

**MEETING NOTICE/AGENDA
PLAN COMMISSION
6085 COUNTY ROAD T, OSHKOSH, WI
Monday, October 5, 2026 @ 6:30 PM**

ROLL CALL

APPROVAL OF MINUTES:
Meeting of August 3, 2026

DISCUSSION ON THE FOLLOWING:

1. CSM/ Michael Freundl-Valley Popcorn; 02605850501 & 026058504
2. CSM/ Steve Liermann- Breezewood Yard LLC; 026005101, 102 and 103
3. Code of Ordinances amendment / Chapter 410-29; Farmland Preservation – A-1
4. Code of Ordinances amendment / Chapter 167-16; Animals, fowl and insects NOT permitted in Town and references in Chapter 410 (18-21)
5. Winnebago County Zoning Chapter 16; Sanitary Code draft
6. Winnebago County Zoning Chapter 23; Moratorium on Data Centers

ADJOURN

Karen Brazee
Clerk/Treasurer

Please 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 services, please contact the Clerk/Treasurer at (920)235-6953.

It is possible that members of and possibly a quorum of members of the Town of Vinland Board may attend the above stated meeting to gather information; no action will be taken by any other governmental body except by the governing body noticed above. Posted on the town website on 9/28/2026: townofvinlandwi.gov and in two places in the town:

- townhall foyer posting board
- posting board located at 2925 County Rd G

Town of Vinland

Plan Commission Meeting Minutes of August 3, 2026

PC meeting was called to order by Chairman Kuehnl at 6:30pm. Roll call was taken. Present were ZA O'Connell, Commissioners Giese, Kunde, Maertz, Pfaendtner, Chairman Kuehnl, and Secretary Brazee. 12 others were in attendance.

Motion made by Kunde to approve the minutes of 6/22/26; seconded by Maertz.

Motion carried.

CUP Application of A2 zoning proposed private barn and storage/ Oppermann/ 0260364:

Chairman Kuehnl asked ZA O'Connell to give background on the application. O'Connell noted a parcel with over 5 acres looking to have 2 personal horses with no intent for training or boarding of other people's horses. O'Connell noted that there were questions if the applicant needed a CUP, so he wanted to go through the current Town of Vinland Code of Ordinances to explain his interpretation: *5 acre parcel that is A2 zoning district but is not necessarily being used for agricultural purposes. Started with A2 zoning in paragraph B in permitted uses. All permitted uses in A-1 are permitted. Then refer to A-1 and permitted uses are agricultural uses, so if you stop there you will determine no CUP is required. But if you refer to the definition of Agricultural use: the activity is based not on income, but on recreational. A-1 would not then not apply and would require you to go back to A-2. Paragraph B-2 zoning districts remain in general farming for principal farm accessory structure that the uses are in the R-1 uses. Then refer to R-1, Under Conditional uses- that is raising and stabling of livestock. Ran this interpretation thru to the town atty 2x in which the attorney advised that this is a reasonable approach although R-1 verbiage is cumbersome. Let the CUP process play out and referred the discussion back to Chairman Kuehnl.*

Chairman Kuehnl asked if anyone was present to speak on behalf of the applicant.

Attorney & Magistrate Tiffany Woelfel w/ Amundsen & Davis spoke on behalf of Attorney Kubiak. *A number of people are present to speak on behalf of the*

Oppermanns. Greg & Tammy Oppermann, Brian Ziegler as their contractor and Dawn Christensen representing their real estate representative, along w/ daughter of Oppermann's who is currently residing at the residence. Broadly speaking, we do not believe a CUP is necessary and do feel that the use of the barn does fall under the A2 category especially since the use and understand that horses have been on the property for many years prior. They do not feel a CUP is necessary and are requesting confirmation of such, but if PC Board does decide that a CUP is required, and would candidly need to take more time to look into the logic there as that was not portrayed beforehand, (regarding the income issue). Will need to take a closer look at that, but still feel that the use of the barn will fall under the A-2 zoning category. Attorney Woelfel introduced Greg Oppermann to discuss the plan for the barn and Tammy Oppermann will discuss why the project is important to them.

Greg Opperman: Respectively request the town to determine a CUP is not required for his property. His property consists of 5 acres and the purpose of the A2 district is to support agricultural purposes and keeping horses is consistent with that purpose. This property historically has had horses, so I'm simply continuing the agricultural use rather than introducing an incompatible activity. Contrary to belief, we are not operating a commercial stable or riding academy that would impact traffic on neighboring properties. The property is large enough to reasonably accommodate horses while meeting applicable setbacks. Since keeping horses is consistent w/ intent of A2 district and not identified as a conditional use in the ordinance, I respectfully request that the town recognize that a conditional use permit is not required. Furthermore, I'm really confused how we got here. The home was built in 1991 with a lot of different owners that had horses, donkeys, goats and chickens. This is a waste of time. Wasting time has now cost us money for representation. Selective targeting against the Oppermanns. We are all reasonable people here and we have a great property and a great community and yes, it's been neglected over the years and we're here to fix it. We are proud of the property right along the Wiowash trail and it will be admired.

Tammy Oppermann: She has owned horses for 20 plus years and is a recreational trail rider. She is a nurse and not a horse trainer. This general farm district is meant for hobby farm friendly and building a barn and animals to enjoy it is expected for this property. There is a large tree line between

them and the neighboring property (photo was provided). They want to build their building within the parameters of their lot, regardless of the location of the neighboring home. The zoning should not be able to be changed unilaterally by an assessor or anyone else on this board. Most properties have changes occur when new ownership occurs. Any change should be based on ordinance and we clearly have the right to have an ag building on a general ag farming district. Furthermore, I believe that asking us for a CUP violates our right of treatment under the law.

Brian Ziegler: Contractor and friend of the Oppermanns here to support them and their project. This property will be brought to its glory. Any project that they've done in the past has turned out beautiful. The process has been a bit disjointed with the Town and County and difficult to navigate, in which a simple packet could have been put together to give direction and this could have been shortened up quite a bit.

Dawn Christensen: Century21 realtor in which this was one of their listings. She's been selling in this valley for over 40 years. The value of this property will be hurt if animals are not allowed. She sits on several boards and her daughter and granddaughter own Legacy Rose Farm in which they've sat with the Town of Clayton for over a year to obtain the CUP for their business and is really confused why a CUP is needed on this property. Oppermans are not doing anything business related and that is why they had to get a CUP in Clayton. A personal farm would not need a CUP in the Town of Clayton.

Attorney/Judge Woelfel: Had opportunity to take a closer look at A-1 as well as the argument of income. Would note that accessory uses are permitted under A1, which would be permitted in A2. Under definition of accessory use it includes business activity whether or not associated with agricultural use, which meets the following requirements: So if the hangup is the fact that they are not doing this for commercial use- and not getting an income, subsection 4 would allow their activity or farm not associated with agricultural use and is conducted on a farm of the owner (which is them) requires no building or structures or improvements other than those described under subsection B 1 thru 3 and B-1 is a facility to keep a livestock on a farm does not impair or limit a future or current agricultural use of the farm and does not employ more than more 4 full-time employees on an annual basis. And they will not

have any employees, so it does fall under accessory and therefore a permitted use and does not require a conditional use permit.

T Oppermann: *How many conditional use permits have been issued on this property.*

Brazee: *None that I'm aware of*

Kuehnl: *Is there a barn on the property now? And when you put up a new structure don't you have to follow the code?*

T Oppermann: *Yes, there was a barn and it has been torn down.*

Kuehnl asked O'Connell for input on new buildings and following the town code. O'Connell noted *that the shed they're looking to build is rather large, but with the A2 zoning- there is no maximum size limitation and they are well within the setbacks. Size of the barn and location is not the issue. No doubt that the barn will be nice, but we need to apply the zoning code consistently and he will be the first to admit that our code is not very clear. My suggestion is that once we get thru this and come back and revisit this ordinance, so we don't have to go thru this again.* O'Connell stated that he was trying to follow along with Atty/Judge Woelfel's reasoning and he requested she speak with him after the meeting.

L Oppermann stated that she is currently residing on the property and her parents are clearing the property of the overgrown brush and she knows that this place will exceed her expectations.

C Schultz stated that she is not against horses and is not sure why the property owners need a CUP either, but just wanted to know what is going on next door to her property.

Kuehl asked for confirmation of the total acreage. The property is 5.17 acres.

Kuehl asked how many livestock are allowed on the property. Brazee & Starr provided ordinance 167-16 noting a total of 3 livestock (1 goose, 1 horse, 1 goat as an example).

Woelfel: *I don't think the issue here is the number of horses, because they don't even have a barn to put them in.*

Kuehl: Issue here is not the new structure nor having horses, but you are arguing whether or not you need a CUP or not. Our Zoning officer is interpreting the town Code. All I see here is that we are following the code and you're still going to be able to have your structure. Give me a reason why you are so afraid of having a CUP.

Woelfel: No one is afraid of having a CUP, but it's unnecessary paperwork and it's just another burden and unnecessary permit on them that we don't read the ordinance to require the permit and we firmly believe that it is an already permitted use, so it does not require an additional process of going thru CUP permit. Our 2nd request was to issue the CUP with no additional requirements that were heard regarding setbacks. If you are unwilling to agree w/ our interpretation of the ordinances that do not require it, then we would ask that you issue the CUP and allow the permit to go thru. The CUP is an unnecessary permit that the statute does not require when it clearly falls under A2. And if the issue is that its not agricultural use because they are not in it to make money, then I think that the definition of accessory use under the 4th subsection, allows similar buildings that are not being used as ag use, but are similar to ag use, then it is an accessory and therefore also a permitted use without requiring an additional CUP. No one is afraid of a CUP, it's just an unnecessary additional step to avoid for you and for them so everything can go forward.

Maertz: The process of the CUP is to talk about any type of restrictions. Applicants are not changing any of the characteristics of the neighborhood. A typical CUP for an example could be a storage facility- we would maybe suggest no commercial activity during 10pm to 6am. I don't know what we would restrict.

Schultz: They can have their building and horses. So what is the CUP?

Kunde: It could be your opinion on what you would like to see for a restriction.

Maertz: The typical CUP is an occurrence where a property owner is changing the foundation of the property for a solar farm or a storage unit as an example. The CUP would maybe require a fence around the storage facility.

The CUP process is created to help minimize the disruption in the neighborhood, or its intent is to protect the neighbor's interests.

O'Connell: This whole process is designed to avoid conflicts down the road. Gives the neighbors opportunity to voice their concerns. At the end of the day, the PC can approve the CUP w/o any conditions or concerns, but at least we went thru the process.

Kuehl asked what the other neighboring properties look like and how many houses are in that area. O'Connell displayed the GIS map of the parcel.

Motion made by Pfaendtner to approve building without a CUP. With no second.

