

172<sup>nd</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

| File No.  | Rec/Ref              | Referred to:              | Title                                                                                                                                                                                                                                                                                             |
|-----------|----------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 172-O-087 | 03/06/18<br>03/08/18 | Land Use                  | ORD: Amend The Town Of Vernon District Zoning Map By Revising The Previously Imposed B-3 General Business District Conditions Of Approval. The Rezoning Pertains To Multiple Properties Fronting Upon Enterprise Drive, Located In Part Of The SW ¼ Of Section 1, T5N, R19E, Town Of Vernon (RZ2) |
| 172-O-088 | 03/06/18<br>03/08/18 | Land Use                  | ORD: Amend The Text Of The Town Of Waukesha Zoning Code By Repealing And Recreating Section 13-2-15(h) Relating To Sign Illumination And Nuisance Prevention (RZ1)                                                                                                                                |
| 172-O-089 | 03/07/18<br>03/08/18 | Land Use                  | ORD: Amend The Text Of The Town Of Brookfield Zoning Code By Repealing Section 17.02(14)(B)13 And Repealing And Recreating Section 17.15 Relating To Mobile Tower Siting And Antenna Regulations (ZT-1861)                                                                                        |
| 172-O-090 | 03/05/18<br>03/08/18 | Public Works              | ORD: Modify Speed Zone On County Trunk Highway G                                                                                                                                                                                                                                                  |
| 172-O-091 | 03/07/18<br>03/08/18 | Public Works<br>Finance   | ORD: Approve Short-Term Hangar Lease Agreement With Plane Safe Maintenance, Inc. At Waukesha County Crites Field                                                                                                                                                                                  |
| 172-O-092 | 03/07/18<br>03/08/18 | Executive<br>Finance      | ORD: Authorize Waukesha County University Of Wisconsin Extension Office To Accept Grant Funds And Modify The 2018 Budget To Appropriate The Greater Milwaukee Foundation Grant Revenue For The Tower Hill Neighborhood Initiative Project                                                         |
| 172-O-093 | 03/06/18<br>03/08/18 | Judiciary<br>Finance      | ORD: Amend The 2018 Sheriff's Department Budget For The Expenditure Of Seized Funds To Participating Agencies In March 2018                                                                                                                                                                       |
| 172-O-094 | 03/07/18<br>03/08/18 | HR<br>Land Use<br>Finance | ORD: Abolish One Land Information System Manager Position And Create One Land Information System Supervisor Position In The Department Of Parks & Land Use                                                                                                                                        |
| 172-O-095 | 03/07/18<br>03/08/18 | HR<br>Finance             | ORD: Establish Salaries For Sheriff, Clerk Of Courts, And County Executive For 2019 – 2022                                                                                                                                                                                                        |
| 172-O-096 | 03/06/18<br>03/08/18 | Finance                   | ORD: Authorize The Issuance Of Not To Exceed \$12,500,000 General Obligation Promissory Notes For Capital Projects                                                                                                                                                                                |

172<sup>nd</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

| File No.  | Rec/Ref              | Referred to:               | Title                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|----------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 172-A-039 | 02/06/18<br>02/08/18 | Executive                  | APPT: Cathy Priem to the Community Development Block Grant Board                                                                                                                                                                                                                                                                                                                                 |
| 172-R-004 | 02/07/18<br>02/08/18 | Executive                  | RES: Authorize Selection And Engagement Of Outside Counsel Regarding Potential Opioid Litigation                                                                                                                                                                                                                                                                                                 |
| 172-O-076 | 02/07/18<br>02/08/18 | HR<br>Land Use<br>Finance  | ORD: Create One Regular Full-Time Public Communications Specialist In The Department Of Parks & Land Use                                                                                                                                                                                                                                                                                         |
| 172-O-077 | 02/07/18<br>02/08/18 | HR<br>Judiciary<br>Finance | ORD: Create One Regular Full-Time Position Of Senior Information Technology Professional And Abolish One Regular Full-Time Position Of Detective                                                                                                                                                                                                                                                 |
| 172-O-078 | 02/07/18<br>02/08/18 | HR<br>HHS<br>Finance       | ORD: Modify The Department Of Health And Human Services 2018 Budget To Create Twelve (12) Regular Full Time Sunset Positions                                                                                                                                                                                                                                                                     |
| 172-O-079 | 02/06/18<br>02/08/18 | Finance                    | ORD: Reauthorization Of Self-Insurance                                                                                                                                                                                                                                                                                                                                                           |
| 172-O-080 | 02/06/18<br>02/08/18 | Finance                    | ORD: Modify 2018 County Budget By A Transfer Of Carryover Funds From 2017 Unexpended Appropriations To 2018 Budgeted Appropriations                                                                                                                                                                                                                                                              |
| 172-O-081 | 03/06/18<br>03/08/18 | Land Use                   | ORD: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2A –Downing, Section 14, T8N, R18E, Town Of Merton)                                                                                                                                                                                                                                              |
| 172-O-082 | 03/07/18<br>03/08/18 | Land Use                   | ORD: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2B – Waukesha County Park And Planning Commission, Section 7, T8N, R18E, Town Of Merton)                                                                                                                                                                                                         |
| 172-O-083 | 03/06/18<br>03/08/18 | Land Use                   | ORD: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3A – Gaudion/Legend At Merrill Hills, LLC, Section 18, T6N, R19E, Town Of Waukesha)                                                                                                                                                                                                              |
| 172-O-084 | 03/06/18<br>03/08/18 | Land Use                   | ORD: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3B – Town Of Waukesha Board, Section 7, T6N, R19E, Town Of Waukesha)                                                                                                                                                                                                                             |
| 172-O-085 | 03/06/18<br>03/08/18 | Land Use                   | ORD: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (4 – Waukesha County Park And Planning Commission/Park And Open Space Plan, Waukesha County)                                                                                                                                                                                                      |
| 172-O-086 | 03/06/18<br>03/08/18 | Land Use                   | ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Merton By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of The NE ¼ Of Section 14, T8N, R18E, Town Of Merton, Waukesha County, Wisconsin, From The A-1 Agricultural And EC Environmental Corridor Overlay Districts To The A-1 Agricultural District (SZ-1862) |

1 YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE  
2 DEVELOPMENT PLAN FOR WAUKESHA COUNTY  
3 (2A –DOWNING, SECTION 14, T8N, R18E,  
4 TOWN OF MERTON)  
5  
6

7 WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
8 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
9

10 WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual  
11 update and amendment procedures; and  
12

13 WHEREAS, on February 22, 2018, the Waukesha County Park and Planning Commission held a  
14 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
15 Plan for Waukesha County; and  
16

17 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 1,  
18 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
19 change to the Comprehensive Development Plan for Waukesha County; and  
20

21 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
22 County Park and Planning Commission on March 1, 2018, and a recommendation was reported  
23 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
24 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
25

26 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
27 that the following amendment is hereby conditionally approved to the Year 2035 Comprehensive  
28 Development Plan for Waukesha County.  
29

30 2. In the Town of Merton, the following requests are being made:  
31

- 32 A. ***Thomas and Patricia Downing***, W293 N7882 Camp Whitcomb Road, Hartland,  
33 WI 53029, request a portion of the property located in part of the W ½ and the  
34 NE ¼ of Section 14, T8N, R18E, Town of Merton (Tax Key No. MRTT  
35 0341.977), be amended from the Primary Environmental Corridor category to the  
36 Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling  
37 unit), to allow for a second residence on the property as part of a Planned Unit  
38 Development.  
39

40 The request is approved subject to the following conditions:  
41

- 42 1. The area of the property that is not subject to this land use plan amendment shall be  
43 preserved in perpetuity by means of a conservation easement. The easement language  
44 shall be reviewed and approved by the Waukesha County Planning and Zoning Division,  
45 and recorded in the Waukesha County Register of Deeds office prior to any development  
46 activities taking place.  
47  
48 2. The existing pier location shall be used as a single point of access to the lake by

49 motorized equipment. A second pier may be constructed within the same vicinity to  
50 accommodate two boat slips for each residential unit. A pier plan shall be submitted to  
51 the Waukesha County Planning and Zoning Division, prior to any additional pier  
52 improvements being made. This restriction shall be included in the language of the  
53 conservation easement.  
54

55 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
56 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
57

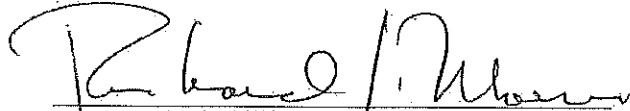
58 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
59 this Ordinance with the Town Clerk of Merton.

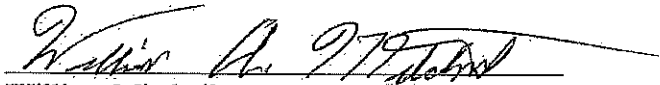
**COMMISSION ACTION**

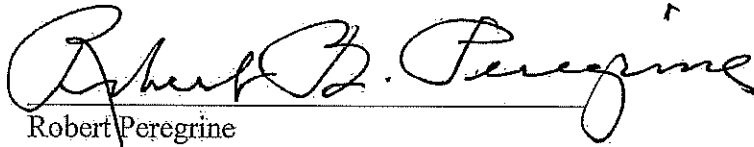
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (2A – Downing, Section 14, T8N, R18E, Town of Merton) hereby recommends approval.

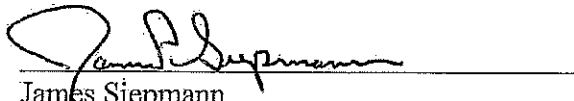
**PARK AND PLANNING COMMISSION**

**March 1, 2018**

  
Richard Morris, Chairperson

  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
William Maslowski

  
Bonnie Morris

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2018 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(2A – THOMAS AND PATRICIA DOWNING),**  
**TOWN OF MERTON**

**DATE:** March 1, 2018

**PUBLIC HEARING DATE:**  
Thursday, February 22, 2018, 1:00 p.m.

**REQUEST:**  
2 (A) Year 2018 amendment to the Comprehensive Development Plan.

*Thomas and Patricia Downing*, W293 N7882 Camp Whitcomb Road, Hartland, WI 53029, request a portion of the property located in part of the NW ¼ of the NE ¼ of Section 14, T8N, R18E, Town of Merton (Tax Key No. MRTT 0341.977), be amended from the Primary Environmental Corridor category to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit), to allow for a second residence on the property as part of a Planned Unit Development.

**EXISTING LAND USE CATEGORY**  
Primary Environmental Corridor.

**PROPOSED LAND USE CATEGORY**  
Amend approximately 1.9 acres of land to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit). The undisturbed areas will remain in the Primary Environmental Corridor category.

**PUBLIC REACTION**  
The adjacent property owner located directly to the south was concerned with the potential of the isolated wetland on the south part of the property being filled for development purposes in the future. He asked questions about protections in place. The Planning and Zoning Division Staff advised that the wetland is protected by State rules and County Zoning, and will be further protected by a protective restriction being volunteered by the property owner.

**TOWN PLAN COMMISSION ACTION**  
At their meeting on January 3, 2018, the Town of Merton Plan Commission unanimously made a recommendation to the Town Board for approval of the request to amend the Town of Merton Land Use Plan for a portion of the property from the Primary Environmental Corridor category to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit).

**TOWN BOARD ACTION**  
Following a public hearing, the Town of Merton Board unanimously approved the Town plan amendment at their February 12, 2018, meeting.

**STAFF ANALYSIS:**  
The subject property is approximately 10.5 acres in size, excluding the established road right-of-way of Camp Whitcomb Road. The property has frontage on Lake Keesus and there are wetlands located along the shore of the lake and an isolated wetland located on the south side of the property. A

majority of the property is heavily wooded with steep slopes. There is a flat area located on a ridge that is largely disturbed. The flat area contains a single-family residence, a detached garage and shed. The State of Wisconsin owns the adjacent property to the north for preservation/open space purposes. There are single family residential lots located on the west and east sides of the property. The Union Pacific Railroad borders the property to the south.

The petitioners are proposing to construct a second single-family residence on the property for their daughter and family. In accordance with the Comprehensive Development Plan for Waukesha County, lands designated in the Primary Environmental Corridor are limited to a residential density of one unit per five acres, excluding wetland acreage. Once the wetlands are excluded from the overall acreage, there is approximately eight acres total that can be used for density purposes, which would not provide for a second living unit. The petitioners have demonstrated that the area where the second home site is proposed has been disturbed for over 50 years. Four cottages were constructed in the 1960's with a driveway constructed along almost the entire extent of the ridge. Three of the cottages were removed and the petitioner constructed a single-family residence in the early 1980's. They use one of the cottages as a shed. There are a few mature native trees in the areas of the property that is subject to the request, but a majority of the area is mowed yard. The petitioners are proposing to remove a total of two to four healthy trees to accommodate construction.

