

## Sheboygan gets Wisconsin Supreme Court's OK to annex land for Kohler golf course

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SHEBOYGAN - The Wisconsin Supreme Court ruled Friday that the city of Sheboygan can annex 250 acres of land in the town of Wilson where Kohler Co. hopes to build a golf course along the Lake Michigan shoreline.

In the case, the town of Wilson had challenged a decision by Sheboygan County Circuit Court Judge Daniel Borowski that upheld the city of Sheboygan's annexation of 250 acres within town limits.

Kohler used "balloon on a string" tactics to annex the land, town of Wilson attorneys argued, buying a thin strip of properties that connected the city of Sheboygan with property that was more than a mile away, all because it had the sense that town of Wilson officials were unlikely to approve a conditional use permit for the golf course.

There are still other pending cases surrounding the proposed course. A local nonprofit, Friends of the Black River Forest, is challenging the Wisconsin Department of Natural Resource's decision to give Kohler permits for wetland filling and storm drainage, and to transfer public land — different land than what was annexed by the city of Sheboygan — in the hands of a private owner.

The town of Wilson case began in 2014, when Kohler Co. initiated a conditional use permit with the town to develop a new golf course.

While the town was awaiting completion of the permit, the city of Sheboygan annexed approximately 250 acres of the land in the town that Kohler owns.

Sheboygan reached the proposed site through irregularly shaped annexation, commonly referred to as a "balloon-on-a-string" annexation. This means the city also annexed a "narrow" strip of land that connected a border of the city with the targeted 250 acres in the town.

Sitting along the lakeshore and next to the Kohler-Andrae State Park, the land has been preserved as a forest and wildlife refuge since about 1927.

Back around 2011, Kohler told the town it wanted to turn that land into something called a "tented forest," which would be an upscale but low-intensity campsite.

In 2014, while Kohler's proposal for the tented forest was pending, it told the town it wasn't interested in that project anymore and wanted to develop a golf course instead. That March, the town received an initial, incomplete application for a conditional use permit for the course.

After informing the public of the new proposal, the town and Kohler agreed in July 2014 to an indefinite extension for Kohler to complete environmental and other studies necessary for the permit application.

As of June 2016, the permit application still was incomplete. In February 2017, Kohler's attorney informed the town's board chairman that Kohler was ready to complete its application to the Department of Natural Resources by March or April of that year. The town was still waiting come April.

On April 28, 2017, without completing the conditional use permit application or warning the town, Kohler published an annexation petition for Sheboygan to annex the land from the town of Wilson.

Earlier that year, Kohler employees and agents purchased two properties that lie between Kohler's land in the town and the Sheboygan border.

On August 7, 2017, the city's Common Council passed an ordinance annexing the land with an 11-5 vote.

After Borowski dismissed the town of Wilson's appeal, the town successfully petitioned to bypass the Court of Appeals.

John Ehmann, chairperson for the town's board, said that some of the shoreline in the area for the proposed course has eroded from high water levels, so Kohler may have to alter the proposed design. Pete Dye, who designed Whistling Straits and Blackwolf Run and was designing this new course, died on Jan. 9, at 94.

Todd Wolf, president of the city of Sheboygan's Common Council, was among the votes in August 2017 to annex the land.

"Whether we believe we need another golf course or not, it's up to the owner," Wolf said.

Wilson Town Board Supervisor Brian Hoffmann said that Kohler said it wanted to work with the city instead because it believed the city could better serve water and fire protection needs.

"But the town of Wilson Fire Department is right next door," Hoffmann said.

Wolf said the city offers more flexibility in providing resources and that the town of Wilson already gets sewer service through the city.

Resources aside, Hoffmann said Kohler had other concerns with the town.

"They felt the town was going to say no, but we never even had the chance to," he said.

He's not sure why Kohler felt that way because, he said, the board was negotiating with them "in good faith" and just waiting to receive all of the information and a completed permit application.

Hoffmann, who has served on the town board for 18 years, learned of the annexation by reading about it in the newspaper after a long weekend. He described it as a "total shock."

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