Maertz stated that *he had a different proposal as ultimately the PC is a quasi-government entity, and they make a proposal to the town board and they ultimately have the final say. To keep things moving; approve the CUP with no restrictions following the current code, but also note that a CUP is not needed. Rationalization is that if the Town Board indicates that they need a CUP we don't have to rehash this project out again.* Maertz then questioned other commissioners if anyone wanted to make any restrictions. Both Kunde and Pfaendtner agreed that they had no restrictions.

Kuehl: Asked for discussion from O'Connell. O'Connell noted that *all the neighboring properties are within the A2 district. But they are not farmland owners, but surrounding farmland.*

Maertz stated that we fundamentally need to revisit the conflicting code very soon.

O'Connell: That the best case scenario is that the code is unclear and the worst case scenario is there is a void for these types of properties.

Motion made by Maertz to approve a CUP with no restrictions outside of our standard code of ordinances, however making our recommendation to the Town Board that No CUP is needed. Our intent is to prevent having to come back since we do not feel the need for any additional restrictions outside of the standard code of ordinances/seconded by Kunde. Motion carried.

Motion made by Maertz to adjourn/seconded by Pfaendtner.

Meeting adjourned at 7:19pm

Submitted,

Karen Brazee

PC Secretary

Joe Kuehn1, Chairman



TOWN OF VINLAND

6085 COUNTY ROAD T • OSHKOSH, WI 54904

PHONE (920) 235-6953 • FAX (920) 235-6994

www.townofvinlandwi.gov

Zoning Change/ Conditional Use / CSM / or Variance Application

(Submit 2 hard copies or 1 electronic copy of plans / drawings)

Property Owner (s): Michael D. Freund 02605850501
Address: 5421 C13-K Oshkosh, WI 54901 Parcel# ~~026-0562-01~~ 026058504

Phone: _____ E-Mail: _____

Select application type (per tax parcel):

Application (\$300 fee) Type: _____ Zoning Change/ _____ Conditional Use/ _____ Variance/BOA
(\$150 fee) Type: ☒ CSM (\$100 fee) Type: ☒ Commercial Site Plan

Signature and Certification:

The, below-signed, hereby application for a zoning permit for the work described and located as shown herein. The below-signed agrees that all work shall be done in accordance with the requirements of the Town of Vinland Zoning Ordinance along with all other applicable town ordinances and the applicable laws and regulations of Winnebago County and the State of Wisconsin. I declare that the information I am supplying is true and accurate to the best of my knowledge, and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application, I am granting permission to the Town of Vinland staff and elected/ appointed officials to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

Applicant Signature: [Signature] Date: 9-13-24

Applicant (if other than owner): _____

Check One: Architect: _____ Engineer: _____ Surveyor: _____ Attorney: _____ Agent/Other: _____

Applicant: _____ Registration No.: _____

Mailing Address: _____

Phone: _____ Email: _____

Site Plan / Project Specifics:

Site Address (if different from property owner): _____

Tax Parcel No. : _____

Current Zoning: Commercial - B3 Current Land Use: N/A

Proposed Use or Project: Storage

Cost / Value of Building (s) / Structure (s): \$526,188.00

Building & Site Plan Submittal Requirements:

Building Plans, drawn to scale, are required which shall show the following:

- All floor plans
- At least two (2) building / structure elevation views

Site Plan, drawn to scale, is required which shall include the following (as applicable):

- Location of the project on the property
- Any existing or proposed structures or improvements on the property (e.g. buildings, structures, signs, driveways, parking/loading areas, ponds, etc.)
- Dimensions of any proposed improvements
- Setbacks of any proposed improvements on the property from property lines, roadways, wetlands, and surface waters (i.e. creeks, streams, rivers, ponds and lakes)
- Any existing and proposed well and wastewater disposal systems.
- Location and dimensions of all existing and proposed outdoor storage areas (if applicable)

Application Process:

Provide a detailed legal description of the property

Make all checks payable to the Town of Vinland

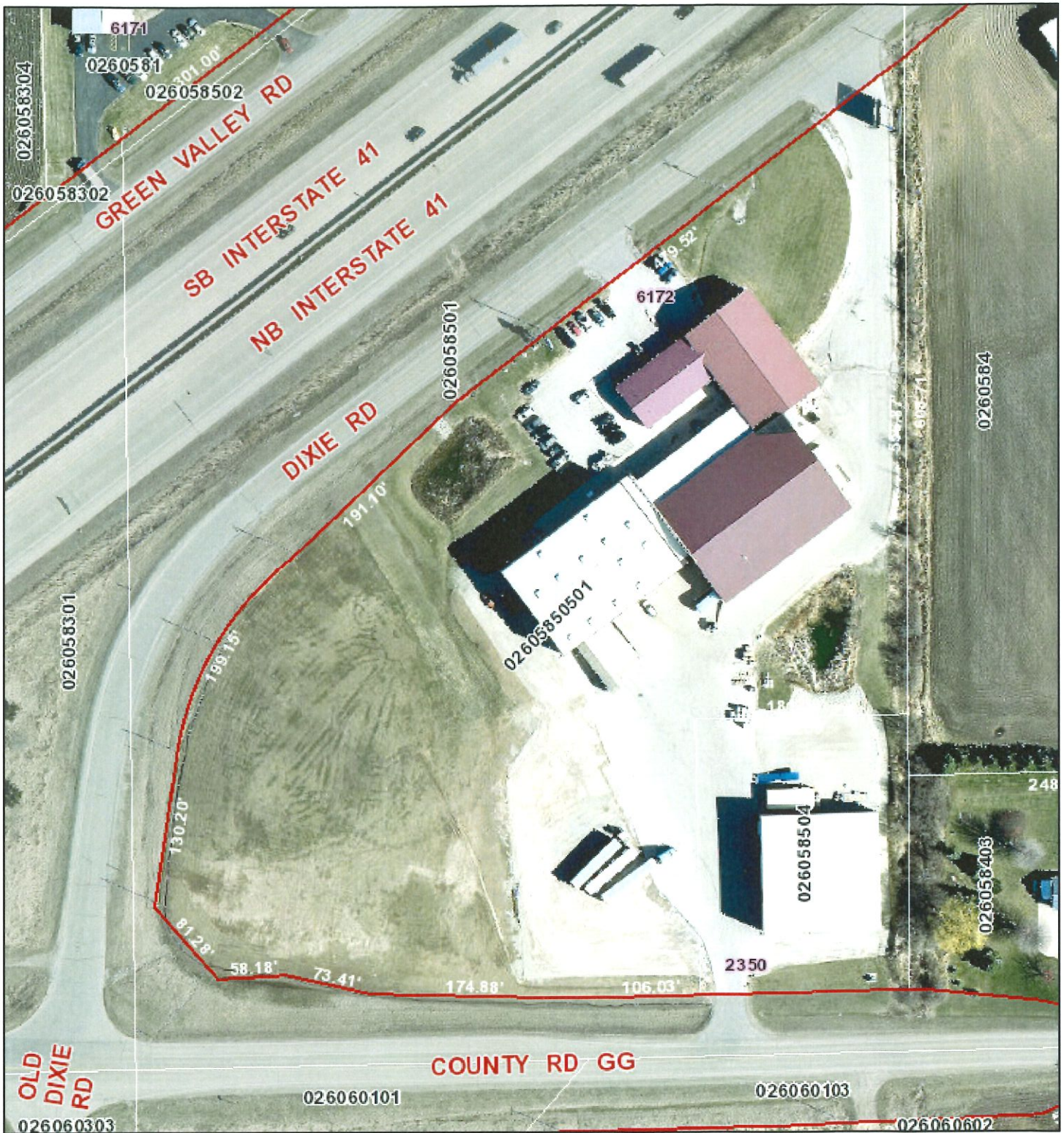
Submit the required information to:

Town of Vinland
6085 County Road T
Oshkosh, WI 54904

If you have any questions, please call or email the Town Zoning Administrator:

Don O'Connell @ (920) 915-9857
zoning@townofvinlandwi.gov

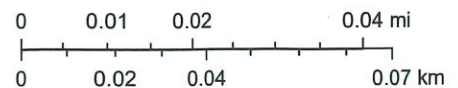
(Current) Site Map Both parcels • B3



9/24/2026, 2:46:34 PM

1:1,433

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
 - Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Red: Band_1
- Green: Band_2



Winnebago County GIS

05850501 * 026058504
Parcel No.: 026-0562-01 Receipt Date: 9-13-26
Date Completed: 9-13-26 By: Martenson & Eisele Application / Permit No.: Attachment A

Professional Services:

Service <u>CSM & CSP</u>	Firm <u>Martenson & Eisele</u>	Estimated Fee <u>\$21,475 (Paid) 9/1/21</u>
_____	_____	_____

County, Shoreland, Floodplain and Wetland Review:

Is the proposed use or project located in "County" zoning?	*Yes <u>~~X~~</u>	No <u>☒</u>
Is the proposed use or project located in a "shoreland"?	*Yes _____	No <u>☒</u>
Is the proposed use or project located in a "floodplain"?	Yes _____	No <u>☒</u>
Is the proposed use or project located on the same parcel or Within the general vicinity of wetlands or wetland indicators?	Yes _____	No <u>☒</u>

***Application needs County Zoning approval prior to the Town's review**

Notes:

- "Shoreland" means lands within the following distances from the Ordinary High Water Mark of navigable waters: 1000 feet from a lake or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever is greater.
- Locations of shoreland, floodplain, and wetland areas may be viewed on the Winnebago County GIS Mapping Application. Locations of wetlands and wetland indicators may be viewed on the Wisconsin Department of Natural Resources Surface Water Data Viewer.
- Projects within "Shorelands" and floodplains shall comply with the Winnebago County Shoreland, Shoreland-Wetland and Floodplain Code and may require permit(s) / approval(s) from Winnebago County.