In order to accommodate the second home site (see Exhibit "A"), the petitioners are proposing to amend the driveway area and lands immediately surrounding the existing and proposed homes. Driveway (Unit 100 and Unit 200) from the Primary Environmental Corridor category to the Suburban II Density Residential category (3 to 4.9 acres of area per dwelling unit). The area of amendment includes a 66 ft. wide strip of land to accommodate a driveway and a total of 63,335 sq. ft. to accommodate the existing and proposed home sites, private sewage systems and yard.

By separate application, the petitioners are also requesting to rezone the area being considered for a land use plan amendment by removing the EC Environmental Corridor Overlay District from said area. At the recommendation of the Waukesha County Park and Planning Commission as part of a conceptual review, the petitioners have opted to also request a Conditional Use Permit for a Planned Unit Development. The Planned Unit Development would allow the petitioner to construct a condominium style development with two residences on a single lot rather than dividing the property, which would have included a lot not abutting a public road. The petitioners have agreed to place the undisturbed area that remains in the Primary Environmental Corridor in a conservation easement and preserve the area in perpetuity. The petitioners have also agreed to use the existing pier location as a single access to the lake that would serve both condominium owners.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. The area of the property that is not subject to this land use plan amendment shall be preserved in perpetuity by means of a conservation easement. The easement language shall be reviewed and approved by the Waukesha County Planning and Zoning Division, and recorded in the Waukesha County Register of Deeds office prior to any development activities taking place.

2. The existing pier location shall be used as a single point of access to the lake by motorized equipment. A second pier may be constructed within the same vicinity to accommodate two boat slips for each residential unit. A pier plan shall be submitted to the Waukesha County Planning and Zoning Division, prior to any additional pier improvements being made. This restriction shall be included in the language of the conservation easement.

This amendment will allow the construction of a second residence on the property within an area that has been disturbed for over 50 years. The proposed request complies with the objectives and standards of the Comprehensive Development Plan for Waukesha County in preserving the overall integrity of the environmental corridor on the site. The proposed improvements are limited to an existing disturbed area and the proposed density is consistent with the surrounding land uses. The remainder of the property will be held in a conservation easement and be protected in perpetuity. Lake access will also be limited to a single location, which will protect the wetland vegetation that occupies a majority of the shore frontage from further disturbance.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachment: Exhibit "A", Cattail Farm Condominium Plat  
Map  
Town Ordinance

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2018\2A Downing mrt.doc

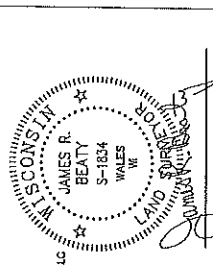


**EXHIBIT "A"**

**CONDOMINIUM PLAT**  
**CATTAIL BAY CONDOMINIUMS**  
 BEING UNPLATTED LOTS BEING SPLITTING  
 NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWN 8 NORTH  
 RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

LEGAL DESCRIPTION: (Area Subject to Condominium)  
 Lot One (1) of CERTIFIED SURVEY MAP NO. \_\_\_\_\_ recorded in the register of deeds office of Waukesha County on \_\_\_\_\_ 2018 to document No. \_\_\_\_\_

**SURVEYORS CERTIFICATE**  
 I, JAMES R. BEATY, BEING A LICENSED SURVEYOR AUTHORIZED TO PRACTICE LAND SURVEYING IN THE STATE OF WISCONSIN, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND IDENTIFIED BY THE DECLARATION OF CONDOMINIUM OF COMMON UNITS AND COMMON ELEMENTS ATTACHED HERETO, AND THAT THE APPROXIMATE DIMENSIONS, FLOOR AREA AND LOCATIONS OF EACH UNIT WITH ALL COMMON ELEMENTS.

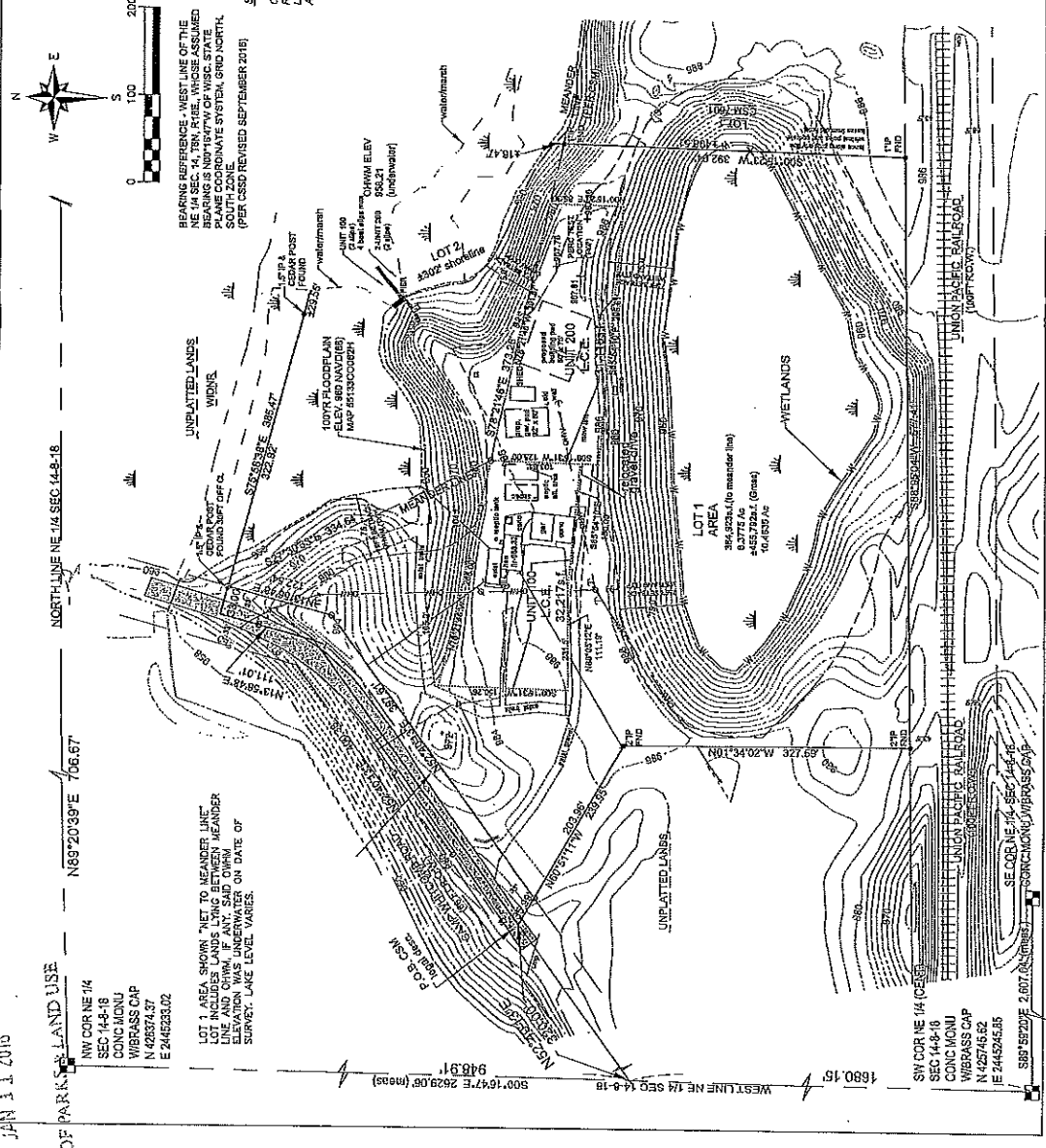


DATED THIS 8TH DAY OF JANUARY AT WALES, WI.  
 PREPARED BY (S) SURVEYORS  
 HORIZONTAL AND DEVELOPMENT SERVICES, LLC  
 9315 S2882 PENNY LAKE  
 WALES, WISCONSIN 53183  
 1-262-948-6572  
 james@hdsurveying.com  
 OWNER/DEVELOPER:  
 THOMAS DOWNING  
 HART WISE CANNON/WHITCOMB ROAD  
 TAX P/N: MERT1 0418177

ALL AREAS OUTSIDE OF  
 UNIT ENVELOPES SHOWN  
 ARE "COMMON ELEMENTS"  
 DISTURBED AREA PERMITTED  
 Lot 1 (0.64)  
 64,117 s.f. = 14.0%  
 as shown 63,338 s.f.  
 S

**LEGEND**

- - INDICATES IRON PIPE, 1.0" x 18", 133 LBS. UNFT. SET (1,375 s.f.)
- - CONC. MONU. W/ BRASS CAP FOUND AS NOTED
- (P) - RECORDED AS
- ⊕ - POWER POLE
- ⊖ - LIGHT POLE
- ⊙ - WELL
- ⊙ - SANITARY MANHOLE
- ⊙ - SANITARY CLEANOUT OR SEPTIC VENT
- ⊙ - ELECTRIC POST/STAKE



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JAN 13 2018

DEPT OF PARKS & LAND USE  
 NW COR NE 1/4  
 SEC 14-8  
 CONC MONU  
 W/BRASS CAP  
 N 42574.37  
 E 244523.02

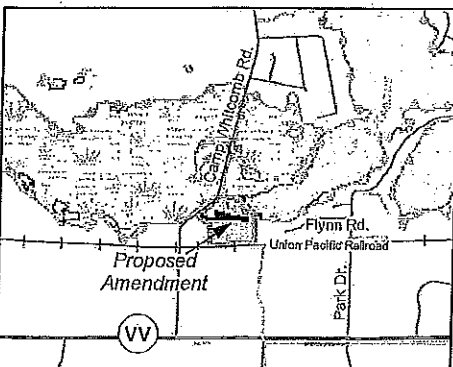
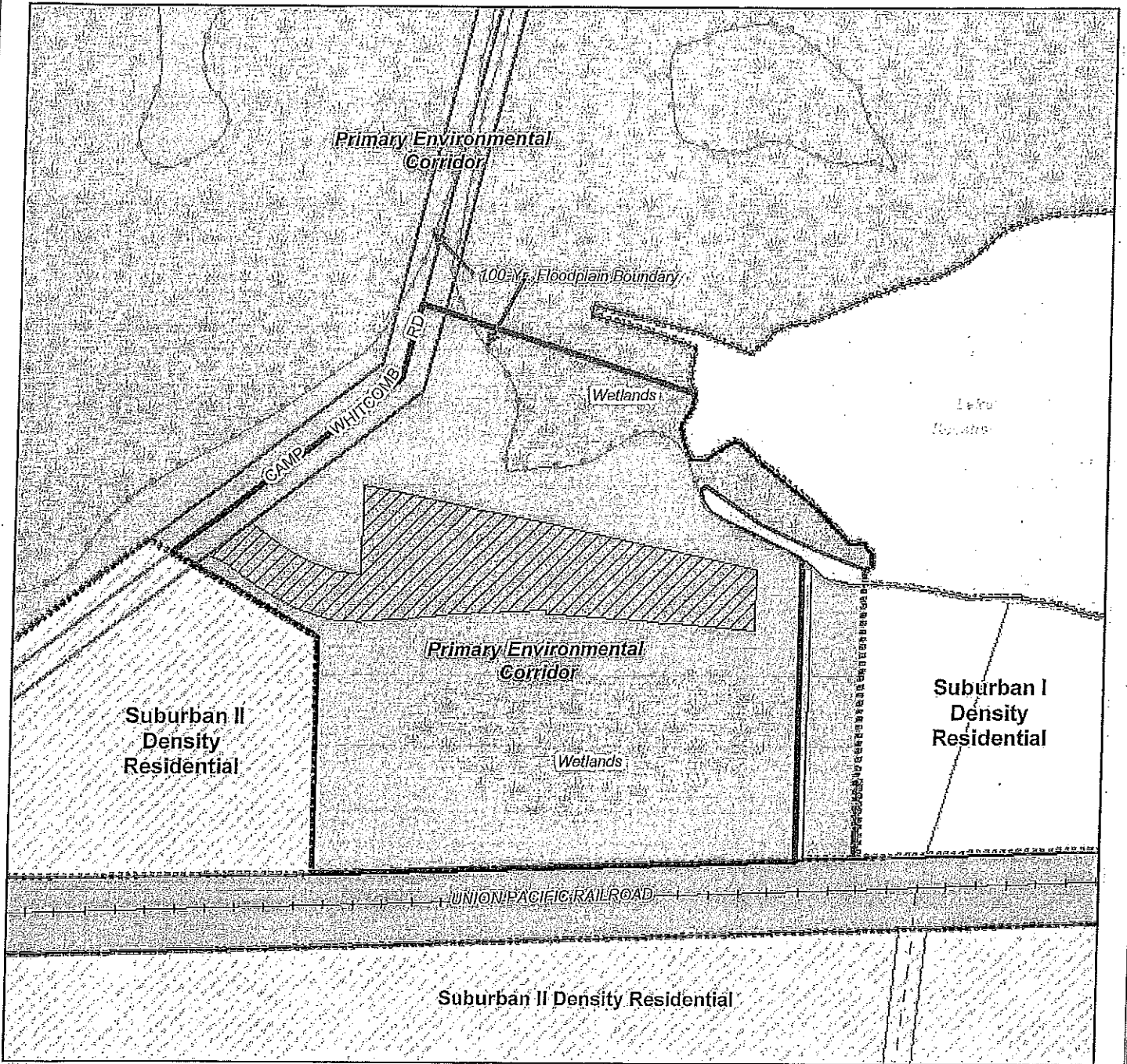
LOT 1 AREA SHOWN "NET TO HENDER LINE"  
 LOT INCLUDES LANDS LYING BETWEEN HENDER  
 LINE AND CHWM, IF ANY. SAID CHWM  
 SURVEY. LAKE LEVEL VARIES. ON DATE OF  
 SURVEY. LAKE LEVEL VARIES.

