 frames. Brenden Retzlaff finished with nine strikes and 15 marks overall, while Riley Schuster and Ian Yost each had eight strikes and 16 marks in the match. Jonah Hayes added seven strikes in 10 frames.

Things went the other way against Appleton North as Omro won three of the first four games, but then lost the final five to drop a 6-3 decision.

The Foxes topped the 180 mark in six of the nine games in the match and went over 200 pins three times with a high game of 219. Omro averaged 190 per game.

Kallas once again led the Foxes



BRENDEN RETZLAFF FINISHED with 17 marks, including 10 strikes, in Omro's match against Appleton North last Thursday.

in strikes with 11, while Retzlaff had 10 and Yost had nine. Hayes and Retzlaff each finished with 17 marks in 18 frames.

Omro remains atop the Division 2 standings in District 8A with a 6-3 record.

Omro's next match will be Tuesday, January 21, at Oshkosh North.

## Foxes fall to Laconia in Flyway dual

By Steve Clark

The Omro wrestling team got off to a strong start against Laconia but couldn't keep the momentum rolling as the Foxes fell to the Spartans, 48-36, in a Flyway Conference dual meet on Thursday, January 9.

The Foxes won the first four weight classes to build a 24-0 lead, but Laconia collected wins at the next eight to secure the victory.

Four of Omro's six wins came via forfeit, while the Foxes also got two pins on the night.

Kaden Besaw stopped Ted Holdmann in 4:30 at 126 pounds, while

## Property owners angry, confused over storage facilities across Barony Estates

By Tony Daley

The Omro town meeting of the Planning Commission on Thursday, January 9 was long and marked by property owners expressing anger, frustration, and confusion.

The reason is the same this year as it has been since early 2019: plans still afoot to build storage facilities on Lacrosse Drive across from the Barony Country Estates, if owner Harve Ross sells 10 acres to Oshkosh resident and developer, Eric Wagner.

Although town planners voted by majority to recommend to the town board rezoning to agricultural jurisdiction, along with a conditional use permit (CUP) and certified survey map, the zoning matter awaits a final Winnebago County decision.

But some Barony neighbors are continuing what appears to be an escalating battle that is causing emotions to run high, even among some Omro town officials such as Planning Commissioner Barb Meyers, who seemed near tears as she addressed one citizen's comment during the long January 9 session.

The start was a subdivision property owner speaking out, as others of the Barony Country Estates did, about what is being perceived as the way the town's Planning Commission has worked on the entire matter of a storage-facilities use for Ross's 10 acres fronting Lacrosse Drive just west of the Sand Pit Road intersection.

"This goes back to what I said at the very first meeting," the property owner began referring to a 2019 planners' meeting attended by the developer. "I got up and spoke ... this looks like a done deal."

The property owner further claimed, "And we're just here for no reason. We just go through enough of these meetings until he can get it to the correct people to get paid off, so he can get what he wants ... and I said, he's going to get his way, and that's exactly what's happened."

After requesting the floor, an emotional Meyers replied, "I have been on this Planning Commission ... how many years, and you saying something like that ... is just horrible."

When the property owner replied that he was not saying it was the Planning Commission that had gotten allegedly paid off, "I'm not insinuating that," Meyers replied, "Yes you are."

Over several outbursts from the audience, Meyers added, "This is where town government starts ... we can be overridden any time, but we have to follow the rules, too."

Citing the longtime zoning of the Ross-owned acreage, which is still in a B-2 business jurisdiction, Meyers emphasized, "I'm sorry, but something is going to go on this property. I know you don't like it."

Meyers explained the Planning Commission only deciding on what she claimed would cause "the least amount of stress in the neighborhood ... but at this point, with the zoning the way it is, there's not going to be a choice. And this is what we're deciding now, for you, whether you want to believe it or not."

Another Barony Country Estates

the residents. We have come out, we had 40 people here telling you we don't want a storage unit."

The issue of community impact was something Planning Commission member Chris Muscha, the dissenting vote, told this newspaper was part of the reason he went against the majority voting bloc, although the commission, considering Muscha as himself a Barony Country Estates property owner, decided that he did not have to recuse himself from the decision-making process, but could remain an integral part of deliberations preparing the Ross/Wagner development conditions, map, and jurisdictional pieces for submission to the town board.

If built, the storage units would front on Lacrosse Drive, itself already signified as a "frontage road" and one that could incur east and west extensions as such if certain Department of Transportation plans for four-lane, undivided Highway 21 project mooted by town planning chair, Rich Kern, ever becomes a reality in the disputed 21 corridor.

Muscha said he was aware of the Lacrosse Drive frontage designation when he bought his property in the Barony.

Moreover, last year, the Town of Omro, as noted by Meyers, extended unilateral commercial zoning all along its adjacent lands parallel the highway.

Nevertheless, outcries from some citizens are appearing to continue and may grow stronger, with potential for a packed town hall when the Ross/Wagner storage facilities issue comes before the town board likely to convene later in January.

Some citizens are continuing to say they are perplexed over the way the Omro town government has been representing this storage issue's multiple interests and how, specifically, the Planning Commission has been working through the procedures.

Said one Barony Country Estates homeowner to the Planning Commission, "I'm really confused how you guys are talking, it already sounds like there've been many discussions on this, and you guys are moving forward."

After Kern explained "I've had many discussions, the Planning Commission has not," the property owner went on, "I'm scratching my head. I thought we got to give our opinion before you guys even talked about the rezoning, which you guys shot down once. Please clarify to me, this sounds to me like, holy cow, this is a done deal. Please clarify how we're supposed to go about this. We had an original meeting where it was refused for rezoning."

In reply, Kern said, "First of all, at this level, you can't shoot down anything. We might include your suggestions ... at that original meeting, the zoning request was for B-3. The zoning request has been changed to A-2."

Since the Ross acreage is still in business jurisdiction B-2, the change to B-3 would have opened up more business options, something the Planning Commission wound up opposing.

there, if it's zoned B-3, the list that can go in on that property is huge."

According to Meyers, the Ross parcels have been zoned commercial for over 20 years.