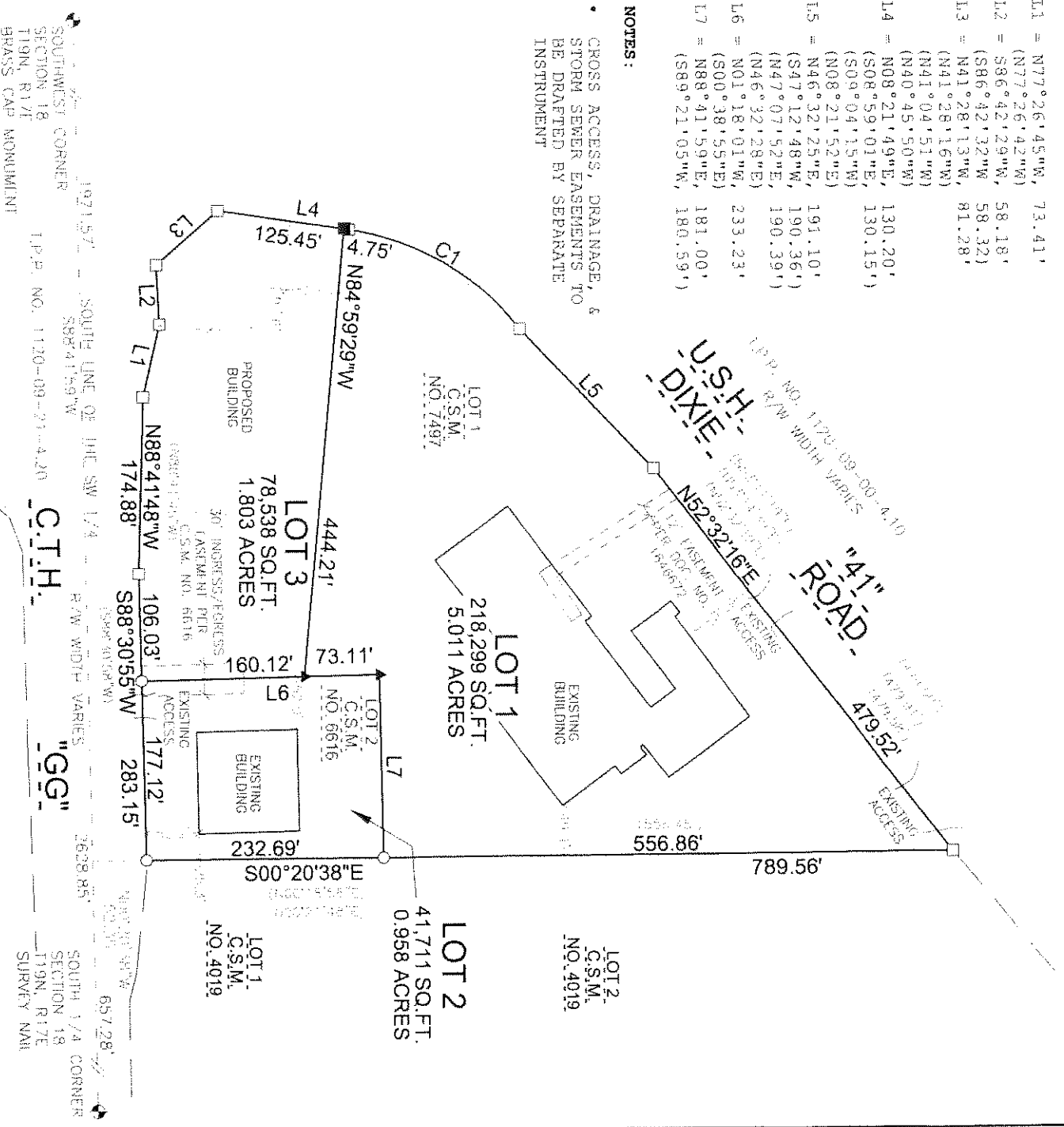
CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 7497 AND
PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6616,
BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST
1/4, SECTION 18, TOWNSHIP 19 NORTH, RANGE 17 EAST,
TOWN OF VINLAND, WINNEBAGO COUNTY, WISCONSIN.

- L1 = N77°26'45"W, 73.41'
(N77°26'42"W)
L2 = S86°42'29"W, 58.18'
(S86°42'32"W, 58.32')
L3 = N41°28'13"W, 81.28'
(N41°28'16"W)
(N41°04'51"W)
L4 = N08°21'49"E, 130.20'
(S08°59'01"E, 130.15')
(S08°04'15"W)
(N08°21'52"E)
L5 = N46°32'25"E, 191.10'
(S47°12'48"W, 190.36')
(N47°07'52"E, 190.39')
(N46°32'28"E)
L6 = N01°18'01"W, 233.23'
(S00°38'55"E)
L7 = N88°41'59"E, 181.00'
(S89°21'05"W, 180.59')

NOTES:

- CROSS ACCESS, DRAINAGE, &
STORM SEWER EASEMENTS TO
BE DRAFTED BY SEPARATE
INSTRUMENT



LEGEND

- 1-1/4" O.D. IRON PIPE
SET, 18" LONG, WEIGHING
11.50 LBS. PER LN. FOOT
- 1" O.D. RDN PIPE FOUND
- MAC NAIL SET
- 5/4" REBAR FOUND
- GOVERNMENT MONUMENT
- REPORTED AS



CURVE TABLE		
RADIUS	DELTA	LENGTH
C1 258.31'	044°10'24"	199.15'

CHORD BEARING	CHORD
N30°27'01"E	194.25'
(N30°27'04"E	194.25')
(N31°14'33"E	194.81')
(N31°09'27"E	194.25')



**Martenson
& Eisele**

1377 Midway Road
Menasha, WI 54952
info@martenson-eisele.com
920.731.0381

Architecture
Engineering
Surveying
Environmental

SURVEY FOR:
CARR E. ELLIOTT
61729 DIXIE RD
MFTNAD WI 54956

PROJECT NO. 1-2177-001
SHEET 1 OF 3
THIS INSTRUMENT WAS DRAFTED BY: CAUCHI

CERTIFIED SURVEY MAP NO. _____
ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 7497 AND PART OF LOT 2 OF CERTIFIED
SURVEY MAP NO.6616, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST
1/4, SECTION 18, TOWNSHIP 19 NORTH, RANGE 17 EAST, TOWN OF VINLAND,
WINNEBAGO COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, MICHAEL L. ROUBAL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:
THAT I HAVE SURVEYED, MAPPED, AND DIVIDED AT THE DIRECTION OF CARL & CAROL FREUNDL, ALL OF LOT 1
OF CERTIFIED SURVEY MAP NO. 7497 AND PART OF LOT 2 OF CERTIFIED SURVEY MAP NO.6616, BEING
PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 18, TOWNSHIP 19 NORTH, RANGE 17
EAST, TOWN OF VINLAND, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE SOUTH 88 DEGREES 41 MINUTES 59 SECONDS
WEST, 657.28 FEET, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 00
DEGREES 20 MINUTES 38 SECONDS WEST, 52.35 FEET TO THE POINT OF BEGINNING;
THENCE THE FOLLOWING FIVE CALLS ARE ALONG THE NORTH RIGHT-OF-WAY LINE OF C.T.H. "GG":
THENCE SOUTH 88 DEGREES 30 MINUTES 55 SECONDS WEST, 283.15 FEET;
THENCE NORTH 88 DEGREES 41 MINUTES 48 SECONDS WEST, 174.88 FEET;
THENCE NORTH 77 DEGREES 26 MINUTES 45 SECONDS WEST, 73.41 FEET;
THENCE SOUTH 86 DEGREES 42 MINUTES 29 SECONDS WEST, 58.18 FEET;
THENCE NORTH 41 DEGREES 28 MINUTES 13 SECONDS WEST, 81.28 FEET;
THENCE THE FOLLOWING FOUR CALLS ARE ALONG THE EAST RIGHT-OF-WAY LINE OF DIXIE ROAD;
THENCE NORTH 08 DEGREES 21 MINUTES 49 SECONDS EAST, 130.20 FEET;
THENCE 199.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 258.31 FEET AND A CHORD
THAT BEARS NORTH 30 DEGREES 27 MINUTES 01 SECONDS EAST, 194.25 FEET
THENCE NORTH 46 DEGREES 32 MINUTES 25 SECONDS EAST, 191.10 FEET;
THENCE NORTH 52 DEGREES 32 MINUTES 16 SECONDS EAST, 479.52 FEET;
THENCE SOUTH 00 DEGREES 20 MINUTES 38 SECONDS EAST, 789.56 FEET, ALONG THE EAST LINE OF LOT 1 OF
CERTIFIED SURVEY MAP NO. 7497 AND ALONG THE EAST LINE OF LOT 2 THE CERTIFIED SURVEY MAP NO. 6616 TO
THE POINT OF BEGINNING. CONTAINING 338,548 SQUARE FEET (7.772 ACRES). SUBJECT TO ALL EASEMENTS AND
RESTRICTIONS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH THE TOWN OF
VINLAND AND WINNEBAGO COUNTY SUBDIVISION ORDINANCE IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR
BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

GIVEN UNDER MY HAND THIS THE 16TH DAY OF SEPTEMBER, 2026.

MICHAEL L. ROUBAL,
PROFESSIONAL LAND SURVEYOR S-2442

**THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED
INSTRUMENTS**

OWNERS OF RECORD:	RECORDING INFORMATION:	PARCEL NUMBERS:
CARL F. & CAROL ANN FREUNDL	DOCUMENT NO. 1065046	02605850501
		026058504

WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE APPROVAL:

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF THE COUNTY OF WINNEBAGO, WISCONSIN, ALL THE
REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS MINOR SUBDIVISION WAS APPROVED BY THE WINNEBAGO
COUNTY PLANNING AND ZONING COMMITTEE

ON _____ DAY OF _____, 2026.

CHAIRMAN, PLANNING AND ZONING COMMITTEE

PRINT NAME

TREASURER'S CERTIFICATE:
I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY
OF THE LANDS SHOWN HEREON.

TOWN TREASURER	DATE	COUNTY TREASURER	DATE
----------------	------	------------------	------

PRINT NAME	PRINT NAME
------------	------------

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 7497 AND PART OF LOT 2 OF CERTIFIED
SURVEY MAP NO.6616, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST
1/4, SECTION 18, TOWNSHIP 19 NORTH, RANGE 17 EAST, TOWN OF VINLAND,
WINNEBAGO COUNTY, WISCONSIN.

TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP IN THE TOWN OF VINLAND IS HEREBY APPROVED AS SURVEYED, DIVIDED,
DEDICATED, AND MAPPED BY THE TOWN BOARD OF THE TOWN OF VINLAND, WINNEBAGO COUNTY, WISCONSIN.

DATED THIS _____ DAY OF _____, 2026.

TOWN CHAIRPERSON _____ DATE _____ TOWN CLERK _____ DATE _____

PRINT NAME _____ PRINT NAME _____

OWNER'S CERTIFICATE:

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND ABOVE DESCRIBED TO BE SURVEYED, DIVIDED,
AND MAPPED ALL AS SHOWN AND REPRESENTED ON THIS MAP.

WE, ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE
SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: TOWN OF VINLAND AND WINNEBAGO COUNTY

DATED THIS _____ DAY OF _____, 2026.