50°16'47" E 2629.08' (meas)  
 948.91'

SW COR NE 1/4 (0.64)  
 SEC 14-8-18  
 CONC MONU  
 W/BRASS CAP  
 N 42574.37  
 E 244523.02  
 S89°58'22" E 2.607' (meas)

# DEVELOPMENT PLAN AMENDMENT

PART OF THE NE 1/4 OF SECTION 14  
TOWN OF MERTON

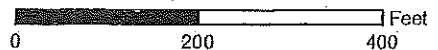


COUNTY DEVELOPMENT PLAN AMENDMENT FROM PRIMARY ENVIRONMENTAL CORRIDOR TO SUBURBAN II DENSITY RESIDENTIAL



PETITIONER..... DOWNING (2A)  
 DATE OF PLAN COMM CONSIDERATION..... 03/01/18  
 AREA OF CHANGE..... 1.9 ACRES  
 TAX KEY NUMBER..... MRTT 0341.977

1 inch = 200 feet



Prepared by the Waukesha County Department of Parks and Land Use

Referred on: 03/08/18

File Number: 172-O-081

Referred to: LU 8

ORDINANCE NO. 02122018 A

AN ORDINANCE TO AMEND THE TOWN OF  
MERTON COMPREHENSIVE PLAN – 2035

WHEREAS, the Town of Merton Town Board has created a Plan Commission pursuant to §62.23(1), Wis. Stats.; and

WHEREAS, it is the function and duty of the Town Plan Commission pursuant to §62.23(2), Wis. Stats., to prepare and adopt a Master Plan as a whole or as parts thereof, and such plans are to aid the Plan Commission and Town Board in making day-to-day development decisions; and

WHEREAS, the Town of Merton Plan Commission recommended the adoption of a Master Plan, and the Town of Merton Town Board adopted a Comprehensive Land Use Plan-2035 by ordinance on May 12, 2009; and

WHEREAS, Chapter 8, the Land Use Element of the Comprehensive Land Use Plan-2035 and accompanying map, and the Town of Merton Land Use Plan Map identify the Downing property as Environmental Corridor Overlay (see Exhibit A attached hereto and incorporated herein by reference); and

WHEREAS, since the enactment of §66.1001, Wis. Stats., the Town of Merton Planner and Plan Commission have been engaged in a Comprehensive Plan update to analyze and consider amendments to the aforementioned Master Plan; and

WHEREAS, §66.1001, Wis. Stats., provides that the Plan Commission may recommend amendments to comprehensive plan by adopting a resolution by a majority vote of the entire Plan Commission, which resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan; and

WHEREAS, an application has been made by Thomas and Pat Downing, W293 N7882 Camp Whitcomb Road, Hartland, Wisconsin, to amend the Town of Merton Comprehensive Land Use Plan-2035 and map to change the land use designations, a limited disturbed area, from Environmental Corridor Overlay to Suburban II Density Residential; and

WHEREAS, the purpose of amending the Land Use Plan and map from Environmental Corridor Overlay to Suburban II Density Residential designations (and to preserve wetlands) for the aforementioned properties is to conform to the current use of said properties and to be consistent with the land use designation of neighboring properties.

WHEREAS, pursuant to §66.1001, Wis. Stats., no amendment may take effect until the Town Board enacts an ordinance that adopts the amendment; and

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FEB. 23 2018

WHEREAS, §66.1001, Wis. Stats., provides that the Town Board must hold at least one public hearing at which the proposed ordinance is discussed, which public hearing must be preceded by a Class 1 notice under Chapter 985 that is published at least 30 days before the hearing is held; and

WHEREAS, the Town Board gave appropriate notice of a public hearing to be held on February 12, 2018, beginning at 6:30 p.m. at the Town of Merton Town Hall, W314 N7624 Highway 83, North Lake, Wisconsin 53064, to consider the amendments described above; and

WHEREAS, the public hearing was held on February 12, 2018.

NOW THEREFORE, BE IT HEREBY ORDAINED that the Town Board of the Town of Merton adopts this ordinance which amends the Comprehensive Land Use Plan-2035 by amending the land use of land described from Environmental Corridor Overlay to Suburban II Density Residential (see Exhibit A attached hereto and incorporated herein by reference) for the Thomas and Pat Downing property.

BE IT FURTHER ORDAINED that a copy of this Comprehensive Plan amending ordinance shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the Town of Merton.
2. The clerk of every local governmental unit that is adjacent to the Town of Merton.
3. The Wisconsin Land Council.
4. The Department of Administration.
5. The Southeastern Wisconsin Regional Planning Commission.
6. The public library that serves the area in which the Town of Merton is located.

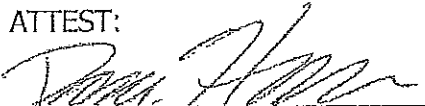
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage, posting and publication as required by law.

DATED: February 12, 2018

TOWN OF MERTON

By:   
Tim Klink, Chairman

ATTEST:

  
Donna Hann, Clerk

Date Adopted: 2-12-18  
Date Published: 2-13-18  
Effective Date: 2-13-18

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FEB 23 2018

DEPT OF PARKS & LAND USE

1 YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
2 PLAN FOR WAUKESHA COUNTY (2B –WAUKESHA COUNTY PARK AND  
3 PLANNING COMMISSION, SECTION 7, T8N, R18E, TOWN OF MERTON)  
4  
5

6 WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
7 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
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9 WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual  
10 update and amendment procedures; and  
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12 WHEREAS, on February 22, 2018, the Waukesha County Park and Planning Commission held a  
13 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
14 Plan for Waukesha County; and  
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16 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 1,  
17 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
18 change to the Comprehensive Development Plan for Waukesha County; and  
19

20 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
21 County Park and Planning Commission on March 1, 2018, and a recommendation was reported  
22 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
23 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that the following amendment is hereby approved to the Year 2035 Comprehensive Development  
27 Plan for Waukesha County.  
28

29 2. In the Town of Merton, the following requests are being made:  
30

- 31 B. ***The Waukesha County Park and Planning Commission***, 515 West Moreland  
32 Blvd., Waukesha, WI 53188, requests property owned by the Richard H.  
33 Simmons Revocable Living Trust Dated 12/23/14, W335 N8435 Stone Bank  
34 Road, Oconomowoc, WI 53066-9719, located in part of the NW ¼ of Section 7,  
35 T8N, R18E, Town of Merton (Tax Key No. MRTT 0314.998), be amended from  
36 the Rural Density and Other Agricultural Land and Isolated Natural Resource  
37 Area categories to the Farmland Preservation category (35 acres of area per  
38 dwelling unit or greater), with the Isolated Natural Resource Area to be placed in  
39 the Environmental Corridor Overlay category.  
40

41 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
42 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
43

44 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
45 this Ordinance with the Town Clerk of Merton.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (2B – Waukesha County Park and Planning Commission, Section 7, T8N, R18E, Town of Merton) hereby recommends **approval**.

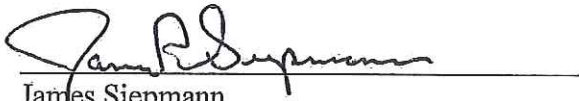
PARK AND PLANNING COMMISSION

March 1, 2018

  
Richard Morris, Chairperson

  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
William Maslowski

  
Bonnie Morris

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2018 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(2B – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),**  
**TOWN OF MERTON**

**DATE:** March 1, 2018

**PUBLIC HEARING DATE:**  
Thursday, February 22, 2018, 1:00 p.m.

**REQUEST:**  
2 (B) Year 2018 amendment to the Comprehensive Development Plan.

*The Waukesha County Park and Planning Commission, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by the Richard H. Simmons Revocable Living Trust Dated 12/23/14, W335 N8435 Stone Bank Road, Oconomowoc, WI 53066-9719, located in part of the NW ¼ of Section 7, T8N, R18E, Town of Merton (Tax Key No. MRTT 0314.998), be amended from the Rural Density and Other Agricultural Land and Isolated Natural Resource Area categories to the Farmland Preservation category (35 acres of area per dwelling unit or greater), with the Isolated Natural Resource Area to be placed in the Environmental Corridor Overlay category.*

**EXISTING LAND USE CATEGORY**  
Rural Density and Other Agricultural Land and Isolated Natural Resource Area categories.

**PROPOSED LAND USE CATEGORY**  
Farmland Preservation category (35 acres of area per dwelling unit or greater) with the Isolated Natural Resource Area to be placed in the Environmental Corridor Overlay category (35 acres of area per dwelling unit or greater).

**PUBLIC REACTION**  
Mr. Richard Simmons, owner of the property that is subject of the request, spoke in support of the amendment.

**TOWN PLAN COMMISSION ACTION**  
At their meeting on January 3, 2018, the Town of Merton Plan Commission unanimously made a recommendation to the Town Board for approval of the request to amend the Town of Merton Land Use Plan for the subject property to the Farmland Preservation category with the Isolated Natural Resource Area placed in the Environmental Corridor Overlay category.

**TOWN BOARD ACTION**  
The Town of Merton Board approved the Town plan amendment at their February 12, 2018, meeting.

**STAFF ANALYSIS:**  
Richard Simmons, the owner of an 80-acre farm in the northwest part of the Town of Merton contacted both the Town and County to express his strong desire to re-establish eligibility for the State's farmland preservation program. Mr. Simmons has been a long-time participant in the program and received farmland preservation tax credits until his farmland preservation agreement expired within the past couple of years. He is currently not eligible for the farmland preservation program because his lands are not formally designated for Farmland Preservation by the County Development Plan. During the 2011 Countywide farmland preservation plan update process, Town of Merton representatives conveyed that they had surveyed large landowners in the Town and that there was an overwhelming interest in not  
Referred on: 03/08/18 File Number: 172-O-082 Referred to: LU 3

participating in farmland preservation at that time. Last year, Mr. Simmons expressed to the Town and County that he is very interested in participating and thought that others in the area might be, as well. He expressed that a number of farms in the area had changed hands since the time of the initial survey conducted by the Town.

Because Mr. Simmon's property is immediately adjacent to the Town of Oconomowoc and the State-designated Ashippun Oconomowoc Agricultural Enterprise Area, County Planning Staff offered to reach out to the State Department of Agriculture, Trade and Consumer Protection (DATCP) to learn about options. DATCP advised that they would potentially entertain a one-farm addition to the AEA. However, DATCP also expressed a strong preference to avoid a series of consecutive similar one-farm requests. Accordingly, Waukesha County and the Town of Merton agreed to survey the large landowners in the northwest part of the Town. A letter was sent to each owner, information was provided and Karen Doyle of the Land Resources Division made herself available at the Town Hall on a specified date and via phone and email. Mr. Simmons ended up being the lone interested party at this time. When presented with that information, DATCP advised that they would consider accommodating a one-farm expansion of the AEA into a new town and DATCP created an expedited process to achieve that end goal.

For Mr. Simmons to be accepted into the farmland preservation program, the local and County land use plans must reflect a farmland preservation designation for his lands. The Town has recently amended its plan for the Simmons farm to that category and the County must also amend its plan for an AEA expansion to move forward.

