

**TOWN OF ALGOMA**  
**WINNEBAGO COUNTY, WISCONSIN**  
**PLANNING COMMISSION MEETING**  
**Wednesday, May 8, 2019 at 6:00 pm**  
Algoma Town Hall  
15 N. Oakwood Road, Oshkosh, WI 54904

**AGENDA**

The Commission may discuss and act on the following:

1. Call to Order.
2. Roll Call.
3. Discussion and possible action re: Minutes from March 13 2019.
4. Discussion and possible action re: Town of Oshkosh request to amend Chapter 23, Article 15, Section 15 (1) (part) of the Winnebago County Town County Zoning Code.
5. Adjourn.

NOTE: It is possible that members of other governmental bodies of the municipality may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Hall Office at 920-235-3789.

TOWN OF ALGOMA  
WINNEBAGO COUNTY, WISCONSIN  
PLANNING COMMISSION MINUTES FOR  
MARCH 13, 2019

The Planning Commission meeting was called to order by Chair Clark at 6:00 p.m.

The following Commission members were present: Patricia Clark, Ian McDonald, Audra Hoy, Daniel Martin, Kristin Timm and Mark Thompson.

The following Commission member was absent: None.

The following were also present: Benjamin Krumenauer, Administrator

On a motion by Members Timm/Hoy, passed on a voice vote, the Commission approved the minutes of the February 13, 2019 meeting.

Mr. Krumenauer provided a detailed review and analysis of the proposed medical/dialysis center to be located at 2678 Omro Road. He stated that the development review was completed by Site Plan Review and all recommendations were followed and are properly shown on the Planning Commission materials.

Ms. McClaine from Larson Engineering provided additional site characteristics and stated her intent to answer any questions that are asked.

Mr. Thompson asked if the development had taken site lines into account regarding the placement of the proposed driveway.

Mr. Krumenauer responded that formal review of driveway placement was completed and it does meet local requirements.

Ms. Larson elaborated by saying the driveway placement was reviewed on the north side of the road but not how it aligns with the south side.

Mr. Thompson also asked clarification questions regarding HVAC placement and inquired about the location of the private hydrant within the proposal. He stated his recommendation that the hydrant be placed closer to the driveway entrance and not toward the west as SPR recommended.

Mr. Thompson stated his support of the project, but given a conflict of interest with his employment he will be abstaining from the formal vote.

Ms. Hoy asked for clarifications regarding any conditions placed on the development.

Mr. Thompson stated that his recommendation should be considered advisory and does not need to be binding as SPR has already placed recommendations that were all adhered to.

Mr. Martin inquired as to whether the development was noticed to adjacent property owners.

Mr. Krumenauer responded affirmatively.

Mr. Martin asked how waste was handled from the site.

Ms. McClaine stated that all waste is stored within the proposed refuse area and is properly bagged depending on the type of waste generated.

Ms. Timm inquired about the construction timeline.

Ms. McClaine stated that the developers wish to move forward as quickly as possible.

Ms. Hoy made a motion to recommend approval of Item 4 with the additional condition that the private hydrant location be reviewed by the developers and shifted toward the east (seconded by Timm). Motion carried 5-0-1 with Thompson abstaining.

Mr. Krumenauer explained the particulars of Item 5 and provided feedback on the purpose and intent of the proposed FEMA FIRM map update. He reminded the Planning Commission that this item was reviewed in February. Due to a clerical issue within Winnebago County the item is required to be reviewed again.

Ms. Timm excused herself from the meeting (6:29pm)

Mr. Thompson stated his support of the recommendation and that even though some properties within the county are restricted, it is still a net benefit to the region.

Ms. Hoy felt that our fragile waterways should be protected and additional regulations could help support safe stormwater management.

A motion was made by Mr. Thompson and seconded by Mr. Martin to recommend approval of the proposed map amendment. Motion carried 5-0.

On a motion by Members Thompson/McDonald, passed on a voice vote, the Commission adjourned at 6:36 p.m.

Respectfully submitted,  
Benjamin Krumenauer, Town Administrator

Copied: Town Clerk

**ITEM 4: DISCUSSION AND POSSIBLE ACTION RE: TOWN OF OSHKOSH REQUEST TO AMEND CHAPTER 23, ARTICLE 15, SECTION 15 (1) (PART) OF THE WINNEBAGO COUNTY TOWN COUNTY ZONING CODE.**

**GENERAL INFORMATION**

**Petitioner:** Town of Oshkosh  
230 E. County Road Y, Oshkosh, WI 54901

**Action(s) Requested**

**Action 1:** Petitioner is requesting a zoning ordinance amendment to allow for an increase in impervious area from the existing 3,000 square feet to a proposed 15,000 square feet. This regulation pertains to all current or proposed development and is a mechanism that triggers additional stormwater runoff protections and permitting when the existing 3,000 square feet is disturbed.