CARL F. FREUNDL

CAROL ANN FREUNDL

STATE OF WISCONSIN) SS
WINNEBAGO COUNTY)

PERSONALLY CAME BEFORE ME ON THE _____ DAY
OF _____, 2026, THE ABOVE NAMED TO
ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION (IS PERMANENT)
(EXPIRES: _____)



TOWN OF VINLAND

6085 COUNTY ROAD T • OSHKOSH, WI 54904

PHONE (920) 235-6953 • FAX (920) 235-6994

www.townofvinlandwi.gov

Zoning Change/ Conditional Use / CSM / or Variance Application

(Submit 2 hard copies or 1 electronic copy of plans / drawings)

Property Owner (s): Breezewood Park, LLC

Address: 3581 Breezewood Lane, Orono

Parcel# 026005101, 5102 + 5103

Select application type (per tax parcel):

Application (\$300 fee) Type: ☐ Zoning Change/ ☐ Conditional Use/ ☐ Variance/BOA

(\$150 fee) Type: ☒ CSM

(\$100 fee) Type: ☐ Commercial Site Plan

Signature and Certification:

The, below-signed, hereby application for a zoning permit for the work described and located as shown herein. The below-signed agrees that all work shall be done in accordance with the requirements of the Town of Vinland Zoning Ordinance along with all other applicable town ordinances and the applicable laws and regulations of Winnebago County and the State of Wisconsin. I declare that the information I am supplying is true and accurate to the best of my knowledge, and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application, I am granting permission to the Town of Vinland staff and elected/ appointed officials to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

Applicant Signature: [Signature] Date: 9/28/16

Applicant (if other than owner):

Check One: Architect: ☐ Engineer: ☐ Surveyor: ☒ Attorney: ☐ Agent/Other: ☐

Applicant: Chris Perreault Registration No.: 2249

Mailing Address: 615 N. Lyndale Dr., Appleton, WI 54914

Phone:

Email:

Site Plan / Project Specifics:

Site Address (if different from property owner):

Tax Parcel No. : 0

Current Zoning: ~~M-3~~ M2 Current Land Use: Auto recycles
Proposed Use or Project: _____

Cost / Value of Building (s) / Structure (s): _____

Building & Site Plan Submittal Requirements:

Building Plans, drawn to scale, are required which shall show the following:

- All floor plans
- At least two (2) building / structure elevation views

Site Plan, drawn to scale, is required which shall include the following (as applicable):

- Location of the project on the property
- Any existing or proposed structures or improvements on the property (e.g. buildings, structures, signs, driveways, parking/loading areas, ponds, etc.)
- Dimensions of any proposed improvements
- Setbacks of any proposed improvements on the property from property lines, roadways, wetlands, and surface waters (i.e. creeks, streams, rivers, ponds and lakes)
- Any existing and proposed well and wastewater disposal systems.
- Location and dimensions of all existing and proposed outdoor storage areas (if applicable)

Application Process:

Provide a detailed legal description of the property

Make all checks payable to the Town of Vinland

Submit the required information to:

Town of Vinland
6085 County Road T
Oshkosh, WI 54904

If you have any questions, please call or email the Town Zoning Administrator:

Don O'Connell @ (920) 915-9857
zoning@townofvinlandwi.gov

Site Map



PLANNING SERVICES APPLICATION

Department of Community Development
211 Walnut St. P.O. Box 426
Neenah, WI 54957-0426
Phone (920) 886-6125 | Fax (920) 886-6129



PROPERTY OWNER	APPLICANT
Name: <i>Breezewood Yard LLC</i>	Name: <i>Chris Pearce</i>
Mailing Address: <i>3581 Breezewood Lane Neenah, WI 54956</i>	Mailing Address: <i>615 W. Lynndale Dr Appleton, WI 54914</i>
Email: <i>steve@niksautoparts.com</i>	Email: <i>chris@clse.pro</i>
Phone: <i>920-481-3410</i>	Phone: <i>920-731-4168</i>

PROPERTY	
Site Address: <i>3581 Breezewood Lane</i>	Parcel Number (PIN): <i>026005101 026005102 + 026005103</i>
Current Use: <i>Auto recycler</i>	Proposed Use: <i>Auto recycler & unknown</i>
Current Zoning: <i>M2</i>	Proposed Zoning: <i>M2</i>

SITE PLAN	ZONING
Description of Proposed Project / Request: <i>Redividing 3 existing parcels into 2 new parcels.</i>	
☐ Minor Site Plan ¹ ☐ Parking Lot ³	☐ Rezoning ☐ PDD Project Approval
☐ Major Site Plan ² ☐ Change of Use ⁴	☐ Special Use Permit ☐ TND Project Approval
☐ Telecommunications Tower	☐ Appeal or Variance ☐ CH Project Approval
	☐ Future Land Use Map Amendment

CERTIFIED SURVEY MAP / PLAT REVIEW	ANNEXATION
Property Identification / Legal Description: <i>Lots 1 & 2 of CSM No. 2723 + Lot 1 of CSM No. 3366</i>	
Number of Lots / Outlots: <i>2</i>	Temporary Zoning Requested: ☐ Yes ☒ No
☐ City CSM ☐ Preliminary Plat	If yes, Describe Request:
☒ Extraterritorial CSM ☐ Final Plat	

<i>9/28/26</i>	<i>[Signature]</i>
Date	Owner Agent Signature (Agent acknowledges they can sign on property owner's behalf)

- 1: Minor Site Plan: Building addition less than or equal to 5,000 SqFt or less than 50% of existing building, parking lot addition greater than 10 parking stalls, construction of accessory structure.
2: Major Site Plan: New construction, building addition greater than or equal to 5,000 SqFt or more than 50% of existing building.
3: Parking Lot: Parking lot construction / addition of 10 stalls or more.
4: Change of Use: No new construction or additions; Property use changing from one land use to another.

OWNER(S) OF RECORD:
BREEZEWOOD YARD, LLC.
PARCEL NO.(S):
026005101
026005102
026005103
DOCUMENT NO.(S):
1225011

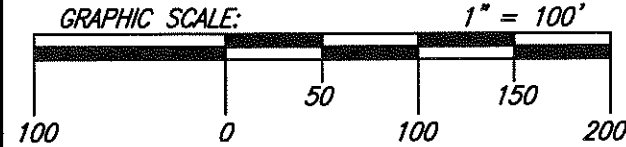
CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOTS 1 & 2 OF CERTIFIED SURVEY MAP NO. 2729 AS RECORDED IN DOCUMENT NO. 839576, AND ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3366 AS RECORDED IN DOCUMENT NO. 928300, LOCATED IN THE NORTHEAST 1/4 OF THE FRACTIONAL NORTHWEST 1/4 AND IN THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 NORTH, RANGE 16 EAST, TOWN OF VINLAND, WINNEBAGO COUNTY, WISCONSIN.

BREEZEWOOD LN. (WIDTH VARIES) N/L OF FRAC. NW 1/4 OF SECTION 3-19-16

SOUTH 1/4
CORNER OF
SECTION

34-20-16
(N88°48'31"E)
2576.90'



UNPLATTED LANDS
RANDALL W. &
JOYCE K. WOLFF

(N01°11'29"W)
N00°45'31"W

W/L OF NE 1/4 OF FRAC. NW
1/4 OF SECTION 3-19-16

S89°14'29"W
(S88°48'31"W)

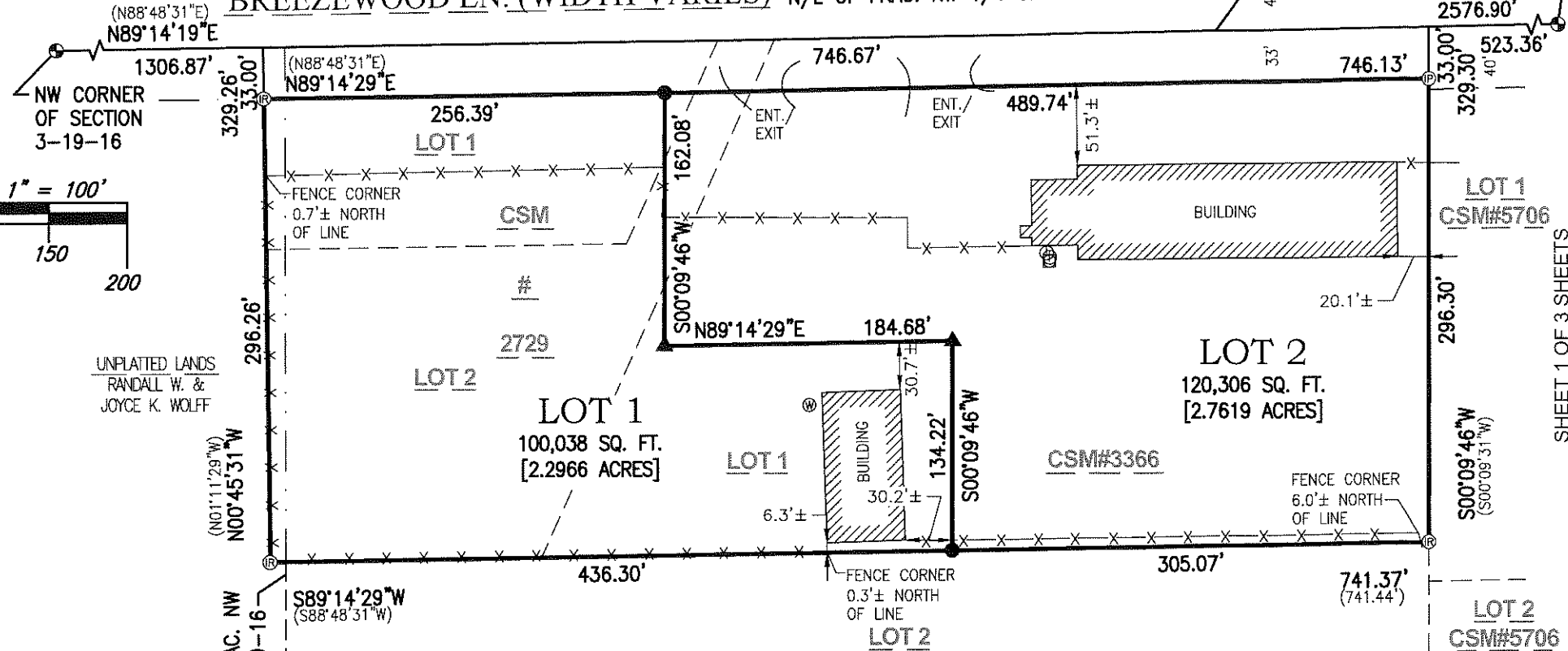
LEGEND:

- = 1 1/4" X 18" O.D. ROUND IRON PIPE SET, WEIGHING 1.68 LBS. PER LIN. FT.
- Ⓡ = 3/4" SOLID ROUND IRON REBAR FOUND
- Ⓢ = 1 1/2" O.D. ROUND IRON PIPE FOUND
- ▲ = RAILROAD SPIKE SET
- ⊙ = BERNTSEN MONUMENT FOUND
- () = RECORDED AS BEARING OR DISTANCE
- x- = EXISTING METAL FENCE
- ☐ = SEPTIC VENT
- = SEPTIC TANK
- ⊗ = WELL

NOTES:

- THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP OF THE LOTS HEREON. SALE OR TRANSFER OF THE LOTS REQUIRES A DEED.
- FIELD SURVEY DATE: 6/23/2026
- PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED WITH THE TOWN OF VINLAND & WINNEBAGO COUNTY.

