

TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
SPECIAL TOWN BOARD MEETING
Monday October 5, 2026, 7:00 pm
15 N. Oakwood Road, Oshkosh, WI 54904
AGENDA

PUBLIC HEARING FOR AMENDING THE TOWN FUTURE LAND USE PLAN

To discuss a proposed amendment to the Future Land Use Plan for the use of parcel 002-0108, 2581 Omro Road, to be changed from a combination of residential use on the northern portion and commercial use on the southern portion to all commercial use.

The Board may discuss and act on the following:

1. Call to Order.

- A. Pledge of Allegiance.
- B. Roll Call.

2. Town agenda was posted at the following locations: Town of Algoma Municipal Building, and town website at www.townofalgomawi.gov on October 1, 2026.

3. Business.

- A. Discussion and possible action re: Town Comprehensive Plan Future Land Use Map Amendment request by Garanne Properties, Gary R. Lerch, for 2581 Omro Road, parcel 002-0108.
- B. Discussion and possible action re: Request to rezone 2581 Omro Rd, parcel 002-0108, from A-2 General Agricultural District to B-3 General Business District by Garanne Properties, Gary R. Lerch.
- C. For discussion only re: Winnebago County Planning and Zoning Committee is proposing a text amendment to Winnebago County General Code Chapter 16, regarding Private On-Site Wastewater Treatment Systems (POWTS).

4. Adjourn.

The Town Board meets regularly on the THIRD WEDNESDAY OF EACH MONTH AT 6:00 p.m. (unless otherwise noted) at the Municipal Building (Town Hall), 15 N. Oakwood Road. ALL MEETINGS ARE OPEN TO THE PUBLIC. 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. NOTE: 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, call the Town Hall office at 920-235-3789.



AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors

From: Maggie Mahoney, Administrator

Date: October 5, 2026

RE: **Discussion and Possible Action re:** Town Comprehensive Plan Future Land Use Map Amendment request by Garanne Properties, Gary R. Lerch, for 2581 Omro Road, parcel 002-0108.

GENERAL INFORMATION:

Petitioner: Garanne Properties, Gary R. Lerch
2919 Waldwic Lane
Oshkosh, WI 54904

Owner: Alexander and Mary Jean Irvine Revocable Trust
3022 Windfield Drive
Neenah, WI 54956

Past Town Board Discussion(s): The Town Board received a summary of the request and set the date of the public hearing at the August 19, 2026 Town Board meeting.

Action Requested: Petitioner is requesting a change to the Future Land Use Map, which is an amendment to the Town Comprehensive Plan. He is requesting that a change be made to one parcel to make a combination of residential and commercial use to all commercial use. This request is considered a minor amendment to the map/plan. The petitioner would ultimately like to rezone this parcel to B-3 General Commercial District and has an offer to purchase the property contingent upon the rezoning being approved.

The public hearing for this item was noticed at least 30 days per §66.1001(4). The public hearing was held October 5 prior to consideration (see attached notice).

For this meeting the Town Board will consider the request to amend the future land use map then consider rezoning in the next agenda item. Approval of the rezoning request is contingent upon the approval of the future land use map amendment.

Applicable Provisions:

Town of Algoma Comprehensive Plan

Chapter 23: Town/County Zoning of the Winnebago County Municipal Code

Property Location and Type:

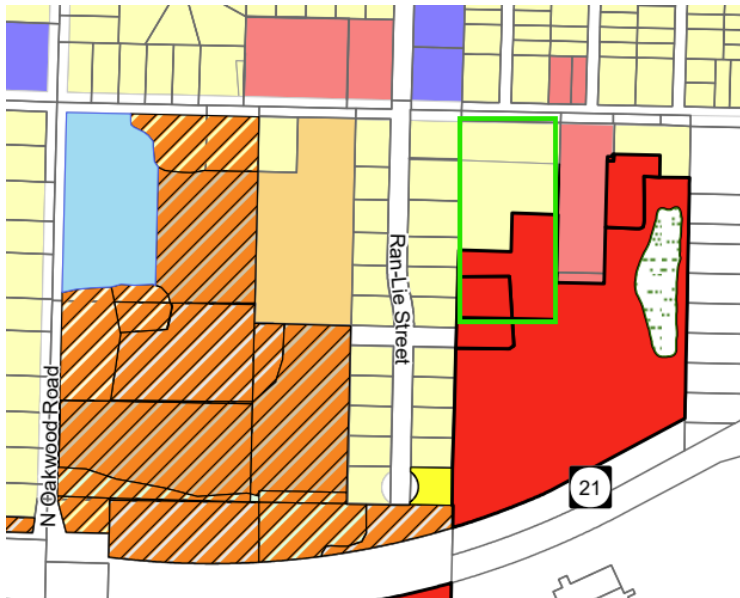
The subject property is 5 acres on the southside of Omro Road, between Ran-lie Street and N. Westhaven Drive that is zoned A-2 General Agriculture District. The parcel abuts a residential neighborhood to the west, residential and businesses to the north, Service Oil to the east, and residential and vacant property to the south. The property serves as a hobby farm with existing structures, but is mostly open space as is typical with an agricultural lot.

This parcel is in the protected area of our boundary agreement with the City of Oshkosh.

Town Comprehensive Plan:

<i>Land Use Recommendation</i>	<i>Use Category</i>
Current Land Use	A-2 General Agriculture District
Current Future Land Use	Residential and Commercial
Proposed Future Land Use	Commercial

Future Land Use Map in the Town of Algoma Comprehensive Plan:



Residential:

Low density (yellows)

Multi-family (orange)

Commercial (pink and red)

Institutional (blue)

Mixed-Duplexes & Commercial/Retail (orange stripes)

The full Town Comprehensive Plan and Future Use Map is available on the town website:

<https://townofalgoma.org/planning/>

ANALYSIS:

The current future land use map identifies both residential and commercial uses on this lot in roughly the same amount—both abut residential and commercial uses. The location of this lot on Omro Road, a main thoroughfare of town, and its proximity to other commercial lots with frontage on that road that also abut residential lots make it reasonable that it be commercial use. This is a use that is consistent with the planned use in the area. **The proposed change is a reasonable amendment to the Town Comprehensive Plan Future Land Use Map.**

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission considered this item at their August 12, 2026 meeting. The Planning Commission passed the motion 7-0 to recommend approval for the proposed land use map amendment.

RECOMMENDED ACTION:

The Planning Commission recommends approval of the amendment. Should the Town Board agree, the following motion may be made:

“Motion to approve the request by Garanne Properties, Gary R. Lerch, to amend the Town Comprehensive Plan Future Land Use Map for 2581 Omro Road, parcel 002-0108, to commercial use.”

ATTACHMENTS:

1. Public Hearing notice
2. Town Application

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
NOTICE OF PUBLIC HEARING**

A Public Hearing will be held on Monday, October 5 at 7:00pm at the Algoma Town Hall located at 15 N. Oakwood Road, Oshkosh, WI.

Public comment will be solicited concerning a proposed amendment to the Future Land Use Plan for the use of parcel 002-0108, 2581 Omro Road, to be changed from a combination of residential use on the northern portion and commercial use on the southern portion to all commercial use. The Future Land Use Map is found on page 253 of the Town of Algoma Comprehensive Plan Update 2040. The plan and map are available on the town website at <https://townofalgomawi.gov/planning/>.



A copy of the proposed amendment is available for public inspection during normal business hours at Algoma Town Hall, 15 N. Oakwood Road, Oshkosh, WI. More information may be obtained by contacting Administrator Maggie Mahoney at (920) 235-3789 or townadmin@townofalgomawi.gov.



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgomawis.gov
M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application

APPLICANT INFORMATION

Petitioner: **GARANNE PROPERTIES / GARY R. LERCH** Date: **07/20/2026**
Petitioner's Address: **2919 WALDWIC LANE** City: **OSHKOSH** State: **WI** Zip: **54904**
Telephone #: [REDACTED] Fax: [REDACTED] Other Contact: [REDACTED]
Status of Petitioner (owner, representative, tenant, or prospective buyer): **PROSPECTIVE BUYER**

OWNER INFORMATION

Owner(s): **Alexander and Mary Jean Irvine Trust dtd. 2/7/2007** Date: **7/20/2026**
Owner(s) Address: **3022 Windfield Dr.** City: **Neenah** State: **WI** Zip: **54956**
Telephone #: [REDACTED] Other Contact # or Email: [REDACTED]

Ownership Status (Individual, Trust, Partnership, Corporation, or LLC)

Property Owner Consent (required)

By signature hereon, I/We acknowledge that Town officials and/or employees may, in the performance of their functions, enter upon the property to inspect or garner other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Town of Algoma for incomplete submissions or other administrative reasons.

Property Owner's Signature: [REDACTED] Date: **7/20/2026**

SITE INFORMATION

Address/Location of Proposed Project: **2831 OMRO ROAD / TAX PARCEL #0020108**
Current Use of Property: **RESIDENTIAL / HOBBY FARM** Zoning: **A-2**
Land Uses Surrounding Your Site:
North: **COMMERCIAL / RESIDENTIAL** **B-2 / R-1**
South: **COMMERCIAL** **B-3**
East: **COMMERCIAL** **B-2**
West: **RESIDENTIAL** **R-1**

Projected Timeline: **PROJECTED CLOSING DATE: 12/2026**

Project Description: **REZONE REVIEW REQUESTING REZONING TO B-3**

Note: The Town of Algoma or a duly appointed official maintain the right to cancel this agreement if the applicant has been deemed in violation of this agreement or Town of Algoma Municipal Code. No refund will be provided.



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgomawis.gov

M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application Continued

SITE INFORMATION CONTINUED

Development Characteristics Gross Acreage/ Square Feet: 5 ACRES / 217,800 SQ FT

Development Area and Percentage: N/A

of Employees/#of Residential Units: N/A

of Proposed Parking Space: N/A

Traffic Count Projections (attach documentation): N/A

Percent Impervious (attach documentation): N/A

Description of Required Landscaping (attach landscape plan): N/A

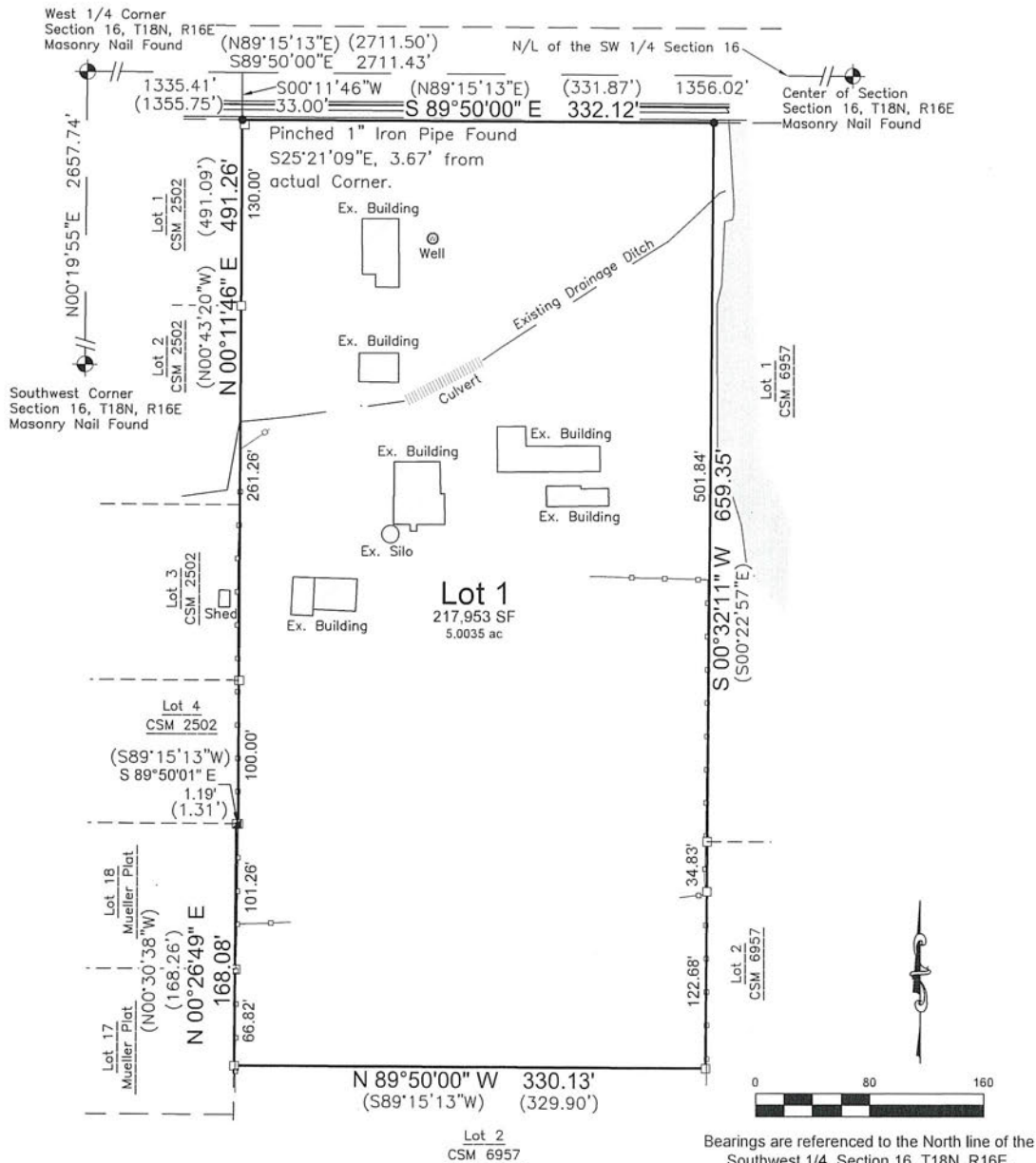
Additional Information: MAP ATTACHED

OFFICE USE ONLY

Received By: SE Date: 7/21/26 Fee: 350⁰⁰ Paid: (Yes) No OK # 1556

Note: The Town of Algoma or a duly appointed official maintain the right to cancel this agreement if the applicant has been deemed in violation of this agreement or Town of Algoma Municipal Code. No refund will be provided.

All of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.



Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter A-E 7 of the Wisconsin Administrative Code, and under the direction and control of Alexander Irvine Revocable Trust, the property owner, that this survey is correct to the best of my knowledge and belief, and that this land is all of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin, containing 217,953 Square Feet (5.0035 Acres) of land, subject to all easements and restrictions of record.

LEGEND

- $\frac{3}{4}$ " x 18" Steel Rebar
 @ 1.50lbs/LF SET
 □ 1.3" O.D. Iron Pipe Found
 ▣ 2.3" O.D. Iron Pipe Found
 ⊕ Government Corner
 () Recorded As
 [] Concrete Pavement
 [] Asphalt Pavement
 —○— Fence - Wood

Given under my hand this 7 day of May, 20 24

The field work was completed on 7May24

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692



DAVEL ENGINEERING &
ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davelpro.com

Survey for:
Alexander Irvine, Trustee
Alexander & Mary Jean Irvine Revocable Trust
3022 Windfield Dr.
Neenah, WI 54956



Click on a Parcel for Detailed Info

▼ Enter PIN, Owner, Address, 🔍



A horizontal number line with arrows at both ends. It has three major tick marks labeled 0, 50, and 100ft. The line is divided into two equal segments by the 50 mark.



AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors

From: Maggie Mahoney, Administrator

Date: October 5, 2026

RE: **Discussion and Possible Action re:** : Request to rezone 2581 Omro Rd, parcel 002-0108, from A-2 General Agricultural District to B-3 General Business District by Garanne Properties, Gary R. Lerch.

GENERAL INFORMATION:

Petitioner: Garanne Properties, Gary R. Lerch
2919 Waldwic Lane
Oshkosh, WI 54904

Owner: Alexander and Mary Jean Irvine Revocable Trust
3022 Windfield Drive
Neenah, WI 54956

Past Town Board Discussion(s): The Town Board received a summary of the request at the August 19, 2026 Town Board meeting.

Action Requested: The petitioner is requesting to rezone this parcel to B-3 General Commercial District and has an offer to purchase the property contingent upon the rezoning being approved. Approval of this rezoning request is contingent upon the approval of the future land use map amendment in the previous agenda item.