However, as Muscha confirmed to this newspaper on January 10, planners did establish some safeguards, one item of the conditional use permit (CUP) being to continually monitor the storage development, and to reassess adherence to the CUP and review for infractions, going forward.

Nevertheless, citizens hearing Kern and Meyers talk about the "bad businesses," which might have gone on to Ross's land under either B-2 or B-3 zoning, wanted to focus instead on what one property owner called "the positives."

Another issue was that those parcels had, at municipal expense years ago, aligned with then-current development plans, put in sewer and water infrastructure.

Those utilities were precisely a development point brought up at a previous planning session by Town of Omro Board Chair Brian Noe, who indicated that the Ross parcels' sale might be better served by a business or operation that would at least make use of its water/sewer infrastructure.

Speaking to that municipal planning point, which now appears to have been discarded in light of Ross' intentions to sell to Wagner for storage uses that would not fully exploit the parcels' water/sewer utilities potential, a citizen remarked, "It seems to me we're settling for the first thing that came along, for the first guy, and just rezone this and let them have it, and forget about what you guys envisioned when you put in sewer and water. I'm really confused about where this whole process is going."

Kern's rejoinder was, "The first issue is ... does the owner of the property have the right to sell it, to whoever he wants?"

Kern claimed to have researched the "negatives" associated with storage facility units bringing high numbers of unwanted visitors, increased traffic volume, and crime to neighborhoods, and critiqued the critical citizens for bringing only their "opinions" and not "facts" to the Planning Commission to make any kind of case.

Kern noted, "Planners cannot base our decisions on feelings," adding that policy goes to whether a project falls in lawful compliance while meeting municipal regulations as for coded site plan development criteria or town requirements for roadways, paving, and safety.

"And all those issues, if [a project] meets that, we can't tell the property owner they cannot do a project allowed by law."

Meyers addressed the audience, "This is all part of the planning process ... and your concerns what goes in there ... unfortunately, we only consider so much."

But several citizens asked about the validity of Kern's allegedly "debunking" statistics on storage units. "What are those facts?" asked a property owner.

Finally having a chance on the floor, landowner Harve Ross spoke

\* #2



Kyle Diezels needed just 23 seconds to collect the win over Aiden Last at 220 pounds.

Bryce Crowley (106), Reese Miller (113), Garrison Vandenberg (120) and Easton Potratz (285) won by forfeit for the Foxes.

Omro will return to the mat on Thursday, January 16, with a conference dual meet at Winnebago Lutheran. The Foxes will then travel to the Markesan Invitational on Saturday.

property owner rebutted by claiming that the Town of Omro Planning Commission had "decided for the residents, in the Barony what you want to go in."

When Meyers said, "That's our job," the woman added, "But we are

"One of the concerns the commission had, if it were changed to B-3, we'd lose all control over that parcel. The question was, down the road, if the developer said [storage facilities were] not a good investment, and wanted to put another business in

on what he called "the other side of the story there."

He said, "When you guys built those houses, you weren't required to ask me about whether they looked perfect or what color or siding they would have."





# OMRO HERALD

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\$1.00 PER COPY

## Owen Joseph Vowels carries on tradition as 2020 Omro First Baby

By Tony Daley

Omro 2020 First Baby Owen Joseph Vowels is not the first "first" for the parents' families.

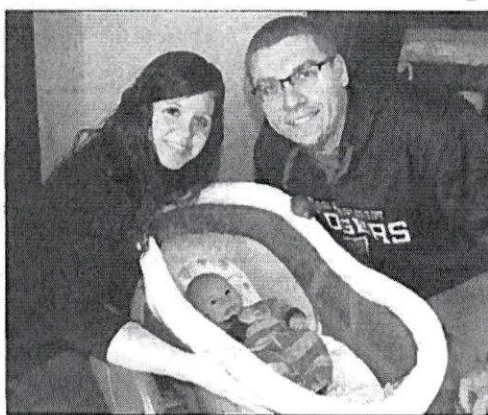
"We have a few fun facts to add," beamed First Baby mom, Hannah, almost a week after Owen's birth on Tuesday, January 14 at 8:04 a.m.

Weighing in at seven pounds and 10 ounces, Owen was 21.5 inches long, attended by personnel of the Aurora medical group.

Owen's mom, Hannah, and papa, Brad, shared some historical first baby facts.

In 1992, Hannah was herself the Omro First Baby, born to parents John and Sheri Egan, now Owen's maternal grandparents.

Amanda, Brad's sister, was the 1988 Omro First Baby, born to



PROUD PARENTS BRAD AND Hannah Vowels were all smiles with newborn Owen on Monday, January 20.

SEE FIRST BABY, PAGE 12

## Board kicks ATV/UTV issue back to Planning Commission

By Tony Daley

ATV/UTV fans will need to rebound again from another stall at the Omro town board level, after officials unanimously voted on motions made Monday, January 20, to send all-terrain talks back to the Planning Commission for a more finalized informational submission to the board in February.

The town board's position on policing as a negative factor in resisting ATV/UTV legislation was in part expressed by Chair Brian Noe. "We don't have the ability to enforce, police, or register those things."

The latest marathon ATV/UTV meeting talks bore down on an agenda of potential problems underscored by new data brought back from town board

members Noe and Dave Freiss from a recent multi-jurisdictional town-unit meeting of around 50 officials convened in Winnebago County.

Ordinance enforceability and monitoring were part of that unit meeting, where there was input by the DNR, one official attributed by Noe as saying that the agency was not going to act to enforce ATV/UTV legislation if passed in the Town of Omro, which does not have its own police force.

Noe clarified for the audience of ATV/UTV supporters on Monday night that no matter what the Planning Commission submitted to the town board, and no matter what kind of ordinance draft was put on the table, the town board itself

SEE ATV/UTV, PAGE 7

## WisDOT study looks at Highway 21 use, possible expressway future

By Tony Daley

Highway 21 as a planning hub for potential development into an expressway has been talked about for months in the Town of Omro.

Officials of the Planning Commission and board have alluded to options for a

corridor revamp subjected to a study of the Wisconsin Department of Transportation.