NORTH IS REFERENCED TO THE NORTH LINE OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 NORTH, RANGE 16 EAST, TOWN OF VINLAND, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS N89°14'19"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)



SHEET 1 OF 3 SHEETS

§ 410-29. Farmland Preservation - A-1 (Zoning District 11). [Added 12-10-2012]

A. The purpose of Farmland Preservation District(s) is to:

This district is intended to accommodate large-scale agricultural uses and related support services. It includes those areas of the town where productive agricultural lands predominate and can be used for the production of forest products, crops, and livestock, including large livestock operations. Because the primary intent of this district is agricultural production, incompatible urban uses are not permitted. It is designed to meet the requirements of a certified farmland preservation zoning ordinance under Ch. 91, Wis. Stats. Specifically, the following:

- (1) Preserve agricultural land for food and fiber production;
- (2) Protect productive farms;
- (3) Maintain a viable agricultural base to support agricultural processing and service industries;
- (4) Prevent conflicts between incompatible uses;
- (5) Reduce costs of providing services to scattered nonfarm uses;
- (6) Implement the provisions of the county agricultural plan when adopted and periodically revised; and
- ~~(7) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under § 71.613, Wis. Stats.~~

B. Definitions. In this section the following terms shall have the meanings indicated:

ACCESSORY USE — Any of the following land uses on a farm:

- (1) A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural use on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to an agricultural use.

- (3) A farm residence, including normal residential appurtenances.
- (4) A business, activity or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

- (a) It is conducted on a farm by an owner or operator of that farm.
- (b) It requires no buildings, structures or improvements other than those described in Subsection B(1) or (3).
- (c) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (d) Employs no more than four full-time employees annually.

AGRICULTURAL USE — Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

AGRICULTURE-RELATED USE — A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- (1) Providing agricultural supplies, agricultural equipment, agriculture inputs or agricultural services directly to farms, including farms in the Farmland Preservation Zoning District.
- (2) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation Zoning District.
- (3) Slaughtering livestock, including livestock from farms in the Farmland Preservation Zoning District.
- (4) Marketing livestock to or from farms, including farms in the Farmland Preservation Zoning District.
- (5) Processing agricultural by-products or wastes received directly from farms, including farms in the Farmland Preservation Zoning District.

BASE FARM TRACT — All land, whether one parcel or two or more contiguous parcels, which is in a Farmland Preservation Zoning District and is part of a single farm on March 1, 2011, regardless of any subsequent changes in the size of the farm.

COMMON OWNERSHIP — Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for the purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

CONTIGUOUS — Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

FARM — All land under common ownership that is primarily devoted to agriculture use.**[Amended 10-8-2014]**

FARM ACREAGE — The combined total acreage of all of the following in the base farm tract:

- (1) Farms.
- (2) Open space parcels of more than five acres.

FARM RESIDENCE — Any of the following structures located on a farm:

- (1) A single-family (or duplex) residence that is the only residential structure on the farm.
- (2) A single-family (or duplex) residence that is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50% of his or her gross income from the farm.
- (3) A migrant labor camp that is certified under § 103.92, Wis. Stats.

GROSS FARM REVENUE — Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter but does not include rent paid to the landowner.

LIVESTOCK — Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

NONFARM RESIDENCE — Any residence other than a farm residence.

NONFARM RESIDENTIAL ACREAGE — The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town Board has approved nonfarm residence, all parcels five acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be five acres.

OPEN SPACE PARCEL — A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PERSON — An individual, corporation, partnership, limited liability company (LLC), trust,

estate or other legal entity.

PRIME FARMLAND — All of the following:

- (1) An area with a Class I or Class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- (2) Land, other than described in subsection (1), which is identified as prime farmland in Winnebago County's certified farmland preservation plan.

PRIOR NONCONFORMING USE — A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this section.

PROTECTED FARMLAND — Land that is any of the following:

- (1) Located in a Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
 - (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
 - (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
 - (4) Otherwise legally protected from nonagricultural development.
- C. Authority. The Town of Vinland has adopted and administers the farmland preservation zoning ordinance in this section in accordance with Wis. Stats. §§ 59.69, 60.61, 60.62 and 62.23.
- D. Land use in Farmland Preservation Zoning District, general. Only the following land uses are allowed in a Farmland Preservation Zoning District:
- (1) Uses allowed under permitted uses.
 - (2) Uses allowed under conditional uses permit.
 - (3) Prior nonconforming uses, subject to § 60.61, Wis. Stats.
- E. Permitted use.
- (1) Agricultural uses.
 - (2) Accessory uses, including:
 - (a) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
 - (3) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under § 91.46, Wis. Stats. **[Amended 10-8-2014]**
 - (4) Undeveloped natural resource and open space areas.
 - (5) A transportation, utility, communication or other use that is required under state or

federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.¹

- (6) Security fences are permitted on the property line but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or chain-link fencing.
- (7) Signs are permitted according to Article VII.
- (8) One roadside stand on any one farm shall be permitted, providing it will be only used for the sale of the farm products raised on said farm.²

F. Conditional uses. The Vinland Town Board may issue a conditional use permit for the uses below, provided it is allowed as a conditional use under § 91.46, Wis. Stats.

- (1) Transportation, communications, pipeline, electric transmission, utility or drainage uses that qualify under § 91.46(4), Wis. Stats.
- (2) Government, institutional, religious or nonprofit community uses that qualify under § 91.46(5), Wis. Stats. **[Amended 10-8-2014]**
- (3) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
- (4) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295, Wis. Stats.
- (5) Agriculture-related uses if conditions in Subsection F(5)(a) through (f) below are met.
 - (a) The use supports agricultural uses in the Farmland Preservation Zoning District in direct and significant ways and is more suited to a Farmland Preservation Zoning District than to an industrial or commercial zoning district.
 - (b) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
 - (c) The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (d) The use is reasonably designed to minimize conversion of land at and around the use site from agricultural use or open space use.
 - (e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (f) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (6) Nonfarm residence. The Town Board may issue a conditional use permit for a single

1. Editor's Note: Original subsection (E)(6), which immediately followed this subsection, was repealed 10-8-2014.

2. Editor's Note: Original subsection (E)(10), which immediately followed this subsection, was repealed 10-8-2014.

proposed nonfarm residence if all the following standards will be met when the approved nonfarm residence comes into existence:

- (a) If the nonfarm residence will be located in a base farm tract:
 - [1] The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
 - [2] There will be no more than four dwelling units in nonfarm residences nor, for a new nonfarm residence, more than five dwelling units in residences of any kind on the base farm tract after the residence is constructed or converted into a nonfarm residence.
- (b) Regardless of whether the nonfarm residence is located in a base farm tract, neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:
 - [1] Convert prime farmland from agricultural use or convert land previously used as crop land, other than a wood lot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
 - [2] Significantly impair or limit the current or future agricultural use of any other protected farmland.
- (7) Nonfarm residential clusters. The Town Board may issue a single conditional use permit authorizing two or more proposed nonfarm residences if all of the following apply:
 - (a) The conditional use permit includes all of the following information: **[Amended 10-8-2014]**
 - [1] The total number of nonfarm residences authorized by the permit.
 - [2] A legal or survey description of each parcel on which a nonfarm residence is authorized.
 - [3] The number of nonfarm residences authorized on each parcel under Subdivision F(7)(a)[2] if more than one.
 - [4] The number of dwelling units authorized in each authorized nonfarm residence, if more than one.
 - (b) Each of the parcels described under Subsection F(7)(a)[2] shares a boundary with at least one other parcel described under Subsection F(7)(a)[2]. **[Amended 10-8-2014]**
 - (c) Each of the proposed nonfarm residences will meet all of the standards under Subsection F(6) when all of the proposed nonfarm residences have come into existence.
 - (d) The conditional use permit prohibits all of the following: **[Amended 10-8-2014]**

- [1] Any further division of any parcel described in Subsection F(7)(a)[2].
- [2] Any nonfarm residence or dwelling unit on a parcel identified in Subsection F(7)(a)[2], other than a nonfarm residence or dwelling unit identified in the permit.³
- G. Basic district standards. The basic new farm residence lot standard shall be a minimum setback of 75 feet from road right-of-way; minimum 300 feet of road frontage; lot setbacks of a minimum of 75 feet from street, minimum of 50 feet from rear, and minimum of 15 feet from side, 75 feet from navigable high-water line.
- H. Site plan requirement. If a new nonfarm or farm residence is to be constructed on a parcel in the Farmland Preservation District, the applicant shall first submit for Town Board approval a site plan showing, at a minimum, residence location and farm drainage tile locations, along with a proposed drainage plan. Applicable § 91.46, Wis. Stats., criteria shall be complied with.
- I. Rezoning land out of a Farmland Preservation Zoning District.
- (1) The Town Board may only grant rezoning land out of a Farmland Preservation District if the Town Board finds that Subsection I(1)(a) through (d) are true after a public hearing.
- (a) The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- (b) The rezoning is consistent with any Comprehensive Plan adopted by the Town Board which is in effect at the time of rezoning.
- (c) The rezoning is substantially consistent with the Winnebago County Farmland Preservation Plan, ~~certified under Ch. 91, Wis. Stats.~~, which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection I(1)(a) above does not apply to any of the following:
- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
- (b) A rezoning that makes the Farmland Preservation Ordinance Map more consistent with the Winnebago County Farmland Preservation Plan Map, ~~certified under Ch. 91, Wis. Stats.~~, which is in effect at the time of the rezoning.
- ~~(3) By March 1 of each year, the Town shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to the County of Winnebago a report of the number of acres rezoned out of the Farmland Preservation Zoning District and a map that shows the location of those acres.~~

3. Editor's Note: Original subsection (F)(8), which immediately followed this subsection, was repealed 10-8-2014.



Office Town of Vinland <office@townofvinlandwi.gov>

Fwd: A2 Zoning Districts with a Residential Primary Use

2 messages

Chair Town of Vinland <chair@townofvinlandwi.gov>

Wed, Aug 26, 2026 at 8:48 AM

To: Office Town of Vinland <office@townofvinlandwi.gov>, Supervisor 1 Town of Vinland <super1@townofvinlandwi.gov>, Supervisor 2 Town of Vinland <super2@townofvinlandwi.gov>

Chuck's responses to my ordinance questions are below. Please review prior to tomorrow's meeting.

Thanks,

Don

----- Forwarded message -----

From: **Chuck Koehler** <CKoehler@herrlingclark.com>

Date: Tue, Aug 25, 2026 at 10:33 AM

Subject: RE: A2 Zoning Districts with a Residential Primary Use

To: Chair Town of Vinland <chair@townofvinlandwi.gov>

Good morning Don,

Here are my responses to your 3 zoning questions from your email of August 16th at 2:23PM.