Applicable Provisions:

Town of Algoma Comprehensive Plan

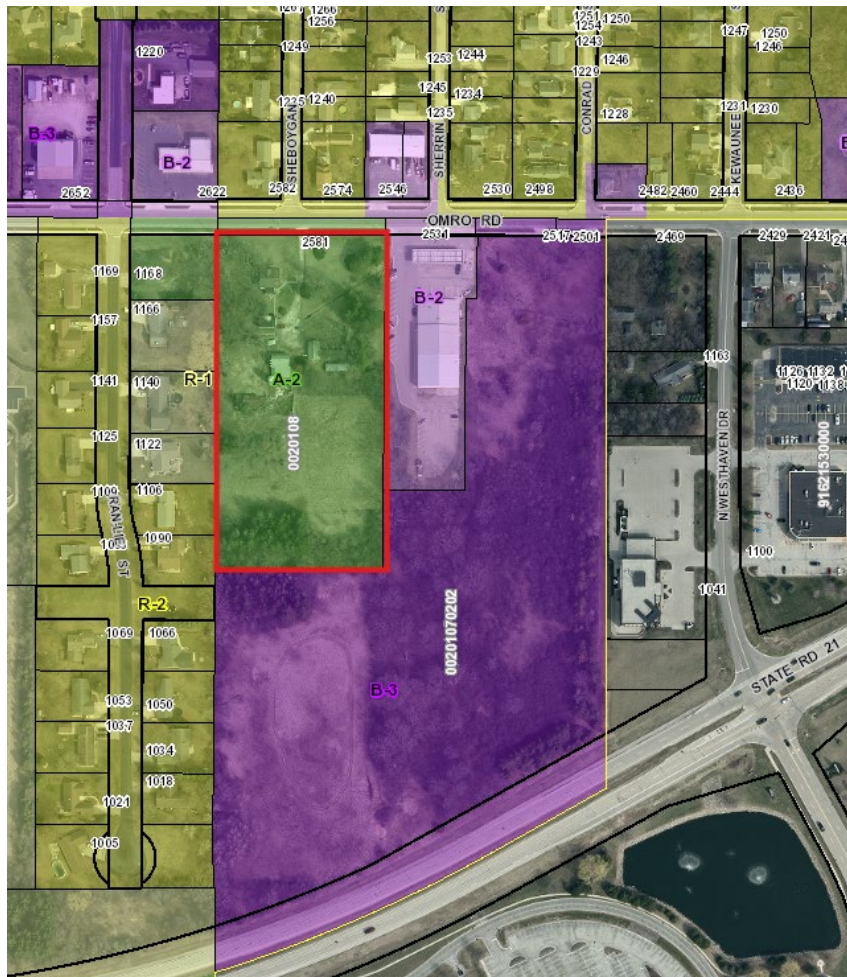
Chapter 23: Town/County Zoning of the Winnebago County Municipal Code

Property Location and Type:

The subject property is 5 acres on the southside of Omro Road, between Ran-lie Street and N. Westhaven Drive that is zoned A-2 General Agriculture District. The parcel abuts a residential neighborhood to the west, residential and businesses to the north, Service Oil to the east, and residential and vacant property to the south. The property serves as a hobby farm and has a few buildings, but is mostly open space as is typical with an agricultural lot. The petitioner would like to rezone this parcel to B-3 General Commercial District.

This parcel is in the protected area of our boundary agreement with the City of Oshkosh.

Parcel 002-0108 (2581 Omro Road) and surrounding properties current zoning:



Existing Land Use	Zoning
Residential, hobby farm	A-2 General Agriculture District

Adjacent Land Use and Zoning:

Existing Land Uses		Zoning
North	Commercial, Residential	R-1 Rural Residential District B-2 Community Business District
South	Commercial	B-3 General Business District
East	Commercial	B-2 Community Business District B-3 General Business District
West	Residential	R-1 Rural Residential District A-2 General Agriculture District

Zoning Definitions:

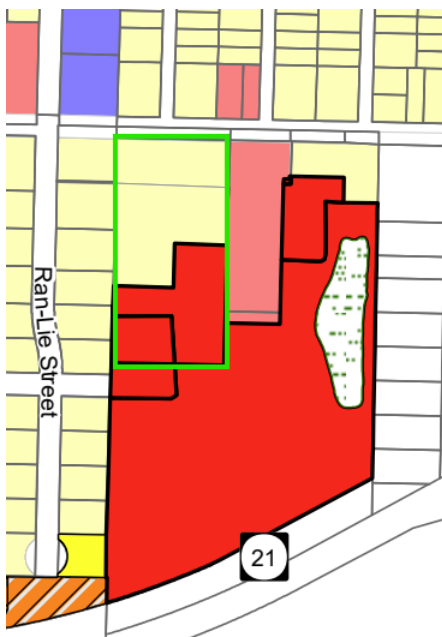
A-2 General Agriculture District – This district is intended to accommodate both large and small-scale farms and hobby farms. Although scattered residential lots are allowed, agriculture is the predominant land use. This district should be located in those areas suitable for agriculture, but not for large-scale agricultural operations, and adjacent to urbanizing areas.

B-2 Community Business District – This district is intended to accommodate both large-scale and small-scale pedestrian- and auto-oriented commercial development that primarily serves the needs of the surrounding community, including professional offices, retail stores, service establishments, overnight lodging, entertainment facilities, and mixed-use housing. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

B-3 General Business District – This district is intended to accommodate primarily large-scale commercial projects of regional importance that require access to major road corridors. This district is intended to include one or more parcels of land that as a general rule includes 20 acres or more. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

R-1 Rural Residential District – This district is intended to accommodate single-family residences on scattered lots to foster and maintain the rural character and lifestyle of the surrounding area. Lots are generally served by on-site wastewater treatment systems.

Future Land Use Definitions from the Town of Algoma Comprehensive Plan:



Residential – Residential land is classified as land that is primarily for human habitation (yellows).

Commercial – Represents the sale of goods and services and other general business practices. This includes retail and wholesale trade, services, and other uses (red).

Institutional Facilities – Defined as land for public and private facilities dedicated to public services (blue).

The full Town Comprehensive Plan and Future Use Map is available on the town website:

<https://townofalgoma.org/planning/>

ANALYSIS:

The proposed B-3 General Business District is a district that is consistent with the future use plan for commercial use.

Changing the zoning from A-2 General Agriculture District to B-3 General Business would allow the lot to be developed for any uses that are permitted in that district, as well as those allowed by conditional use.

I have attached the Chapter 23: Town/County Zoning of the Winnebago County Municipal Code 8-1 Land Use Matrix for your reference, which lists all of the permitted, conditional use, and accessory and temporary uses for each district. [Here is a link to the full Chapter 23](#) which includes definitions of each use in 23.3-2.

Here is a summary of the permitted uses the B-3 district:

Residential:	mixed use housing
Special Care Facilities:	group day care, hospice care, nursing home, retirement home
Group Accommodations:	boardinghouse, overnight lodging, resort
Food and Beverage Sales:	brewpub, restaurant, tavern
Vehicle Rental, Sales, and Service:	fuel station, repair shop, sales and rental, service shop
General Sales:	convenience, general retail including large format, outdoor
General Services:	administrative, adult oriented establishment, body-piercing, commercial kennel, small equipment rental, financial services, funeral home, general repair, general services, health care clinic, health care center, instructional services, professional services, tattoo, small animal veterinary clinic
Recreation and Entertainment:	indoor and outdoor entertainment and recreation
Government and Community Services:	administrative government center, civic use facility, community center, community cultural facility, community garden, educational (pre-K through 12 and post-secondary), park, public safety facility, recreation trail, worship facility
Telecommunications and Utilities facilities and systems	
Transportation:	mass transit terminal, parking lots and structures
Industrial uses:	artisan shop

The location of this lot on Omro Road, a main road of town, near residential neighborhoods and commercial lots make it reasonable that it be zoned B-3 General Business District based on the permitted uses stated above. Any development of the property will need to be reviewed and conform to dimensional standards and zoning code.

For the reasons stated above, the proposed change is consistent with the Town Comprehensive Plan and future land use map contingent upon the future land use map being amended to commercial use for this parcel.

A public hearing for this rezoning was held at Winnebago County Planning and Zoning on September 29, 2026.

Mr. Lerch distributed a letter to the neighborhood (attached).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission considered this item at their August 12, 2026 meeting and passed the motion 7-0 to recommend approval for the proposed rezone.

RECOMMENDED ACTION:

The Planning Commission recommends approval of the amendment contingent on an amendment to the Town's Comprehensive Plan for the future use of this parcel to be commercial use on the Future Land Use Map. Should the Town Board agree, the following motion may be made:

“Motion to approve the rezoning request for 2581 Omro Road, parcel 002-0108, from A-2 General Agricultural District to B-3 General Business District.”

ATTACHMENTS:

1. County Public Hearing notice
2. Letter from Gary Lerch
3. Town Application
4. Chapter 23 8-1 Land Use Matrix

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE September 29, 2026

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Zoning Map Amendment which is regulated by the Town/County Zoning Code, Chapter 23. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Planning and Zoning Committee will be holding a public hearing on September 29, 2026 at 6:30 PM in Conference Room 120 of the David Albrecht Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Microsoft Teams using the meeting information below. A direct link to the Microsoft Teams Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

Microsoft Teams Meeting Information Link: <https://winnebagoowwi.portal.civicclerk.com/>
Select the Agenda PDF on the meeting date and Click "Join Meeting Now"

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

INFORMATION ON ZONING MAP AMENDMENT REQUEST

Application No.: 2026-ZC-7530

Applicant: IRVINE TRUST LTD

Agent: LERCH, GARY

Location of Premises: 2581 OMRO RD, OSHKOSH

Tax Parcel No.: 002-0108

Legal Description: Being Lot 1 CSM-6058 located in part of the NE1/4 of the SW1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

Explanation: Applicant is requesting a Zoning Map amendment from A-2 (General Agriculture) to B-3 (General Business District) for commercial development.

INITIAL STAFF REPORT

Sanitation: Existing; Municipal

Overlays: Wetlands

Current Zoning: A-2 General Agriculture

Proposed Zoning: B-3 Regional Business

Surrounding Zoning: North: R-2; South: B-3; East: B-3;B-2; West: R-2;R-1;A-2;

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe present use(s): See attached.

Describe proposed use(s): See attached.

Describe the essential services for present and future use(s): See attached.

Describe why the proposed use would be the highest and best use for the property: See attached.

Describe the proposed use(s) compatibility with surrounding land use(s): See attached.

SECTION REFERENCE AND BASIS OF DECISION

23.7-5 Basis of Decision

Zoning map amendment initiated by a property owner. If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of a parcel not classified as A-1, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

Responses may be typed on a separate sheet and attached to this form.

C-1 Describe Present Use(s):

RESIDENTIAL/HOBBY FARM

C-2 Describe Proposed Use(s):

COMMERCIAL DEVELOPMENT

C-3 Describe the essential services (sewer, water, streets, etc.) for present and future uses:

ALL ESSENTIAL SERVICES ARE CURRENTLY AVAILABLE INCLUDING:

MUNICIPAL SEWER, WATER, IMPROVED STREET INCLUDING CURB AND GUTTER
STORM SEWER AND SIDEWALKS

C-4 Describe why the proposed use would be the highest and best for the property:

COMMERCIAL DEVELOPMENT WOULD PROVIDE A GREATER ECONOMIC VALUE
TO THE SURROUNDING COMMUNITY BEING ABLE TO PROVIDE NEEDED GOODS
AND SERVICES TO FURTHER SUPPORT AND ENHANCE THE COMMUNITY, IT
WOULD ALSO PROVIDE EMPLOYMENT OPPORTUNITIES AS WELL AS AN INCREASED
LOCAL TAX BASE

C-5 Describe the proposed use(s) compatibility with surrounding land uses:

THIS AREA ALREADY HAS A MIXED USE OF RESIDENTIAL AND COMMERCIAL
APPLICATIONS THAT EXIST VERY WELL TOGETHER, THE PARCEL IS LOCATED
ON OMRO ROAD, WHICH IS THE MAIN ROAD THROUGH THE TOWN OF ALGOMA
WITH MANY BUSINESSES LOCATED IN THE DIRECT VICINITY, THE PROPERTY
IS ALSO BORDERED TO THE SOUTH & EAST BY COMMERCIAL ZONING



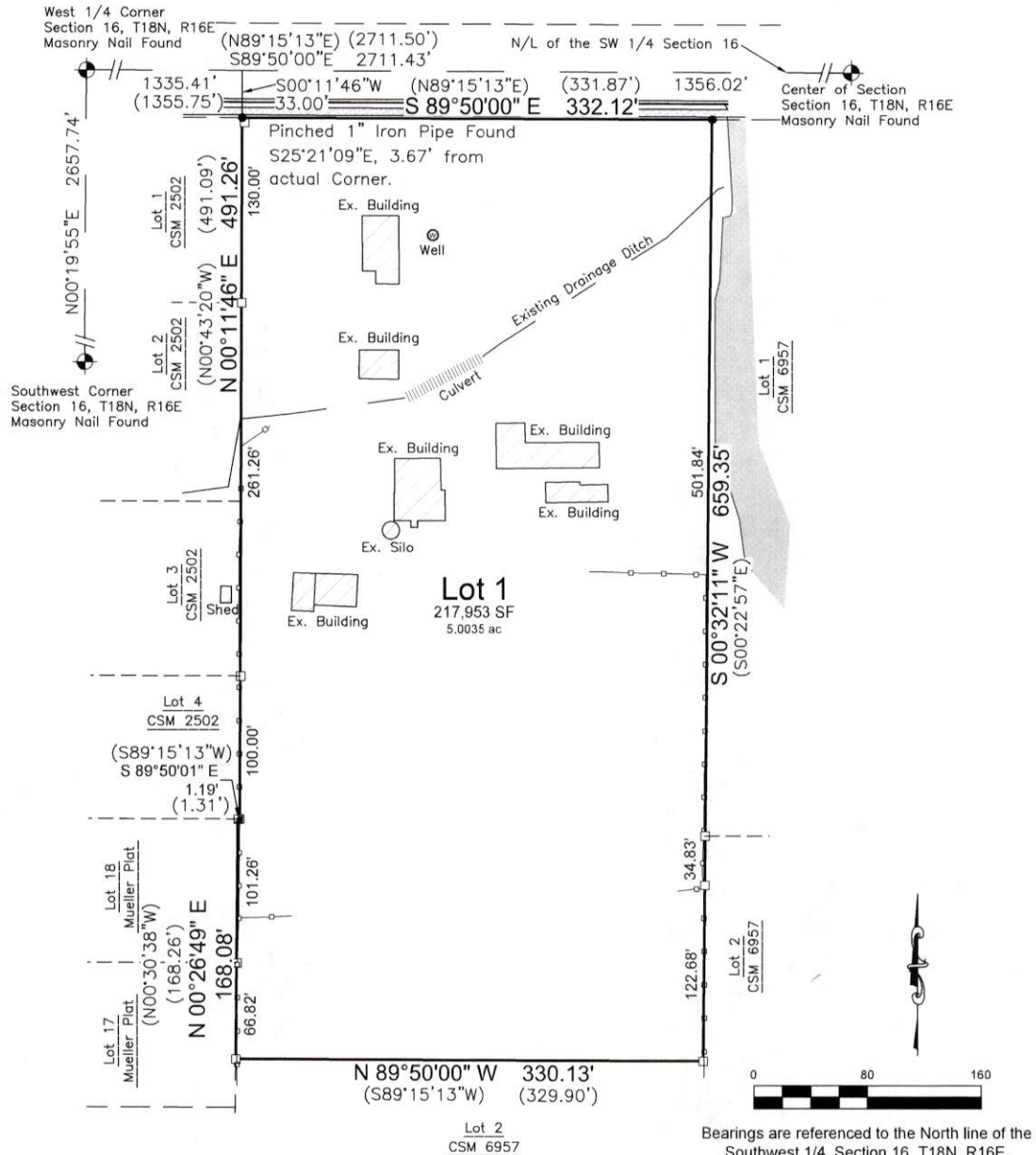
Click on a Parcel for Detailed Inform.

▼ Enter PIN, Owner, Address, 🔍



Plat of Survey

All of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.



Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter A-E 7 of the Wisconsin Administrative Code, and under the direction and control of Alexander Irvine Revocable Trust, the property owner, that this survey is correct to the best of my knowledge and belief, and that this land is all of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin, containing 217,953 Square Feet (5.0035 Acres) of land, subject to all easements and restrictions of record.

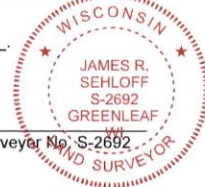
LEGEND

- 3/4" x 18" Steel Rebar
@ 1.50lbs/LF SET
- 1.3" O.D. Iron Pipe Found
- 2.3" O.D. Iron Pipe Found
- ⬢ Government Corner
- () Recorded As
- Concrete Pavement
- Asphalt Pavement
- Fence - Wood

Given under my hand this 7 day of May, 20 24.