The adopted County Farmland Preservation Plan identified the northwest part of Merton as an "unrefined area to consider for future AEA designation." The plan recommended that the Town consider supporting future AEAs within the subject northwest part of the Town. To become eligible for AEA designation, the lands do not need to be rezoned; only the plan designations need to be amended. Lands with an AEA designation and a signed farmland preservation agreement are eligible for tax credits.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The subject farm is immediately adjacent to the Ashippun Oconomowoc AEA and is a logical addition to the State's unique AEA program. The lands are contiguous to a large block of farmland preservation lands in the north part of the Town of Oconomowoc. The plan amendment allows for an AEA designation to be sought for the Simmons farm which will then provide annual tax benefits to Mr. Simmons, as he has requested. This one-property change does not affect any other properties within the Town of Merton.

Respectfully submitted,

*Jason Fruth*

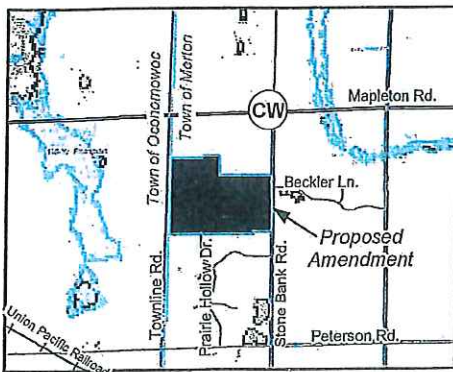
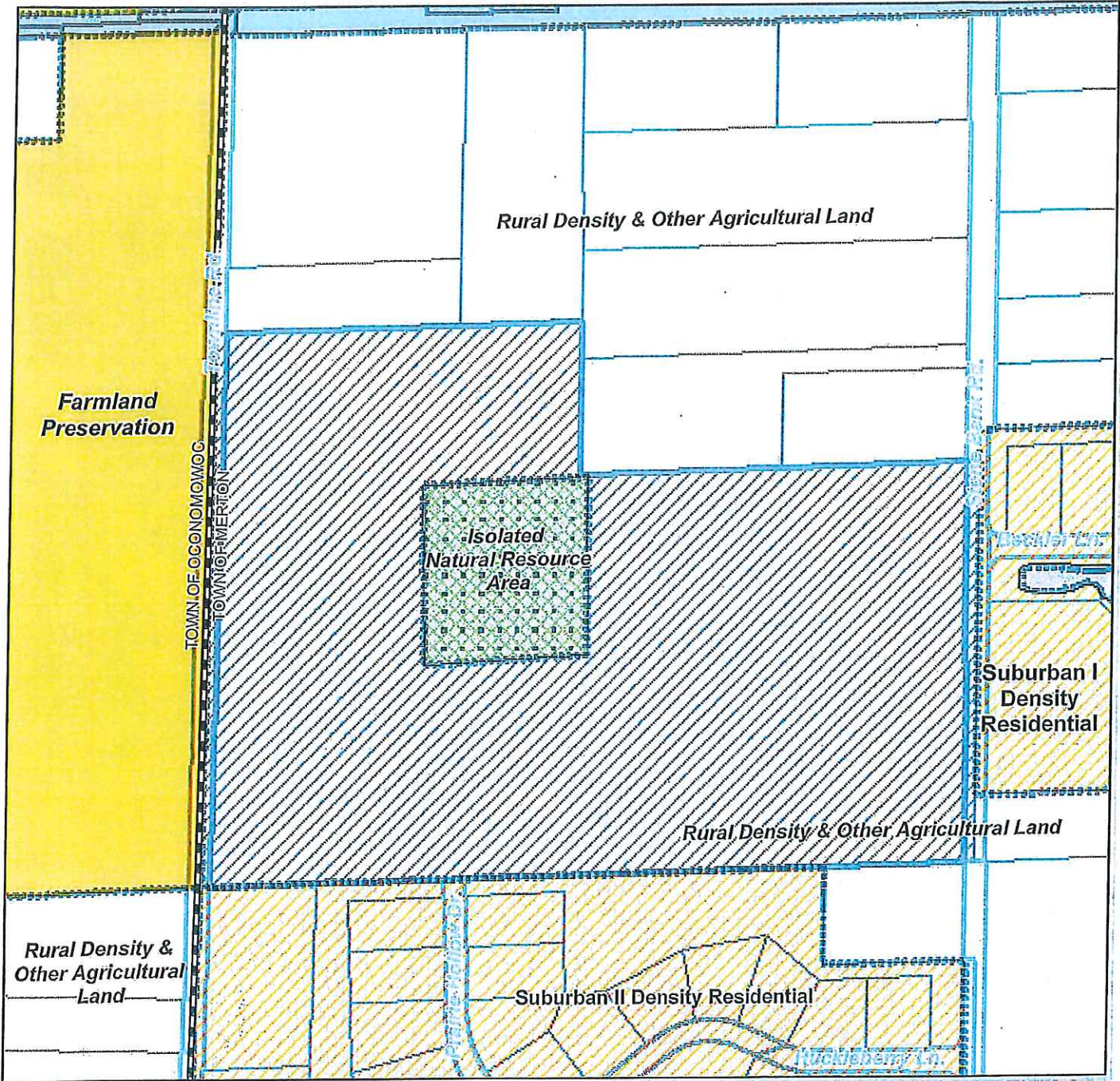
Jason Fruth  
Planning & Zoning Manager



Attachments: Map  
Map DB-4 Farmland Preservation Map: Town of Merton  
Town Ordinance



# DEVELOPMENT PLAN AMENDMENT

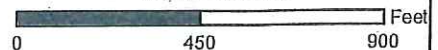
PART OF THE NW 1/4 OF SECTION 7  
TOWN OF MERTON



-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY & OTHER AGRICULTURAL LAND TO FARMLAND PRESERVATION
-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM ISOLATED NATURAL RESOURCE AREA TO FARMLAND PRESERVATION WITH ENVIRONMENTAL CORRIDOR OVERLAY

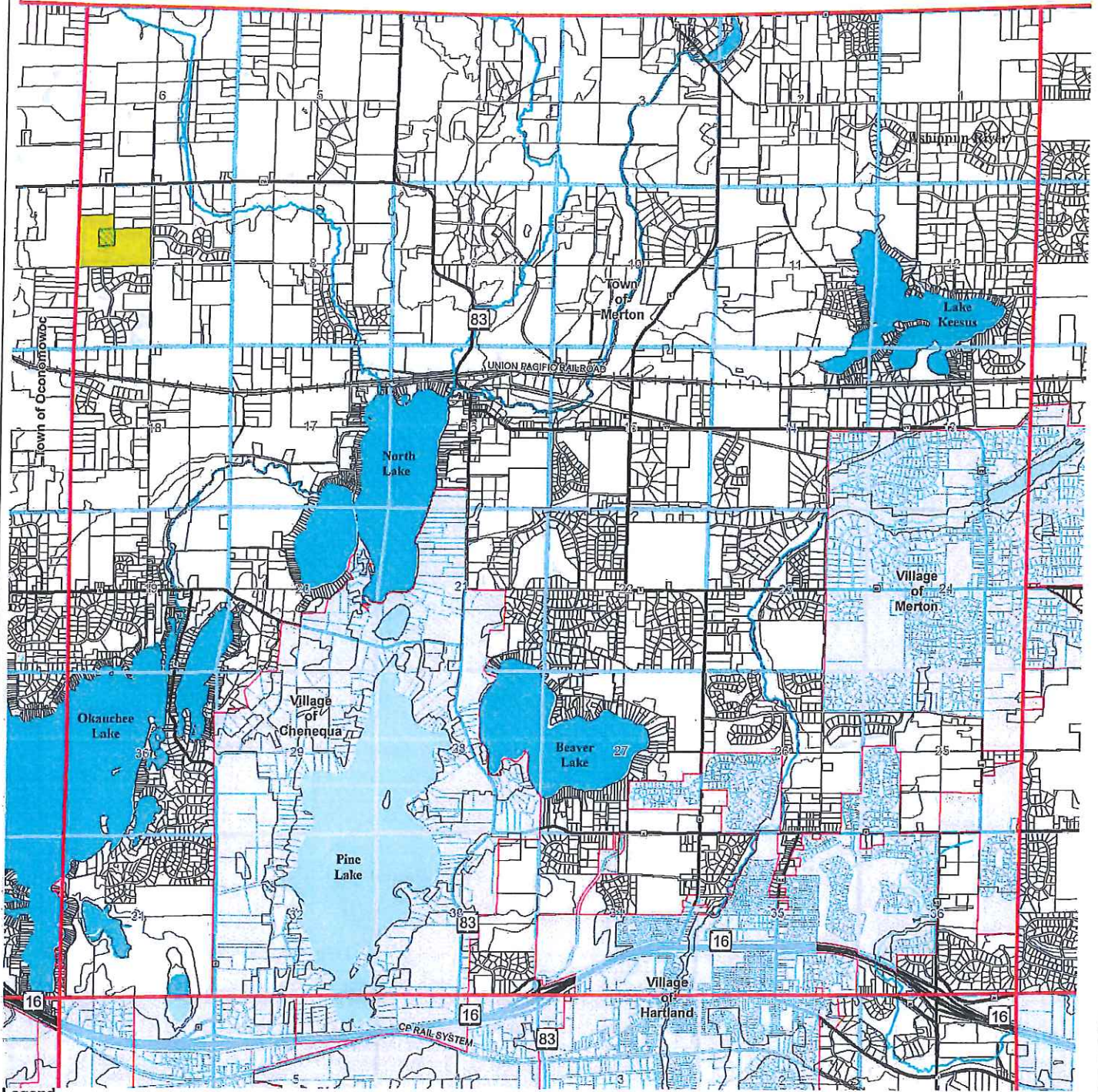
PETITIONER.....WAUKESHA COUNTY (2B)  
 DATE OF PLAN COMM. CONSIDERATION.....03/01/18  
 AREA OF CHANGE.....80 ACRES  
 TAX KEY NUMBER.....MRTT 0314.998

1 inch = 450 feet



Prepared by the Waukesha County Department of Parks and Land Use

# Map DB-4 Farmland Preservation Plan Map: Town of Merton



**Legend**

- Farmland Preservation Area
- Farmland Preservation Area With Environmental Corridor Overlay
- Non-farmland Preservation Area
- Municipal Boundary (Town/City/Village)
- Section Line
- Tax Parcel
- Surface water
- Interstate
- US Hwy
- State Hwy
- County Hwy
- Major Local Rd
- Local Rd
- Private Rd

N

0 2,000 4,000 6,000 8,000 Feet

0 1 2 Miles

Mapping Date: 2/22/2018  
Created by: Waukesha County Planning & Zoning Division

ORDINANCE NO. 02122018 B

AN ORDINANCE TO AMEND THE TOWN OF  
MERTON COMPREHENSIVE PLAN – 2035

---

WHEREAS, the Town of Merton Town Board has created a Plan Commission pursuant to §62.23(1), Wis. Stats.; and

WHEREAS, it is the function and duty of the Town Plan Commission pursuant to §62.23(2), Wis. Stats., to prepare and adopt a Master Plan as a whole or as parts thereof, and such plans are to aid the Plan Commission and Town Board in making day-to-day development decisions; and

WHEREAS, the Town of Merton Plan Commission recommended the adoption of a Master Plan, and the Town of Merton Town Board adopted a Comprehensive Land Use Plan-2035 by ordinance on May 12, 2009; and

WHEREAS, Chapter 8, the Land Use Element of the Comprehensive Land Use Plan-2035 and accompanying map, and the Town of Merton Land Use Plan Map identify the Simmons property as Rural Density and other agricultural land, including Isolated Natural Resource Area categories, to Farmland Preservation with an Environmental Corridor Overlay (see Exhibit A attached here and incorporated herein by reference); and

WHEREAS, since the enactment of §66.1001, Wis. Stats., the Town of Merton Planner and Plan Commission have been engaged in a Comprehensive Plan update to analyze and consider amendments to the aforementioned Master Plan; and

WHEREAS, §66.1001, Wis. Stats., provides that the Plan Commission may recommend amendments to comprehensive plan by adopting a resolution by a majority vote of the entire Plan Commission, which resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan; and

WHEREAS, an application has been made by Richard Simmons, W335 N8435 Stone Bank Road, Oconomowoc, Wisconsin 53066, to amend the Town of Merton Comprehensive Land Use Plan-2035 and map to change the land use designations from Rural Density and other agricultural land, including Isolated Natural Resource Area categories, to Farmland Preservation with an Environmental Corridor Overlay; and

WHEREAS, the purpose of amending the Land Use Plan and map from Rural Density and other agricultural land, including Isolated Natural Resource Area categories, to Farmland Preservation designations for the aforementioned properties is to conform

RECEIVED

1

FEB 23 2018

to the current use of said properties and to be consistent with the land use designation of neighboring properties.