The WisDOT materials do provide some information on project possibilities through a WIS 21 planning study that focused on a hub whose spokes are Omro, Oshkosh, and parts of Winnebago County. WisDOT data include a note that a "WIS

21 Planning Study has concluded and stopped short of officially mapping future highway needs and designating WIS 21 as an expressway. The planning data and recommendations provided in this study can provide a good foundation when/if this stretch of WIS 21 is converted to an expressway in the future."

The state project location consolidating the study is listed as "WIS 21, Omro to Oshkosh, in Winnebago County (Rivermoor Road to I-41)."

Part of the archived study project overview notes the importance of WIS 21 as

SEE HIGHWAY 21, PAGE 4

## Jones makes report to BOE

By Tony Daley

Student learning and scholastic activities were part of School District of Omro reporting to the Board of Education, which on Wednesday, January 15, also made a decision about the district's long-term community publication, the *Fox Den*.

A long BOE session including business and financial updates crucial to district success received the customary "Good News Report" by district supervisor, Dr. Jay Jones, who pointed back to a late 2019 "Magic of Math" event that launched what could become an important way to reach out to parents and guardians needing extra home-learning support for their children.

What Jones described as

**"WE WANT TO  
CHALLENGE STUDENTS  
TO REFLECT ON HOW  
THEY'RE DOING IN  
MATH AND READING."**

—DR. JAY JONES

a "fun and well-thought out event" was punctuated by parents' testimonials including, "I think children should understand the reason behind math, not just the facts."

As part of regular recognitions when available for Omro kids, four high school students were recognized in CTE (Career and Technical Education)

SEE JONES, PAGE 4

## Omro school officials review open enrollment

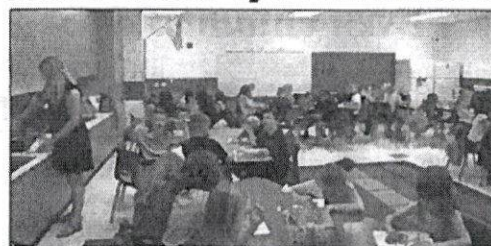
By Tony Daley

Identified as one of the biggest financial challenges facing the School District of Omro's ongoing fund balance level and projected deficits is related to open enrollment.

More open-enroll out students leaving the district than pupils coming in continues a trend whose half-decade numbers were charted during an extended agenda segment of the Wednesday, January 15, meeting of the Board of Education.

Dr. Jay Jones, Superintendent of the district, and Business Manager Mandy Potratz, presented on open enrollments and financial ramifications, respectively. Jones leading with his own charted information and survey results from families who had open enrolled out pupils living in the Omro district to other districts.

"Since I started here, we have



OMRO HERALD FILE PHOTO

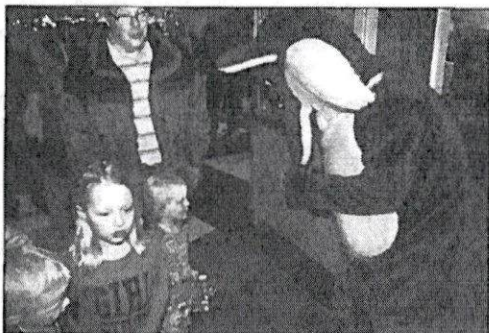
**MORE OPEN-ENROLL out students than pupils coming into the Omro school district continues to have financial impacts. Talks among school board members with administrative personnel on January 15 examined data from the 2014-15 academic year to current.**

enrollment and how it impacts the school district," said Jones, whose data got from Board of Education President Tom Egan. "We have some surprises in here."

With some noted variations in two years of data on how numbers

regular and special education students, roughly speaking, in the 2014-15 academic year, the Omro school district had almost 100 students open-enrolled to other districts.





OMRO HERALD FILE PHOTO

**A LITTLE SHARING AND** caring from mascot Freddie the Fox at a recent elementary student promotional activity is part of the January 15 Good News Report by the Omro school district's Superintendent, Dr. Jay Jones, who also brings to the Board of Education options for a new *Fox Den* format for budgetary consideration.

## Jones

CONTINUED FROM PAGE 1

fields of study for agriculture, technical education, business education, and FACE – family and consumer education.

In literacy and learning analysis of what was referred to as “character development,” Erin Calvin, Director of Curriculum and Instruction, was noted for recent literacy and learning programming to assist students improving their writing.

Some kids shared how they were aided getting to next steps in learning objectives.

Jones noted, “Students having the ability to self-evaluate what they’re doing has a pretty large effect on learning outcomes,” adding, “We want to challenge students to reflect on how they’re doing in math and reading.”

With ACT prep started, winter-time STAR assessments were implemented at the elementary level. Omro schools’ mascot got involved.

“Freddie Fox helped to share a treat with them to remind them to do their best,” said Jones about intervention-related STAR-screening to help educators for pinpointing ratable learning components such as in the area of early literacy.

Jones also described recent funding help aiding some families struggling to make lunch account payments through a donation driven Angel Fund managed by the Omro school district’s food service department.

“Many thanks to the donors, angels who are helping other families who are in need,” said Jones, noting to-date almost \$3,000 garnered for support.

Other Board of Education business conducted on Wednesday, January 15, related to an important district community reach-out of its information to members of the community.

The BOE unanimously passed a resolution permitting staff recommendations to proceed on new concepts and rollout plans for the district’s longtime publication, the quarterly *Fox Den* newspaper.

About the \$4,000 per-annum board budgetary item that is being retained but whose allocation will be shifted, Jones explained at the outset of talks, “The question on

feel to it. Or, if the board would like to continue with the *Fox Den*, we could do that as well.”

Jones, following up with December board talks where he first brought up a *Fox Den* revamp, again showed an example of a slick-paper marketing publication whose content options would be devised separate from what will likely become an online publication for Omro’s journalism students to use practicing their writing skills.

Whether any slick publication or whatever online material is titled the *Fox Den* has not been finalized.

In their December and January conversations, Board of Education members talked about the \$4,000 being provided for some publication rollout that would be at the discretion of Omro school staff, which Jones said were surveyed for their preferences.