The field work was completed on 7May24.

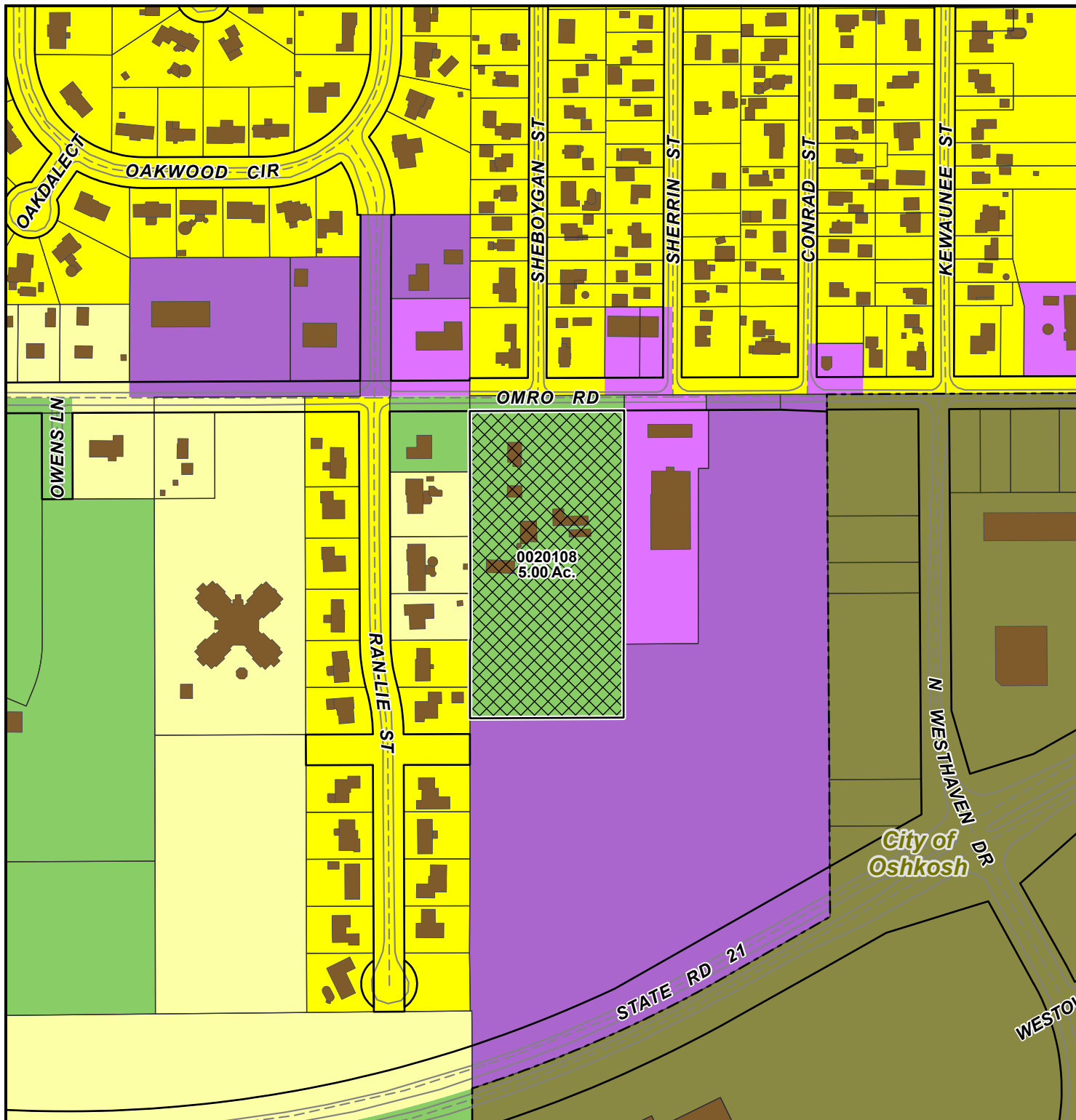
James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Survey for:
Alexander Irvine, Trustee
Alexander & Mary Jean Irvine Revocable Trust
3022 Windfield Dr.
Neenah, WI 54956



Application #26-ZC-7530

Date of Hearing:

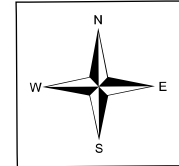
September 29, 2026

Owner(s):

IRVINE REV TST, ALEXANDER /
IRVINE REV TST, ALEXANDER

Subject Parcel(s):

0020108



Winnebago County
WINGS Project

Scale

1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

○ = SITE

Application #26-ZC-7530

Date of Hearing:

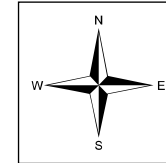
September 29, 2026

Owner(s):

IRVINE REV TST, ALEXANDER /
IRVINE REV TST, ALEXANDER

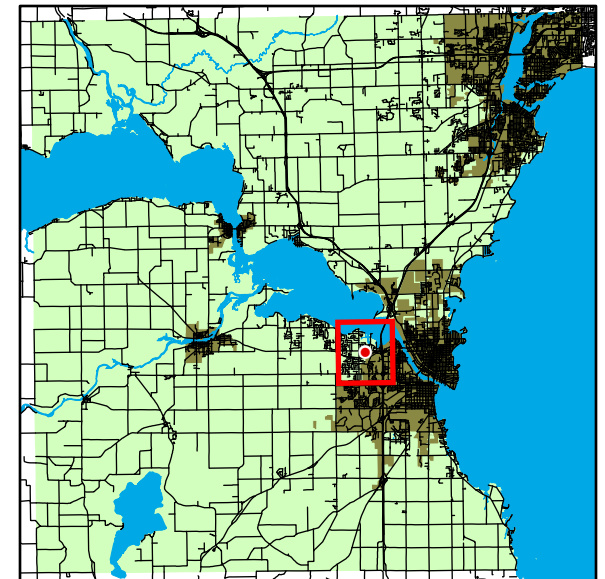
Subject Parcel(s):

0020108



*Winnebago County
WINGS Project*

● = SITE

**WINNEBAGO COUNTY**

1 inch : 2,000 feet

Gary Lerch
2531 Omro Road
Oshkosh, WI 54904

September 18, 2026

Town of Algoma
15 North Oakwood Road
Oshkosh, WI 54904

Dear Town of Algoma Residents,

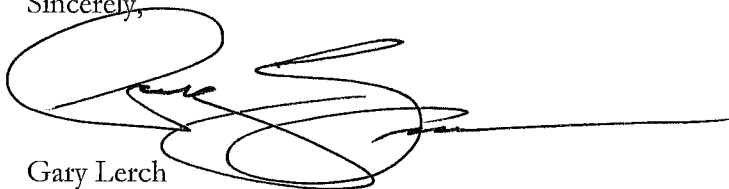
My name is Gary Lerch. I own Service Oil Company, located at 2531 Omro Road. I was born in Oshkosh and lived here all my life. My wife, Anne, and I have been residents of the Town of Algoma for the past 45 years. We raised our three children here and continue to operate our family business, which was started by my dad in 1959.

This letter is to let you know about a proposed zoning change for the property located at **2581 Omro Road, parcel number 002-0108**. The request is to rezone this parcel from Residential (R) to Commercial (C). Important to note is that a southern portion of this five-acre property was zoned commercial approximately 20 years ago.

I would like to purchase this property and create something positive for the community that has been my home for so many years. I do not have a specific development planned for it at this time. I intend to wait for the right opportunity, something that is a strong fit for our community. Ideally, the future of this property will ultimately benefit those who live alongside and/or near it through both its use, as well as the potential for their own property values to rise.

My hope in purchasing this land is that its development will enhance our community in a thoughtful, responsible way. We value the Town of Algoma, its future, and want to ensure residents and neighbors are informed. If you have questions, or would like to discuss the proposed zoning change, please give me a call: **(920) 585-2324**. I would be glad to meet you at my business or arrange a personal visit at your home or business. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Lerch', with a long horizontal line extending to the right.

Gary Lerch



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgomawis.gov
M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application

APPLICANT INFORMATION

Petitioner: **GARANNE PROPERTIES / GARY R. LERCH** Date: **07/20/2026**
Petitioner's Address: **2919 WALDWIC LANE** City: **OSHKOSH** State: **WI** Zip: **54904**
Telephone #: [REDACTED] Fax: [REDACTED] Other Contact: [REDACTED]
Status of Petitioner (owner, representative, tenant, or prospective buyer): **PROSPECTIVE BUYER**

OWNER INFORMATION

Owner(s): **Alexander and Mary Jean Irvine Trust dtd. 2/7/2007** Date: **7/20/2026**
Owner(s) Address: **3022 Windfield Dr.** City: **Neenah** State: **WI** Zip: **54956**
Telephone #: [REDACTED] Other Contact # or Email: [REDACTED]

Ownership Status (Individual, Trust, Partnership, Corporation, or LLC)

Property Owner Consent (required)

By signature hereon, I/We acknowledge that Town officials and/or employees may, in the performance of their functions, enter upon the property to inspect or garner other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Town of Algoma for incomplete submissions or other administrative reasons.

Property Owner's Signature: [REDACTED] Date: **7/20/2026**

SITE INFORMATION

Address/Location of Proposed Project: **2831 OMRO ROAD / TAX PARCEL #0020108**
Current Use of Property: **RESIDENTIAL / HOBBY FARM** Zoning: **A-2**
Land Uses Surrounding Your Site:
North: **COMMERCIAL / RESIDENTIAL** **B-2 / R-1**
South: **COMMERCIAL** **B-3**
East: **COMMERCIAL** **B-2**
West: **RESIDENTIAL** **R-1**

Projected Timeline: **PROJECTED CLOSING DATE: 12/2026**

Project Description: **REZONE REVIEW REQUESTING REZONING TO B-3**

Note: The Town of Algoma or a duly appointed official maintain the right to cancel this agreement if the applicant has been deemed in violation of this agreement or Town of Algoma Municipal Code. No refund will be provided.



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgomawis.gov

M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application Continued

SITE INFORMATION CONTINUED

Development Characteristics Gross Acreage/ Square Feet: 5 ACRES / 217,800 SQ FT

Development Area and Percentage: N/A

of Employees/#of Residential Units: N/A

of Proposed Parking Space: N/A

Traffic Count Projections (attach documentation): N/A

Percent Impervious (attach documentation): N/A

Description of Required Landscaping (attach landscape plan): N/A

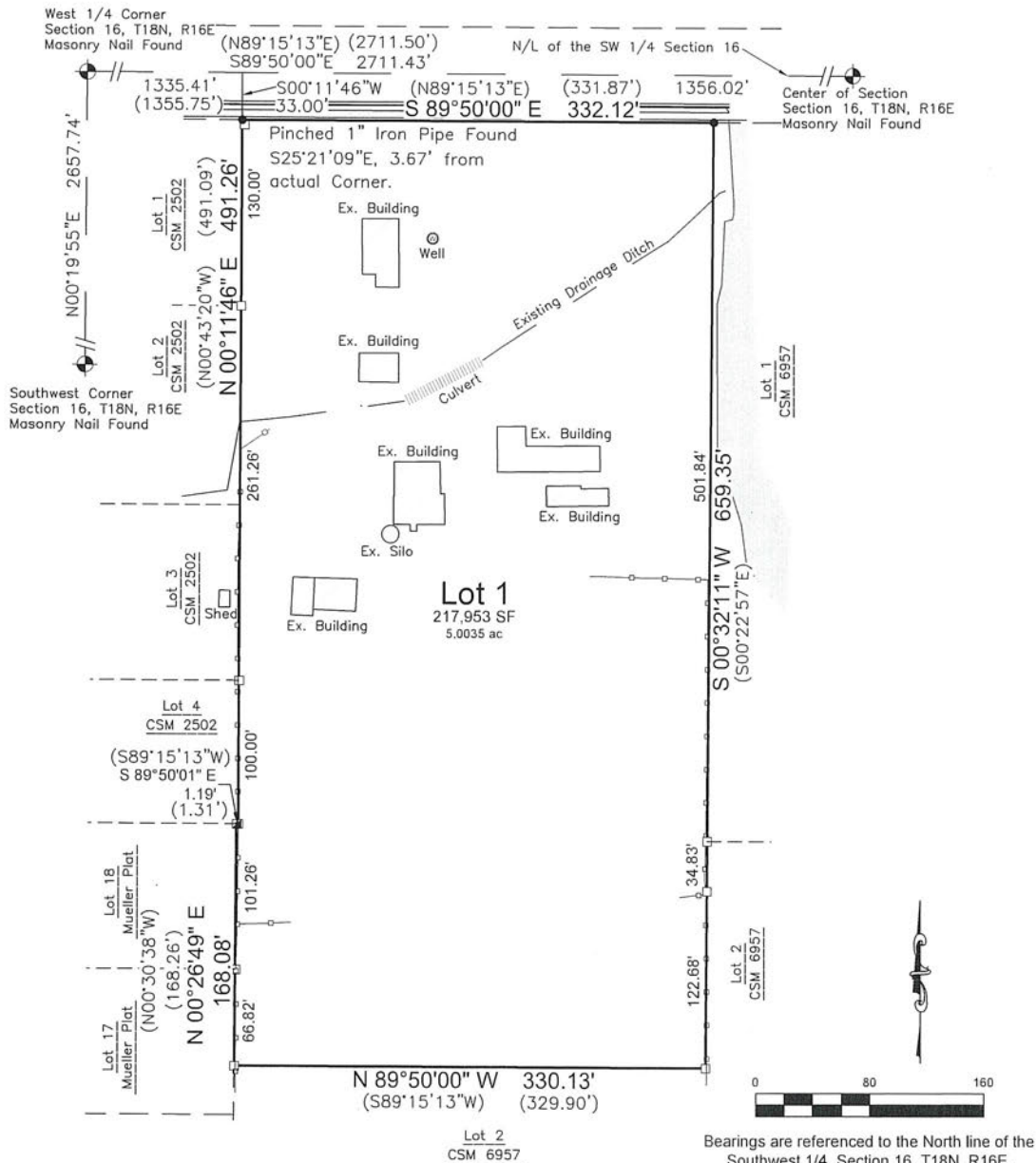
Additional Information: MAP ATTACHED

OFFICE USE ONLY

Received By: SE Date: 7/21/26 Fee: 350⁰⁰ Paid: (Yes) No OK # 1556

Note: The Town of Algoma or a duly appointed official maintain the right to cancel this agreement if the applicant has been deemed in violation of this agreement or Town of Algoma Municipal Code. No refund will be provided.

All of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.



Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter A-E 7 of the Wisconsin Administrative Code, and under the direction and control of Alexander Irvine Revocable Trust, the property owner, that this survey is correct to the best of my knowledge and belief, and that this land is all of Lot 1, Certified Survey Map 6058, located on the Northeast 1/4 and the Southwest 1/4 of Section 16, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin, containing 217,953 Square Feet (5.0035 Acres) of land, subject to all easements and restrictions of record.

LEGEND

- $\frac{3}{4}$ " x 18" Steel Rebar
 @ 1.50lbs/LF SET
 □ 1.3" O.D. Iron Pipe Found
 ▣ 2.3" O.D. Iron Pipe Found
 ⊕ Government Corner
 () Recorded As
 [] Concrete Pavement
 [] Asphalt Pavement
 —○— Fence - Wood

Given under my hand this 7 day of May, 20 24

The field work was completed on 7May24

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692



DAVEL ENGINEERING &
ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davelpro.com

Survey for:
Alexander Irvine, Trustee
Alexander & Mary Jean Irvine Revocable Trust
3022 Windfield Dr.
Neenah, WI 54956



Click on a Parcel for Detailed Info

▼ Enter PIN, Owner, Address, 🔍



A horizontal number line with arrows at both ends. It has three major tick marks labeled 0, 50, and 100ft. The line is divided into two equal segments by the tick mark at 50.