WHEREAS, pursuant to §66.1001, Wis. Stats., no amendment may take effect until the Town Board enacts an ordinance that adopts the amendment; and

WHEREAS, §66.1001, Wis. Stats., provides that the Town Board must hold at least one public hearing at which the proposed ordinance is discussed, which public hearing must be preceded by a Class 1 notice under Chapter 985 that is published at least 30 days before the hearing is held; and

WHEREAS, the Town Board gave appropriate notice of a public hearing to be held on February 12, 2018, beginning at 6:30 p.m. at the Town of Merton Town Hall, W314 N7624 Highway 83, North Lake, Wisconsin 53064, to consider the amendments described above; and

WHEREAS, the public hearing was held on February 12, 2018.

NOW THEREFORE, BE IT HEREBY ORDAINED that the Town Board of the Town of Merton adopts this ordinance which amends the Comprehensive Land Use Plan-2035 by amending the land use of land described from Rural Density and other agricultural land, including Isolated Natural Resource Area categories, to Farmland Preservation with an Environmental Corridor Overlay (see Exhibit A attached hereto and incorporated herein by reference) for the Richard Simmons property.

BE IT FURTHER ORDAINED that a copy of this Comprehensive Plan amending ordinance shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the Town of Merton.
2. The clerk of every local governmental unit that is adjacent to the Town of Oconomowoc.
3. The Wisconsin Land Council.
4. The Department of Administration.
5. The Southeastern Wisconsin Regional Planning Commission.
6. The public library that serves the area in which the Town of Merton is located.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage, posting and publication as required by law.

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FEB 23 2018

2

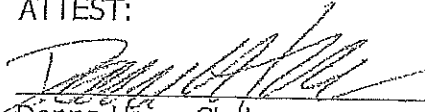
DEPT OF PARKS & LAND USE

DATED: February 12, 2018

TOWN OF MERTON

By:   
Tim Klink, Chairman

ATTEST:

  
Donna Hann, Clerk

Date Adopted: 2-12-18  
Date Published: 2-13-18  
Effective Date: 2-13-18

RECEIVED

FEB 23 2018

DEPT OF PARKS & LAND USE

1 YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
2 PLAN FOR WAUKESHA COUNTY (3A – GAUDION/LEGEND AT MERRILL  
3 HILLS, LLC, SECTION 18, T6N, R19E, TOWN OF WAUKESHA)  
4  
5

6 WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
7 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
8

9 WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual  
10 update and amendment procedures; and  
11

12 WHEREAS, on February 22, 2018, the Waukesha County Park and Planning Commission held a  
13 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
14 Plan for Waukesha County; and  
15

16 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 1,  
17 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
18 change to the Comprehensive Development Plan for Waukesha County; and  
19

20 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
21 County Park and Planning Commission on March 1, 2018, and a recommendation was reported  
22 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
23 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that the following amendment is hereby conditionally approved to the Year 2035 Comprehensive  
27 Development Plan for Waukesha County.  
28

29 3. In the Town of Waukesha, the following requests are being made:  
30

- 31 A. ***Jack Gaudion, representing The Legend at Merrill Hills, LLC***, 1325 E.  
32 Bristlecone Drive, Hartland, WI 53029, requests property located in part of the  
33 SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No.  
34 1368.978.003), be amended from the Recreational category to the Low Density  
35 Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to  
36 accommodate a Planned Unit Development containing 33 single-family homes  
37 within a gated golf course community.  
38

39 The request is approved subject to the following conditions:  
40

- 41 1. The property shall be developed as a Planned Unit Development in substantial  
42 conformance with the Concept Plan dated February 14, 2018 and attached as Exhibit “A”  
43 of the Staff Report and Recommendation dated March 1, 2018.  
44  
45 2. The Isolated Natural Resource Area shall be protected in substantial conformance with  
46 the Septic Plan South Plan Sheet S1.2 dated February 23, 2018 and attached as Exhibit  
47 “B” of the Staff Report and Recommendation dated March 1, 2018.  
48

49 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
50 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
51  
52 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
53 this Ordinance with the Town Clerk of Waukesha.

**COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3A – Gaudion/Legend and Merrill Hills LLC, Section 18, T6N, R19E, Town of Waukesha) hereby recommends approval.


**PARK AND PLANNING COMMISSION**

**March 1, 2018**

  
Richard Morris, Chairperson

  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2018 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(3A – JACK GAUDION/THE LEGEND AT MERRILL HILLS, LLC)**  
**TOWN OF WAUKESHA**

**DATE:** March 1, 2018

**PUBLIC HEARING DATE:**  
Thursday, February 22, 2018, 1:00 p.m.

**REQUEST:**  
3 (A) Year 2018 amendment to the Comprehensive Development Plan.

*Jack Gaudion, representing The Legend at Merrill Hills, LLC, 1325 E. Bristlecone Drive, Hartland, WI 53029, requests property located in part of the SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No. 1368.978.003), be amended from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to accommodate a Planned Unit Development containing 32 single-family homes within a gated golf course community.*

**EXISTING LAND USE CATEGORY**  
Recreational and Isolated Natural Resource Area (County).

**PROPOSED LAND USE CATEGORY**  
Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit), with an Isolated Natural Resource Area and the northern portion of subject parcel to remain Recreational.

**TOWN LAND USE PLAN:**  
The Town of Waukesha's Land Use Plan designates the subject portion of the property as Low Density Residential (20,000 sq. ft. to 1 acre per dwelling unit).

**PUBLIC REACTION**

- Lori Barton, a representative of the Estate of Gerald C. Barton (WAKT1368978002, 1368.977), expressed concerns that the petitioner's survey does not accurately reflect the correct property boundaries. Ms. Barton also indicated tree cutting has occurred on some of the lands in question, including apple, wild cherry and maple trees. She asked that the survey discrepancies be resolved before the project proceeds. She submitted written correspondence expressing the same (See Exhibit "C").
- Written correspondence was received from Attorney Kevin Bublitz (See Exhibit "C"), who represents the Estate of Gerald C. Barton ("Estate"). The correspondence was addressed to the subject property owner and raises concerns about property lines and vegetation removal.
- Laurie Longtine, a resident on Oak Knoll Drive (WAKT1368.996), read from a letter and expressed numerous concerns and expressed that she felt that the process had failed them. Ms. Longtine indicated that she does not oppose the idea of development but objects to many issues. She stated that drainage issues for the area have increased since the driving range was installed, whereas she and others were told that the driving range and its related stormwater plans would improve neighborhood conditions. Ms. Longtine stated that this has not

occurred, nor has the developer followed through with contacting a specific property owner (James and Laura Schroeder) who currently experiences significant drainage issues. Ms. Longtine also expressed concerns about the potential for increased runoff from the proposed installation of the emergency access road from Oak Knoll Road.

- Shaun Mularkey, the Town of Waukesha Planner, spoke and indicated that he felt that the Town has followed all correct processes in reviewing this development. He explained that the Town also held a very lengthy public hearing on this matter. Mr. Mularkey stated that the Town felt, at the very least, the improvements will not increase the drainage problems, but rather will likely correct many of the issues nearby residents are experiencing.
- Peter Urlacher, an abutting resident to southeast (WAKT1368.976), expressed concerns that this development will increase the amount of standing water he experiences on his property. He is concerned about high groundwater and noted the wetlands in the area. He also expressed that there may be more wetland than what was located. He also expressed that the INRA will be important for wildlife in the area after a [proposed] four-lane bypass is constructed.
- Ron Agen, an abutting resident to the southeast (WAKT1368.991, WAKT1368.990), stated the subject property is filled with drain tile, which has not been taken into consideration. He also stated a concern about high ground water and noted that his property contains clay soils and he believed the subject property did as well. He raised concerns that all the additional runoff will adversely affect the septic systems. He also described that all owners along Oak Knoll Dr. had signed a petition against access to that road. He stated that developers on the Town Board have imbalanced views and he was glad to hear that the project would be a gated community with large lots. Ron and Ginger Agen also submitted written correspondence (see Exhibit "C") expressing concerns about tree cutting, wild life decrease and well and septic impacts.
- Dyann Harp submitted written correspondence in opposition of the change (attached as Exhibit "C")

**STAFF ANALYSIS:**

The 52-acre subject property is located immediately south of The Legend at Merrill Hills country club (formerly Merrill Hills Country Club) and contains a 12-acre driving range; the range/practice areas are proposed to remain. The remainder of the property is undeveloped. An approximately 8-acre wooded Isolated Natural Resource Area (INRA), which is proposed to remain, is located in the southeast part of the property. There are areas of isolated wetlands, both within and to the southeast of the INRA.

There are single-family subdivisions to the east and west of the property. Single-family residences also abut the south lot line along S.T.H. "59." While the property has frontage along S.T.H. "59," direct access to the property from the highway is restricted per WisDOT and is prohibitive because of wetlands near the highway. The surrounding lands to the east, south and west are planned in the Low-Density Residential category, with areas of INRA to the east and Recreational to the north. The Town's Land Use Plan designates the subject property in the Low-Density Residential category.

The petitioner is proposing to amend the designation of approximately 33 acres of land from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit). The petitioner has provided a concept plan as part of the plan amendment request that depicts a 32-unit single-family condominium development. An existing parcel and home located on Oak Knoll Drive to the east has been acquired by the developer and that parcel would accommodate a secondary emergency access to the development. The development would be a gated community that is associated with the adjacent Country Club. All roads within the development will be private roads, with a golf cart path connecting the neighborhood to the existing clubhouse. Access to the proposed development would be via Merrihill Parkway and Sun Valley Trail which currently serve the Merry Hill neighborhood to the west. Sun Valley Trail is platted to the west property line and currently ends in a cul de sac. There was significant public opposition to a second access to the property from Oak Knoll Drive to the east. The Town ultimately conditionally agreed to the above mentioned second emergency access from Oak Knoll Drive.

The property is subject to Town zoning and the Town conditionally approved a Conditional Use for a Residential Planned Unit Development on December 14, 2017. The approval is subject to numerous conditions, including a requirement that the subject County Land Use Plan amendment be approved. The conditional approval would permit a maximum of 33 total units with a minimum condominium lot size of 20,000 sq. ft. If this plan amendment is approved, a Condominium Plat will be prepared. Stormwater management and private septic plans must be reviewed and approved prior to approval of a Site Plan or condominium plat. All building pads are proposed to be located outside of the INRA. While some lot lines encroach into the INRA, those areas are proposed to be placed in a conservation easement to protect them from development.

Residents of the surrounding subdivisions have raised concerns regarding adverse drainage and stormwater management. Land Resources Division staff has confirmed that there are a number of difficult existing drainage patterns surrounding the subject lands. Land Resources Staff has explained that the project engineer has prepared a preliminary stormwater plan that considers and addresses these off-site issues. The preliminary stormwater management plan shows that multiple infiltration basins will be utilized to capture stormwater generated on-site. In addition, natural drainage patterns will be re-routed in some instances to divert water to infiltration areas. Land Resources has given approval to the preliminary stormwater management plan for the proposed development. If successfully implemented, the drainage pattern for the area will likely be improved and areas of the site that previously generated significant runoff will be treated on site.

The development will be served by private septic systems and private wells. Due to soil limitations, many of the septic systems will be mound systems. In addition, a number of septic systems would be located within designated easements on commonly held open space. There are seven (7) condominiums that would be served by septic systems located within the fringe areas of the INRA. Environmental Health staff confirmed that topography and soils are such that serving these seven units with on-site systems is likely not practicable. In order to limit the proposed disturbance within the INRA, the petitioner is proposing to utilize a type of septic system that reduces the area of a standard mound system by [up to] 40%. Access, installation and maintenance of the septic systems is proposed to disturb less than 10% of the existing INRA, which is within the limitations set forth by the County Development Plan. No wells are proposed within the INRA.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved, subject to the following conditions:**

1. The property shall be developed as a Planned Unit Development in substantial conformance with the Concept Plan dated February 14, 2018 and attached as Exhibit "A".
2. The Isolated Natural Resource Area shall be protected in substantial conformance with the Septic Plan South Plan Sheet S1.2 dated February 23, 2018 and attached as Exhibit "B".

The amendment will allow residential densities on the subject property that are consistent with the surrounding pattern of development. The affiliated concept plan will bring a different form of housing option to this part of the Town by making a single-family condominium form of ownership available. The housing element of the County Development Plan calls for a broad range of housing types to be provided within the County. It is expected that the single-family condominium concept will be attractive to "empty nesters" and senior buyers, a growing demographic both locally and nationally. The proposed request complies with the objectives and standards of the Comprehensive Development Plan for Waukesha County. Specifically, the preliminary approved Stormwater Management Plan proposes to incorporate facilities that will reduce and re-direct runoff to help address existing drainage issues in the surrounding neighborhoods. The proposed disturbance to the INRA is limited and is in line with the recommendations of the Comprehensive Development Plan. The remainder of the INRA and all wetland areas are proposed to be placed in commonly owned outlots, which helps to further protect these environmentally sensitive areas from future development. The concept plan being considered would bring forward a fairly small residential community that would include substantial open space and preserved woodlands, thus benefitting the environment and the surrounding community.