**Applicable Provisions**

Chapter 23: Town/County Zoning of the Winnebago County General Code (specifically Article 15 (S.15) (1))

**Item Description**

Stormwater management permits are required for all developments within Winnebago County. The form and intensity of those stormwater mitigations are dependent on the type of proposed development or expansion. One regulation that triggers the need for stormwater mitigation is the gross area of impacted property. Currently, Winnebago County requires that any development with a disturbed area of 3,000 square feet or greater be required to conduct stormwater management practices. This policy includes new development or an expansion of existing non single or two-family properties.

As proposed, the Town of Oshkosh is requesting that this county-wide regulation be increased to 15,000 square feet of disturbance.

**Online Resources**

[https://www.co.winnebago.wi.us/sites/default/files/uploaded-files/chapter\\_23\\_-\\_adopted\\_02-13-18\\_web\\_0.pdf](https://www.co.winnebago.wi.us/sites/default/files/uploaded-files/chapter_23_-_adopted_02-13-18_web_0.pdf)

**Specific Code**

*S. 15 PERMITTING REQUIREMENTS, PROCEDURES AND FEES*

*(1) PERMIT REQUIRED. No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity. A permit shall be required for*

*land development or redevelopment which increases impervious surfaces greater than 3000 square feet. The total area of imperious surfaces shall be considered within the area of the parcel(s). Land development activities generally fall into the following categories: commercial, industrial, platted subdivisions, or single lot activities. Stormwater plans for commercial, industrial, subdivisions, will require more detailed information generally provided by an engineer whereas, single lot activities normally will require non-engineered plans. Minor land development activities such as the construction of a fence, minor landscaping, or construction of minor structures (10 x 10 or smaller) may be considered exempt from permit requirements if the administering authority determines that no, or very minimal, adverse impacts will result. The determination of impact shall be based, without limitation, upon criteria such as ponding of water, backing up of water, or a threat to neighboring properties.*

### **ANALYSIS**

Currently, Winnebago County requires that any regulated development or expansion greater than 3,000 square feet of impacted area have a stormwater permit. This permit process provides control where additional stormwater treatment occurs. The Town of Oshkosh is requesting that this regulation be increased to 15,000 square feet. As a reminder, all regulations within Winnebago County's zoning code apply to all participating municipalities including the Town of Algoma. The proposed amendment would allow a regulated property to impact up to 15,000 square feet of area without additional storm treatment facilities. This regulations is cumulative in nature. To put 15,000 square feet into context, it is equivalent to 0.344 acres or one standard residential lot in our Town.

Town of Oshkosh feels that this increase will better suit commercial growth and allow a development to build in the Town versus attaching to the City of Oshkosh. For further context, City of Oshkosh has a regulation that is triggered at 20,000 square feet while most area counties are more in line with Winnebago County's existing regulation. State Statutes allows a maximum of 20,000 square feet. Besides the site specific example from the Town of Oshkosh, no additional statistical or past practice examples could be given. While stormwater management can be an expensive addition to a development it is my opinion that those regulations are put in place to protect the community. Moreover, it provides for greater development driven storm control. Given the lack of researched documentation by the Town of Oshkosh, it isn't appropriate to adjust this county wide regulation for one specific town with one specific property.

### **RECOMMENDATION(S)**

Administrator recommends disapproval of Item 4 due to a lack of information and statistics to back up the 15,000 square foot request.

**RESOLUTION**  
**of the**  
**Town Board of the**  
**Winnebago County, Wisconsin**

**RE:** Petition of Town of Oshkosh

Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code.

**DESCRIPTION OF SUBJECT SITE:**

**Owner(s) of Property:** n/a  
**Applicant(s):** Town of Oshkosh  
**Location of Premises Affected:** n/a

**EXPLANATION:**

Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code. More specifically, the language proposed is as follows: "A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 15,000 square feet." Current language specifies impervious surfaces greater than 3000 square feet.