QUESTION #1.

The ordinance in question involved the recent landowner who wanted to put up a horse stable was 410-30. for A-2 General Farming District subsection B(2)

§ 410-30. A-2 General Farming District.

B. Permitted uses. Permitted uses in this district are as follows:

(1) All uses permitted in the A-1 District.

CURRENT VERSION

(2) One-family dwellings, whether or not accessory to farm operations. These dwellings shall adhere to the standards of the applicable residential districts. Furthermore, while the zoning districts shall remain A-2 General Farming, those residences are not accessory to the principal farm operation shall be restricted to the principal,

accessory and conditional uses of the affected residential uses. Single-family dwellings shall contain a minimum width of 20 feet, measured from the narrowest part of the structure, and a minimum area of 1,000 square feet.

I think the following verbiage would clarify the fact the intent of this ordinance as interpreted by the Planning Commission that a single-family residence can be built in conjunction with or without A-2 General Farming.

PROPOSED CLARIFICATION

(2) One-family dwellings, whether or not accessory to farm operations. These dwellings shall adhere to the standards of the applicable residential districts. Furthermore, while the zoning districts shall remain A-2 General Farming, those residences are not accessory to the principal farm operation shall be restricted to the principal, accessory and conditional uses of the affected residential uses. Single-family dwellings shall contain a minimum width of 20 feet, measured from the narrowest part of the structure, and a minimum area of 1,000 square feet. **A-2 General Farming uses are permitted whether or not the same parcel of land contains a single-family dwelling.**

QUESTION #2

Your question involved **A-1 Zoning – Accessory Uses** under definition B(4) where your question was asking if hobby farms and personal-use horse ranches fall under this accessory use. This current definition is stated as follows in the ordinance:

(4) A business, activity or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

- a. It is conducted on a farm by an owner or operator of that farm.
- b. It requires no buildings, structures or improvements other than those described in Subsection B(1) or (3).
- (c) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (d) Employs no more than four full-time employees annually.

To begin with, (a) requires this use to be conducted on a “farm”. The term FARM is defined under the same section B as “All land under common ownership that is primarily devoted to agriculture use.” The term AGRICULTURAL USE is defined as “Any of the following activities conducted for the purpose of producing an income or livelihood.” The subcategories under AGRICULTURAL USE 1-9 do not include “hobby farms” specifically, but item number (2) is “Keeping livestock”, but only if for producing an income or livelihood.

The conclusion from this verbiage is that to be allowed, the hobby farm or personal horse ranch must meet 2 tests: (1) they must be conducted on property that is already used as a farm, OR (2) the hobby farm or personal horse ranch must qualify as a "farm" independently by meeting the purpose test of "producing an income or livelihood." This could be a vague situation since the statute only requires purpose of income or livelihood, not primary purpose of income or livelihood. This leaves open the possibility for a very small amount of income being received on an annual basis qualifying as an acceptable use.

An example of a business that would meet the tests of (a)-(d) above would be a farm owner or operator who has an incidental insurance sales business, a feed or fertilizer sales business, or something similar, operated out of the personal residence or one of the farm buildings used for farm purposes.

Question #2 also brings into play Question #3 below, because 167-16 prohibits keeping of animals unless for the purpose of slaughter or of sale for a profit, not as a hobby. This verbiage suggests that a hobby farm, although it might be called a farm, that is not operating for profit is not allowed, and a reasonable interpretation could apply this same interpretation to a personal horse ranch.

QUESTION #3

Animals Chapter 167 – Paragraph 167-16 – How does this make sense?

The operative verbiage in the current version is stated as follows:

§ 167-16 Animals, fowl and insects not permitted in Town.

A. No person shall keep within the Town of Vinland any bees, fowl, chicken, ducks, turkeys, geese, cows, cattle, horses, sheep, swine, goats, or any other domesticated livestock except such animals or fowl may be kept for commercial agricultural purposes, for slaughtering, for educational purposes, and for circuses or similar educational events. "Commercial agricultural purposes" shall mean for the period of raising animals for the purpose of slaughter or of sale for a profit not as a hobby.

B. A minimum of five acres must be available to keep any stable animals (horses, cattle, goats, sheep, pigs, etc.).

C. The total combined animal number may not exceed three animals.

To clarify this ordinance, I would suggest eliminating B. and C. as currently worded and replacing it with a new subsection B. as follows, for ALTERNATE 1 if you want to allow hobby farms, and for ALTERNATE 2 if you do not want to allow hobby farms:

ALTERNATE 1

B. Hobby farms are allowed as an exception to the above restriction if the lot size is a minimum of 5 acres and the total combined animal number does not exceed three animals.

ALTERNATE 2

B. Hobby farms whose primary purpose are not for the production of income or producing a livelihood are not permitted.

CONCLUSION

If the Board decides to what extent they want to allow hobby farms and personal use horse facilities not for profit or producing a livelihood, then all of the ordinances can be modified to allow it, with conditions the Board wants to impose.

If, on the contrary, the Board does not want to allow these two uses, the ordinances can be clarified not to allow them.

By specifically stating when and when not hobby farms and personal use horse ranches can be allowed, adding specific verbiage to deal with these specific items is the most certain way to remove any doubt from otherwise ambiguous interpretations by different individuals.

For another example, even adding the distinction of "primary purpose" of producing income or for livelihood would narrow down the risk of ambiguity as opposed to just "purpose" of producing income or for livelihood, as referenced above in question #2.

Let me know if you have any further questions, or would like further discussion before your meeting.

Thank you.

Attorney Charles D. Koehler

HERRLING CLARK LAW FIRM LTD.

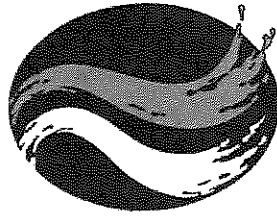
800 North Lynndale Drive

[Appleton, WI 54914](#)

Phone: 920/882-3227

§ 167-16. Animals, fowl and insects ~~not permitted~~ restrictions in the Town.

- A. No person shall keep within the Town of Vinland any bees, fowl, chicken, ducks, turkeys, geese, cows, cattle, horses, sheep, swine, goats, or any other domesticated livestock except such animals or fowl may be kept for commercial agricultural purposes, for slaughtering, for educational purposes and for circuses or similar educational events. ~~"Commercial agricultural purposes" shall mean for the period of raising animals for the purpose of slaughter or of sale for a profit not as a hobby.~~
- B. A minimum of five acres must be available to keep any stable animals (horses, cattle, goats, sheep, pigs, etc.).
- C. ~~The total combined animal number may not exceed three animals.~~ **Total number of animals allowed is based upon permitted use granted by Winnebago County Land & Water and the Livestock Waste Management Ordinance within the Livestock Waste Management application.**



Winnebago County
CHAPTER 16
Sanitary Code

PUBLIC HEARING FINAL DRAFT 10/2026

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1. PURPOSE

16.01 PURPOSE & AUTHORITY

(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).
- (b) This Ordinance 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), 66.0113, 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 rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered

(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 & 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 & 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 shall include all lands and waters within the unincorporated and incorporated areas of Winnebago County, as provided in Wis. Stat. § 59.70(5).

(7) COMPLIANCE

- (a) All structures or premises in the County that are permanently or intermittently 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.
- (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 event 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 this Ordinance.

16.02 ADMINISTRATION

(1) OFFICER REQUIREMENTS

- (a) Any member of the Planning & Zoning Department staff authorized by the Zoning Administrator with a Certified Soil Tester and POWTS Inspector licenses 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: If after review, a soil evaluation report 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 days in order to make accurate interpretations. A licensed staff member shall determine if conditions are suitable for field verifications. Where inclement weather conditions delay field verifications, requests will be rescheduled as soon as 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 systems only.

- (3) All field verifications for soil evaluations shall be done by evaluating a soil profile. 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. Excavations that exceed a depth of two feet shall be provided with a step or ladder for safe 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 for any such injuries.

- (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 permit applications 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 further 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 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
- (b) No person shall sell at retail a septic tank, pump chamber, or holding tank unless 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.

(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 (SBD-6398) and the appropriate fee to the Winnebago County Planning & Zoning Department. The form shall be signed by the previous sanitary permit holder and the licensed plumber responsible for the installation of the POWTS.
- (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 (SBD-6398) and the appropriate fee

to the Winnebago County Planning & Zoning Department. 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.

(3) PERMIT RENEWALS

- (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 (SBD-6398) and the appropriate fee to the Winnebago County Planning & Zoning Department. The form shall be signed by the licensed plumber responsible for the installation of the POWTS. The sanitary permit shall 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 the permit is again renewed before the expiration date.

(4) PERMIT REVOCATION

- (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.
 - (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.

(5) PERMIT POSTING

- (a) When a sanitary permit is obtained under Section 16.03, the sanitary permit shall comply with all of 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).

(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.

16.4 EXISTING POWTS

(1) PERMITTING REQUIREMENTS: A county, city, town, or village may not issue a building permit and/or zoning permit for 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 manner, 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.

16.5 HOLDING TANKS

(1) PERMITTING REQUIREMENTS: A sanitary permit for holding tank(s) shall be granted only if one or more of the following conditions exist, regardless of whether for new construction or replacement:

- (a) The property is in a floodplain with no contiguous higher area.
- (b) The soil survey of Winnebago County has the entire property mapped as a 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 and Winnebago County, as a private sewage system for festival or event grounds or regional significance 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 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 bound by lease for ten (10) or more years, by the festival or event utilizing the grounds.
 - 3. Property owners shall provide written approval of the holding tanks 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 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 Planning & Zoning 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 of 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) served 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 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.

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

16.6 PUBLIC SEWER

(1) CONNECTION REQUIREMENTS

- (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.
- (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.

(2) SANITARY PERMIT LIMITATIONS

- (a) Where property is located within an Urban Designated NR-121 Sewer Service Area 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 manner at this time. The property owner shall prepare and record with the Register of Deeds, an agreement to connect to public sewer when so determined by the nearest sanitary district(s). For purposes of this subsection, "cost-effective" shall be defined as a systematic comparison of alternative means for providing wastewater treatment that will total resource costs.

16.7 NON-PLUMBING SANITATION SYSTEMS

(1) GENERAL STANDARDS

- (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.
 - (b) Structures that have any plumbing installed shall be provided with a code-compliant POWTS and any non-plumbing sanitation systems shall be immediately abandoned upon installation of said system in accordance with Sec. 16.04(2) 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.
 - (e) 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 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.
- (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).

- (d) Properties used for temporary uses for public events which do not exceed ten (10) days in duration.

(3) PROHIBITED LOCATIONS

- (a) Non-plumbing sanitation systems located in any place not specified under 16.07(2) are prohibited.