Respectfully submitted,

*Rebekah Leto*

Rebekah Leto  
Senior Land Use Specialist

Reviewed and approved by

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Exhibit "A" Concept Site Plan  
Exhibit "B", INRA Septic Plan South  
Exhibits "C", Written Public Comments  
Map

# SITE PLAN

## The Legend at Merrill Hills

Waukesha, WI



12260 W. North Avenue, Brookfield, WI 53005  
P (262) 790-1400 F (262) 790-1401  
jrodolico@trioeng.com

| SITE DATA                                 |                                        | DEVELOPMENT SUMMARY                |                                        |
|-------------------------------------------|----------------------------------------|------------------------------------|----------------------------------------|
| - Gross Acreage =                         | 33 LOTS<br>52.42 acres                 | - Proposed Zoning: R-1 (PUD)       | Town of Waukesha                       |
| - Less Driving Range =                    | -12.13 acres                           | - 32 - NEW single family units     | 41 - Existing single family residences |
| - Gross Development Area =                | 40.29 acres                            | - Private, wooded units throughout | - 52 units > 20,000 s.f.               |
| - Add Newmar Parcel =                     | +2.00 acres                            | - 11 units > 28,000 s.f.           | 7 units > 30,000 s.f.                  |
| - PUD Area =                              | 42.29 acres                            | - 5 units > 43,000 s.f.            | - Gated Private Roads                  |
| - Less 80% of Wetlands =                  | -1.41 acres                            | - In 30' Wide Common Area          | - Private Path to clubhouse            |
| - Total Residential Area =                | 40.88 acres                            | - Unit Characteristics:            | - Unit Area: 20,000 s.f. (minimum)     |
| - Common Open Space = 40% (17.12 ac)      | (Areas 1 - 7, excluding Driving Range) | - Ave Unit Size: 28,827 s.f.       | - Average Unit Width = 110' min.       |
| - Net Density =                           | 53,962 s.f./lot > 41,000 s.f./lot      | - Plots: Unit - Single Family Lot  | - Building Setbacks:                   |
| - Total Road Length =                     | 3,600 l.f. (109 l.f./lot)              | - Front = 35' (50' to CL)          | - Side = 15' Rear = 25'                |
| - PUD Allowable Density (30% open space): | 1,780,732 s.f./41,000 s.f. = 43 units  |                                    |                                        |

Prepared For:  
The Legend at Merrill Hills LLC  
1325 E. Bristolcone Drive  
Harland, WI 53029

RECEIVED

FEB 15 2018

DEPT. OF PARKS & LAND USE



**COVENANTS AND RESTRICTIONS FOR THE PRIVATE SEPTIC SYSTEM**  
**PASSAGE AREA IN THE LEGEND AT MERRILL HILLS**

1. Lots/Areas 1, 2, 4, 5, 9, 10, & 20 - 31 in the Site's Final development have been selected to show their individual septic systems to be installed privately by owners in the common open areas of the development.

2. These septic areas are indicated and located on the Construction Plan and the location of the septic areas is noted by 1'-2 1/2" solid lines on a 1" = 100' scale from the centerline of the road. See final plan.

3. All activities for the septic systems, maintenance, repair and if necessary, reconstruction shall be carried out within the limits of the septic passage area.

4. All the lots in the septic passage area shall be installed with a septic system as shown on this site plan. Any other lots proposed the final design and location for the septic system shall be installed on the lot and/or within the septic passage area. The permit for such installation, design and repair shall be obtained from the Waukesha County Agency. All work shall be done in accordance with the applicable codes and regulations.

5. Prior to any construction, the septic system shall be installed with the final design of the septic system to be installed within the septic passage area.

6. The lot owner shall be solely responsible to repair, replace and maintain all portions of the septic system passed within such septic passage area. The lot owner shall be solely responsible for the proper grading and maintenance of private or septic systems within the septic passage area and shall be responsible for maintaining the septic system's functionality and/or any related septic passage area.

7. All activities for the septic system, maintenance, repair and if necessary, reconstruction shall be carried out within the limits of the septic passage area.

8. The lot owner shall be solely responsible to repair, replace and maintain all portions of the septic system passed within such septic passage area and shall be solely responsible for the proper grading and maintenance of private or septic systems within the septic passage area.

9. All the lots in the septic passage area shall be installed with a septic system as shown on this site plan. Any other lots proposed the final design and location for the septic system shall be installed on the lot and/or within the septic passage area. The permit for such installation, design and repair shall be obtained from the Waukesha County Agency. All work shall be done in accordance with the applicable codes and regulations.

10. Prior to any construction, the septic system shall be installed with the final design of the septic system to be installed within the septic passage area.

11. The lot owner shall be solely responsible to repair, replace and maintain all portions of the septic system passed within such septic passage area. The lot owner shall be solely responsible for the proper grading and maintenance of private or septic systems within the septic passage area.

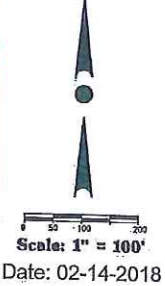
12. All the lots in the septic passage area shall be installed with a septic system as shown on this site plan. Any other lots proposed the final design and location for the septic system shall be installed on the lot and/or within the septic passage area. The permit for such installation, design and repair shall be obtained from the Waukesha County Agency. All work shall be done in accordance with the applicable codes and regulations.

13. Prior to any construction, the septic system shall be installed with the final design of the septic system to be installed within the septic passage area.

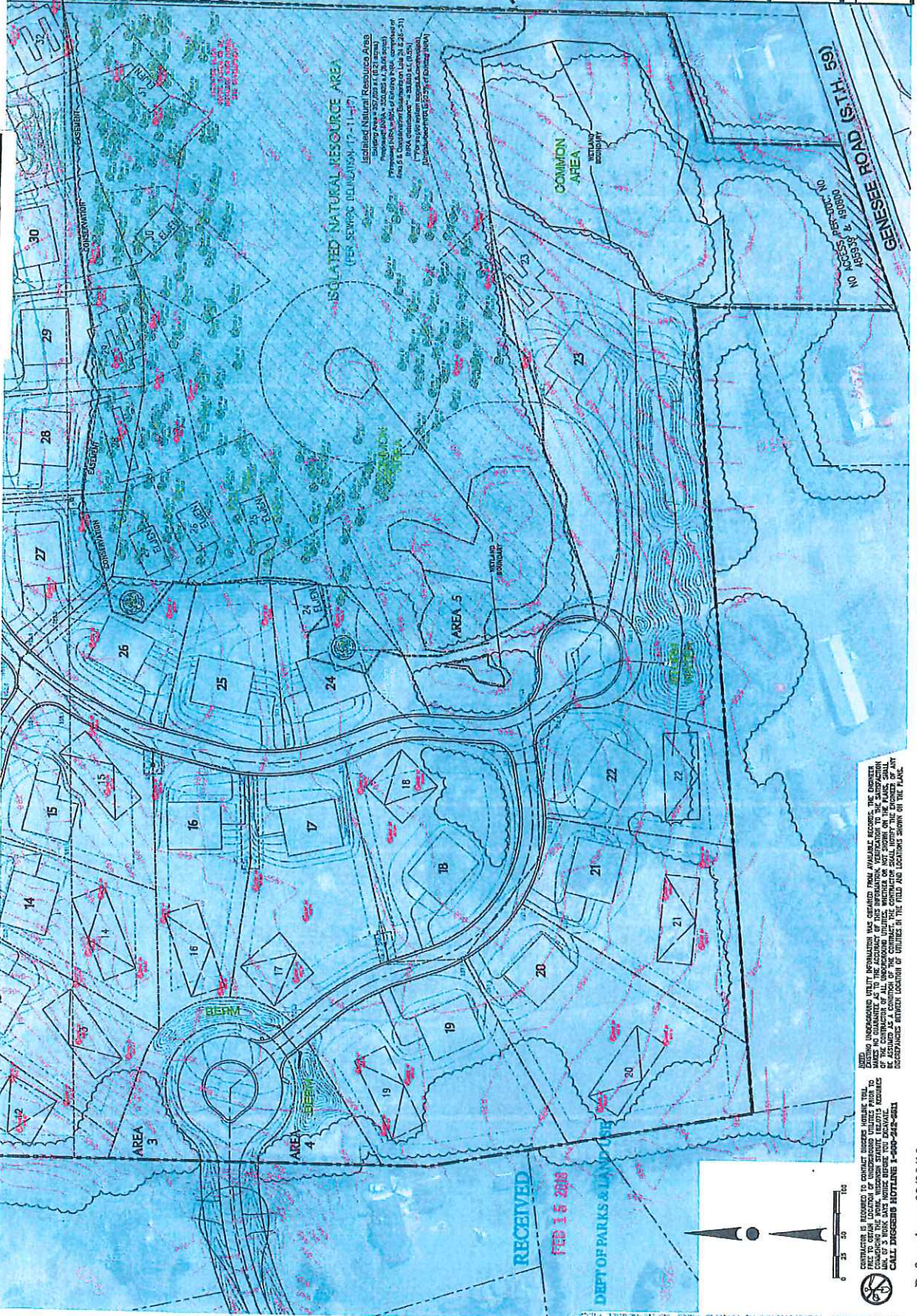
14. The lot owner shall be solely responsible to repair, replace and maintain all portions of the septic system passed within such septic passage area. The lot owner shall be solely responsible for the proper grading and maintenance of private or septic systems within the septic passage area.

15. All the lots in the septic passage area shall be installed with a septic system as shown on this site plan. Any other lots proposed the final design and location for the septic system shall be installed on the lot and/or within the septic passage area. The permit for such installation, design and repair shall be obtained from the Waukesha County Agency. All work shall be done in accordance with the applicable codes and regulations.

16. Prior to any construction, the septic system shall be installed with the final design of the septic system to be installed within the septic passage area.



**EXHIBIT "B"**



NOTE: CONTRACTOR IS REQUIRED TO CONSULT RECORDS HOLDING THE TITLE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS. SKILL AND CARE SHALL BE EXERCISED IN THE LOCATION OF UTILITIES IN THE FIELD AND BEGINNING WORK ON THE PLACE.



**PROJECT:**  
**THE LEGEND AT MERRILL HILLS**  
 TOWN OF WAUKESHA, WISCONSIN  
 BY: THE LEGEND AT MERRILL HILLS LLC  
 1325 E. BRISTLECON DRIVE  
 HARTLAND, WI 53020

| REVISION HISTORY | DATE | DESCRIPTION | BY |
|------------------|------|-------------|----|
|                  |      |             |    |
|                  |      |             |    |

**DATE:** FEBRUARY 23, 2018

**JOS NUMBER:** 10624-01

**DESCRIPTION:**  
 SEPTIC PLAN  
 SOUTH

**SHEET**  
**S1.2**

Referred on: 03/08/18

File Number: 172-O-083

Referred to: LU 9

My name is Lori Barton, I am here to represent the Barton family and the Gerald Barton estate regarding this project. **EXHIBIT "C"**

Our father Gerald Barton sold Merrill Hills ~~Golf Course~~ Country Club the land that is being used for this project in 1998.

Recently it has come to our attention that the survey lines for the southern boundaries of this project ~~can~~ appear to contain several errors and do not appear to match the legal description.

The surveyor that we hired found that their survey line ~~is~~ encroaches seven feet into the northern part of the Urlacher property and runs through their backyard shed.

The line that they are using for the eastern edge of our property encroaches into our property and the line they are using for our northern boundary encroaches as much as 44 and a half feet into our property at the western edge.

In addition, they appear to have come some distance into our property removing several trees, including apple and wild cherry

trees without our consent.

We have retained legal counsel in this matter

We believe this matter should be brought to your attention and these issues need to be resolved before they proceed further with this project.

Thank you for your time

RECEIVED  
FEB 22 2016  
DEPT OF PARKS & LAND USE





From: Ginger Agen [mailto:gingeragen@hotmail.com]  
Sent: Monday, February 19, 2018 9:45 AM  
To: Fruth, Jason <JFruth@waukeshacounty.gov>  
Subject: THE LEGEND AT MERRILL HILLS PROJECT

RECEIVED

FEB 19 2018

Dear Mr. Fruth,

DEPT OF PARKS & LAND USE

I am writing in regard about the project the Legend of merrill hills. My husband and I live next to the green space that abuts to our land and woods. For the past three years we have heard the noise of the equipment and the destroying of several hundreds of trees being cut down. We dread as spring comes the noise and destruction of this land Jack Gaudion is destroying. Not only is it affecting the people in the subdivision, Sun Valley Rd., but all the people on Oak Knoll Dr.. This project does not benefit anyone but Jack Gaudion! This is an environmental disaster! We have seen a decrease in our wild life, Deer, birds, turkeys and so forth. This will affect our wells and septic. This project should have never been started!