Exhibit 8-1 Land use matrix

1 Agriculture	Review	Special Standards	Base Zoning District												
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
1.01 Agriculture-related use	ZP,SP,PO	23.8-231	C	C	-	-	-	-	-	-	-	-	-	P	C
1.02 Agriculture, crop	-	23.8-232	P	P	P	P	P	P	P	P	P	P	P	P	P
1.03 Agriculture, general	ZP	23.8-233	P	P	-	-	-	-	-	-	-	-	-	-	-
1.03 Agriculture, general, 500 animal units or more	ZP	23.8-233	C	C	-	-	-	-	-	-	-	-	-	-	-
1.04 Greenhouse	ZP,SP,PO	23.8-234	P	P	-	-	-	-	-	-	C	C	-	C	C
2 Resource-Based Uses															
2.01 Dam	ZP,SP,PO	23.8-241	C	C	C	C	C	C	C	C	C	C	C	C	C
2.02 Forestry	-	23.8-242	P	P	P	P	P	P	P	P	P	P	P	P	P
2.03 Hunting preserve	ZP,SP,PO	23.8-243	-	C	-	-	-	-	-	-	-	-	-	C	C
2.04 Sewage sludge disposal	-	23.8-244	P	P	P	P	P	P	P	P	P	P	P	P	P
2.05 Wildlife park	ZP,SP,PO	23.8-245	-	C	-	-	-	-	-	-	-	-	-	C	C
3 Residential															
3.01 Mixed-use housing	ZP,SP	23.8-251	-	-	-	-	-	-	-	-	C	P	P	-	-
3.02 Manufactured/mobile home community	ZP,SP,PO	23.8-252	-	-	-	-	-	-	P	-	-	-	-	-	-
3.03 Multifamily building, 2 units	ZP	23.8-253	-	-	-	-	P	P	-	-	-	-	P	-	-
3.04 Multifamily building, 3-4 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	P	-	-
3.04 Multifamily building, 5-8 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	C	-	-
3.04 Multifamily building, 9 or more units	ZP	23.8-254	-	-	-	-	-	C	-	-	-	-	C	-	-
3.05 Nonfarm residence	ZP	23.8-255	P	-	-	-	-	-	-	-	-	-	-	-	-
3.06 Single-family dwelling [1]	ZP	23.8-256	-	P	P	P	P	-	-	-	-	-	-	-	-
3.07 Townhouse, 3-4 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	P	-	-
3.07 Townhouse, 5-8 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	C	-	-
3.07 Townhouse, 9 or more units	ZP,SP	23.8-257	-	-	-	-	-	C	-	-	-	-	C	-	-
3.08 Twin home	ZP	23.8-258	-	-	-	-	P	P	-	-	-	-	P	-	-
4 Special Care Facilities															
4.01 Adult family home	ZP	23.8-261	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02 Community living arrangement, 8 or fewer residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02 Community living arrangement, 9-15 residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.02 Community living arrangement, 16 or more residents [2]	ZP,SP,PO	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-
4.03 Foster home and treatment foster home [3]	ZP	23.8-263	-	-	P	P	P	P	-	-	-	-	-	-	-
4.04 Group day care center [4]	ZP,SP	23.8-264	-	-	-	-	C	C	-	P	P	P	P	C	C
4.05 Hospice care center	ZP,SP	23.8-265	-	C	C	C	C	P	-	C	C	P	C	-	-
4.06 Nursing home	ZP,SP	23.8-266	-	-	C	C	C	P	-	-	C	P	C	-	-
4.07 Retirement home	ZP,SP	23.8-267	-	-	C	C	C	P	-	-	C	P	C	-	-
4.08 Temporary shelter [5]	ZP,SP,PO	23.8-268	-	-	-	-	-	-	-	C	C	C	-	-	-
5 Group Accommodations [6]															
5.01 Boardinghouse	ZP,SP,PO	23.8-271	-	-	-	-	-	C	-	-	C	P	C	-	-
5.02 Campground	ZP,SP,PO	23.8-272	-	C	-	-	-	-	-	-	-	C	-	-	-
5.03 Group recreation camp	ZP,SP,PO	23.8-273	-	C	-	-	-	-	-	-	-	C	-	-	-
5.04 Migrant labor camp	ZP,SP,PO	23.8-274	C	C	-	-	-	-	-	-	-	-	-	-	-
5.05 Overnight lodging	ZP,SP,PO	23.8-275	-	-	-	-	-	-	-	-	C	P	P	-	-
5.06 Resort	ZP,SP,PO	23.8-276	-	C	-	-	-	-	-	-	C	P	C	-	-
6 Food and Beverage Sales															
6.01 Brewpub	ZP,SP,PO	23.8-281	-	-	-	-	-	-	-	-	C	P	P	C	-
6.02 Restaurant	ZP,SP,PO	23.8-282	-	-	-	-	-	-	-	C	P	P	P	-	-
6.03 Tavern	ZP,SP,PO	23.8-283	-	-	-	-	-	-	-	C	P	P	C	-	-

continued on next page

Exhibit 8-1 Land use matrix – continued

7 Vehicle Rental, Sales, and Service	Review	Special Standards	Base Zoning District													
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2	
7.01 Heavy vehicle sales and rental	ZP,SP,PO	23.8-291	-	-	-	-	-	-	-	-	-	C	-	P	C	
7.02 Truck stop	ZP,SP,PO	23.8-292	-	-	-	-	-	-	-	-	-	C	-	C	C	
7.03 Vehicle fuel station	ZP,SP,PO	23.8-293	-	-	-	-	-	-	-	-	C	P	C	C	C	
7.04 Vehicle repair shop	ZP,SP,PO	23.8-294	-	-	-	-	-	-	-	-	C	P	-	C	C	
7.05 Vehicle sales and rental	ZP,SP,PO	23.8-295	-	-	-	-	-	-	-	-	C	P	-	C	-	
7.06 Vehicle service shop	ZP,SP,PO	23.8-296	-	-	-	-	-	-	-	-	C	P	-	C	C	
7.07 Vehicle storage yard	ZP,SP,PO	23.8-297	-	-	-	-	-	-	-	-	-	-	-	C	C	
8 General Sales																
8.01 Convenience retail sales	ZP,SP,PO	23.8-301	-	-	-	-	-	-	-	P	P	P	P	-	-	
8.02 General retail sales	ZP,SP,PO	23.8-302	-	-	-	-	-	-	-	C	P	P	C	-	-	
8.03 General retail sales, large format	ZP,SP,PO	23.8-303	-	-	-	-	-	-	-	-	-	P	-	-	-	
8.04 Outdoor sales	ZP,SP,PO	23.8-304	-	-	-	-	-	-	-	C	C	P	-	C	-	
9 General Services																
9.01 Administrative services	ZP,SP,PO	23.8-311	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.02 Adult-oriented establishment	ZP,SP,PO	23.8-312	-	-	-	-	-	-	-	-	-	P	-	-	-	
9.03 Body-piercing establishment	ZP,SP,PO	23.8-313	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.04 Commercial kennel	ZP,SP,PO	23.8-314	-	C	-	-	-	-	-	-	C	P	P	C	-	
9.05 Commercial stable	ZP,SP,PO	23.8-315	-	C	-	-	-	-	-	-	-	-	-	C	-	
9.06 Equipment rental, large	ZP,SP,PO	23.8-316	-	-	-	-	-	-	-	-	-	C	-	P	C	
9.07 Equipment rental, small	ZP,SP,PO	23.8-317	-	-	-	-	-	-	-	-	C	P	-	-	-	
9.08 Financial services	ZP,SP,PO	23.8-318	-	-	-	-	-	-	-	P	P	P	P	-	-	
9.09 Funeral home	ZP,SP,PO	23.8-319	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.10 General repair	ZP,SP,PO	23.8-320	-	-	-	-	-	-	-	C	P	P	P	C	-	
9.11 General services	ZP,SP,PO	23.8-321	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.12 Health care clinic	ZP,SP,PO	23.8-322	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.13 Health care center	ZP,SP,PO	23.8-323	-	-	-	-	-	-	-	-	C	P	P	-	-	
9.14 Instructional services	ZP,SP,PO	23.8-324	-	-	-	-	-	-	-	C	P	P	P	C	-	
9.15 Landscape business	ZP,SP,PO	23.8-325	-	C	-	-	-	-	-	-	-	C	-	P	-	
9.16 Professional services	ZP,SP,PO	23.8-326	-	-	-	-	-	-	-	P	P	P	P	-	-	
9.17 Tattoo establishment	ZP,SP,PO	23.8-327	-	-	-	-	-	-	-	C	P	P	P	-	-	
9.18 Veterinary clinic, general	ZP,SP,PO	23.8-328	C	C	-	-	-	-	-	-	-	C	-	C	-	
9.19 Veterinary clinic, small animal	ZP,SP,PO	23.8-329	-	-	-	-	-	-	-	C	P	P	P	C	-	
10 Recreation and Entertainment																
10.01 Driving range	ZP,SP,PO	23.8-341	-	C	-	-	-	-	-	-	-	C	-	C	-	
10.02 Golf course	ZP,SP,PO	23.8-342	-	C	C	C	C	C	-	-	-	-	-	C	-	
10.03 Indoor entertainment	ZP,SP,PO	23.8-343	-	-	-	-	-	-	-	-	P	P	P	-	-	
10.04 Indoor recreation	ZP,SP,PO	23.8-344	-	-	-	-	-	-	-	-	P	P	P	-	-	
10.05 Outdoor entertainment	ZP,SP,PO	23.8-345	-	-	-	-	-	-	-	-	C	P	-	C	-	
10.06 Outdoor recreation	ZP,SP,PO	23.8-346	-	-	-	-	-	-	-	-	C	C	-	C	-	
10.07 Outdoor shooting range	ZP,SP,PO	23.8-347	-	C	-	-	-	-	-	-	-	-	-	C	C	
11 Government and Community Services																
11.01 Administrative government center	ZP,SP,PO	23.8-351	-	C	C	C	C	C	-	P	P	P	C	C	-	
11.02 Animal shelter	ZP,SP,PO	23.8-352	-	C	-	-	-	-	-	-	-	C	-	P	C	
11.03 Cemetery	ZP,SP,PO	23.8-353	C	C	C	C	C	C	-	C	C	C	-	-	-	
11.04 Civic use facility	ZP,SP,PO	23.8-354	-	-	-	-	-	-	-	-	-	P	-	C	-	
11.05 Community center	ZP,SP,PO	23.8-355	-	C	C	C	C	C	-	C	P	P	C	-	-	
11.06 Community cultural facility	ZP,SP,PO	23.8-356	-	-	-	-	-	-	-	C	P	P	P	-	-	
11.07 Community garden	ZP,SP,PO	23.8-357	C	P	P	P	P	P	-	P	P	P	P	P	-	

continued on next page

Exhibit 8-1 Land use matrix – continued

11 Government and Community Services - cont.	Review	Special Standards	Base Zoning District												
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
11.08 Correctional facility	ZP,SP,PO	23.8-358	-	C	-	-	-	-	-	-	-	-	-	P	C
11.09 Educational facility, pre-K through 12	ZP,SP,PO	23.8-359	-	C	C	C	C	C	-	C	P	P	P	-	-
11.10 Educational facility, post-secondary	ZP,SP,PO	23.8-360	-	-	-	-	-	-	-	C	P	P	P	C	-
11.11 Maintenance garage	ZP,SP,PO	23.8-361	-	C	C	-	-	-	-	-	-	C	-	P	C
11.12 Park	ZP,SP,PO	23.8-362	-	P	P	P	P	P	P	P	P	P	P	P	P
11.13 Public safety facility	ZP,SP,PO	23.8-363	-	C	C	C	C	C	-	P	P	P	P	P	C
11.14 Recreation trail	SP, PO	23.8-364	C	P	P	P	P	P	P	P	P	P	P	P	P
11.15 Unspecified public use	ZP,SP,PO	23.8-365	-	C	C	C	C	C	C	C	C	C	C	C	C
11.16 Worship facility	ZP,SP,PO	23.8-366	C	C	C	C	P	P	-	P	P	P	P	C	-
12 Telecommunications and Utilities [7]															
12.01 Commercial solar energy system	ZP,SP,PO	23.8-371	C	C	C	C	C	C	C	C	C	C	C	C	C
12.02 Stormwater management facility	ZP,SP,PO	23.8-372	C	P	P	P	P	P	P	P	P	P	P	P	P
12.03 Telecommunication facility, concealed	ZP	23.8-373	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04 Telecommunication facility, unconcealed	ZP	23.8-374	P	P	P	P	P	P	P	P	P	P	P	P	P
12.05 Utility installation, major	ZP,SP,PO	23.8-375	C	C	C	C	C	C	C	C	C	C	C	P	P
12.06 Utility installation, minor	ZP,SP,PO	23.8-376	P	P	P	P	P	P	P	P	P	P	P	P	P
12.07 Utility maintenance yard	ZP,SP,PO	23.8-377	C	C	-	-	-	-	-	-	-	-	-	P	P
12.08 Wind energy system, large	-	23.8-378	P	P	P	P	P	P	P	P	P	P	P	P	P
12.09 Wind energy system, small	ZP,SP,PO	23.8-379	P	P	P	P	P	P	P	P	P	P	P	P	P
13 Transportation															
13.01 Airport	ZP,SP,PO	23.8-381	-	C	C	C	-	-	-	-	-	-	-	P	P
13.02 Bus storage facility	ZP,SP,PO	23.8-382	-	C	-	-	-	-	-	-	C	C	C	P	P
13.03 Marina	ZP,SP,PO	23.8-383	-	C	C	C	C	C	C	C	C	C	C	C	C
13.04 Mass transit terminal	ZP,SP,PO	23.8-384	-	-	-	-	-	-	-	-	P	P	P	C	-
13.05 Off-site parking lot	ZP,SP,PO	23.8-385	-	-	-	-	-	-	-	C	P	P	P	C	-
13.06 Parking structure	ZP,SP	23.8-386	-	-	-	-	-	-	-	-	-	P	P	C	-
13.07 Park-and-ride lot	ZP,SP	23.8-387	-	C	C	C	C	C	-	C	P	P	C	C	C
13.08 Railroad line	ZP, BP, SP PO	23.8-388	C	P	P	P	P	P	P	P	P	P	P	P	P
13.09 Street	-	23.8-389	P	P	P	P	P	P	P	P	P	P	P	P	P
14 General Storage															
14.01 Bulk fuel storage	ZP,SP,PO	23.8-401	-	-	-	-	-	-	-	-	-	-	-	P	P
14.02 Personal storage facility	ZP,SP,PO	23.8-402	-	C	-	-	-	-	-	-	-	C	-	P	C
14.03 Truck terminal	ZP,SP,PO	23.8-403	-	-	-	-	-	-	-	-	-	-	-	P	P
14.04 Warehouse	ZP,SP,PO	23.8-404	-	-	-	-	-	-	-	-	-	-	-	P	P
15 Industrial Uses															
15.01 Artisan shop	ZP,SP,PO	23.8-411	-	C	-	-	-	-	-	C	C	P	P	P	C
15.02 Batchling plant associated with a nonmetallic mine [21]	ZP,SP,PO	23.4-412	C	C	-	-	-	-	-	-	-	-	-	C	C
15.03 Biofuels production plant	ZP,SP,PO	23.8-413	C	C	-	-	-	-	-	-	-	-	-	-	C
15.04 Construction equipment repair	ZP,SP,PO	23.8-414	-	-	-	-	-	-	-	-	-	C	-	P	P
15.05 Construction equipment sales and service	ZP,SP,PO	23.4-415	-	-	-	-	-	-	-	-	-	C	-	P	P
15.06 Contractor yard	ZP,SP,PO	23.8-416	-	-	-	-	-	-	-	-	-	-	-	P	C
15.07 Industrial, heavy	ZP,SP,PO	23.8-417	-	-	-	-	-	-	-	-	-	-	-	-	P
15.08 Industrial, light	ZP,SP,PO	23.8-418	-	-	-	-	-	-	-	-	-	-	-	P	P
15.09 Nonmetallic mine	ZP,SP,PO	23.8-419	C	C	-	-	-	-	-	-	-	-	-	C	C
15.10 Salvage yard	ZP,SP,PO	23.8-420	-	-	-	-	-	-	-	-	-	-	-	-	C

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Exhibit 8-1 Land use matrix – continued