BOE member Shane Carter mentioned respondents’ at over 50 percent voting to “replace the newspaper publication with a magazine style,” before making a first motion to approve the \$4,000 for publishing options under staff recommendation.

About his slick-paper, pamphlet-style examples brought to the floor, Jones commented that a new publication could be utilized “a little more [as a] marketing tool.”

“We’d have a lot of different ways we could go with this,” while the kids in journalism class could focus on their online paper.

Jones noted, “And if we wanted to go back to the *Fox Den*, we could go back, too, but we thought this a professional way to connect with community.”

Editorial frequency for a new Omro schools’ publication was not finalized.

The current *Fox Den* newspaper is a quarterly publication that goes out to every constituent in the Omro school district attendance area, said Jones.

Whatever the final publications, the idea is for the Omro school district separating digital and physical publications, Jones noting, about the new faculty member in charge of journalist students who advocated for an online newspaper, that this form

## Waukau Youth Group eyes gaming room

By Tony Daley

“Let the games begin” could be a byword for the Waukau Youth Group if its gaming room gets the right push.

The group’s Monday, January 13 session devoted some time to thinking about the game room usage at the Waukau Youth Center in the downtown.

Waukau Youth Group events include its upcoming Easter Egg Hunt (April 11), Youth Days & Chicken Barbecue (June 14) and other community-family activities.

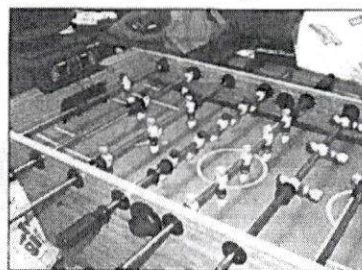
However, a community game-resource youth server has mostly been lying fallow.

Table football (“foosball”) and other games are kept in a center back room.

Once an attraction, the Waukau Youth Center’s gaming room has for a while been seldom used, although its vintage games are still desirable for many community family members and friends.

While events such as the 2020-planned “community appreciation day” are draws for the Waukau entity, and its volunteers total more than 200 collective years of volunteer experience, members feel they could do more to engage the community.

The gaming room is one way, but its needs to be known and, for the modern kids, those vintage games need to be known for being fun.



OMRO HERALD PHOTO

**GAMES LIKE FOOSBALL** are available at the Waukau Youth Center, but the longtime service organization is trying to figure out ways to bring in more players.

In addition, the Waukau Youth Group continues seeking new members to keep vitality in this service organization whose motto is: “Our whole purpose is ... youth.”

For more information on the game room and the Waukau Youth Group, call longtime President Dean Larsen, at (920) 420-0024.

“We do appreciate the help.”

## Highway 21

CONTINUED FROM PAGE 1

“an important state highway serving the local economy and linking major population and economic centers.”

Planning segments addressed the following, quoted in bulleted sections:

- Designation of WIS 21 as a future expressway under State Statute 84.295.

- Preliminary plans showing the proposed expressway design that includes intersections.

- An official map to preserve the land required to convert WIS 21 to an expressway filed and recorded with Winnebago.

\*NOTE: The WIS 21 Planning Study has concluded and stopped short of officially mapping future highway needs and designating WIS 21 as an expressway. The planning data and recommendations provided in this study can provide a good foundation when/if this stretch of WIS 21 is converted to an expressway in the future county.

Of note in the documentation was that no construction was currently being scheduled.

The Department of Transportation materials also called out “no timeline proposed for physical conversion of the highway to expressway following the recording of formal designation and official mapping.”

However, it was stated that WisDOT would continue monitoring the WIS 21 corridor’s “safety and traffic operations.”

There would also be referral to what was stated as an “official map for right of way preservation and corridor management plan for future, mid-term, and long-term improvements.”

With respect, specifically, to the Sand Pit Road intersection at Highway 21, one developable area, recent talks have contended about land use among citizens, officials, landowners, and devel-

and its board of supervisors.

Those bodies have been noted by town officials as being partially able to act in an advisory capacity on some matters, which will need to be submitted for final decision making and review at the Winnebago County level.

Yet further commercialization of this segment and other segments of the Highway 21 corridor continue to host ramifications for any projected roadway restructuring.

Impacts may also be conceived among populations inhabiting area residential stock along transportation arteries branching from the Highway 21 primary.

Alterations to WIS 21 could encompass lane additions and such traffic-slowing mechanisms as phased roundabouts spaced along the corridor.

While the City of Omro having removed from its own future land-use map and Comprehensive Plan call-outs to what was once referred to as a possible “bypass” implemented by WisDOT, the agency’s planning study for Highway 21 nevertheless signifies plausible westward development impacts.

The Department of Transportation stated as need for its study, “WIS 21 is an important route across Central Wisconsin connecting the city of Oshkosh (I-41) with the Sparta/La Crosse area (WIS 16/27/71) and is classified as an arterial facility serving regional transportation needs.”

More immediately notable for area residents, business owners, and commercial/industrial developers is WisDOT’s general conception of Highway 21 as at least some kind of developable commodity needing to be put into the context of area services.

“As development occurs along the WIS 21 study corridor, it is anticipated that competition between local and regional traffic will result in increased congestion and a deteriorating Level of Service (LOS).”

- Maintain and enhance the safety, operation, and mobility of the corridor by addressing existing and anticipated conflicts at existing intersections and driveways.

- Balance land use and transportation needs through collaboration with local units of government.

Expressly purposed in the study is designation and official mapping if Highway 21 was what was noted as “an Expressway under State Statute 84.295 ... The study will look at a long range plan of the WIS 21 corridor.”

Although done several years ago, the WisDOT study was slated to perform several functions including improving “mobility and operating capacity by reducing congestion and travel time” as well as “safety by reducing the number of vehicle conflict points and the potential for intersection-related crashes.”

Considering recent “Smart Growth” Comprehensive Plans either cyclically revised, as in the case of the City of Omro, or periodically reviewed and updated, as in the Town of Omro, WisDOT’s claim for developable “transportation improvements that are compatible with sound comprehensive plans” clearly connects state transportation with local interests.

WisDOT’s study was touted as allowing citizens “to stay informed about future improvements along the WIS 21 corridor.”