Thank You,

Ron and Ginger Agen  
S37 W27234 Genesee Rd

S37 W27196 Genessee Rd and corner of Oak knoll Rd. We own both homes



SCHOTT, BUBLITZ  
& ENGEL s. c.  
ATTORNEYS AT LAW

Writer's Direct Line  
(262) 827-8921

RECEIVED

FEB 21 2018

DEPT OF PARKS & LAND USE

February 20, 2018

Mr. Jack Gaudion  
The Legend at Merrill Hills, LLC  
1325 E. Bristlecone Drive  
Hartland, WI 53029

Re: *Survey Issues*

Dear Mr. Gaudion:

We represent the Estate of Gerald C. Barton ("Estate"). The Estate owns the land which adjoins the southern lot line of the property that The Legend at Merrill Hills, LLC is currently developing identified as WAKT1368978003 ("Merrill Property"). The surveyor retained by our client, Jason Mayer of MRM Surveying LLC, has indicated that portions of the southern lot line of the Merrill Property which adjoin the property owned by the Estate are not accurately reflected in the documents prepared by Chaput Land Surveys LLC and Land Tech Surveying LLC.

We request that you refrain from entering the property owned by the Estate and immediately cease removing any vegetation or altering the areas adjoining the property owned by the Estate until the lot lines are properly established.

We propose that Mr. Mayer meet with a representative of your survey company to review the relevant documentation and discuss the proper location of the lot lines.

Please contact our office to confirm if this proposed meeting will be acceptable. If agreeable to this meeting, please provide contact information for your survey company.

Thank you for your anticipated cooperation. Please contact our office with any questions or comments you may have with regard to this matter.

Very truly yours,

SCHOTT, BUBLITZ & ENGEL s.c.

  
Kevin L. Bublitz

640 W. Moreland Blvd., Waukesha, WI 53188  
P: 262.827.1700 F: 262.827.1701  
www.sbe-law.com

From: Dyann Harp [mailto:sweet2299.dh@gmail.com]

Sent: Monday, February 19, 2018 11:19 AM

To: Fruth, Jason <JFruth@waukeshacounty.gov>

Subject: Public Hearing February 22, 2018

Please review our letter, and I will thank you in advance for taking the time to do so. Would you also share with

Richard Morris, Chairman  
James Siepman, Vice-Chairman  
William Mitchell, Secretary  
William Maslowski  
Robert Peregrine

Robert Hamilton0Alternate  
Bonnie Morris- Alternate

RECEIVED

FEB 19 2018

DEPT OF PARKS & LAND USE

thank you again and please find our letter attached, We are against the County's Land Use Plan being amended to change from Recreational we strongly believe that it should remain as it is!

RECEIVED  
2/19/2018  
DEPT OF  
PARKS & LAND  
USE

February 19, 2018

To the Waukesha County Park and Planning Commission Members:

The planned Condo Development at the Legends of Merrill Hills and the process that has been taken to approve this development has been difficult at best to understand and follow. It seems to most of the adjacent property owners, otherwise known as neighbors have come to the conclusion that this was a "done deal" from the start as far as the Board of the Town of Waukesha was concerned. Our concerns have been dismissed and many of us have been treated rudely by Town members and by Town of Waukesha staff. The town has told us items and concerns "that's not our jurisdiction, and that's the county's and then no attempt was made to include the county, and that the P & P board may be our last and only resort to have our collective concerns addressed.

There are many concerns, but one now is the isolated natural area (INA) in the SE portion of the property and the fact that wells of some of the proposed homes are incurring on those INAs( any incursion is too much) and these is an environmental corridor that connects Pebble Creek wetland to the open areas west of here-across the back half of Laurie's Longtine's property, across the middle of Rausch's property and onto the proposed condominium development property. Environmental corridors are green spaces that wildlife and birds use to travel from on "safe" place to another. In an increasingly developed world, such safe spaces and the environmental corridors that connect them are increasingly fragmented if not disappearing altogether. Placing 32 homes, driveways, golf cart paths and interior roads with traffic into the middle of the space will do nothing to help or maintain the flow of wildlife and birds through the corridor. In short there will be the demise and loss of wildlife, displaced from a vital natural area that Waukesha County and the Town of Waukesha should be protecting not allowing it to be destroyed forever.

Our question is, have the proper authorities from the DNR been consulted in regards to the harm this development will have on this INA? Is it acceptable at all to have any wells or septic placed in these areas? What will happen to the wildlife that exists in this area, will this harm fragile species, we are interested to see what studies have been done and what the appropriate persons and departments expert opinions are in regards to these concerns?

Thank you so much for your time and attention to these important matters. The decisions made by this board will affect generations to come and once the land is disturbed and destroyed it can never be gotten back.

Dyann Harp

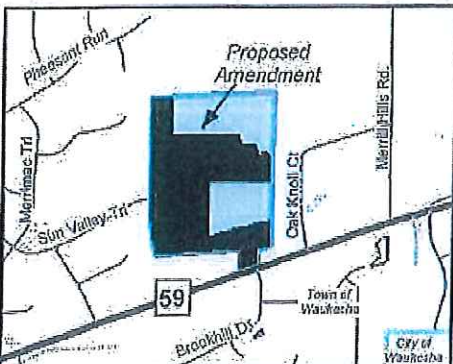
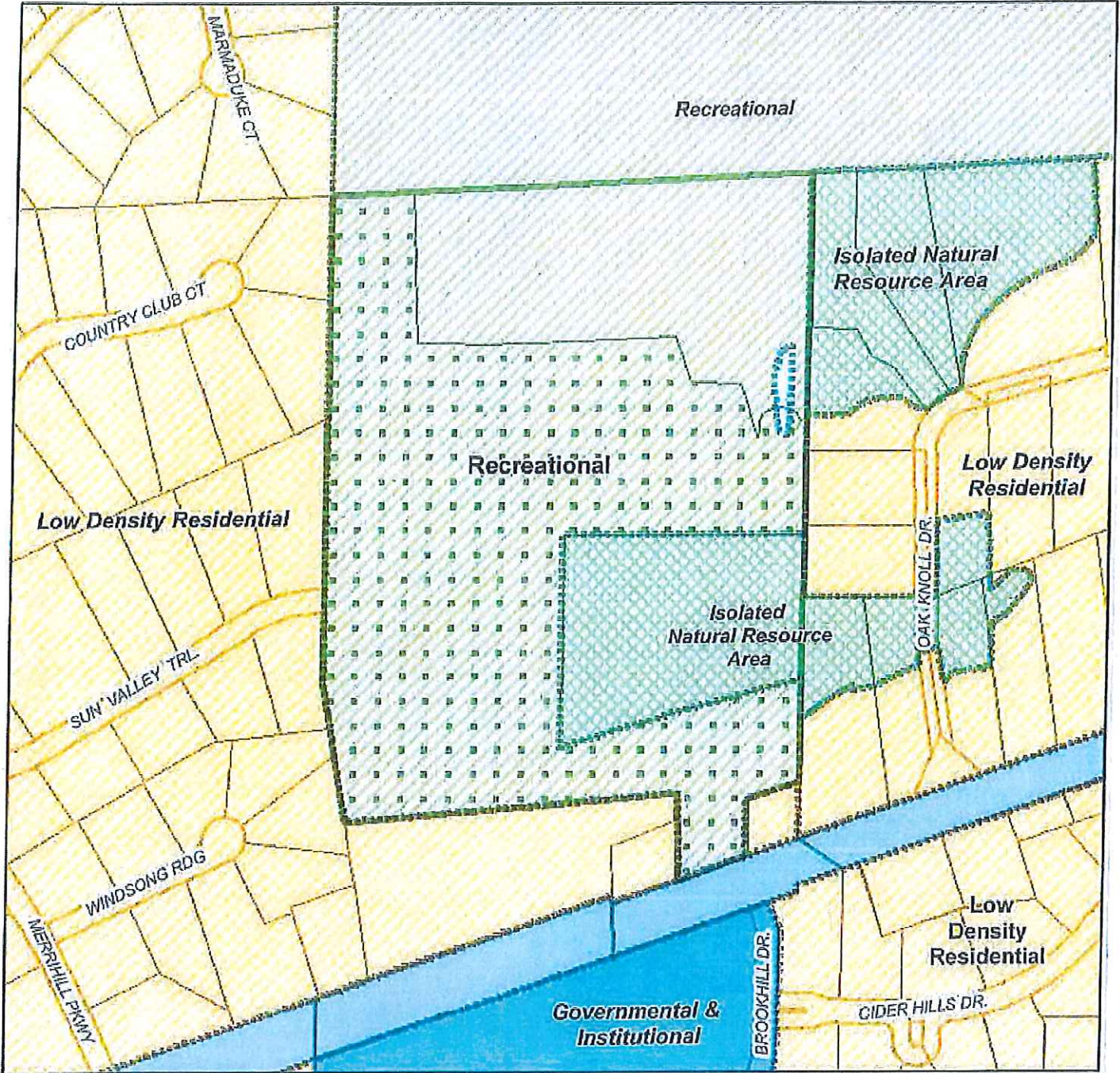
David Bertsch

S37W27625 Sun Valley Trl

Waukesha WI 53189

# DEVELOPMENT PLAN AMENDMENT

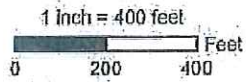
PART OF THE SE 1/4 OF SECTION 18  
TOWN OF WAUKESHA



COUNTY DEVELOPMENT PLAN AMENDMENT  
FROM RECREATIONAL TO LOW DENSITY RESIDENTIAL



PETITIONER.....THE LEGEND AT MERRILL HILLS LLC (3A)  
 DATE OF PLAN COMM. CONSIDERATION.....03/01/18  
 AREA OF CHANGE.....32.8 ACRES  
 TAX KEY NUMBER.....WAKT 1368.978.003



Prepared by the Waukesha County Department of Parks and Land Use

1 YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
2 PLAN FOR WAUKESHA COUNTY (3B – TOWN OF WAUKESHA BOARD,  
3 SECTION 7, T6N, R19E, TOWN OF WAUKESHA)  
4  
5

6 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
7 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
8

9 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual  
10 update and amendment procedures; and  
11

12 WHEREAS, on February 22, 2018, the Waukesha County Park and Planning Commission held a  
13 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
14 Plan for Waukesha County; and  
15

16 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 1,  
17 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
18 change to the Comprehensive Development Plan for Waukesha County; and  
19

20 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
21 County Park and Planning Commission on March 1, 2018, and a recommendation was reported  
22 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
23 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that the following amendment is hereby **denied** for the Year 2035 Comprehensive Development  
27 Plan for Waukesha County.  
28

29 3. In the Town of Waukesha, the following requests are being made:  
30

- 31 B. *The Town of Waukesha Board*, W250 S3567 Center Road, Waukesha, WI  
32 53189, requests properties located in part of the SE ¼ of Section 7, T6N, R19E,  
33 Town of Waukesha (Tax Key No.’s WAKT 1324.990, WAKT 1324.990.002 and  
34 WAKT 1324.990.003), be amended from the Low Density Residential category  
35 (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Commercial and  
36 Office Park category, to expand the planned commercial area in the vicinity of  
37 Green Lane.  
38

39 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
40 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
41

42 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
43 this Ordinance with the Town Clerk of Waukesha.

**COMMISSION ACTION**

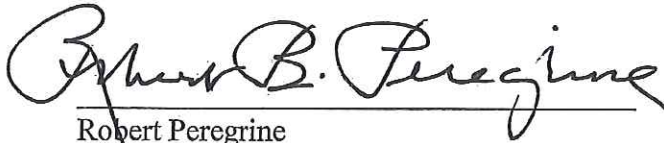
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3B – Town of Waukesha Board, Section 7, T6N, R19E, Town of Waukesha) hereby recommends **denial**.

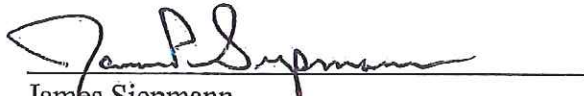
**PARK AND PLANNING COMMISSION**

**March 1, 2018**

  
Richard Morris, Chairperson

  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2018 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(3B – TOWN OF WAUKESHA BOARD)**  
**TOWN OF WAUKESHA**

**DATE:** March 1, 2018

**PUBLIC HEARING DATE:**  
Thursday, February 22, 2018, 1:00 p.m.

**REQUEST:**  
3 (B) Year 2018 amendment to the Comprehensive Development Plan.

*The Town of Waukesha Board*, W250 S3567 Center Road, Waukesha, WI 53189, requests properties located in part of the SE ¼ of Section 7, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Commercial and Office Park category, to expand the planned commercial area in the vicinity of Green Lane.