**RESOLVED**, by the Town Board of the Town of \_\_\_\_\_, Winnebago County, Wisconsin, that the above indicated proposed amendment to the Winnebago County Zoning Ordinance be and the same is hereby:

APPROVED       DISAPPROVED

**TOWN FINDINGS (REASONS):**

- 1.
- 2.
- 3.
- 4.
- 5.

I, \_\_\_\_\_, Town Clerk of the above named town, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Town Board of the Town of \_\_\_\_\_.

Signed: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

# WINNEBAGO COUNTY PLANNING & ZONING DEPARTMENT

Date: 04/11/19

To Whom It May Concern:

Below is a Notice of Public Hearing being published in the Oshkosh Northwestern. The Notice presents a general description of a proposed action which is regulated by the Winnebago County Town/County Zoning Ordinance. This application or petition for action affects area in the immediate vicinity of property which you own.

## Notice of Public Hearing

The Planning & Zoning Committee of Winnebago County will hold a Public Hearing in the **Room 120** of the Winnebago County Administrative Building, 112 Otter Avenue, Oshkosh, Wisconsin, on **Tuesday, May 28, 2019 at 6:30 p.m.** to consider the following case:

### DESCRIPTION OF SUBJECT SITE:

**Owner(s) of Property:** N/A

**Applicant(s):** Town of Oshkosh

**Location of Premises Affected:** N/A

**EXPLANATION:** Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code. More specifically, the language proposed is as follows: "A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 15,000 square feet." Current language specifies impervious surfaces greater than 3000 square feet.

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.

**WINNEBAGO COUNTY PLANNING & ZONING COMMITTEE**

# STAFF REPORT TO: Planning & Zoning Committee

Date: 04/11/19

**FILE NUMBER:** 19-TA-19

**SUBJECT:** Text Amendment

I. **Explanation:** Applicant is requesting a text amendment to Chapter 23, Article 15, Section 15 (1) (part), of the Winnebago County Town County Zoning Code. More specifically, the language proposed is as follows: "A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 15,000 square feet." Current language specifies impervious surfaces greater than 3000 square feet.

## II. Geographic Background Information

- A. **Property Owner(s):** N/A
- B. **Applicant(s) Name:** Town of Oshkosh
- C. **Location:** N/A

## III. SECTION CHAPTER 23, ARTICLE 15, Section 15 (1) (part) OF THE ZONING ORDINANCE.



**S. 15 PERMITTING REQUIREMENTS, PROCEDURES AND FEES**

- (1) **PERMIT REQUIRED.** No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity. ~~A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 3000 square feet.~~ The total area of impervious surfaces shall be considered within the area of the parcel(s). Land development activities generally fall into the following categories: commercial, industrial, platted subdivisions, or single lot activities. Stormwater plans for commercial, industrial, subdivisions, will require more detailed information generally provided by an engineer whereas, single lot activities normally will require non-engineered plans. Minor land development activities such as the construction of a fence, minor landscaping, or construction of minor structures (10 x 10 or smaller) may be considered exempt from permit requirements if the administering authority determines that no, or very minimal, adverse impacts will result. The determination of impact shall be based, without limitation, upon criteria such as ponding of water, backing up of water, or a threat to neighboring properties.
- (2) **PERMIT APPLICATION AND FEE.** Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.
- (a) Unless otherwise exempted by this ordinance, a permit application must be accompanied by the following in order that the permit application may be considered for approval by the administering authority: a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee established in S. 04 of this ordinance.
  - (b) The storm water management plan shall be prepared to meet the requirements of S. 14 and 16 of this ordinance; the maintenance agreement shall be prepared to meet the requirements of S. 17 of this ordinance; the financial guarantee shall meet the requirements of S. 18 of this ordinance; and fees shall be those established by the Winnebago County Board of Supervisors as set forth in S. 04 of this ordinance.
- (3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The administering authority shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 days of the receipt of a complete permit application, including all items as required by S. 15(2)(a), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved, approved conditionally, or disapproved. The administering authority shall base the decision on requirements set forth in S. 14, S. 15, and S. 17 of this ordinance.
  - (b) If the storm water permit application, plan and maintenance agreement are approved, the administering authority shall issue the permit.
  - (c) If the storm water permit application, plan or maintenance agreement are disapproved, the administering authority shall detail in writing of the reasons for disapproval.
  - (d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved, approved conditionally, or disapproved.
  - (e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to constitute an approval of the submittal, and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.
- (4) **PERMIT CONDITIONS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification to the permittee:
- (a) Compliance with the permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.
  - (b) The permit holder shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and the permit.