Additional study claims were for allowing growth in areas congruent with future transportation plans and helping “to keep lower the cost for future improvements, by preventing the need for the expensive acquisition of developed properties along the corridor.”

In addition, WisDOT noted as “major steps in preparing the plan” including data gathering on crash, traffic volume, land use, and environmental characteristics; and determining future land use, travel demand, and transpor-



subject of taxes. The question on the table, because the *Fox Den* money comes out of the school board budget, is can we take that \$4,000 and move away from the *Fox Den* as it is, to something that is little more modernized, maybe, has a little more of a professional

online commodity, that this form of journalism would have the journalism kids writing more for their peers, who would feel "more comfortable, because they wouldn't feel their stories were going out to every member of the community."

opers for 10 acres adjacent the 21 transportation corridor.

Those 10 acres were recently considered for conditional-use permitting, certified survey mapping, and rezoning to agricultural A-2 jurisdiction through the Town of Omro Planning Commission

The study identified what was referred to as identifiable "primary needs" including, as quoted below:

- Use Corridor Preservation Study to provide consistent system linkage and connectivity for the long term.

tation/community needs.

WisDOT also touted as a plan step "developing transportation improvement alternatives" and "analyzing transportation improvement alternatives to determine their ability to meet the WIS 21 goal and objectives."





All ▾



BN Brian Noe X



EW



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447



Archive



Notes

Conversation Hist...

POP

733

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Groups

New group

## copy of the storm water engineering review correspondence



You forwarded this message on Mon 2/24/2020 8:01 AM

BN

Brian Noe <chairman@townofomro.us>

Sat 2/15/2020 6:49 PM

You ▾



engineering preliminary review...

232 KB



Hello Eric,

I have attached to this email a copy of the correspondence from our engineer after their preliminary review.

As I explained the Town has not had them complete a total review and issue any formal report as we did not want to spend additional dollars unless the project was sure to move forward.

At this point I am not asking you to invest additional engineering in addressing these issues, as can understand you not wanting to incur additional expense unless you know the project will be moving forward.

If you do have questions or wish to discuss any of these concerns feel free to contact me.

--

Brian Noe

Town of Omro Chairman

Attach less.  
Share more.



Share files, photos,  
and more using  
OneDrive on  
Outlook.com.

Go to OneDrive →



Upgrade to Office  
365 with premium  
Outlook features







Brian Noe <chairman@townofomro.us>

## Wagner Storage-Stormwater plan review

Lindert, Jon <Jon.Lindert@strand.com>  
To: Brian Noe <chairman@townofomro.us>  
Cc: "Lyster, Keith" <Keith.Lyster@strand.com>

Thu, Jan 9, 2020 at 12:10 PM

Brian-The start of the year is going well. I have taken a quick look. Since we haven't done a review recently on a commercial site, it would seem that we should do a more thorough review to make sure we're not missing anything and comments are well-documented in a letter. Please let me know how you'd like to proceed.

1. Does the Town want the discharge pipe to be connected into the existing storm sewer across the street or into the roadway ditch as shown which basically loops the water east to Sand Pit Road, across Lacrosse Drive, and then into the storm sewer on the north side of Lacrosse Drive, and back into the Barony subdivision (and eventually into a wet pond)?

2. Drainage Plan (Drawing C3.1)-

- It seems like the overflow from the pond should be directed to the north into Town ditch rather than to the adjacent property to the east.
- The drainage between buildings channelizes flow that then goes across an unprotected slope. See recommendation in 4. below.
- Contours should be shown showing how spot elevations will tie into existing contours within the property limits on the northwest, west (provide ditch contours), south (provide ditch contours), and southeast sides of the facility. It appears that the ditch may have difficulty fitting between the pavement and the property line.
- It appears that building elevations are elevated such that ponded flows in the dry and wet pond would convey off-site prior to flooding building elevations. However, the developer should confirm that there is adequate conveyance capacity in the paved swales between the buildings such that 100-year flows do not inundate the adjacent buildings.
- The developer should comment on the need for a clay liner in the wet pond to hold water.

3. Stormwater Ordinance-The table below is based on what is seen in the stormwater plan. The models have not been checked which is something we would normally do.

Requirement	Comment
Stormwater Quantity	Stormwater Plan appears to show that peak discharge requirements are met for 1, 2, 10 and 100-year storms through use of a dry and wet detention basin.
Stormwater Quality	Stormwater Plan shows that are achieving 85.57% TSS reduction and are required to achieve 80% (also getting



	65.9% TP reduction) through use of a wet detention basin. Area drains through the Barony, Sandhill Farms and eventually to Spring Brook/Lake Butte Des Morts. Draft Allocations from the Upper Fox and Wolf River TMDL appear to require an 84.7% TP reduction and 20 percent TSS reduction for Omro. This development is not in the MS4 area and is thus not technically subject to the TMDL requirements from an MS4 standpoint.
Infiltration	Stormwater Plan indicates that site is exempt from infiltration due to on-site clay soils supported by on-site soil borings.
Setbacks and Protective Areas	Since no wetlands appear to be on-site, setbacks and protective areas wouldn't apply.

#### 4. Erosion Control Plan (Drawing C4.1)

- Drawing C41. shows silt fence along the downhill side of the project (and around the topsoil stockpile), a stone tracking pad, and a concrete washout facility.
- A temporary stone ditch check should be shown in the Town ditch east of the discharge from the detention pond.
- Scour protection should be shown at the outfall of the 15"PVC pipe on west side of site.
- Scour protection should be shown from the pavement edge through the entire bottom of the ditch and/or to the normal water surface elevation of the pond where parking lot flows are concentrated and flow down the unprotected slope.
- Scour protection should be shown at the pond outfall. The Town may also want to require rip rap on the inlet and outlet pipes inside the pond to have rip rap from bottom of pond up to these pipes.
- Restoration Plan-A restoration plan should be submitted showing seeding, erosion matting, and mulch areas for all disturbed areas.

5. Stormwater Maintenance Agreement-This has been submitted but not reviewed.

6. Wetlands-An out-of-season (I think these are supposed to be done in-season) wetland delineation was performed by an assured delineator. I have not had our biologist review any of this information.