16 Solid Waste	Review	Special Standards	Base Zoning District												
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
16.01 Composting facility	ZP,SP,PO	23.8-431	P	P	-	-	-	-	-	-	-	-	-	P	P
16.02 Recycling center	ZP,SP,PO	23.8-432	-	-	-	-	-	-	-	-	-	-	-	P	P
16.03 Solid waste landfill	ZP,SP,PO	23.8-433	-	C	-	-	-	-	-	-	-	-	-	C	C
16.04 Solid waste transfer station	ZP,SP,PO	23.8-434	-	C	-	-	-	-	-	-	-	-	-	P	P
17 Accessory Uses															
17.01 Adult family home [9]	ZP	23.8-441	P	P	P	P	P	P	P	P	P	P	P	-	-
17.02 Amateur radio antenna [8]	-	23.8-442	P	P	P	P	P	P	P	P	P	P	P	-	-
17.03 Automated teller machine	ZP	23.8-443	-	-	-	-	-	-	-	P	P	P	P	-	-
17.04 Backyard chickens	-	23.8-444	P	P	P	P	P	-	P	-	-	-	-	P	P
17.05 Bed and breakfast [8]	ZP,SP,PO	23.8-445	C	C	C	C	C	-	-	P	P	-	P	-	-
17.06 Boat dock	-	23.8-446	P	P	P	P	P	P	P	P	P	P	P	P	P
17.07 Boathouse [8][24]	ZP	23.8-447	P	P	P	P	P	P	-	-	-	-	-	-	-
17.08 Boathouse, off-site [24]	ZP	23.8-448	-	-	P	P	-	-	-	-	-	-	-	-	-
17.09 Commercial truck parking [8]	-	23.8-449	P	P	P	P	P	P	P	P	P	P	P	P	P
17.10 Deck [23]	ZP	23.8-450	P	P	P	P	P	P	P	P	P	P	P	P	P
17.11 Exterior communication device [8]	-	23.8-451	P	P	P	P	P	P	P	P	P	P	P	P	P
17.12 Family day care home [8]	ZP	23.8-452	P	P	P	P	P	P	P	P	P	P	P	-	-
17.12 Farm building storage	ZP	23.8-453	P	C	-	-	-	-	-	-	-	-	-	-	-
17.14 Farm residence [20]	ZP	23.8-454	P	P	-	-	-	-	-	-	-	-	-	-	-
17.15 Farmstead retail outlet	ZP,SP,PO	23.8-455	C	C	-	-	-	-	-	-	-	-	-	-	-
17.16 Fence	ZP	23.8-456	P	P	P	P	P	P	P	P	P	P	P	P	P
17.17 Foster home and treatment foster home [8]	ZP	23.8-457	P	P	P	P	P	P	P	P	P	P	P	-	-
17.18 Garage, shed, nonresidential [10]	ZP	23.8-458	-	-	-	-	-	-	-	P	P	P	P	P	P
17.19 Garage, shed, off-site residential	ZP	23.8-459	-	-	P	P	-	-	-	-	-	-	-	-	-
17.20 Garage, residential [8,22]	ZP	23.8-460	P	P	P	P	P	P	P	P	P	P	P	-	-
17.21 Garden	-	23.8-461	P	P	P	P	P	P	P	P	P	P	P	P	P
17.22 Gazebo [23]	ZP	23.8-462	P	P	P	P	P	P	P	P	P	P	P	P	-
17.23 Greenhouse [8,13]	ZP	23.8-463	P	P	P	P	P	P	P	-	-	-	-	-	-
17.24 Hellpad [11, 12]	ZP,SP,PO	23.8-464	-	-	-	-	-	-	-	-	-	-	-	-	-
17.25 Home occupation, major [8]	ZP,SP,PO	23.8-465	-	C	C	C	C	C	-	C	C	C	C	-	-
17.26 Home occupation, minor [8]	ZP	23.8-466	P	P	P	P	P	P	P	P	P	P	P	-	-
17.27 Hot tub [8]	-	23.8-467	P	P	P	P	P	P	P	P	P	P	P	-	-
17.28 Household livestock, 2.5 acres or more but less than 5 acres [8]	ZP	23.8-468	P	C	C	-	-	-	-	-	-	-	-	-	-
17.29 Household livestock, 5 acres or more [8]	ZP	23.8-468	P	P	C	-	-	-	-	-	-	-	-	-	-
17.30 Indoor sales incidental to light industrial use	ZP	23.8-469	-	-	-	-	-	-	-	-	-	-	-	C	-
17.31 Kennel, hobby [8]	ZP,SP,PO	23.8-470	C	C	C	C	C	C	C	C	C	C	C	-	-
17.32 Kennel, private [8]	-	23.8-471	P	P	P	P	P	P	P	P	P	P	P	-	-
17.33 Lean-to	ZP	23.8-472	P	P	P	P	P	P	P	P	P	P	P	P	P
17.34 Light Industrial use incidental to indoor sales	ZP,SP,PO	23.8-473	-	-	-	-	-	-	-	-	-	-	-	C	-
17.35 Mother-in-law suite [8, 23]	ZP	23.8-474	P	P	P	P	P	-	-	-	-	-	-	-	-
17.36 Outdoor display incidental to indoor sales	ZP,SP,PO	23.8-475	-	-	-	-	-	-	-	-	C	C	C	-	-
17.37 Outdoor food and beverage service	ZP,SP,PO	23.8-476	-	-	-	-	-	-	-	C	C	C	C	-	-
17.38 Outdoor furnace	ZP	23.8-477	P	P	P	P	P	P	P	P	P	P	P	P	P
17.39 Parking lot (on-site)	ZP	23.8-478	P	P	P	P	P	P	P	P	P	P	P	P	P
17.40 Patio [25]	-	23.8-479	P	P	P	P	P	P	P	P	P	P	P	P	P
17.41 Pergola [23]	ZP	23.8-480	P	P	P	P	P	P	P	P	P	P	P	P	P
17.42 Play structure [8]	-	23.8-481	P	P	P	P	P	P	P	P	P	P	P	P	-
17.43 Pond	ZP,SP	23.8-482	P	P	C	C	C	C	C	P	P	P	P	P	P
17.44 Private reception venue	ZP	23.8-483	-	P	-	-	-	-	-	-	-	-	-	-	-
17.45 Rural accessory building [8]	ZP	23.8-484	P	P	P	P	P	P	P	-	-	-	-	-	-

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Exhibit 8-1 Land use matrix – continued

17 Accessory Uses – continued	Review	Special Standards	Base Zoning District												
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
17.46 Service window, drive-up	ZP,SP	23.8-485	-	-	-	-	-	-	-	C	C	C	C	-	-
17.47 Service window, walk-up	ZP,SP	23.8-486	-	-	-	-	-	-	-	C	C	C	C	-	-
17.48 Residential solar energy system, building-mounted	-	23.8-487	P	P	P	P	P	P	P	P	P	P	P	P	P
17.49 Residential solar energy system, free-standing	ZP	23.8-488	P	P	P	P	P	P	P	P	P	P	P	P	P
17.50 Storage container, 1 or 2 units	ZP	23.8-489	-	-	-	-	-	-	-	P	P	P	-	P	P
17.51 Storage container, 3 or more units	ZP,SP	23.8-489	-	-	-	-	-	-	-	C	C	C	-	C	C
17.52 Swimming pool	ZP	23.8-490	P	P	P	P	P	P	P	P	P	P	P	-	-
17.53 Temporary shelter [10]	ZP,SP,PO	23.8-491	-	-	-	-	-	-	-	C	C	C	C	-	-
17.54 Utility cabinet	-	23.8-492	P	P	P	P	P	P	P	P	P	P	P	P	P
17.55 Yard shed [13][24][25]	-	23.8-493	P	P	P	P	P	P	P	P	P	P	P	P	P
18 Temporary Uses															
18.01 Agricultural product sales, off-site	-	23.8-501	-	P	P	-	-	-	-	P	P	P	P	P	P
18.02 Agricultural product sales, on-site	-	23.8-502	P	P	P	P	P	P	P	P	P	P	P	P	P
18.03 Earth materials stockpile, off-site [14]	ZP,SP,PO	23.8-503	-	C	-	-	-	-	-	-	-	-	-	C	C
18.03 Earth materials stockpile, on-site [15]	-	23.8-503	-	P	P	P	P	P	P	P	P	P	P	P	P
18.04 Farmers market [16]	TU,SP,PO	23.8-504	P	P	P	-	-	-	-	C	P	P	P	C	-
18.05 General outdoor sales	TU,SP,PO	23.8-505	-	-	-	-	-	-	-	-	C	P	-	C	-
18.06 Model home	ZP	23.8-506	-	-	P	P	P	P	-	-	-	-	-	-	-
18.07 Off-site construction yard	SP,PO	23.8-507	-	C	C	C	C	C	C	C	C	C	C	C	C
18.08 On-site construction office [17]	-	23.8-508	-	-	P	P	P	P	-	-	P	P	P	P	P
18.09 On-site construction yard [17]	-	23.8-509	-	-	P	P	P	P	-	-	P	P	P	P	P
18.10 Portable storage container	-	23.8-510	-	P	P	P	P	P	P	P	P	P	P	P	P
18.11 Re-locatable building [18]	ZP,SP,PO	23.8-511	-	-	-	-	-	-	-	C	C	C	C	-	-
18.12 Seasonal product sales	-	23.8-512	C	P	P	-	-	-	-	P	P	P	P	P	P
18.13 Snow disposal site	ZP,SP,PO	23.8-513	C	C	-	-	-	-	-	C	C	C	C	C	C
18.14 Special event	TU,SP,PO	23.8-514	-	P	P	P	-	-	-	P	P	P	P	P	-
18.15 Special event of regional significance	TU,SP,PO	23.8-515	-	C	C	C	-	-	-	C	C	C	C	C	-
18.16 Special event of regional significance - camping	TU	23.8-516	-	P	P	P	P	P	-	P	P	P	P	P	P
18.17 Special event of reg. significance - concessions	TU	23.8-517	-	P	P	P	P	P	-	P	P	P	P	P	P
18.18 Special event of regional significance - parking	TU	23.8-518	-	P	P	P	P	P	-	P	P	P	P	P	P
18.19 Wind test tower	-	23.8-519	P	P	P	P	P	P	P	P	P	P	P	P	P
18.20 Yard sale [19]	-	23.8-520	P	P	P	P	P	P	P	P	P	P	P	-	-

Zoning Districts:

A-1 Agribusiness; A-2 General agriculture; R-1 Rural residential; R-2 Suburban residential; R-3 Two-family residential; R-4 Multi-family residential; R-8 Manufactured/mobile home community; B-1 Local service; B-2 Community business; B-3 General business; M-1 Mixed use; I-1 Light industrial; I-2 Heavy industrial

Table Key:

A "P" indicates that the use is permitted in the zoning district by right, provided that all other provisions of this chapter are met. These uses generally do not undergo public review, but are reviewed at the administrative level to ensure compliance.

A "C" indicates that the use is permitted in the zoning district as a conditional use provided that all other provisions of this chapter are met.

A "-" indicates that the use is not permitted in the zoning district.

"ZP" indicates zoning permit; "SP" indicates site plan; "PO" indicates plan of operation; "TU" indicates temporary use permit

Notes:

1. In the A-1 zoning district, a single-family dwelling may be located on a parcel not constituting a farm or on a parcel of land created after April 29, 2012.
2. See s. 23.8-47 for special provisions that may apply.
3. See s. 23.8-48 for special provisions that may apply.
4. A family day care home (4-8 children) is an accessory use and is therefore listed in Series 17.
5. This use may be an accessory use when associated with a worship facility, community center, and the like.
6. A bed and breakfast is an accessory use and is therefore listed in Series 17.
7. An amateur radio station is an accessory use and is therefore listed in Series 17.
8. This use may only occur with a principal residential use.
9. This use may only occur with a principal residential use or with a group day care center.
10. In addition to the zoning districts listed, this use may occur with a governmental or institutional use as a conditional use. This use may also be a principal use; see series 1 through 16.
11. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use.
12. This use may only occur with a health care center as a conditional use.
13. A zoning permit is not required for this use if less than 8 feet in height and occupies a horizontal area of not more than 100 square feet.
14. Earth materials are obtained in whole or in part from another location.
15. Earth materials are obtained on the parcel as part of the land development process.
16. In addition to the zoning districts listed, this use may occur with a public park as a permitted use or with a governmental or institutional use (e.g., church, library or school) as a conditional use.
17. When this use is in place for more than 365 days, it is considered a conditional use.
18. This use may only occur with a governmental or institutional use (e.g., church, library, or school) as a conditional use.
19. This use may only occur with a principal residential use or with a governmental or institutional use (e.g., church, library, or school).
20. In the A-1 zoning district, no more than one farm residence may be located on a base farm tract as designated by the Board of Supervisors by resolution.
21. A batching plant when not associated with an approved nonmetallic mine is classified as heavy industrial (See 15.07).
22. See s. 23.8-45(d).
23. This structure shall be considered an accessory structure even though principal building setbacks may apply.
24. These structures do not count towards the maximum number of detached accessory buildings or towards the maximum accessory area allowed in the zoning district.
25. Structures located within a shoreland area which have impervious surface requirements require a zoning permit.



AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors

From: Maggie Mahoney, Administrator

Date: October 5, 2026

RE: Winnebago County Planning and Zoning Committee is proposing a text amendment to Winnebago County General Code Chapter 16, regarding Private On-Site Wastewater Treatment Systems (POWTS).

SUMMARY:

The Winnebago County Planning and Zoning Committee (PZC) is proposing to repeal and re-create Chapter 16 for Private On-Site Wastewater Treatment Systems (POWTS). The entire code will be redlined and replaced.

From what town staff understand, county planning and zoning staff have identified areas to shore up in this chapter, as well as clean up outdated code reference language and improve definitions. County planning and zoning staff said they used examples from other counties where the changes have worked well, such as Manitowoc and Sheboygan, and that the changes have been requested by constituents. Changes are proactive should additional oversight be needed in the future to address reports of malfeasance.

A public hearing for this item was originally scheduled for August 25 which was then pushed to September 29 in response by towns and the PZC to have more time to consider the changes. Based on the discussion at the September 3 PZC meeting, additional revisions were made and the public hearing was moved again to October 21.

The proposed redlined chapter is attached, wherein the text changes are noted, but the formatting and layout of the information will not be correct.

Staff have viewed the PZC meetings from August 6 and Sept 3 on this matter for context. Other town comments and committee topics discussed at these meetings include:

- Rvs and travel trailers on private property have to discharge into a POWTS
- Required attendance of a master plumber unless excused by the county
- Allow holding tanks for small commercial/industrial activities
- Allowing adding meters to holding tanks
- POWTS fees

The Town of Algoma currently has 108 residential POWTS. *See Section 16.06 in the proposed code for more information on sanitary district connection requirements and exceptions.*

Town Staff have reviewed the proposed code and do not have concerns with the changes to update/clean up outdated code reference and language and definitions.

This item is for discussion only. Staff wanted to provide an update on this item and will discuss the proposed substantive changes with the board at this meeting, and then, barring any further timeline changes by the county, the Town Board will consider at the regular Oct 21 meeting.

RECOMMENDED ACTION: NA, for discussion only

ATTACHMENTS:

1. Revised Ch 16 redlined 9.14.26



~~Chapter 16~~

~~Private On-Site Wastewater Treatment System (POWTS)~~

CHAPTER 16 Sanitary Code

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CHAPTER 16

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PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM- CHAPTER 16

16.01 PURPOSE & AUTHORITY ~~INTRODUCTION~~

(1) AUTHORITY

- (a) This ~~Ordinance is adopted pursuant to the authorization in Wis. Stat. §59.70 (1), 59.70 (5), 145.04, 145.19, 145.20, and 145.01(4m)(a) through (e). chapter of the code is mandated by the State of Wisconsin as authorized in Sec. 59.70(5), Wisconsin Statutes.~~
- (b) ~~This ordinance~~ This chapter of the code incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems. Wis. Stat. §59.70(5), 660113, Wis. Stat. Chs. 145, 281, 283; Wis. Admin. Code §361.04; Wis. Admin. Code Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113, and NR 116. These provisions of Chapter 145, Wisconsin Statutes, and all subsequent rules, and regulations, and laws promulgated thereupon regarding POWTS as defined in Sec. 145.01, Wisconsin Statutes. Any provisions of Chapter 145, Wisconsin Statutes, shall apply until amended or renumbered and then shall apply as amended or renumbered.
- ~~(c) This chapter of the code incorporates the rules established in COMM 83 Wisconsin Administrative Code shall apply until amended and then shall apply as amended.~~
- ~~(d) This chapter of the code shall not be more lenient than the rules and regulations promulgated pursuant to Chapter 145, Wisconsin Statutes.~~
- ~~(e) This chapter of the Code incorporates the rules established in Chapter COMM 91, Wisconsin Administrative Code which shall apply until amended and then shall apply as amended.~~

(2) PURPOSE

- (a) The purpose of this ordinance is to provide a uniform method of regulating the siting, construction, replacement and maintenance of POWTS in order to protect the health, safety and general welfare of the residents of Winnebago County.

(3) INTENT

- (a) The intent of this ordinance is to enforce all state codes regarding POWTS in order to obtain compliance with ground water protection laws.

(4) ABROGATION AND GREATER RESTRICTIONS

- (a) It is not intended by this section to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties; nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or rules, regulations or permit previously adopted or issued pursuant to law relating to the use of POWTS. However, wherever this ordinance imposes greater restrictions, the provisions of this section shall control.

