

RESOLUTION NO.: Z-4—2019-20

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Town Board of Black Creek has adopted a comprehensive Zoning Ordinance
2 separate from that of Outagamie County. Section 60.62 (3) of the Wisconsin State
3 Statutes requires that all zoning amendments made by the Town of Black Creek be
4 approved by Outagamie County before they are effective. The Outagamie County
5 Planning Staff and Zoning Committee recommend approval.
6

7 NOW THEREFORE, the undersigned members of the Agriculture, Extension Education, Zoning
8 and Land Conservation Committee recommend adoption of the following resolution.

9 BE IT RESOLVED, that the Outagamie County Board of Supervisors does recommend approval
10 of the proposed rezoning request for William/Dorothy Paltzer Living Trust. The proposed rezoning is
11 for parcel 010044601, totaling 2.0 acres, from AED Exclusive Agriculture District to AGD General
12 Agriculture District. These parcels are located on the north side of Ott Road, just east of STH 47 in the
13 Town of Black Creek, Outagamie County, as depicted on the attached review and map, which by
14 reference are made a part hereof, and

15 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a
16 certified copy of this resolution to the Outagamie County Zoning Administrator and the Clerk of the
17 Town of Black Creek.

18 Dated this ____ day of May, 2019.

19 Respectfully Submitted,
20 AGRICULTURE, EXTENSION
21 EDUCATION, ZONING & LAND
22 CONSERVATION COMMITTEE
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Daniel Rettler

Keith Surprise

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Daniel Melchert

Debra VanderHeiden

BJ O'Connor-Schevers

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
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 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 8, 2019
 RE: **Z-8-19; Paltzer Property; Rezoning Review & Recommendation (TOWN ZONING)**

Background & Analysis:

Applicant: Paltzer Living Trust, William/Dorothy (prior owners)
Owner: John & Angela Mauthe
Request: Rezoning From: Exclusive Agriculture District (AED)
 To: General Agriculture District (AGD)
Location: Town of Black Creek; Parcel: 010044601
Public Hearing: October 23, 2018, Black Creek Town Hall

This proposed rezoning, totaling 2.0 acres, will allow for the construction of a single family residence in the Town of Black Creek. The property is located on the north side of Ott Road, just east of STH 47 (see Exhibit A). The neighboring zoning & land use in the immediate area is as follows:

	<i>Existing Zoning</i>	<i>Existing Land Use</i>
<i>North</i>	Exclusive Agriculture (AED)	Agriculture
<i>South</i>	General Agriculture (AGD) & Exclusive Agriculture (AED)	Agriculture & a Single Family Residence
<i>East</i>	Exclusive Agriculture (AED)	Agriculture
<i>West</i>	General Agriculture (AED)	Agriculture

There are no navigable streams nor DNR mapped wetlands present on the site. There is a small pocket of wetland indicator soils present on the site that may require a wetland delineation depending on the location of the new home. In addition, there are no known cultural or historical attributes present.

The Town Plan Commission held a public hearing on October 23, 2018, and recommended to approve this rezoning request. The Town Board reviewed this same proposal on November 12, 2018, and voted to approve.

The Town of Black Creek has exercised village powers and has adopted General Town Zoning; as such, the County is not statutorily obligated to document consistency with the County Comprehensive Plan, pursuant to Sec. 66.1001(3), as the burden falls on the Town of Black Creek. However, we do concur that this proposed rezoning is compatible with the County's future land use map (which shows "Future Agriculture & Open Other Land" within the vicinity of this site, both of which can support rezonings related to limited intensity, un-platted single family residential), and the following goal found within the County Comprehensive Plan:

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

In addition, the burden of meeting the provisions of [91.48](#), Wis. Stats., rests with the Town of Black Creek, as they administer Town Zoning, including a state-certified farmland preservation zoning district.

Planning Staff Recommendation

Based on our review and the above analysis of this proposed rezoning, **County Planning Staff recommends to approve rezoning parcel #010044601 from Exclusive Agriculture District (AED) to General Agriculture District, as requested.**

EXHIBIT A – REZONING OVERVIEW MAP