7. Floodplain-No floodplain nearby.

8. Utilities-It is assumed that water and sanitary sewer will be provided by the Town of Omro Sanitary District No. 1 through hookup to existing infrastructure. Will there be an office with bathroom and/or will there be interior drains in the storage units that would require sanitary sewer/water?

Thanks,

Jon



**From:** Brian Noe <chairman@townofomro.us>  
**Sent:** Monday, January 6, 2020 5:38 PM  
**To:** Lindert, Jon <Jon.Lindert@strand.com>  
**Subject:** Strom water plan review

Hello Jon,

I hope your new year is off to a good start.

We have a development proposed along HWY 21 just South of the Barony development.

Can you take a quick look at the proposed plans and let me know if you believe there is a need to do a more thorough review or if you see any issues with the storm water plans or calculations.

The plans should be accessible at the following link.

<https://www.dropbox.com/sh/942s7ozp7n7tx61/AAC92FIEDs2XgMO8otl3uxPVa?dl=0>

--

Brian Noe

Town of Omro Chairman



**SPORTS**  
All-Area  
Wrestling Team  
Page 10



**BUSINESS**  
Celebration at  
Cheese House  
Page 16



\*\*\*\*\*CAR-RT LOT\*\*C-001  
Expires 09/30/2019  
MARTENSON & EISELE  
101 W MAIN ST  
OMRO, WI 54963-1333

63  
S1-2

# OMRO HERALD

NUMBER 11

THURSDAY, MARCH 14, 2019

\$1.00 PER COPY

## Council OKs hiring Hawkins as Director

By Tony Daley

The Omro Common Council opted a resolution to authorize hiring a full-time Economic and Community Development Director.

The decision on Tuesday, March 12 came following feedback from Future Omro, Omro Area Development Corporation, Business Improvement District, and municipal staff during the candidate search process.

Stephanie Hawkins, educated in marketing and experienced in managerial and supervisory roles, is selected from among a final pool of applicants.

Hawkins, born and raised in Omro and an area resident, is slated to start in April.

Hawkins will also be greeting attendees during the TV show

Discover Wisconsin's premier of an Omro segment, at Los Amigos Restaurant and Cantina from 5-8 p.m. on Thursday, March 14.

Hawkins recently served as Supervisor in Clinical Operations of Affinity Medical Group/Ascension Medical Group in New London and Greenville.

Mayor Larry R. Wright, City Administrator Linda Kutenhauer, and the Omro Common Council agreed on enthusiasm, skills, and applicable experience that formed a best-fit of Hawkins' background for the Economic and Community Development Director's multiple roles and responsibilities.

Those job functions range across business-to-business communications, event organization,

SEE DIRECTOR, PAGE 8

## Changes near Omro township subdivision drawing criticism

By Tony Daley

Neighbors filled the Town of Omro's town hall, with extra chairs needed to seat audience members.

The turnout included many residents of properties in the Barony Country Estates subdivision, which lies in part along La Crosse Drive.

Audience views were critical during the Thursday, March 7 meeting of the Town's Planning Commission.

The problem for many neighbors was the possibility of storage units going onto lands being considered for sale.

Also troubling was a requested business zoning jurisdictional shift from B2 to B3.

**"WHEN I WAS  
APPROACHED... I  
THOUGHT IT WAS A  
GREAT IDEA."**

— HARVE ROSS

Groans and whispers accompanied current property owner Harvey Ross' statement during public comments, "When I was approached [by the potential buyer]... I thought it was a great idea."

"It" means storage-units, which could be conditionally permitted, with imposed criteria, in B3.

However, Town planners wound up majority deciding to disapprove a B2-to-B3 zone-related change. That decision is a next step in a process where the outcome of planners' debate and audience feedback will now go on to the Omro Town Board.

Speaking out, audience members before the Town Planning Commission were against putting storage units in those parcels, some of which include pieces that front on the 5100 block of La Crosse Drive and face the Barony subdivision.

**Critical feedback**  
Basically, nobody thought

SEE CHANGES, PAGE 4



# Omro Town planning majority disapproves zoning change

By Tony Daley

A majority of Omro Town planners recommended the Town Board quash a zone change that, if allowed, could wind up allowing storage units to be built across from a residential area.

Proposed business-jurisdictional zoning change for parcels fronting on the 5100 block of La Crosse Drive, which is near Sand Pit Road off Highway 21, received from the Town of Omro Planning Commission a majority recommendation for disapproval.

That disapproval is now on its way to the Board of the Town of Omro.

## Crowd shows up to oppose

A crowded town hall meeting on Thursday, March 7 had area neighbors expressing general opposition to both the zoning change and potential placement of storage units across from homes in the Barony Country Estates subdivision.

The proposed zone change is to reset jurisdiction from B2 to B3.

Planning Commissioner Larry Remer dissented from the majority.

Remer advocated more time to further examine issues that have already mobilized community members and generated outcry.

While the zoning disapproval is now up for Town of Omro board review, related parcels have already received a request for conditional use permitting (CUP).

A CUP would be needed for storage units, though likely imposed with substantial criteria.

The Planning Commission voted to stonewall the CUP.

Also processed was a CSM (certified survey map) by potential buyer Eric Wagner.



OMRO HERALD PHOTO

**BRIAN NOE (CENTER)**, Planning Commission Vice-chair and Town Board Chair, flanked by Planning Commission Chair Tom Tuschl (left) and Commissioner Rich Kern, questions proposed best uses of parcels fronting on La Crosse Drive across from the Barony Country Estates subdivision not far from the Highway 21/Sand Pit intersection.

## Noe challenges purchaser, engineer claim

Wagner met with the Planning Commission, accompanied by an engineering firm consultant.

Current property owner Harve Ross also attended.

Taking to task one element of the zoning application was Town Board Chair Brian Noe, who is also a commission planning representative.

Noe several times asked Wagner and his Martenson & Eisele consultant, Jim Smith, how they had come to frame the proposed storage-units business model as "the highest and best use of the property."

Could alternative uses better suit the Town's interests, Noe wanted to understand.

In particular, utilities already in the ground might better commend the parcels in question to other development opportu-

nities, claimed Noe.