(5) SEVERABILITY ~~&AND~~ NON-LIABILITY

- (a) If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

(6) JURISDICTION

- (a) The jurisdiction of this ~~Ordinance chapter~~ shall include all lands and waters within the unincorporated and incorporated areas of Winnebago County, as provided in Wis. Stat. §59.70(5). ~~of the code shall apply to the entire area of the county.~~

(7) COMPLIANCE TITLE

- ~~(7) . This Ordinance shall be known as, referred to or cited as the “Winnebago County Sanitary Ordinance” or “Sanitary Ordinance”.~~

BASIC PRINCIPLES

- (a) ~~All structures or premises in the County that are permanently or intermittently intended Every building intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this Ordinance. shall be provided with a properly functioning private on-site waste water treatment system (hereinafter referred to as POWTS), or where there is no plumbing in the structure, a privy that complies with COMM 91. Travel trailers and RV’s with self-contained units are excluded from this section.~~
- (b) ~~The private sewage system or non-plumbing sanitation system, described under WI Administrative Code SPS 391, for newly constructed structures or structures requiring a Reconnection Permit shall be installed and inspected before the structure may be occupied.~~
- (c) ~~Travel trailers and other recreational vehicles with self-contained waste disposal units or plumbing shall meet the requirements of this Ordinance. Additionally, any travel trailer or other recreational vehicle with plumbing designed for human habitation or occupancy which is not located within a State/County authorized campground, municipal/government operated park (Town/County/State), or temporary use for public even which does not exceed ten (10) days in duration as determined by the Planning & Zoning Department shall be required to be connected to an appropriate Private Onsite Wastewater Treatment System as defined in the Ordinance.~~

16.02 ADMINISTRATION ~~AND ENFORCEMENT~~

(1) OFFICER REQUIREMENTS ~~LICENSES REQUIRED~~

- (a) Any member of the Planning & Zoning Department ~~zoning~~ staff authorized by the Zoning Administrator with the who is licensed as a Certified Soil Tester and POWTS ~~or Plumbing~~ Inspector licenses ~~II~~ may administer this ordinance.

(2) INSPECTIONS

- (a) Private On-Site Wastewater Treatment System: A licensed staff member shall inspect or cause the inspection of all POWTS no later than the next workday after completion of construction (excluding Saturdays, Sundays and holidays) but before backfilling.
- (b) Soil Evaluation Report ~~Tests~~: If after ~~review a review~~, a soil evaluation report test appears to be inaccurate based on information provided by the soil survey of Winnebago County or appears inaccurate based on questionable data, the tested site shall be verified in the field.
- (1) Field verifications shall be done only on weather appropriate ~~sunny~~ days in order to make accurate interpretations. ~~A~~ The licensed staff member shall determine if sunny conditions are suitable for field verifications. Where inclement weather conditions delay field verifications, requests will be rescheduled as soon as sunny conditions prevail and staff are available.
 - (2) A licensed staff member will perform field verifications during winter soil testing hours (10:00 A.M. to 2:00 P.M. from November 15th to March 15th) ~~for replacement~~ for replacement systems only.
 - (3) All field verifications for soil evaluation ~~tests~~ shall be done by evaluating a soil profile. ~~These~~ The soil profile shall be exposed by excavating an area large enough for a person to safely stand in for the purpose of evaluating the soil profile. The excavation may be done by hand or with a backhoe. The depth of the excavation shall be at least one foot below the elevation of the estimated high ground water as indicated by the Soil Evaluation Report. ~~On Soil Borings and Percolation tests~~. Excavations that exceed a depth of two feet shall be provided with a step or ladder for ingress and egress.
 - (4) Excavations may be left open until a licensed staff member can verify the tested site. It shall be the property owner's responsibility to cover and/or fence off the excavation to prevent any person from falling into the excavation and becoming injured. Winnebago County shall not be held ~~liable~~ liable for any such injuries. ~~The Zoning Office shall be notified in accordance with Sec. 16.02(2)(c) of this ordinance if excavations are to be left open for county verification.~~
- (c) Notification For Inspections: All requests for inspections shall be made at least 24 hours in advance of the requested time and date of the inspection excluding Saturdays, Sundays, and holidays.

(d) Required Attendance: The master plumber or master plumber-restricted service credential holder responsible for the installation of the subject private onsite wastewater treatment system shall be present upon inspection by Winnebago County, unless the County allows the authorized credential holder to be excused.

(3) ADMINISTRATIVE DUTIES

- (a) A licensed staff member shall review all Soil Evaluation Reports for a proposed POWTS.
- (b) A licensed staff member shall approve or deny sanitary permits and assist applicants, if possible, in preparing an approvable application.
- (c) A licensed staff member shall investigate all violations of the POWTS ordinance and Sec. 254.01(2) or 281.01(18), Wisconsin Statutes; issue orders to abate the violations; issue citations; and submit violations to the district attorney, corporation counsel or attorney general for enforcement.
- (d) A licensed staff member shall have access to premises during reasonable hours for inspecting POWTS or investigating any violations of this ordinance. If the licensed ~~staff member~~ staff member is refused access to premises after presenting his or her identification, he or she shall procure a special inspection warrant in accordance with requirements of the Wisconsin Statutes.

(3) — ADMINISTRATIVE DUTIES

~~(a) — A licensed staff member shall review all Reports on Soil Boring and Percolation Tests for proposed POWTS.~~

~~(b) — A Licensed staff member shall approve and disapprove applications for sanitary permits and assist applicants in preparing an approvable application.~~

~~(c) — A licensed staff member shall investigate all violations of the POWTS ordinance and Sec. 254.01(2) or 281.01(18), Wisconsin Statutes; issue orders to abate the violations; and submit violations to the district attorney, corporation counsel or attorney general for enforcement.~~

~~(d) — A licensed staff member shall have access to premises during reasonable hours for inspecting POWTS or investigating any violations of this ordinance. If the licensed staff member is refused access to premises after presenting his or her identification, he or she shall procure a special inspection warrant in accordance with requirements of the Wisconsin Statutes.~~

16.03 SANITARY PERMITS

(1) PERMIT REQUIREMENTS & RESTRICTIONS

(a) No person shall install or perform work on a POWTS unless that person is a licensed plumber, and the owner of the property on which the system is located holds a valid ~~County~~ Sanitary Permit. This includes the following:

- (1) Installation of new/~~replacement~~ POWTS;
- (2) Reconnection of a structure to an existing POWTS;
- (3) Repair of an existing POWTS.

~~(e)(b)~~ No person shall sell at retail a septic tank, pump chamber or holding tank unless ~~the purchaser~~ the purchaser holds a valid sanitary permit.

~~(c)~~ Section(s) 16.04, 16.05, & 16.07 also require a sanitary permit under this section.

~~(d)~~ Where required by Wisconsin Administrative Code Chapter SPS 383, the County shall forward a copy of each Sanitary Permit issued along with the appropriate fee to the Department of Safety & Professional Services within ninety (90) days after the permit is issued.

~~(e)~~ A Sanitary Permit shall be valid for two years from the original date of issuance.

~~(f)~~ A Sanitary Permit application submitted, with subject fee, to the Planning & Zoning Department shall include all information, documentation, and materials as required and requested by Planning & Zoning Department Staff and all information, documentation, and materials as required by applicable State Law and this ordinance.

~~(f)~~ Where required by Wisconsin Administrative Code Chapter COMM 83, the County shall forward a copy of each Sanitary Permit issued along with the appropriate fee to the Department of Commerce within ninety (90) days after the permit is issued.

~~(g)~~ A County Sanitary Permit shall be valid for two years from the original date of issuance.

(2) PERMIT TRANSFERS

(a) A property owner may transfer a sanitary permit to a new property owner by submitting a Sanitary Permit Transfer/Renewal Form (~~DILHR~~ SBD - 63998) and the appropriate fee to the Winnebago County Planning & Zoning Office. The form shall be signed by the previous sanitary permit holder and the licensed plumber responsible for the installation of the POWTS.

~~(b)~~ (b) A property owner may transfer a sanitary permit from the original installing licensed plumber to a new installing licensed plumber by submitting a Sanitary Permit Transfer/Renewal Form (DILHR - SBD - 6399) and the appropriate fee to the Winnebago County Planning & Zoning Department Office. The form shall be signed by the new installing licensed plumber responsible for the installation of the POWTS. If the original POWTS plans required state approval, the new installing licensed plumber shall obtain a new set of state approved plans before the sanitary permit may be transferred to the new installing licensed plumber. ~~In cases where state approved POWTS plans were designed by an engineer, architect or licensed designer, no new state approval is necessary and the~~

~~sanitary permit may be transferred to the new installing licensed plumber.~~

(3) PERMIT RENEWALS

~~(b)~~(a) A property owner or the licensed plumber responsible for the installation of the POWTS may renew a sanitary permit before the expiration date by submitting a Sanitary Permit Transfer/Renew Form (~~DHLHR~~—SBD - 63998) and the appropriate fee to the Winnebago County Planning & Zoning Department~~Zoning Office~~. The form shall be signed by the licensed plumber responsible for the installation of the POWTS. The sanitary permit shall ~~meet all~~meet all the regulations in force at the time the renewal is being sought before the permit may be renewed. The sanitary permit shall expire two years from the date of ~~renewal unless~~renewal unless the permit is again renewed before the expiration date.

(4) PERMIT REVOCATION~~CROSS-COMPLIANCE~~

~~(a) Winnebago County may revoke a sanitary permit that the County has issued for any false statements or misrepresentation of facts on which the sanitary permit was issued.~~

~~(1) The revocation of a sanitary permit and the reasons for revocation shall be conveyed in writing (via email or letter) to the individual to whom the sanitary permit was issued or transferred. No sanitary permit shall be issued until such time as adequate evidence is presented to show that the proposed construction would be in compliance with the Winnebago County Town/County Zoning Ordinance, Winnebago County Land Division Ordinance, or any applicable Town Zoning Ordinance.~~

~~(2) If a sanitary permit is revoked, the installation or modification of a POWTS may not commence or continue until another sanitary permit is obtained.~~

~~(3) Any false statements or misrepresentation of facts as described in (4)(a) constitute a violation and Section 16.10 shall apply.~~

(a)

~~(b) Permit applications, including site plans, shall be required to meet the requirements of the Winnebago County Land Records Ordinance.~~

(5) PERMIT POSTING~~VIOLATION~~

~~(a) When a sanitary permit is obtained under Section 16.03, the sanitary permit shall comply with all the following:~~

~~(1) The sanitary permit shall be posted in such a conspicuous location and manner on the proposed site where the POWTS is to be installed or modified so that the information on the permit is visible for inspection.~~

~~(2) The sanitary permit shall be posted in a conspicuous location until a POWTS installation or modification is completed and an opportunity for a final inspection occurs in accordance with Section 16.02(2).~~

~~(3) Should a permit be issued subsequent to the issuance of a violation notice or a citation by the County, the County may include within the permit time limitations for construction as well as other conditions relating to the violation which must be prior to final system approval.~~

~~(a)~~

(6) VIOLATIONS

- (a) Should a sanitary permit be issued subsequent to the issuance of a violation notice or a citation by the County, the County may include within the sanitary permit time limitations for construction as well as other conditions relating to the violation which must be remedied prior to final system approval/installation.
- (b) Violations of this Section shall be dealt with in a manner specified in Section 16.10

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16.02 16.04 EXISTING POWTS ~~EXISTING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM~~

- (1) **PERMITTING REQUIREMENTS:** ~~A:~~ A county, city, town, or village may not issue a building permit and/or zoning permit for ~~the following~~ the following conditions unless the owner of the property secures a sanitary permit under Section 16.03 to modify, replace, or reconnect to the existing POWTS:
- (a) Construction of a structure to be connected to an existing POWTS.
 - (b) Disconnection of a structure from an existing POWTS and connection of another structure to the system (e.g. replacing a mobile home).
 - (c) Reconstruction of a structure that is connected to a POWTS and that has become uninhabitable due to damage resulting from fire, wind, or other manmade or natural disasters.
 - (d) Conversions of structures to public buildings or places of employment or changes in use of public buildings and/or places of employment.
 - (e) An addition of bedrooms to a structure or a conversion of existing space to bedrooms within a structure.
 - (f) An addition to a structure which exceeds twenty-five (25) percent of the total gross area of the existing structure.
 - (g) Reconstruction of a structure that is connected to a POWTS and that has been razed.

(2) ABANDONMENT OF EXISTING POWTS

- (a) All abandoned seepage pits, septic tanks, holding tanks, and pump chambers shall have the contents pumped out by a licensed pumper, disposed of in a legal matter, and be removed or the covers removed, and the remaining excavation shall be immediately filled with suitable soil material, rendering the POWTS inoperable. Winnebago County does not require a permit for this activity.
- (b) Within thirty (30) days after completion of the abandonment, the qualified contractor shall notify the Planning & Zoning Department of the abandonment and provide staff with any requested abandonment documentation (pictures, written materials, etc...).
- (c) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned by the plumber installing the system at the time of the installation of the replacement system. The abandonment shall comply with Wis. Admin. Code Ch. SPS 383.

16.03 16.05 HOLDING TANKS

- (1) **PERMITTING REQUIREMENTS:**~~Sanitary Permit:~~ A sanitary permit for holding tank(s) shall be granted only if one or more ~~of the~~of the following conditions ~~existsexist~~, regardless of whether for new construction or replacement:
- (a) The property is in a flood-plain with no contiguous higher area.
 - (b) The soil survey of Winnebago County has the entire property mapped as an Udorthent soil type.
 - (c) The property has size limitations which prevent the installation of a soil absorption system.
 - (d) A soil test has been conducted on the property by a certified soil tester and all soil types on the property, as identified in the soil survey of Winnebago County, have been identified and verified by the certified soil tester to be unsuitable for any type of soil absorption system.
 - (e) The installation and use of holding tanks, or alternative systems as approved by Wisconsin Department of ~~Safety & Professional Services Commeree~~ and Winnebago County, as a private sewage system for festival or event grounds are permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying ~~withall~~with all applicable provisions of the Wisconsin Administrative Code, the holding tank installation shall comply with the following:
 - (1) The festival or event shall provide evidence, typically in the form of ticket sales or recorded gate attendance, that the festival or event has exceeded an attendance of more than 100,000 for five (5) or more consecutive years.
 - (2) Grounds shall be ~~owned, or owned or~~ bound by lease for ten (10) or more years, by ~~the festival~~the festival or event utilizing the grounds.
 - (3) Property ~~owner~~owners shall provide written approval of the holding tanks ~~or alternative~~or alternative system installation prior to permit issuance.
 - (4) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. SPS 383.54(2)(d). The water meter shall include a remote ~~reading device~~reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
 - (5) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.
 - (6) Holding tanks shall be abandoned in accordance with Wis. Admin.

Code Ch. SPS 383.33 at the time the special event expires, use changes, the property is sold, or municipal sewer becomes available.

- (f) The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district.
- (g) The installation and use of holding tanks as a private sewage system for commercial or industrial buildings may occur regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater provided all the following requirements are met:

 - (1) The holding tank installed to serve a commercial or industrial building may not exceed an Estimated Wastewater Flow (EWF) of one hundred (100) gallons per day.
 - (2) In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. SPS 383.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) serviced by the holding tank(s) and shall have a numerical display of gallons.
 - (3) If requested by County Staff, the County shall be provided ~~with~~with a monthly report of daily peak flows, and the water meter shall remain in place for the life of the building, or until such time as the building is connected to municipal/public sewer or a private sewage system that provides onsite treatment and disposal of domestic wastewater.

Chapter 16 – Private On-Site Wastewater Treatment System

~~(5) Holding tanks shall be abandoned in accordance with Wis. Admin. Code Ch. 83.33 at the time the lease expires, the property is sold, or municipal sewer becomes available.~~

~~(6) Financial security for Removal. For each tank installed, a minimum \$5,000 (five thousand dollar) bond, letter of credit, or other similarly approved financial guarantee shall be filed with the County at the time of permit application and shall be maintained until the lease of the property expires, property is sold, municipal sewer becomes available, or at a time that is mutually agreed to by the applicant or owner and the county.~~

~~(f)(h) The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district.~~

(2) HOLDING TANK AGREEMENT: Any property owner who applies for a sanitary permit for a holding tank(s) must first enter into a Holding Tank Agreement with the County. Holding Tank Agreements in effect within each town shall hereby be assigned to Winnebago County. A licensed staff member will sign the Holding Tank Agreement on behalf of the County.

