

ORDINANCE NO.: Z-6—2024-25

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 AN ORDINANCE TO AMEND THE OUTAGAMIE COUNTY ZONING ORDINANCE.

2 The subject matter of the ordinance having been duly referred and considered by the
3 Outagamie County Agriculture, Extension Education, Zoning and Land Conservation
4 Committee and public hearing having been held after giving requisite notice of said
5 hearing, and a recommendation as required by Section 59.69 of the Wisconsin State
6 Statutes.

7
8 Outagamie County Planning Staff Rezoning Review recommends approval. Agriculture,
9 Extension Education, Zoning and Land Conservation Committee recommends approval.

10
11 NOW THEREFORE, the undersigned members of the Agriculture, Extension, Zoning, and Land
12 Conservation Committee recommend adoption of the following ordinance.

13 BE IT ORDAINED, that the Outagamie County Board of Supervisors does recommend adoption
14 of the petition of Meridian Surveying LLC, applicant on behalf of Paul and Annette Hauser, owners, to
15 rezone parcel 170201501 from the Local Commercial District to the General Agriculture District. The
16 location of the site is South of County HWY EE and West of Shawnee Road, Town of Oneida, Outagamie
17 County, WI, as depicted on the attached review and map, which by reference are made a part hereof, and

18 BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect in the Town of
19 Oneida upon approval by the Outagamie County Board of Supervisors, publication per State Statute 59.14
20 and 66.0103, and

21 BE IT FINALLY ORDAINED, that the Outagamie County Clerk be directed to forward a certified
22 copy of this ordinance to the Town of Oneida Clerk, the Outagamie County Zoning Administrator and the
23 Municipal Code Corporation for inclusion in the Outagamie County Code of Ordinances.

24 Dated this ____ day of November 2024.
25
26

Respectfully Submitted,

AGRICULTURE, EXTENSION
EDUCATION, ZONING & LAND
CONSERVATION COMMITTEE

Debra Vander Heiden

Mike Janke

Jayme Heiser

Daniel Rettler

Mark Mitchell

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive

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Department of Development and Land Services
Planning & Zoning | GIS & Land Information
320 S. Walnut St. | Appleton, WI 54911
Outagamie County Government Center, 3rd Floor
Phone: (920) 832-5255 Fax: (920) 832-4770
www.outagamie.org

MEMORANDUM

TO: Outagamie County Zoning Committee
FROM: Austin Dyb
DATE: October 07, 2024
RE: PL202400468 - Rezoning - County Review & Recommendation

Application Details:

Applicant: Steve DeJong, Meridian Surveying LLC
Owner(s) HAUSER, PAUL M & HAUSER, ANNETTE M
Request: County Rezone from Local Commercial to General Agriculture
Parcel(s): All of 170201501
Location: South of County HWY EE and West of Shawnee Road
TOWN OF ONEIDA
Public Hearing: October 22, 2024- 09:00 AM

Background & Analysis:

The applicants are seeking a County rezone from the Local Commercial District (LC) to the General Agriculture District (AGD). Exhibit A depicts the request. The proposal is to rezone all of parcel 170201501 to AGD (0.95 Ac) to accommodate a new Single Family home, replacing the existing home on the property. The table below shows the existing land use and zoning district patterns surrounding the subject parcel. The proposed single family home is compatible with surrounding land uses.

Area Adjacent to Subject Site	Existing Zoning District	Existing Land Use
North	General Agriculture	Single Family Home
South	General Agriculture	Single Family Home
East	Oneida Tribal Jurisdiction	Agriculture
West	Local Commercial	Single Family Home, Home-Based Business

No environmental hazards currently exist on the parcel. The applicant has been advised that an Erosion Control Permit with siteplan may be required if the total land disturbance associated with the construction reaches 4,000 sq ft or more.

The Town of Oneida reviewed and approved this rezoning request at their September 16th, 2024 town board meeting with no concerns. (Exhibit B)

Outagamie County administers general zoning for the Town of Oneida, and the County is statutorily obligated to document consistency with the County Comprehensive Plan, pursuant to Sec. 66.1001(3) Wis. Stats. The County Comprehensive Plan designates the subject area as "Rural Character". This designation is intended for agricultural areas, open areas, and rural residential development. As such, County staff has identified the proposed rezone to AGD as consistent with the County Comprehensive Plan.

Staff Recommendation:

Based on our review and the above analysis of this proposed Rezoning - County, Staff **recommends approval** of the proposed rezoning for all of parcel 170201501 from the Local Commercial District to the General Agriculture District.



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TOWN RECOMMENDATION FORM

This form must accompany any County petition requesting a rezone (map amendment), special exception permit, special exception airport permit, conditional use permit, variance, or appeal. Towns must provide a signed copy of this form to the applicant/petitioner and should retain a copy.

OVERVIEW OF REQUEST:

Town (or Applicable Village):	
Request:	Rezoning
Applicant or Petitioner Name:	Hauser
Applicant Contact Information (Preferred):	ahauser523@gmail.com
Site Parcel Number(s):	170201501
Site Address (if applicable):	N5687 SHAWNEE RD DE PERE, WI 54115
Pre-Application Meeting Number (if applicable):	PL202400427
Description of the Request: <i>(Please summarize the purpose of this request and/or attach a copy of the pre-application meeting summary, if applicable.)</i>	Rezoning from Local Commercial to General Agricultural

COMPLETED BY THE CLERK:

Certification:

I hereby certify that the Board of ^{Oneida} _____, at a legally convened meeting of the Board held on 09/16/2024, voted to Select Decision the Rezoning _____ request:



 Clerk Signature 9/16/2024
Date

Motion Outcome by a Vote of:	3	For	0	Against
General Comments/Reasons for the Decision: <i>(See next page for instructions. If needed, you may include additional pages.)</i>	Al Krause made a motion to approve rezoning of parcel to General Agricultural. Terry Hock second motion. Motion carried. Notes: Remove existing trailer house. New home will have garage/basement/stick-built home. Parcel is less than an acre however will allow due to existing home. Parcel was previous salvage yard years ago. Current conventional septic and private well.			

INSTRUCTIONS REGARDING “COMMENTS/REASONS FOR THE DECISION”:

Rezone Request

- A decision to approve a rezone request shall be determined to be consistent with that local governmental unit's comprehensive plan (Sec. 66.1001(3)).
- A decision to deny a rezone request is discretionary. While not required, we recommend your board indicate a reason for denial, such as how it is inconsistent with the comprehensive plan.
- A rezoning out of exclusive agriculture must make the following findings:
 - a. The land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county certified farmland preservation plan.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Special Exception Permit (SP) or Conditional Use Permit (CUP) Request

Note: The County maintains the same requirements for SPs as for CUPs.

- A local government's decision to approve or deny a SP or CUP must be supported by substantial evidence. Any condition imposed must be based on substantial evidence. The applicant for the SP or CUP must provide substantial evidence that the application and all requirements and conditions established by the local government relating to the conditional use are or shall be satisfied.
- Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion” (Wisconsin Act 67). To learn more about the substantial evidence test: [CLICK HERE](#).

Variance Request

- The decision to approve or deny a variance is discretionary. However, per Section 54-887(b)(2), variances shall only be granted when the board of adjustment finds that:
 - a. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of Chapter 54.
 - b. The variance will not permit the establishment of a use which is not permitted or permissible in the district.
 - c. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - d. The literal interpretation of the provisions of Chapter 54 would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - e. The hardship is not shared generally by other land or buildings in the area.
 - f. The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

Appeal Request

- The decision to approve or deny an appeal is discretionary.