He pointed to utilization of the Town's existing water/sewer resources.

Those assets could be used by a business able to take advantage of such infrastructure, indicated Noe.

He also called attention to available agricultural-zoned parcels located elsewhere in the Town, as perhaps better accommodating storage facilities, because such facilities would not need the kind of utilities in-ground in those parcels fronting La Crosse Drive and the Barony subdivision.

"All the infrastructure is in [the proposed La Crosse Drive-vicinity parcels]. To put something in there and not utilize it, that doesn't seem like the highest and best use for development," Noe commented to Wagner and Smith.

Noe added, "What makes this the highest and best use, because you're indicating that

it is, as opposed to what?"

## Engineer's response

Regarding storage units, Smith opined, "I see them as more lower-traffic than other businesses in there... I see [such units as] relatively decent buffers between Highway 21 and the residential area. It's not the worst thing."

Noe still pressed on the point about "best use" as opposed to "any other commercial development currently allowed under" the B2 zoning.

"That's a tough question to answer, Brian, what is the best use," Smith replied.

## CUP question

Following motions carried by a majority of the Town of Omro Planning Commission to recommend to the Town Board disapproval of the B2-to-B3 zoning change, Planning Commission Chair Tom Tuschl noted, "This doesn't negate the certified survey map. However, it does put our issue with the conditional use permit under question."

Tuschl further commented that, if the Omro Town Board eventually concurred with the zoning-change denial, then the conditional use permit "would not be available."

Nevertheless, at this newspaper's deadline, there are a number of interdependent bureaucratic steps needing to be taken including by Winnebago County zoning authorities.

The Town of Omro will be assessing opportunities for further talks on the CUP and zoning matters.

Tuschl advised interested parties to attend the Board's Tuesday, March 19 meeting if these matters remain on agenda as discussable.

changes

CONTINUED FROM PAGE 1



Re: FW: Mini Storage- Preliminary Meeting

Eric Wagner <ejwags@hotmail.com>

Fri 10/11/2019 9:39 AM

To: Brian Noe <chairman@townofomro.us>; Kern, Rich <richakern@charter.net>

Cc: Mom and Dad <wawags72@hotmail.com>; James E. Smith <jims@martenson-eisele.com>; Steve Hoopman <hoopmans@firstweber.com>

Hi Brian,

Please see my responses below.

Thanks, Eric

---

**From:** Brian Noe <chairman@townofomro.us>

**Sent:** Monday, October 7, 2019 9:44 PM

**To:** Eric Wagner <ejwags@hotmail.com>

**Cc:** Rich Kern <pcchairman@townofomro.us>; Mom and Dad <wawags72@hotmail.com>; James E. Smith <jims@martenson-eisele.com>; Rene Ross <rossfarm88@gmail.com>; Steve Hoopman <hoopmans@firstweber.com>

**Subject:** Re: FW: Mini Storage- Preliminary Meeting

Hello Eric,

Thank You for providing a copy of your presentation.

I appreciate you taking time to do a good job of gathering facts and providing additional information.

As you know I was not at the plan commission meeting, as I had another county town unit meeting to attend that night, so this did help me catch up a bit.

In reviewing this information a couple questions come to mind.

1. How are you planning on addressing storm water? I did not see any detention basin. We will present an updated site plan to include a detention pond for the next meeting with the Planning Commission. However, the likely location based on the land topography is the northeast corner of proposed site.
2. Are you planning on paving all the access drives? We will comply with all existing codes.
3. Are you proposing building with low sloped roofs like in the example shown with the newer units in the Town of Algoma? I am planning on building a facility with gable roofs with sufficient pitch to handle Wisconsin winters. From a height perspective, our proposed structure would be lower than a two story home and we would comply with all existing Winnebago County codes and regulations.
4. Is there any potential for a cross access agreement for traffic to access the remaining lot along sandpit from your driveway? This remaining lot has adequate frontage on La Crosse for its own access points.

Not being in attendance at the PC meeting I'm not certain I can provide accurate direction on how to proceed. I'm not sure if Rich intends for this to be a Town Board meeting agenda item, so I have copied him on this reply so he might respond.

**Brian Noe**, Town Chairman (920) 279-3181

*This message originates from Brian Noe. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Law. If this message is sent to a quorum or a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.*

On Fri, Oct 4, 2019 at 10:49 AM Eric Wagner <ejwags@hotmail.com> wrote:

Dear Rich and Brian,



Here is a copy of my presentation deck. Please share the deck to the rest of the Planning Commission and Board members. Let me know if you have any questions or concerns. If you could provide some direction on how to proceed from last night's meeting, that would be very much appreciated.

Thanks, Eric

---

**From:** Rich Kern <[pcchairman@townofomro.us](mailto:pcchairman@townofomro.us)>  
**Sent:** Friday, September 20, 2019 11:36 AM  
**To:** Eric Wagner <[ejwags@hotmail.com](mailto:ejwags@hotmail.com)>; Noe, Brian <[chairman@townofomro.us](mailto:chairman@townofomro.us)>  
**Subject:** Fwd: FW: Mini Storage- Preliminary Meeting

Eric,

You will be number 4 on the agenda, right after "Public Comment." In the future, please use the official email address: [pcchairman@townofomro.us](mailto:pcchairman@townofomro.us) when communicating with me about Planning Commission business - it keeps all our records in the right place.

The meeting is scheduled for October 3rd at 6:30 PM.

See you then,  
Rich

----- Forwarded message -----  
**From:** Rich Kern <[richakern@charter.net](mailto:richakern@charter.net)>  
**Date:** Fri, Sep 20, 2019 at 11:26 AM  
**Subject:** FW: Mini Storage- Preliminary Meeting  
**To:** [pcchairman@townofomro.us](mailto:pcchairman@townofomro.us) <[pcchairman@townofomro.us](mailto:pcchairman@townofomro.us)>

Sent from [Mail](#) for Windows 10

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**From:** Eric Wagner  
**Sent:** Thursday, September 19, 2019 4:33 PM  
**To:** Kern, Rich  
**Cc:** Mom and Dad; James E. Smith  
**Subject:** Mini Storage- Preliminary Meeting

Hi Rich,

My dad and I met with all of the adjoining property owners about our revised mini storage plan based on the feedback we received from the last Planning Commission meeting. We also have some additional data to share.

