

RESOLUTION NO.: Z-3—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 Michael and Cynthia Koller. The proposed rezoning is for parcel
11 010029303, totaling 2.0 acres, from AED Exclusive Agriculture District to AGD General Agriculture
12 District. These parcels are located on the east side of Twelve Corners Road, just north of CTH B, just to
13 the east of Village of Black Creek in the Town of Black Creek, Outagamie County, as depicted on the
14 attached review and map, which by 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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27 _____
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
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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-7-19; Koller Property; Rezoning Review & Recommendation (TOWN ZONING)**

Background & Analysis:

Applicant: Michael & Cynthia Koller (prior owners)
Owner: Evan & Samantha Streim
Request: Rezoning From: Exclusive Agriculture District (AED)
To: General Agriculture District (AGD)
Location: Town of Black Creek; Parcel: 010029303
Public Hearing: June 13, 2018, Black Creek Town Hall

This proposed rezoning, totaling 2.0 acres, will allow for the construction of a single family residence in an established residential area within the Town of Black Creek. The property is located on the east side of Twelve Corners Road, just north of CTH B, just to the east of the Village of Black Creek (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)	Single Family Res./Open Land
<i>South</i>	General Agriculture (AGD)	Single Family Residential
<i>East</i>	Exclusive Agriculture (AED)	Agriculture
<i>West</i>	General Agriculture (AED)	Single Family Residential

There are no navigable streams, DNR mapped wetlands, nor wetland indicator soils present on the site. In addition, there are no known cultural or historical attributes present.

The Town Plan Commission held a public hearing on June 13, 2018, and recommended to approve this rezoning request. The Town Board reviewed this same proposal on September 10, 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, County Planning Staff does concur that this proposed rezoning is compatible with the County’s future land use map

(which shows “Future Agriculture & Future Residential” within the vicinity of this site), 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, which includes a state-certified farmland preservation zoning district within their town code.

Planning Staff Recommendation

Based on our review and the above analysis of this proposed rezoning, **County Planning Staff recommends to approve rezoning parcel #010029303 from Exclusive Agriculture District (AED) to General Agriculture District, as requested.**

EXHIBIT A – REZONING OVERVIEW MAP