16.8 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 and this ordinance.
- (b) The licensed individual, as stated in Wis. Admin. Code Ch. SPS 383.54, shall report to the Winnebago County Zoning Department each inspection, maintenance, or servicing event electronically, in accordance with Wis. Admin. Code Ch. SPS 383 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, 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 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, shall furnish Winnebago County Planning & Zoning Department, in a manner established by the Planning & Zoning 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 and shall be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Wis. Admin. Code Ch. SPS 383 or 384 shall 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 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.
- (i) Any other pertinent information deemed important by the licensed service provider or County, in order to prevent a health and safety hazard.

16.9 FEES

- (1) **GENERAL FEES:** 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.

16.10 ENFORCEMENT

(1) VIOLATIONS & PROHIBITED ACTIVITIES: The following consist 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.
- (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, 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 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. 66.0113, Wisconsin Statutes, the citation system of enforcement of this ordinance, and the following schedule of cash deposits as provided below is hereby established:
- (a) Failure to file an inspection/pumping report as required– \$200.00 plus costs.
 - (b) Failure to properly maintain holding tank(s) as determined by 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.
 - (d) All other violations of this ordinance - \$200.00 plus costs.

- (3) 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.

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.

16.12 DEFINITIONS

(1) PURPOSE: 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:

- (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.
- (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 or plumbing fixture 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 System - 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) Floodplain – 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 – A State of Wisconsin approved watertight receptacle for collection and holding of sewage. See also POWTS.
- (m) Human Habitation (Occupancy)- the act of occupying or dwelling in a place—such as a house, building, 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 the State of Wisconsin to inspect, pump, haul and dispose of sewage and septage
- (o) Licensed Staff Member - Any member of the Winnebago County 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 (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/commercial establishments and public buildings. See also Wastewater, Blackwater, and Graywater.
- (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.

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMITTEE July 28, 2026

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Text Amendment which is regulated by the Town/County Zoning Code, Chapter 23. You are receiving this notification 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 July 28, 2026 at 6:30 PM at the JP Coughlin Center, Room A & B, 625 E County Y, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Microsoft Teams using the 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://winnebago.cowi.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 TEXT AMENDMENT REQUEST

Application No.: 26-TA-003

Applicant: WINNEBAGO COUNTY PLANNING AND ZONING DEPARTMENT

Agent: CARY ROWE, ZONING ADMINISTRATOR

Location of Premises: N/A

Tax Parcel No.: N/A

Explanation: Create and add Section 23.8-53 to Chapter 23, Winnebago County Town County Zoning Codes of the Winnebago County General Code;
To amend Chapter 23.3-2 to establish a data center definition; and
To impose a 12-month Moratorium on the receipt, processing, and approval of new Data Center Zoning Applications.

Definitions/Sections to be added to Chapter 23:

23.8-53 Moratorium.

(1) For the purposes of this 23.8-53, "data center" is defined as a facility of at least 10,000 square feet of floor space built to support high-volume data management, processing, networking, storage, and transmission of digital information and applications. It includes hosting digital data, cloud computing services, artificial intelligence operations, telecommunications infrastructure, or similar technology functions including but not limited to associated support facilities.

(2) Pursuant to Wis. Stats. § 59.69(4), Winnebago County enacts the following moratorium: Notwithstanding any other provision in Chapter 23, there shall be a moratorium on the receipt, processing, and approval of new data center development applications. The purpose of this moratorium is to allow Winnebago County time to evaluate potential health, safety, and environmental impacts, and develop recommendations regarding infrastructure requirements, operational standards, and future regulations. The moratorium shall be in effect for a period of twelve (12) months from the date of publication or until it is rescinded, whichever is earlier. The moratorium enacted herein is not intended to be, and does not constitute, a "development moratorium" as that term is defined in Wis. Stats. § 7966.1002(1)(b).

15.06A Data Center - A facility of at least 10,000 square feet of floor space built to support high-volume data management, processing, networking, storage, and transmission of digital information and applications. It includes hosting digital data, cloud computing services, artificial intelligence operations, telecommunications infrastructure, or similar technology functions including but not limited to associated support facilities. It is not similar to any other land use listed in Exhibit 8-1.

1
2
3 **ORDINANCE: Amend Chapter 23 of the Winnebago County General Code to Impose a 12-**
4 **month Moratorium on the Receipt, Processing, and Approval of New Data Center Zoning**
5 **Applications and Establish Data Center Definition.**
6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**
8

9 **WHEREAS**, pursuant to Wis. Stats. § 59.69(4), Winnebago County possesses authority to exercise
10 powers necessary for the health, safety, and welfare of its residents; and
11

12 **WHEREAS**, Wis. Stats. § 59.69 authorizes counties to adopt and amend zoning regulations governing
13 the use of land and structures within their jurisdiction in order to promote public health, safety, prosperity,
14 aesthetics, and the general welfare and to encourage the most appropriate use of land throughout the
15 county; and
16

17 **WHEREAS**, Wis. Stats. § 59.69(4) authorizes counties to enact temporary moratoria for a limited period
18 of time in order to address the issue giving rise to the need for the moratorium; and
19

20 **WHEREAS**, Winnebago County recognizes that large-scale data centers represent a rapidly emerging
21 category of development associated with cloud computing, artificial intelligence, digital storage,
22 telecommunications infrastructure, and related technologies; and
23

24 **WHEREAS**, modern data center developments may require significant electrical infrastructure, backup
25 generation systems, telecommunications facilities, transportation improvements, land area, emergency
26 response planning, and water resources depending upon facility design and operational requirements;
27 and
28

29 **WHEREAS**, Winnebago County's zoning ordinances do not currently contain regulations specifically
30 addressing the siting, development, operation, expansion, infrastructure impacts, environmental
31 considerations, or compatibility standards associated with large-scale data center development; and
32

33 **WHEREAS**, there are some Towns subject to the zoning jurisdiction of Winnebago County pursuant to
34 Winnebago County General Code Chapter 23; and
35

36 **WHEREAS**, the Winnebago County Board of Supervisors finds that additional study is necessary to
37 evaluate the potential impacts of data center development on land use patterns, agricultural preservation,
38 utility infrastructure, transportation systems, environmental resources, emergency services, economic
39 development objectives, and neighboring property owners; and
40

41 **WHEREAS**, the Winnebago County Board of Supervisors further finds that acceptance of applications for
42 large-scale data center development prior to completion of such study could impair Winnebago County's
43 ability to establish a comprehensive and predictable regulatory framework governing future proposals;
44 and
45

46 **WHEREAS**, local governments throughout Wisconsin have recently considered or adopted temporary
47 data center moratoria or development pauses to provide time for research, public engagement, and
48 ordinance development, including Dane County, Manitowoc County, and the City of Madison; and
49

50 **WHEREAS**, the Winnebago County Board of Supervisors finds that a temporary pause on the
51 acceptance and processing of new data center development applications will provide the opportunity
52 necessary to conduct research, engage stakeholders, evaluate infrastructure impacts, and develop
53 recommendations regarding future zoning and land use regulations; and
54

55 **WHEREAS**, the Winnebago County Board of Supervisors further finds that such action is intended to
56 preserve the County's planning authority while standards are developed; it is not intended to permanently
57 prohibit data center development within Winnebago County; and

WHEREAS, establishing a definition for data centers will eliminate ambiguity.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORS DOES ORDAIN that Winnebago County General Code Chapter 23, Article 8, Division 3, covering "Allowable Land Uses", is amended to add the following subdivision:

23.8-53 Moratorium.

(1) For the purposes of this 23.8-53, "data center" is defined as a facility of at least 10,000 square feet of floor space built to support high-volume data management, processing, networking, storage, and transmission of digital information and applications. It includes hosting digital data, cloud computing services, artificial intelligence operations, telecommunications infrastructure, or similar technology functions including but not limited to associated support facilities.

(2) Pursuant to Wis. Stats. § 59.69(4), Winnebago County enacts the following moratorium: Notwithstanding any other provision in Chapter 23, there shall be a moratorium on the receipt, processing, and approval of new data center development applications. The purpose of this moratorium is to allow Winnebago County time to evaluate potential health, safety, and environmental impacts, and develop recommendations regarding infrastructure requirements, operational standards, and future regulations. The moratorium shall be in effect for a period of twelve (12) months from the date of publication or until it is rescinded, whichever is earlier. The moratorium enacted herein is not intended to be, and does not constitute, a "development moratorium" as that term is defined in Wis. Stats. § 66.1002(1)(b).

BE IT FURTHER ORDAINED that the Winnebago County General Code Chapter 23, Article 3, Division 2 "Land Use Definitions" is amended to add the following:

15.06A Data Center A facility of at least 10,000 square feet of floor space built to support high-volume data management, processing, networking, storage, and transmission of digital information and applications. It includes hosting digital data, cloud computing services, artificial intelligence operations, telecommunications infrastructure, or similar technology functions including but not limited to associated support facilities. It is not similar to any other land use listed in Exhibit 8-1.

BE IT FURTHER ORDAINED that this Ordinance shall not apply to:

- i. Existing lawfully established data center facilities;
- ii. Routine maintenance, repair, replacement, or upgrades to existing facilities;
- iii. Projects that have received all necessary County approvals prior to the effective date of this Ordinance;
- iv. Telecommunications facilities otherwise regulated under state or federal law.

BE IT FURTHER ORDAINED that during the moratorium period, County staff shall:

- a. Review existing County ordinances and comprehensive planning documents;
- b. Evaluate potential impacts of large-scale data center development on utility infrastructure, transportation systems, emergency services, land use patterns, agricultural resources, environmental resources, and neighboring property owners;
- c. Consult with municipalities, utilities, regional planning organizations, economic development entities, industry representatives, property owners, and members of the public;
- d. Develop recommendations regarding definitions, zoning classifications, siting criteria, performance standards, buffering requirements, infrastructure requirements, environmental protections, and operational standards applicable to future data center development; and
- e. Prepare a report and recommended ordinance amendments for consideration by the Planning and Zoning Committee and County Board.

BE IT FURTHER ORDAINED that the Winnebago County Board of Supervisors declares that the purpose of this temporary moratorium is to facilitate informed planning and development of land use regulations and that nothing contained herein shall be interpreted as a determination that data center development is either appropriate or inappropriate within Winnebago County.

BE IT FURTHER ORDAINED that this ordinance shall be effective for a period of twelve (12) months

116 upon adoption and the date of publication or until it is rescinded, whichever is earlier.

117
Respectfully submitted by:
PLANNING AND ZONING COMMITTEE
Committee Vote: 5-0

118
Fiscal Note:

Vote Required for Passage: **MAJORITY OF MEMBERS PRESENT**

119
120
121 Approved by the Winnebago County Executive on _____.

122
123 _____
124 Gordon Hintz
125 Winnebago County Executive
126



Office Town of Vinland <office@townofvinlandwi.gov>

Wn Co Moratorium Ord

Chair Town of Vinland <chair@townofvinlandwi.gov>
To: Office Town of Vinland <office@townofvinlandwi.gov>

Tue, Sep 29, 2026 at 12:01 PM

There should be a draft Town of Vinland Data Center Resolution from Chuck attached.