~~(1) The property owner shall enter into a Holding Tank Servicing Contract with a licensed pumper who shall be responsible for pumping out the holding tank(s) when required and disposing of the waste in accordance with Wis. Admin. Code Chapter NR 113.~~

~~(2) The property owner shall maintain the holding tank(s) so as to conform to all requirements of Wis. Adm. Code Chapter COMM 83 relating to holding tanks.~~

~~(3) The property owner shall properly maintain the holding tank(s) by notifying the contracted licensed pumper to have the holding tank(s) pumped out when the tank(s) are full. Holding Tank(s) that serve a structure that has seasonal or intermittent use shall be pumped out when full but no less than once during each calendar year.~~

~~(4) Where holding tank(s) are not properly maintained and are consequently causing a nuisance as described in Sec. 254.01(2) and 281.01(18) Wis. Stats., the County shall order the tank(s) to be maintained by a private contractor at the County's expense. The County shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the County shall place the amount on the tax roll as a special assessment against the property in question.~~

~~(5) The Holding Tank Agreement shall be recorded in the Winnebago County Register of Deeds Office prior to issuance of a sanitary permit.~~

(3) Holding Tank Servicing Contract: All owners of existing and future holding tank(s) shall ~~enter into~~ enter into a Holding Tank Servicing Contract with a licensed pumper.

~~(a) The property owner shall permit the pumper to have access and enter upon the property for the purpose of servicing the holding tank(s).~~

~~(b) The property owner shall provide and maintain an all weather access road no greater than 10 feet from the riser(s) of the holding tank(s) so that the pumper can service the holding tank(s) with the pumping equipment.~~



- ~~(c) The Holding Tank Servicing Contract shall be filed in the Winnebago County Zoning Office prior to the issuance of a sanitary permit for a holding tank(s).~~
- ~~(2) If the property owner decides to contract with a licensed pumper who is not named on the Holding tank Servicing Contract filed in the Winnebago County Zoning Office, a new Holding Tank Servicing Contract must be filed in the same office within 10 business days from the date of change.~~
- ~~(4) **Pumping Reports:** Pumping reports shall be submitted for every existing and future holding tank(s) installed in Winnebago County.~~
- ~~(a) Pumping reports shall be submitted to the Winnebago County Zoning Office on a semi-annual basis on forms provided by COMM which are available in The Winnebago County Zoning Office.~~
- ~~(b) It shall be the responsibility of the licensed pumper to submit the pumping reports as required in the Holding Tank Agreement and Holding Tank Servicing Contract.~~
- ~~(c) In the case of registration under s. 281.48(3), Stats. the owner shall submit the pumping report to the County.~~
- ~~(d) The following information shall be included on the pumping report:~~
- ~~(1) The name and address of the person responsible for servicing the holding tank(s).~~
 - ~~(2) The name of the owner of the property where the holding tank(s) are located.~~
 - ~~(3) The location of the property on which the holding tank(s) is installed.~~
 - ~~(4) The sanitary permit number issued for the holding tank(s).~~
 - ~~(5) The dates on which the holding tank(s) were serviced.~~
 - ~~(6) The volumes in gallons of the contents pumped from the holding tank(s) for each servicing.~~
 - ~~(7) The disposal sites to which the contents from the holding tank(s) were delivered.~~
 - ~~(8) The tax parcel number of the property on which the holding tank(s) are located.~~

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16.04 16.06 PUBLIC SEWER**(1) CONNECTION REQUIREMENTS**

~~(1)(a)~~ When public sewers approved by the Department of Natural Resources become available to the premises served, the use of the POWTS shall be discontinued within that period of time required by order, but not to exceed one year from date of order.

~~(a)(b)~~ Upon connection to public sewer all abandoned treatment tanks, holding tanks, and seepage pits shall be abandoned per Section 16.04(2) & Wis. Admin. Code Ch. SPS 383. All abandoned treatment tanks and seepage pits shall have the contents pumped out by a licensed pumper upon connection to public sewer and disposed of in accordance with Wis. Adm. Code Chapter NR 113.

~~All abandoned seepage pits, septic tanks, holding tanks and pump chambers shall be removed or the covers removed upon connection to public sewer and the remaining excavation shall be immediately filled with a suitable soil material, rendering the POWTS inoperable. Winnebago County does not require a permit for this activity.~~

(2) SANITARY PERMIT LIMITATIONS

~~(2)~~(a) Where property is located within an Urban Designated NR-121 Sewer Service Area ~~and Sanitary and Sanitary~~ District, no county permit for a POWTS shall be issued unless one of the conditions specified in (b) or (c) of this section are applicable. All other development within these areas shall be by public sewer only.

(b) Where property is within a sanitary district and the district is physically unable to provide sewer to the property, and a county permit for a POWTS may be issued provided that the property owner, in conjunction with the Sanitary District, prepares and records with the Register of Deeds, an agreement to connect to the Sanitary District when so determined by the District.

(c) Where property is not within a sanitary district, evidence must exist that the nearest sanitary district(s) cannot provide public sewer in a ~~cost-effective~~ cost-effective manner at this time. The property owner shall prepare and record with the Register of Deeds, an ~~agreement to~~ agreement to connect to public sewer when so determined by the nearest sanitary district(s). For purposes of this subsection (c) “cost-effective” shall be defined as a systematic comparison of alternative means for providing wastewater treatment that will total resource costs.

16.05 16.07 PRIVIESNON-PLUMBING SANITATION SYSTEMS**(1) GENERAL STANDARDSPrincipal Structures:**

- (a) A sanitary permit is required under Section 16.03 for any installation, reconstruction, repair, alteration, repositioning, placement and/or use of any non-plumbing sanitation system, including but not limited to composting toilets, incinerating toilets, other State approved alternative toilets, vault privies, and portable restrooms. Privies shall be permitted only on properties that have a principal structure that has no plumbing installed on the premises.
- (b) Structures that have plumbing installed shall be provided with a code-compliant POWTS and any non-plumbing sanitation systemthe privy shall be immediately abandoned upon installation of said systeminsystem in accordance with Sec. 16.046(2), (3) of this ordinance.
- (c) All Non-plumbing sanitation systems shall meet the requirements of Wi Admin Code SPS 391 Federal standards, and any other applicable technical standards such as those found in the National Sanitation Foundation (NSF) & Canadian Standards Association (CSA Group).
- (d) A pit privy or any other type of non-plumbing sanitation system that utilizes in-situ soil or is not contained within a water-tight containment system is strictly prohibited.
- (b)(c) The use, placement, construction, reconstruction, repair, and/or alteration of a pit privy or non-plumbing sanitation system that utilizes in-situ soil or is not contained within a water-tight containment system is strictly prohibited.

(2) ALLOWED LOCATIONS: The: Blue following are the only allowed locations for non-plumbing sanitation systems.

- (a) Properties that have a principal structure that have no plumbing or plumbing fixtures installed on the premises. Parks and Campgrounds: Privies shall be permitted in parks and campgrounds whether publicor private.
- (b) Properties within a campground licensed by the State of Wisconsin Winnebago County Health Department, and if within a county zoned area, permitted by the Winnebago County Planning & Zoning Department.
- (c) Properties located within a municipal/government operated park (Town, County, State)
- (2)(d) Properties used for temporary uses for public events which do not exceed ten (10) days in duration.

(3) Privies ProhibitedPROHIBITED LOCATIONS:

- (3)(a) Non-plumbing sanitation systems located in any place not specified under 16.07(2) are prohibited. Existing privies located on properties that already have a principal structurewith plumbing are prohibited.
- (a) All existing privies, as described in Sec. 16.07(3) of this ordinance, shall be

~~immediately abandoned in accordance with Sec. 16.06(2), (3) of this ordinance.~~

~~(b) Portable Restrooms are prohibited except for parks and campgrounds as described in Section 16.07(2) and temporary uses for public events not to exceed ten (10) days in duration.~~

~~(4) **Permit Required:** No privy of any kind may be constructed, erected, altered or moved unless the owner of the property possesses a valid sanitary permit issued by the County.~~

~~(1) **Minimum Standards:** All privies shall conform to the minimum standards established in Wisconsin Administrative Code Chapter COMM 91.~~

16.08 PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS) MAINTENANCE

(1) REPORTING STANDARDS FOR SEPTIC SYSTEMS

- (a) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code Ch. SPS 383 & 384~~COMM 83 and 84~~ and this ordinance.
- (b) The licensed individual, as stated in Wis. Admin Code Ch. SPS 383.54, ~~property owner~~ shall report to the Winnebago County Planning & Zoning Department each inspection, maintenance or servicing event, in accordance with Wis. Admin. Code Ch. SPS 383~~COMM 83~~ and this ordinance.
- (c) All septic tanks, regardless of installation date, shall be visually inspected and pumped within three (3) years of the date of installation or, in the case of new construction, within 36 months of the date of occupancy, and at least once every three (3) years thereafter.
- (d) If, upon inspection by a licensed individual, as stated in Wis. Admin. Code Ch. SPS 383.54~~COMM 83.54~~, it is determined that less than one-third (1/3) of the volume of a septic tank is occupied by sludge and scum, pumping and/or inspection may be deferred for one (1) year.
- (e) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR 113.
- (f) Visual inspection of a private sewage system may be conducted by a licensed individual as stated in Wis. Admin. Code Ch. SPS 383.54~~COMM 83.54~~ to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (g) The licensed individual, as stated in Wis. Admin. Code Ch. SPS 383.54, ~~owner of such septic tank~~ shall furnish the Winnebago County Planning & Zoning Department, in a manner established by the Planning & Zoning ~~with~~ Department, with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping/ inspection within ten (10) days of the date of inspection and pumping. Reports shall include all information required in Wis. Admin. Code. Ch. SPS 383.55~~COMM 83.55~~, and shall be signed by the person(s) inspecting and pumping the private sewage~~private sewage~~ system. Other maintenance or management reports required by Wis. Admin. Code Ch. SPS 383 or 384 ~~COMM 83 or 84~~ shall ~~should~~ be included in this report if requested by County Staff.

(2) REPORTING STANDARDS FOR HOLDING TANKS

- (a) Pumping reports shall be submitted to the Winnebago County Planning & Zoning Office on an annual basis electronically.
- (b) The licensed individual, as stated in Wis. Admin. Code Ch. SPS 383.54, shall report to the Winnebago County Planning & Zoning Department each inspection, maintenance, or servicing event electronically, in accordance with Wis. Admin. Code Ch. SPS 383 and this ordinance.

(c) In the case of registration under s. 281.48(3), Stats. the property owner shall submit the pumping report to the County.

(d) It shall be the responsibility of the licensed pumper to submit the pumping reports, in the appropriate manner, as required in the Holding Tank Agreement and Holding Tank Servicing Contract.

(3) REPORTING FORM REQUIREMENTS: The following information shall be included on all electronic pumping reports filed in the County's online reporting system:

(a) The name and address of the person responsible for servicing the tank(s).

(b) The name of the owner of the property where the tank(s) are located.

(c) The location of the property on which the tank(s) is installed.

(d) The sanitary permit number issued for the tank(s).

(e) The dates on which the tank(s) were serviced.

(f) The volumes in gallons of the contents pumped from the tank(s) for each servicing.

(g) The disposal sites to which the contents from the tank(s) were delivered.

(h) The tax parcel number of the property on which the tank(s) are located.

~~(g)~~(i) Any other pertinent information deemed important by the licensed service provider or County, in order to prevent a health and safety hazard.

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16.06 16.09 FEESDISCHARGES PROHIBITED

- (1) **GENERAL FEES**~~Private On-Site Wastewater Treatment System~~: Fees for permits, applications, or reviews shall be as established from time to time by the Winnebago County Board of Supervisors. Upon adoption by the County Board, the current fee shall be maintained on the current fee schedule on file in the Planning & Zoning Department.
- (2) **AFTER-THE-FACT FEES**: Fees for all after-the-fact permits, applications, or reviews shall be doubled.
- (3) **POWTS TAX ASSESSMENT FEES**: In addition to the foregoing fees as allowed by Wis. Stats. 145.20(4), each owner of a Private On-site Wastewater Treatment System (POWTS) shall be charged an annual fee per POWTS as recommended by the Committee of Jurisdiction and approved by the County Board for the record keeping attributed to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Sec. 66.0703, Wis. Stats.

(4)

- (a) Every POWTS shall be designed, located, and constructed to prevent any discharge of sewage or partially treated sewage into drain tiles, onto the ground surface, into the structure served, into the surface waters of the state, or into the groundwater of the state including zones of seasonal soil saturation.

(2) Clear Water

- (a) The discharge of surface, rain, and other clear water (including sump-pump water) into a POWTS is prohibited.

(3) Cesspools

- (a) The discharge of sewage or partially-treated sewage to a cesspool is prohibited.

(4) Wash Water

- (a) The discharge of washwater to a road ditch, ground discharge, sump-pump hole, dry-well, cesspool, or any other place other than a septic tank or holding tank is prohibited.

(5) Holding Tank and Septic Tank Waste

- (a) The discharge of sewage or partially-treated sewage from a septic tank or holding tank to the ground surface, road ditch, cesspool, dry-well, or any waters of the state by any means is prohibited.

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16.10 ENFORCEMENT VIOLATIONS AND PENALTIES

- (1) **VIOLATIONS & PROHIBITED ACTIVITIES:** ~~The:~~ The following consists of prohibited activities and/or violations of this ordinance and shall be subject to a penalty as described in 16.10(2):

- (a) The discharge of surface, rain, and other clear water (including sump pump water) into a POWTS is prohibited.
- (b) The discharge of sewage (wastewater – graywater/blackwater) or partially treated sewage from any plumbing, habitable or occupied areas, recreational vehicles or travel trailers, or a septic tank or holding tank to the ground surface, road ditch, cesspool, dry-well, sump pump hole, Waters of the State by any means, or any place other than to a legally placed septic tank or holding tank is prohibited.
- (c) Installation, reconnection, or repair of a private onsite wastewater treatment system or non-plumbing sanitation system without an approved sanitary permit as described in Section 16.03, 16.04, 16.05 or 16.07 of this ordinance.
- ~~(a)~~(d) Installation, reconnection, or repair of a private onsite wastewater treatment system by an unlicensed individual, company, or entity. Only a master plumber or master plumber -restricted service may install, reconnect or repair a private onsite wastewater treatment system.
- (e) The failure of a private onsite wastewater treatment system (POWTS) or non-plumbing sanitation system. For the purposes of this Ordinance failure shall be defined as the following:
 - 1) The discharge of sewage into surface water or groundwater.
 - 2) The introduction of sewage into zones of saturation that adversely affects the operation of a private on-site wastewater treatment system.
 - 3) The discharge of sewage to a drain tile or into zones of bedrock.
 - 4) The discharge of sewage to the surface of the ground.
 - 5) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system
- (f) Discharge of a recreational vehicle's transfer or storage tank or plumbing to anywhere other than a county approved POWTS specifically designed to treat or hold the sewage generated from the recreational vehicle.
- (g) Human Habitation or occupancy of any place, building, or structure without a private onsite wastewater treatment system or allowed non-plumbing sanitation system.
- (h) The failure to properly maintain a POWTS/Holding Tank as required in Sections 16.05 & 16.08

(i) Any other activity, use, or provision of this ordinance that has been explicitly prohibited or deemed a violation.

(2) ~~PENALTIES: Any: Any~~ person who violates any provisions of this ordinance upon conviction of such violation, shall be subject to a penalty as provided below, and also Section 25.04 of the Winnebago County General Code. Winnebago County has adopted, pursuant to Sec. 66.113, Wisconsin Statutes, the citation system of enforcement of this ordinance, and the following schedule of cash deposits as provided below is hereby established: and/or is penalized in accordance with Sec. 16.10(1) of this Ordinance shall be held liable for compliance with this Ordinance.

- (a) Failure to file an inspection/pumping report ~~after as required. notice of maintenance requirements stated in Ch. 16.08 Winnebago County Sanitary Ordinance~~ – \$200.00 plus costs.
- (b) Failure to properly maintain holding tank(s) as determined by ~~semi-annual and~~ annual pumping reports - \$500.00 plus costs.
- (c) Discharging the contents (sewage/wastewater – graywater/blackwater) of a septic tank or holding tank to the ground surface, road ditch, or any waters of the state - \$200.00 plus costs. ~~wastewater to any location other than a septic tank or holding tank - \$100.00 plus costs.~~
- (d) Discharging the contents of a septic tank or holding tank to the ground surface, road ditch, or any waters of the state – \$200.00 plus costs.
- (e) All other violations of this Ordinance - \$200.00 plus costs.