Can you place us on the October agenda for a preliminary meeting so we can share our revised plan and address previously raised concerns with the Planning Commission prior to formally petitioning a revised CSM, zoning change, and conditional use permit potentially in November?

Thanks, Eric

--  
Rich Kern, Chair -- Town of Omro Plan Commission

--  
Brian Noe  
Town of Omro Chairman



## Re: copy of the storm water engineering review correspondence

Eric Wagner <ejwags@hotmail.com>

Tue 2/25/2020 9:35 AM

To: Brian Noe <chairman@townofomro.us>

Cc: Rene Ross <rossfarm88@gmail.com>; Charles (Chuck) Hertle <cjh@dempseylaw.com>;  
kmaronelaw@gmail.com <kmaronelaw@gmail.com>; Mom and Dad <wawags72@hotmail.com>

Hi Brian,

Please see below. Do you have any updates for Harve and I on the Town's timing to share the information we requested?

Thanks, Eric

PS. Our attorney Chuck Hertel has left 4 voicemails last week with Karen that were not answered. Perhaps Karen is out of town. Can you ask Karen to provide Chuck with a frequently monitored phone number or email address so he can discuss next steps?

---

**From:** Eric Wagner <ejwags@hotmail.com>

**Sent:** Thursday, February 20, 2020 9:09 AM

**To:** Brian Noe <chairman@townofomro.us>

**Cc:** Rene Ross <rossfarm88@gmail.com>; Charles (Chuck) Hertle <cjh@dempseylaw.com>;  
kmaronelaw@gmail.com <kmaronelaw@gmail.com>; Mom and Dad <wawags72@hotmail.com>

**Subject:** Re: copy of the storm water engineering review correspondence

Hi Brian,

Not sure if you missed the email below but can you please share the memo or resolution substantiating the Town's reasons for denial? Also looking forward to the other items we agreed upon Saturday you'd share

Thanks, Eric

---

**From:** Eric Wagner <ejwags@hotmail.com>

**Sent:** Saturday, February 15, 2020 8:21:45 PM

**To:** Brian Noe <chairman@townofomro.us>

**Cc:** Rene Ross <rossfarm88@gmail.com>; Charles (Chuck) Hertle <cjh@dempseylaw.com>;  
kmaronelaw@gmail.com <kmaronelaw@gmail.com>

**Subject:** Re: copy of the storm water engineering review correspondence

Hi Brian,

Thank you. Can you please share the memo or resolution the Town Board was planning to vote on Monday night prior to today's discussion? We'd like to review to ensure we address any new information.

Thanks, Eric

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From: Brian Noe <chairman@townofomro.us>

Sent: Saturday, February 15, 2020 6:49:44 PM



To: Eric Wagner <ejwags@hotmail.com>

Subject: copy of the storm water engineering review correspondence

Hello Eric,

I have attached to this email a copy of the correspondence from our engineer after their preliminary review.

As I explained the Town has not had them complete a total review and issue any formal report as we did not want to spend additional dollars unless the project was sure to move forward.

At this point I am not asking you to invest additional engineering in addressing these issues, as can understand you not wanting to incur additional expense unless you know the project will be moving forward.

If you do have questions or wish to discuss any of these concerns feel free to contact me.

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Brian Noe

Town of Omro Chairman



## Re: Question on La Crosse

Kevin Mraz <Kevin@algomasd.org>

Sun 2/23/2020 3:42 PM

To: Eric Wagner <ejwags@hotmail.com>

Cc: Mom and Dad <wawags72@hotmail.com>

 2 attachments (910 KB)

cid76918DA6-460D-463A-A0DD-78F94CD783C0.pdf; cid7E077CD5-1BC5-4BBB-B060-FFE82C81306A.pdf;

Eric,

Thank you for your question and thank you for your time to visit to discuss your proposed storage unit plan.

The Algoma Sanitary District(District) does not get into the decision making of what may or may not be constructed in the Town of Omro.

Our District has municipal water and sewer available along Lacrosse Drive designed to adequately serve this parcel drinking water and sanitary sewer needs. Our District does not have a minimum quarterly usage requirement for water or sewer. The property is in the Algoma Sanitary District and if it requires drinking water and sanitary sewer service it will be required to use the District's public water and sewer utilities, meaning no private well or POWTS will be allowed on the property.

Based on the conversations and possible water and sewer usage in the future we would propose to plan the western buildings to use water and sewer and review a possible easement to serve the remnant property to the west if or when the need arises.

If any structure has drinking water it will be required to be heated to prevent freezing water lines within the structure.

All the water services and sanitary sewer lines shall be buried deep enough for frost protection.

I have attached two sketches that are not scaled and not meant to be construction design documents, but serve as a planning document to show that we could easily serve the western buildings with water and sewer while preparing to serve the remnant parcel to the west from this easement or Lacrosse Drive. The coloring on the maps signify blue for municipal water and the green represents sanitary sewer. We could also put a sewer and water main down the middle of two buildings to serve more structures if that is desired. It would be better to install the mains before the asphalt is installed.

The District will work with the developer as needed to meet the drinking water and sanitary sewer needs of this parcel.

Kevin Mraz



Sent from my iPhone

On Feb 21, 2020, at 3:51 PM, Eric Wagner <ejwags@hotmail.com> wrote:

Hi Kevin,

Thanks again for helping us with issue at our house. Looks like the issue cleared itself. BTW, can you please share your response for the question below.

Thanks, Eric

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**From:** Eric Wagner <ejwags@hotmail.com>

**Sent:** Monday, February 10, 2020 10:38 AM

**To:** Kevin Mraz <kevin@algotmasd.org>

**Cc:** Mom and Dad <wawags72@hotmail.com>

**Subject:** Question on La Crosse

Hi Kevin,

Question for you... Do you have have a minimum monthly water and sewer usage or discharge usage requirement for commercial property in your sanitary district?

Thanks, Eric Wagner