----- Forwarded message -----

From: **Chuck Koehler** <CKoehler@herrlingclark.com>
Date: Wed, Sep 16, 2026 at 3:57 PM
Subject: RE: Wn Co Moratorium Ord
To: Chair Town of Vinland <chair@townofvinlandwi.gov>

Good afternoon Don,

Due to the limitations of a development moratorium resulting from both the requirements and the limited purposes, it's my opinion a better approach would be to pursue this moratorium under section 61.34 Wis Stats instead of 66.1002.

Section 61.34 Wis Stats is a home rule statute that applies to Villages, which in my opinion can be utilized by Towns which have adopted Village powers.

Attached is a draft Ordinance for your review, taking this different approach, for discussion purposes.

Thank you.

Attorney Charles D. Koehler
HERRLING CLARK LAW FIRM LTD.
800 North Lynndale Drive
Appleton, WI 54914
Phone: 920/882-3227
Facsimile: 920/739-6352

From: Chuck Koehler <CKoehler@herrlingclark.com>
Sent: Thursday, September 10, 2026 9:01 AM
To: Chair Town of Vinland <chair@townofvinlandwi.gov>
Subject: RE: Wn Co Moratorium Ord

Good morning Don,

I'll take a deeper look into what we could do with the moratorium for the health, safety, and general welfare of the Town citizens.

If you adopt a moratorium and have a rational reason for it, it would probably take a court challenge to remove it, and at least you would have a strategy in place while you figure out an alternative.

I'll get back to you when I've looked into this further.

Thank you.

Attorney Charles D. Koehler

HERRLING CLARK LAW FIRM LTD.

800 North Lynndale Drive

Appleton, WI 54914

Phone: 920/882-3227

Facsimile: 920/739-6352

From: Chair Town of Vinland <chair@townofvinlandwi.gov>

Sent: Wednesday, September 9, 2026 8:14 PM

To: Chuck Koehler <CKoehler@herrlingclark.com>

Subject: Re: Wn Co Moratorium Ord

Hello Chuck,

You are correct: the Town is investigating how to prevent data center development on Town land, independent from the county. This is because the Town has its own zoning authority and would not be included in any zoning moratorium the county enacts.

Again, similar to solar development and landfills, it seems the Town is limited in its ability to prevent them. The moratoria you mention all appear to only "pause" development while the Town prepares ordinances, or updates its comprehensive plan under which it would be willing to be subjected to the consequences of having them. Am I correct in thinking that whether it's a comprehensive plan update or a rezone, the Town ultimately has to allow the development? Is its only recourse to enact regulations that attempt to protect human welfare and environmental concerns? If that is the case, could the Town simply impose a moratorium delaying data center development until their impact on human and environmental well-being is scientifically established and proven by installations that have been in service for a specified period of time? At that point, the necessary data to create the required ordinances would be available and better decisions could be made.

Thanks,

Don

On Tue, Sep 1, 2026 at 9:33 AM Chuck Koehler <CKoehler@herrlingclark.com> wrote:

Good morning Don,

I reviewed the County moratorium documents, pertaining to large data centers, which base their authority on section 59.69 Wisconsin Statutes applicable to counties. Interestingly, this statute forbids the County from adopting a "development moratorium" under 66.1002 which is discussed below.

Is it correct that you are exploring this independent of the County, since the Town's general zoning falls under its own zoning ordinance rather than the County zoning ordinance, and therefore the County zoning moratorium would not protect the Town of Vinland? Is that your concern?

The first thing we need to do is identify other statutes that would authorize a Town to adopt a moratorium ordinance applying specifically to large data centers. See discussion below.

For municipalities other than counties, "development moratoriums" are governed by section 66.1002 where a development moratorium is defined as follows:

"(b) "Development moratorium" means a moratorium on rezoning or approving any subdivision or other division of land by plat or certified survey map that is authorized under ch. 236."

This statute allows moratoriums for the following purposes, and if one of the purposes would be to amend the Town of Vinland's comprehensive plan, this would be an allowable purpose for it under this statute:

(2) Moratorium allowed. Subject to the limitations and requirements specified in this section, a municipality may enact a development moratorium ordinance if the municipality has enacted a comprehensive plan, is in the process of preparing its comprehensive plan, is in the process of preparing a significant amendment to its comprehensive plan in response to a substantial change in conditions in the municipality, or is exempt from the requirement as described in s. 66.1001 (3m), and if at least one of the following applies:

A moratorium ordinance by a Town must include the following elements:

(3) Ordinance requirements.

(a) An ordinance enacted under this section shall contain at least all of the following elements:

1. A statement describing the problem giving rise to the need for the moratorium.
2. A statement of the specific action that the municipality intends to take to alleviate the need for the moratorium.
3. Subject to par. (b), the length of time during which the moratorium is to be in effect.
4. A statement describing how and why the governing body decided on the length of time described in subd. 3.
5. A description of the area in which the ordinance applies.
6. An exemption for any activity specified under sub. (4) that would have no impact, or slight impact, on the problem giving rise to the need for the moratorium.

One risk about a moratorium under this statute comes under (4) Applicability which gives only 3 reasons why a moratorium can be created under this statute:

(a) A request for rezoning. (This may be the best possibility for the Town)

(c) A plat or certified survey map.

(d) A subdivision plat or other land division.

Under the Town of Vinland's concern for focusing on a restriction on data centers, this statute could only be used to temporarily stop rezoning of a parcel where a data center could be located. That means if there are other areas currently zoned in a way that would allow construction of a data center, a moratorium effort under this statute could be challenged as beyond the scope of statutory authority.

However, if the Town can't fit into one of these 3 categories for protection, the Town could consider adopting an alternative form of stoppage, by an ordinance under its police powers and general zoning authority under 60.61 Wis Stats for a temporary zoning freeze, while its zoning ordinance is being amended, or possibly a building permit hold under general police power without calling this procedure a moratorium to avoid falling under 66.1002 and getting challenged on grounds of unauthorized purposes.

If you want to consider one of these alternatives, I would have to do a little more case law research to see if Wisconsin appeals courts have ruled on these procedures either in favor or against these alternative procedures. Do you want me to do that?

Another thing we could do further is research whether other Towns have adopted zoning moratoriums under these procedures, and see whether they have been challenged.

Conclusion

If the Town wants to develop an ordinance to temporarily stop the development of large data centers, there appear to be two choices:

1. Try to qualify under 66.1002
2. Alternatively, adopt an ordinance putting a temporary "hold" on large data center development while your zoning code is amended to specifically deal with large data centers.
3. Any other options you might want to explore, subject to further discussion.

Thank you.

Attorney Charles D. Koehler

HERRLING CLARK LAW FIRM LTD.

800 North Lynndale Drive

Appleton, WI 54914

Phone: 920/882-3227

Facsimile: 920/739-6352



IF YOU HAVE ANY PROBLEMS WITH RECEIVING THIS INFORMATION, PLEASE CALL 920/882-3227 IMMEDIATELY AND ASK FOR CORINNE. THE INFORMATION CONTAINED IN THIS E-MAIL IS INTENDED FOR PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. This message may be an attorney/client communication, and as such is privileged and confidential. If the reader(s) of this message is not the intended recipient(s) or agent(s) responsible for delivering it to the intended recipient(s), you are hereby notified that you have received this message in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us by telephone and delete the original message. Thank you.

TOWN OF VINLAND

ORDINANCE NO: _____

AN ORDINANCE ENACTING A TEMPORARY ADMINISTRATIVE MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF LAND USE PERMITS, CONDITIONAL USE PERMITS, AND REZONING FOR DATA CENTERS

STATE OF WISCONSIN
Town of Vinland
Winnebago County

WHEREAS, the Town of Vinland has officially adopted Village powers pursuant to Wis. Stat. § 60.10(2)(c) and 60.22(3), and exercises independent town zoning control under the Town of Dupont Zoning Ordinance and Wis. Stat. § 60.62; and

WHEREAS, data centers are facilities utilized for hosting, housing, and operating large-scale computing infrastructure, characterized by intense, unprecedented demands on local electrical grids, high water consumption for cooling, and unique infrastructure footprints; and

WHEREAS, the existing Town of Vinland Comprehensive Plan and Town Zoning Ordinance do not contain specific definitions, performance standards, or zoning criteria to properly evaluate, regulate, or mitigate the unique localized impacts of data centers; and

WHEREAS, Wis. Stat. § 66.1002 authorizes a municipality exercising town powers to enact a temporary development moratorium while the municipality is actively preparing or amending its Comprehensive Plan or local zoning regulations; and

WHEREAS, the Town Board finds that a temporary, twelve (12) month administrative pause is necessary to allow the Town of Vinland Plan Commission sufficient time to research, draft, and recommend text amendments to the Town of Vinland Comprehensive Plan and Zoning Ordinance to protect the public health, safety, and rural welfare of the township.

**NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF VINLAND,
WINNEBAGO COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:**

SECTION 1: STATUTORY AUTHORITY

This Ordinance is enacted pursuant to the Town of Vinland's general police powers under Wis. Stat § 61.34(1), its town zoning authority under Wis. Stat. § § 60.62, 61.35, and 62.23. This is not a "Development moratorium" under Wis. Stat. § 66.1002.

SECTION 2: DEFINITION

For the purposes of this Ordinance, "Data Center" means a facility primarily used to house computer systems, servers, and associated components, such as telecommunications and storage systems, including but not limited to cryptocurrency mining facilities, high-density computing hubs, and commercial cloud storage centers.

SECTION 3: SCOPE OF ADMINISTRATIVE MORATORIUM

Application Freeze: For the duration of this Ordinance, no application for a Town of Dupont Land Use Permit, Conditional Use Permit (CUP), Building Permit, Variance, or Zoning Amendment (Rezoning) related to the establishment, siting, construction, or operation of a Data Center shall be accepted, processed, reviewed, or approved by the Town Zoning Administrator, the Town Plan Commission, or the Town Board.

Jurisdictional Boundary: This moratorium applies to all lands within the geographic boundaries of the Town of Vinland, except where Winnebago County Shoreland Zoning jurisdiction explicitly takes legal precedence under state law.

SECTION 4: DURATION AND EXTENSION

This Ordinance shall take effect immediately upon passage and posting as provided by law, and shall remain in effect for a period of twelve (12) months. The Town Board reserves the right to repeal this moratorium early if the necessary zoning text amendments are adopted prior to the expiration date.

SECTION 5: SEVERABILITY

If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

PASSED AND ADOPTED by the Town Board of the Town of Vinland this ____ day of _____, 2026.

Don O'Connell, Town Chairman

Karen Brazee, Town Clerk

Todd Devens, Supervisor1

Mike McNamee, Supervisor2