

ORDINANCE NO.: Z-2—2019-20

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 AN ORDINANCE TO AMEND THE OUTAGAMIE COUNTY ZONING
2 ORDINANCE. The subject matter of the ordinance having been duly referred and
3 considered by the Outagamie County Agriculture, Extension Education, Zoning and Land
4 Conservation Committee and public hearing having been held after giving requisite
5 notice of said hearing, and a recommendation as required by Section 59.69 of the
6 Wisconsin State 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 Education, Zoning
12 and Land Conservation Committee bring forward the following ordinance change for the Board's
13 consideration.

14 BE IT ORDAINED, that the Outagamie County Board of Supervisors does recommend adoption
15 of the petition of Robert Reider, agent for Edward Gritt, owner, to rezone part of parcel 050059000,
16 totaling 2.0 acres, from AED Exclusive Agriculture District to AGD General Agriculture District. The
17 parcel is located southwest of the intersection of Schnabl Road and State Road, Town of Cicero,
18 Outagamie County, WI, as depicted on the attached review and map, which by reference are made a part
19 hereof, and

20 BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect in the Town
21 of Cicero upon approval by the Outagamie County Board of Supervisors, publication per State Statute
22 59.14 and 66.0103, and the execution and recording of the above stated deed covenants, and

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

Dated this ____ day of May, 2019.

Respectfully Submitted,
AGRICULTURE, EXTENSION
EDUCATION, ZONING & LAND
CONSERVATION COMMITTEE

Daniel Rettler

Keith Suprise

Daniel Melchert

BJ O'Connor-Schevers

Debra Vander Heiden

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive



Department of Development and Land Services
Planning & Zoning | GIS & Land Information
320 S. Walnut St | Appleton, WI 54911
Administration Building, 3rd Floor
Phone: 920-832-5255 | Fax: 920-920-832-4770
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MEMORANDUM

TO: Outagamie County Agriculture, Extension Education, Zoning & Land Conservation Committee
FROM: Kara Homan, AICP, Director
DATE: May 6, 2019
RE: **Z-6-19; Parcel # 050059000; Rezoning Review & Recommendation**

Background & Analysis:

Applicant: Robert Reider, Agent
Owner: Edward Gritt
Request: Rezoning From: AED Exclusive Agriculture District
To: AGD General Agriculture District
Location: Town of Cicero; Part of Parcel: 050059000 (See Exhibit A for legal description)
Public Hearing: May 14, 2019, Outagamie County Highway Garage

This proposed rezoning, totaling 2.0 acres, will allow for the construction of a single family residence. The property is located southwest of the intersection of Schnabl Road and State Road (see Exhibit B). The neighboring zoning & land use in the immediate area is as follows:

	<i>Existing Zoning</i>	<i>Existing Land Use</i>
<i>North</i>	AED - Exclusive Ag	Open Land/Agriculture
<i>South</i>	AGD – General Ag	Single Family Residential
<i>East</i>	AED – Exclusive Ag	Agriculture
<i>West</i>	AED – Exclusive Ag	Pond/Agriculture

There are no navigable streams or floodplains present on this site. There are no DNR mapped wetlands nor hydric soils present. Additionally, there are no known cultural or historical attributes at this site.

The site currently sits vacant and is part of a parcel that a large pond occupies the majority of the property. The remaining vacant land is partially covered with trees, and by its geography, is not conducive for conversion to farmland.

The Cicero Town Board reviewed this rezoning on February 18th, 2019 and recommended it for approval.

The Town of Cicero general zoning is administered by the County and the County is statutorily obligated to document consistency with the County Comprehensive Plan, pursuant to Sec. 66.1001(3) Wis. Stats. The Future Land Use map for the area illustrates “future agriculture” for this site, with low-intensity scattered “future residential” in proximity. As the General Agricultural District within the County Zoning Code allows single-family dwelling on non-platted land, by right, we find this proposed use to be consistent with the Comprehensive Plan’s Future Land Use Map. Planning staff also finds that this request is consistent with the following plan goals:

- Land Use Goal 4: Provide an adequate amount of land for a variety of housing choices throughout the County.

The Farmland Preservation Plan (Appendix F of the Comprehensive Plan) identifies this property as a Farmland Preservation Area; however it is immediately adjacent to properties that are not a part of this zone (to the south). Because this rezoning request is modest in nature (2 acres proposed for low density single family – which is already present in the area), and does not, for all intents and purposes, fundamentally alter or impair the farmland within this area, we find that this proposal is substantially in compliance with the Farmland Preservation Plan.

Sec 54-105(1), County Code, requires that the followings findings are made when rezoning land out of the Exclusive Agricultural District:

- a. The rezoned land is better suited for a use not allowed in the AED exclusive agricultural district.
- b. The rezoning is consistent with any applicable comprehensive plan.
- c. The rezoning is substantially consistent with the county farmland preservation plan, which is in effect at the time of the rezoning.
- d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

Based on the above analysis, Planning staff finds the proposed rezoning to meet the above criteria.

Planning Staff Recommendation

Based on our review and the above analysis of this proposed rezoning, **County Planning Staff recommends approval to rezone a part of parcel #050059000, further described in Exhibit A, from AEG – Exclusive Agricultural District to AGD – General Agriculture District; as requested, with the following findings:**

- **The rezoning is consistent with the Outagamie County Comprehensive;**
- **That rezoning meets all requirements within Sec 54-105(1) Outagamie County Code of Ordinances.**

EXHIBIT A – LEGAL DESCRIPTION

DESCRIPTION OF PARCEL TO BE REZONED FROM EXCLUSIVE AGRICULTURAL TO GENERAL AGRICULTURAL:

A PARCEL OF LAND BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 7691 AS RECORDED IN VOLUME 47 OF CERTIFIED SURVEY MAPS ON PAGE 7691 AS DOCUMENT NO. 2154028, LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWN 24 NORTH, RANGE 17 EAST, TOWN OF CICERO, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SECTION 31; THENCE N00°27'28"E, 817.34 FEET ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SECTION 31 TO THE SOUTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 7691 AND THE POINT OF BEGINNING; THENCE N89°32'32"W, 245.90 FEET ALONG SAID SOUTH LINE; THENCE N00°27'28"E, 354.29 FEET; THENCE S89°32'32"E, 245.90 FEET TO THE EAST LINE OF THE NORTHEAST ¼ OF SECTION 31; THENCE S00°27'28"W, 354.29 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 2.000 ACRES OF LAND MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. RESERVING THAT PART PRESENTLY USED FOR ROAD PURPOSES.

EXHIBIT B – REZONING OVERVIEW MAP