~~(2) PENALTIES COMPLIANCE: Any person who violates any provisions of this ordinance and/or is penalized in accordance with Sec. 16.10(1) of this ordinance shall be held liable for compliance with this ordinance. upon conviction of such violation, shall be subject to a penalty as provided below, and also Section 25.04 of the Winnebago County General Code. Winnebago County has adopted, pursuant to Sec. 66.113, Wisconsin Statutes, the citation system of enforcement of this ordinance, and the following schedule of cash deposits as provided below is hereby established:~~

~~(3)(1) — Any person who violates any provisions of this ordinance and/or is penalized in accordance with Sec. 16.10(1) of this Ordinance shall be held liable for compliance with this Ordinance.~~

16.11 APPEALS

(1) GENERAL: In lieu of the procedures specified in Chapter 68, Wisconsin Statutes, and in accordance with Section 68.16, Wisconsin Statutes, appeals relating to the terms and provisions of this ordinance shall be submitted to the Winnebago County Board of Adjustment in accordance with provisions and procedures established in Chapter 23 Town/County Zoning Code of the Winnebago County General Code.



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16.11 16.12 DEFINITIONS

- (1) **PURPOSE:** ~~Except:~~ **Except** as specifically defined below, words and phrases used in this ordinance are to be interpreted as having the same meaning as Common Law. Words in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The word "shall" is mandatory. Specific definitions for this ordinance are defined by the following:

(2) Specific Definition

- (a) Area - The square feet of floor space within the outside line ~~en~~ of walls and includes the total of all space on all floors of a structure. It does not include porches, garages, or space in an unfinished attic, basement or cellar when said unfinished attic, basement or cellar space is used for storage of incidental uses.
- (b) Blackwater – means wastewater contaminated by human body waste, toilet paper and any other material intended to be deposited in a receptor designed to receive urine or feces. See also Wastewater, Sewage, and Graywater.
- (c) Certified Soil Tester - a licensed professional authorized by the State to analyze soil characteristics, specifically for determining site suitability for private onsite wastewater treatment systems (septic systems). They evaluate soil horizons, profiles, and morphology to ensure proper drainage and environmental compliance.
- (d) Cesspool - a covered excavation in the ground which receives wastewater, sewage or other organic wastes from a drainage system, and is so designed as to retain the organic matter and solids, permitting the liquids to seep into the soil cavities.
- (e) Clear Water - cooling water and condensate drainage from refrigeration compressors and air-conditioning equipment, water used for equipment chilling purposes, liquid having no impurities or where impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam heating systems or other equipment. This term also includes sump water, potable water, and Waters of the State.
- (f) Commercial/Industrial Buildings - means any non-residential building used to conduct business, generate income, and/or provide public/civic services. The term does not include any residential buildings used for human habitation or buildings such as residential sheds, garages, and the like.
- (g) Domestic Wastewater - means the type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.
- (h) Failing Private On-site Wastewater Treatment Systems - a POWTS which causes or results in any of the following conditions:
 - (1) The discharge of sewage into surface water or groundwater.

- (2) The introduction of sewage into zones of saturation that adversely affects the operation of a private on-site wastewater treatment system.
- (3) The discharge of sewage to a drain tile or into zones of bedrock.
- (4) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system.
- (i) Field Verification - An evaluation of a soil profile conducted by a licensed staff member at a site that was tested by a certified soil tester, or an evaluation of a set of sanitary permit plans at a site when deemed questionable by county staff.
- (j) Flood Plain – as defined in WI Admin Code Chapter NR 116, means that land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway, floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.
- (k) Graywater - Water which has been contaminated by soap, detergent, or any other cleaning agent. Typically generated from baths, sinks, washing machines, and dishwashers. See also Wastewater.
- (l) Holding Tank - An approved watertight receptacle for a collection and holding of sewage.
- (m) Human Habitation (Occupancy) - the act of occupying or dwelling in a place—such as a house, building, or structure, or recreational vehicle/travel trailer—on a permanent or temporary basis for living, sleeping, cooking, or eating purposes.
- (n) Licensed Pumper - A person or firm licensed by a State of Wisconsin to pump, haul and dispose of sewage and septage.
- (o) Licensed Staff Member - Any member of the Winnebago Planning & Zoning Department staff who is licensed by the State of Wisconsin as a Certified Soil Tester and/or POWTS Inspector, depending on the type of inspection.
- (p) Non-Domestic Wastewater - means any wastewater that is not domestic wastewater or storm water.
- (q) Non-plumbing Sanitation System – Systems as defined and approved in WI Admin. Code SPS 391 which include but not limited to composting toilets, incinerating toilets, other State approved water-tight alternative toilets, vault privies, and portable restrooms.
- (r) Plumbing - Any piping, fixtures, equipment, devices or appurtenances in connection with water supplies, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems.
- (s) Pre-Treatment System – also known as Aerobic Treatment Units (ATUs) regulated under WI Admin. Code SPS 384, use oxygen-infused processes to enhance bacterial breakdown

of wastewater, often for challenging sites. These systems are required to comply with NSF Standard 40. They offer high-quality effluent, allowing for smaller drainfields or surface irrigation.

- (t) Principal Structure - The area enclosed by walls and a roof of which the principal use is human habitation and/or occupancy.
- (u) ~~Privy~~(Privy (Pit) - A structure and form of non-plumbing sanitation system that is not connected to a plumbing system or fixtures which is open/exposed to the environment, not watertight, and used by person(s) for the deposition of human body wastes.
- (v) Privy (Vault) - A structure and form of non-plumbing sanitation system that is not connected to a plumbing system or fixtures which is permanently sealed, watertight and used by person(s) for the deposition of human body wastes.
- (w) Private On-Site Wastewater Treatment System (POWTS) - Means a holding tank, sewage treatment or disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term also means an alternative sewage system approved by the Department including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure **being served**. A private onsite wastewater treatment system may be owned by the property owner or by a special purpose district. For the purposes of this ordinance, the term shall also mean any State of Wisconsin approved system including, but not limited to: Holding Tank, Mound System, In-ground Conventional System (with or without lift), At-Grade System, or Other Pressurized System.
- (x) POWTS Inspector - a State-certified professional (specifically under Wisconsin Administrative Code SPS 305.68) authorized to evaluate, inspect, and enforce code compliance for Private Onsite Wastewater Treatment Systems. They verify soil conditions, review system plans, inspect new installations, and check for system malfunctions to protect public health and groundwater.
- (y) POWTS Maintainer - a certified professional authorized by the State to evaluate, monitor, and maintain septic system components, such as pumps and filters, to ensure proper functioning. They are responsible for servicing systems, ensuring compliance with management plans, and submitting reports to local authorities.
- (z) Pump Chamber - A tank which receives septic tank effluent and discharges a specified volume by means of a pump to a soil absorption system.
- (aa) Recreation Vehicle - any vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation. “Recreational vehicle” includes a camping trailer, 5th-wheel recreational vehicle, park model recreational vehicle, and travel trailer, as defined in State Code, and any makeshift wheeled vehicle/structure.
- (bb) Seasonal or Intermittent Use - The habitation of a structure for only a portion of a year

including without limitation, such things as summer homes, cottages, trailers and recreational vehicles.

- (cc) Septic Tank - A tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.
- (dd) Sewage - The liquid- and water-carried wastes created in and to be conducted away from residences, industrial establishments and public buildings.
- (ee) Soil Absorption System - (also known as a drainfield or leach field) is a critical, final treatment and dispersal component of a POWTS that uses subsurface or elevated surface, gravel-filled or other State of Wisconsin approved material trenches or beds to distribute wastewater effluent into the soil. It filters, treats, and absorbs liquids, allowing micro-organisms in the soil to remove pathogens and contaminants before the water reaches groundwater.
- (ff) Soil Horizons - distinct, generally horizontal layers within a soil profile, differentiated by physical, chemical, and biological properties—such as color, texture, and structure—that vary with depth. They represent stages of soil development (pedogenesis) from parent material, typically designated by letters O, A, E, B, C, and R.
- (gg) Soil Profile - A vertical section of the soil extending through all its horizons and into the parent material.
- (hh) Suitable Soil Material - Any natural soil, sand, or gravel not containing any debris such as wood, plastic, metal, glass, paper, rubber, or any other similar materials.
- (ii) Udorthent - highly disturbed, man-made, or man-modified soils (Orthents) found in humid climates (Udic moisture regime) where the original soil horizons have been excavated, filled, or graded. They are common in urban or construction areas, featuring mixed fill material, low water capacity, and variable permeability. Described by the soil survey of Winnebago County as a soil that consists of 1 to 4 feet of fill material over poorly drained and very poorly drained soils. The fill material commonly is clay, silty clay, silty clay loam and clay loam. The fill material also includes sand or mostly non-soil material such as concrete, cinders, trash and spoil bank deposits adjacent to ditches and canals. These soils are saturated for long periods at depths of 1 to 5 feet and commonly at a depth of 1 to 3 feet. They are also subject to occasional flooding or ponding.
- (jj) Wastewater - water that has been negatively affected in quality by anthropogenic (human) influences, containing liquid and solid waste from domestic, industrial, or agricultural activities. It is characterized as used water containing dissolved or suspended contaminants, including pathogens, organic materials, inorganic compounds, nutrients, and heavy metals that require treatment before being released back into the environment. The term includes blackwater, graywater, and sewage.

(kk) Waters of The State - Includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, flowages, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

(ll) Zone of Seasonal Saturation - The zone in which all soil pores are filled with water during some period of a year as determined by mottling or other redoximorphic features.

~~(e) **Cesspool**—a covered excavation in the ground which receives sewage or other organic wastes from a drainage system, and so designed as to retain the organic matter and solids, permitting the liquids to seep into the soil cavities.~~

~~(f) **Clear Water**—cooling water and condensate drainage from refrigeration compressors and air conditioning equipment, water used for equipment chilling purposes, liquid having no impurities or where impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam heating systems or other equipment. This term also includes sump water.~~

~~(g) **COMM**—Department of Commerce.~~

~~(h) **Failing Private On-site Wastewater Treatment Systems**—a POWTS which causes or results in any of the following conditions:~~

~~(1) The failure to accept sewage discharges and back up of sewage into the structure served by the POWTS.~~

~~(2) The discharge of sewage to the surface of the ground or to a drain tile.~~

~~(3) The discharge of sewage to any waters of the state.~~

~~(4) The introduction of sewage into zones of saturation which adversely affects the operation of a POWTS.~~

~~(i) **Field Verification**—An evaluation of a soil profile conducted by a licensed staff member at a site that was tested by a certified soil tester.~~

~~(j) **Flood Plain**—The land adjacent to a body of water which has been or may be hereafter covered by flood water.~~

~~(k)(a) **Area**—The square feet of floor space within the outside lien of walls and includes the total of all space on all floors of a structure. It does not include porches, garages, or space in an unfinished attic, basement or cellar when said unfinished attic, basement or cellar space is used for storage of incidental uses.~~

~~(l) **Holding Tank**—An approved watertight receptacle for a collection and holding of sewage.~~

- ~~(m) **Licensed Pumper**—A person or firm licensed by a State of Wisconsin to pump, haul and dispose of sewage and septage.~~
- ~~(n) **Licensed Staff Member**—Any member of the Winnebago County Zoning staff who is licensed by the State of Wisconsin as a Certified Soil Tester and/or POWTS Inspector, depending on the type of inspection.~~
- ~~(o) **Plumbing**—Any piping, fixtures, equipment, devices or appurtenances in connection with water supplies, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems.~~
- ~~(p) **Principal Structure**—The area enclosed by walls and a roof of which the principal use is human habitation and/or occupancy.~~
- ~~(q) **Privy**—A structure that is not connected to a plumbing system which is used by persons for a deposition of human body wastes.~~
- ~~(r) **Private On-Site Wastewater Treatment System (POWTS)**—Means a sewage treatment or disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term also means an alternative sewage system approved by the Department including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private onsite wastewater treatment system may be owned by the property owner or by a special purpose district.~~
- ~~(s) **Pump Chamber**—A tank which receives septic tank effluent and discharges a specified volume by means of a pump to a soil absorption system.~~
- ~~(t) **Seasonal or Intermittent Use**—The habitation of a structure for only a portion of a year including without limitation, such things as summer homes, cottages, and trailers.~~
- ~~(u) **Septic Tank**—A tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.~~
- ~~(v) **Sewage**—The liquid and water-carried wastes created in and to be conducted away from residences, industrial establishments and public buildings.~~
- ~~(w) **Soil Profile**—A vertical section of the soil extending through all its horizons and into the parent material.~~
- ~~(x) **Suitable Soil Material**—Any natural soil, sand, or gravel not containing any debris such as wood, plastic, metal, glass, paper, rubber, or any other similar materials.~~
- ~~(y) **Udorthent**—A soil type described by the soil survey of Winnebago County as a soil that consists of 1 to 4 feet of fill material over poorly drained and very poorly drained soils.~~

~~The fill material commonly is clay, silty clay, silty clay loam and clay loam. The fill material also includes sand or mostly non-soil material such as concrete, cinders, trash and spoilbank deposits adjacent to ditches and canals. These soils are saturated for long periods at depths of 1 to 5 feet and commonly at a depth of 1 to 3 feet. They are also subject to occasional flooding or ponding.~~

~~(z) — **Wash Water** — Water which has been contaminated by soap, detergent, or any other cleaning agent.~~

~~(aa) **Waters of The State** — Includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface or groundwater, natural or artificial, public or private, within the state or its jurisdiction.~~

~~(bb) **Zone of Seasonal Saturation** — The zone in which all soil pores are filled with water during some period of a year as determined by mottling.~~

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16.12 FEES

- ~~(1) (a) Fees for permits, applications, or reviews shall be as established from time to time by the Winnebago County Board of Supervisors. Upon adoption by the County Board, the current fee shall be maintained on a current fee schedule in the Zoning Office.~~
- ~~(b) Fees for all after the fact permits, applications, or reviews shall be doubled.~~
- ~~(c) In addition to the foregoing fees as allowed by Wis. Stats. 145.20(4), each owner of a Private On-site Wastewater Treatment System (POWTS) shall annually be charged a fee of Five and 00/100 Dollars (\$5.00) per POWTS for the record keeping attributed to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Sec 66.0703, Wis. Stats.~~

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16.13 APPEALS

~~In lieu of the procedures specified in Chapter 68, Wisconsin Statutes, and in accordance with Section 68.16, Wisconsin Statutes, appeals relating to the terms and provisions of this Chapter and appeals concerning applications for the Wisconsin Fund shall be to the Winnebago County Board of Adjustment in accordance with provisions and procedures established in Section 17.32 of the General Code of Winnebago County (Winnebago County Town/County Zoning Ordinance).~~

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16.14 EFFECTIVE DATE

~~This Ordinance shall be effective on the date following publication thereof, except for Section 16.12, which shall be effective on July 1, 1992.~~

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CHAPTER 16**HISTORY INDEX**

16.01 thru 16.10	Ordinance adopted	08/19/80
	Amended	05/19/92
16.01(1)(e)	Ordinance created	10/20/02
16.01(1)(7)	Ordinance created	10/20/02
16.01(8)(a)	Ordinance created	10/20/02
16.02(2)(b)	Amended	10/20/02
16.03(a)	Amended	10/20/02
16.03(1)(c)	Amended	10/20/02
16.03(1)(d)	Amended	10/20/02
16.03(4)	Ordinance created	03/19/97
16.03(5)	Ordinance created	10/20/02
16.05(4) Created	Ordinance adopted	12/16/80
16.05(1)(a)(b)	Ordinance adopted	04/16/85
	Amended	08/18/87
16.05(1)(c)	Ordinance created	04/27/10
16.06(4)	Ordinance created	10/20/02
	Amended	01/20/04
16.07(3)(b)	Ordinance created	10/20/02
16.07(5)	Ordinance created	10/20/02
16.08	Ordinance recreated	09/18/07
16.10(1)(c)	Deleted	10/20/02
16.10	Ordinance recreated	02/28/08
16.11 thru 16.13	Created	05/19/92
16.11(2)(n)	Amended	10/20/02
16.12	Amended	10/1993
	Amended	03/21/95
	Amended	10/20/02
	Ordinance recreated	09/18/07
16.13	Ordinance created	10/20/02
16.14	Ordinance recreated	10/20/02



~~CHAPTER 16~~

~~HISTORY
INDEX~~

~~16.05(1)(e)~~	~~Ordinance Created~~	~~04/2010~~
~~16.05(f)~~	~~Ordinance Created~~	~~08/20/19~~