The three subject parcels shall be referenced in the following manner in this report:

West parcel: WAKT 1324.990  
Middle parcel: WAKT 1324.990.002  
East parcel: WAKT 1324.990.003

**EXISTING LAND USE CATEGORY**

Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit).

**PROPOSED LAND USE CATEGORY**

Commercial and Office Park category.

**PUBLIC REACTION**

The following comments were made in advance of and at the February 22, 2018 public hearing:

- James Kawatski, owner of the middle parcel that is subject to the request (WAKT1324.990001) submitted two letters of opposition (attached as part of Exhibit "A") and also provided verbal testimony in opposition to the proposal. He noted that the three homes on the subject parcels are not near the end of their useful life, feels that the surrounding area is very sensitive and indicated that he notified the Town regarding a contractor's business operating without permits on the parcel immediately to his west (west parcel). He also stated that he feels that the driveway on the west parcel was constructed within the environmental corridor.
- Sam Fuller, owner of a property immediately west of the subject properties spoke in opposition and distributed pictures of conditions on the west parcel and of his parcel (see Exhibit "A"). He stated that the owner of the west parcel is improperly handling pesticides, does not have a proper DATCP compliant facility and is storing salt on the site. He indicated that the west parcel owner is violating residential zoning in every way. He stated that the runoff from the west parcel has contaminated and turned the water green in a pond on his

property. He expressed concern about his pets and kids getting sick because of the polluted water. He stated that many hardwood trees on the west parcel have been cut and that soils have been compacted around others that remain. He also stated that the three-car garage that was recently constructed has not been sided six months after being otherwise completed. He expressed that he wants the illegal business operation on the west parcel shut down.

- Diane Wisnieski, owner of the east parcel that is subject to the request (WAKT1324.990.003) stated that her family built their home on the parcel 25 years ago and operates a small bakery that is accessory to the home that generates very little traffic. She expressed concern that a change in designation to commercial could increase her land value/taxes. She also noted that Green Lane is in very poor condition and felt that the West Bypass roadway changes could also negatively affect her business.
- Shaun Mularkey, Town Planner, noted that a separate rezoning request related to the west parcel was denied and advised that this hearing is for a County plan amendment- not the previously denied rezoning.
- Deanna and Brian Schirmacher (WAKT1324.986) submitted written comments opposing a change in zoning to business for the area siting concerns about increased noise, light and reduced quality of life (See Exhibit "A").
- Robert V. Hartmann (WAKT1324.994.011) submitted written concerns (Exhibit "A") about runoff and damage to his adjacent property. He stated that the new owner of the west parcel indicated that he has a pond on the property. Mr. Hartman's letter states that if that is the case, the pond is new and was built on a conservancy causing excess water flow to neighbors.
- Planning and Zoning Staff inquired as to whether the Town was aware of the allegations of mishandling of pesticides, fertilizers and salt on the west parcel. Mr. Mularkey indicated that the comments heard at the public hearing relative to those matters was new information to County Staff. Mr. Mularkey indicated that he was previously unaware of these issues. Planning and Zoning Staff indicated that they would consult with County Land Resources and Environmental Health Staff regarding the information provided at hearing to determine the appropriate agency to forward the complaints to.

### **TOWN BOARD ACTION**

At their January 11, 2018 meeting, the Town of Waukesha Board approved (by a 3-2 vote) the preparation of an application for a County Land Use plan amendment for the subject properties.

### **STAFF ANALYSIS:**

The Town of Waukesha has requested that the County Plan designation of three parcels located on the north side of Green Lane be amended from the Low Density Residential category to the Commercial and Office Park category. The Town Plan currently designates the parcels in the planned Commercial category. Green Lane is an approximately ½ mile local road with predominantly residential properties fronting both sides of the property as it extends from C.T.H. "TT" to C.T.H. "D". However, there are some commercial uses to the east and north of the subject parcels. The predominant current use of each of the three subject parcels is residential.

During the preparation of the 2009 comprehensive revisions to the County Development Plan, there were several areas within the Town of Waukesha identified where there was conflict between the Town's recommended future land use designation for certain lands as compared to the County Plan

recommendations. Town and County staff met at that time, and there was agreement found on a number of the conflicting areas and other areas where there was simply agreement to disagree. This is one such area where the adopted plans were advanced with differing plan designations.

The three subject parcels each contain a residence and vary in size from approximately 1.5 to 4.3 acres. All three subject properties are assessed as residential property. The Town Zoning Map depicts the east and middle parcel as being zoned B-3 General Business District, while the west parcel is zoned R-1 Residential with a large portion of the property containing EC Environmental Corridor District and portions of the property containing C-1 Conservancy District and HG High Groundwater District designations. The east parcel contains a home that was constructed in the 1990s and the owner of the home runs a small bakery from the home. The only visible indication of the business is a small sign posted on the front of the home and a small parking pad along the driveway. The middle property contains a residential home and outbuilding. The westerly property contains a home, a recently constructed outbuilding east of the home and another smaller outbuilding.

The Town Planner advised that the west parcel also contains a home office for the owner's contracting business and he described that the owner brings a commercial vehicle(s) home to the property. As noted above, several speakers at the public hearing stated that other commercial activities are occurring on the site, as well. The Town has not authorized commercial use of that property. The west parcel owner recently sought rezone and site plan approvals to enable him to operate a contractor's business on the property, but the applications were denied, in part, because of incompleteness of application materials. Google photographs of the property with a date of 2016 show three business vehicles, four trailers/chippers and a snow plow stored on the site. The photo also shows a large gravel driveway and parking area that is surrounding mature oak trees. Speakers at the public hearing indicated that significant tree cutting has occurred and Planning Staff observed many cut oak tree stumps from the road right of way.

The surrounding uses include the following:

North: Commercial storage facility to the north/northeast, wetlands and EC lands to the northwest.

South: Single-family residences to the south side of Green Lane.

East: Contractor's yard immediately east of east parcel, house and church.

West: Single-family residential and environmental corridor and wetlands.

The lands to the north and east are planned (County Plan) Commercial and Office Park, while the lands to the northwest, west and south are planned for residential or natural resource preservation. The majority of the lands along Green Lane are in residential use with a small node of commercial/mixed uses near C.T.H. "TT".

There was discussion at the public hearing of expected roadway modifications to Green Lane as a result of the planned future West Waukesha Bypass project. Public Works Staff has confirmed that Green Lane will not directly connect to the Bypass and that Green Lane will remain a through-street based upon the request of the Town of Waukesha.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **denied**. It has not been demonstrated that the conversion of the subject parcels from single family residential to commercial use can be accommodated in the near future without detriment to the subject properties and the surrounding neighborhood. Two of the three property owners that are affected by the requested amendment oppose the change and have no plans to raze their homes or convert to a predominant business use in the foreseeable future. The third subject property (west parcel) has limited developable area outside of the large area of wetlands and environmental corridor on the site. The area on the west parcel located outside of said resources contains a house and multiple outbuildings, thus limiting expansion potential. The owner of the west parcel appears to potentially be in violation of various Town and State rules relative to unpermitted business activities and natural resource destruction.

While existing violations should not be the basis for a decision regarding this plan amendment request, Staff feels that the subject west parcel may not be appropriate for businesses of a more intensive nature, such as contractor's yards, because of the limited space outside of wetlands and environmental corridor on the site. The unpermitted business activity appears to have already encroached upon natural resources on the property. In the future, it may be appropriate to re-visit the plan designation for this area if it is demonstrated that neighborhood compatibility, road conditions, drainage and other natural resource considerations can be properly planned for and addressed. If an assemblage of parcels is proposed in the future, it may be more appropriate to consider a change in categories at that time, given the mixed uses in the project setting.

Furthermore, Planning and Zoning Staff recommend that the Town re-examine the existing zoning of the middle and east parcels, as the properties may more appropriately be zoned to a residential district until such time as a predominant business use is proposed, analyzed and approved. The County Development Plan recommends that lands be zoned as currently used and recommends against pre-zoning lands. Staff recommends that the Town also investigate the numerous complaints made about the west parcel further. The Department of Agriculture, Trade and Consumer Protection may be able to assist the Town with investigating contamination issues.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning Manager

Attachment: Exhibit "A"  
Map

**EXHIBIT "A"**

RECEIVED

1/26/2018

JAN 29 2018

Waukesha County Park and Planning Commission

DEPT OF PARKS & LAND USE

Item 3-b THE Town of Waukesha Board

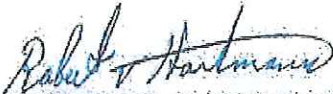
Reference; town Park&Planning Commission &Town Chairman & Army Corp. of Engineers & Dnr

Hearing to Rezone (Tax Key Wakt 1324.990) From R1 &C1 To B3&C1

My property has been in the Hartmann name for 89 years. I have concerns of runoff damage to my adjacent 12.230 acres (tax key Wakt 1324-994-009) If this property is rezoned to B-3 & C-1 (tax key Wakt 1324990)

The other owners of property adjacent to mine (Waukesha storage LLC. and Blackoak Ridge Subdivision) were required to install retention ponds to hold runoff of contaminants and excess water flow. Also my concern is for Chicago & NW. RR.CO. as there is only a 29 inch id culvert to carry the runoff down to pebble creek. This was installed when the railroad was built in the 1800's and not designed to carry the additional runoff as this area was mostly woods and farms at that time.

The new owner of (tax key wakt 1324.990) stated at the town meeting of 1-11-2018 that he had a pond on his property.Now I have walked this property long before there was a home built there,and there was never a pond there. If said pond is there he created a pond on conservancy land causing excess water flow down on his neighbors.

  
ROBERT V. HARTMANN  
S30 W27210 SUNSET DR  
WAUKESHA WI, 53189

JAN 8-2018 29" ID CULVERT ONLY 26' AVAILABLE



JAMES F. KAWATSKI  
529 W 21306 GREEN LANE  
WAUKESHA, WI 53188-5892  
PHONE (262) 544-6458  
TAX KEY: WAKT1324990002

RECEIVED ①

FEB 05 2018

DEPT OF PARKS & LAND USE

JANUARY 31, 2018

WAUKESHA COUNTY DEPARTMENT  
OF PARKS AND LAND USE

TO WHOM IT MAY CONCERN;  
HAVING RESIDED AT THE ABOVE ADDRESS WHICH IS ZONED  
B3 SINCE MARCH 1988, IT HAS BEEN USED AS A  
RESIDENCE NOT A BUSINESS FOR AS LONG AS I HAVE  
OWNED IT.

I AM OPPOSED TO CHANGING THE ZONING TO  
COMMERCIAL ON MY PROPERTY AND THE ALBERT'S  
CONTRACTING L.L.C. PROPERTY (NOW R-1) IMMEDIATELY  
TO MY WEST FOR THESE REASONS AS WELL AS THOSE  
LISTED IN AN ENCLOSED LETTER TO THE TOWN OF  
WAUKESHA:

THE AREA BOUNDED ROUGHLY BY MACARTHUR  
ROAD (NORTH), SUNSET DR. (SOUTH), TOWN OF GENESEE  
(WEST) CITY OF WAUKESHA (EAST) CONTAIN FENS OR  
SPRINGS WHERE THE WATER RUNS OUT OF THE GROUND.  
AT VARIOUS LOCATIONS, IN ADDITION TO A HIGH WATER  
TABLE. THE DITCHING ALONG GREEN LANE IS  
INADEQUATE OR MINIMAL AT BEST.

A COMPREHENSIVE DRAINAGE PLAN SHOULD  
BE ENACTED BEFORE COMMERCIAL DEVELOPMENT TO  
PROTECT THE LOWER LYING PROPERTIES (CHARITANIA  
AND FULLER PROPERTIES) - OVER

WHICH ARE ENVIREMENTALLY FRAGILE  
AND WILL BEAR THE BURDEN OF THE DRAINAGE  
FROM THE PREVIOUSLY NAMED PROPERTIES

OR BETTER YET - WAIT TO DEVELOP  
THIS AREA UNTIL SEWERS ARE AVAILABLE.

I HAVE LIVED IN THIS AREA FOR THE  
MAJORITY OF MY LIFE AND KNOW IT  
FIRST HAND. I AM AVAILABLE FOR  
DISCUSSION OF THIS MATTER

SINCERELY

JAMES P. KAWATSKI

James P. Kawatski



JAMES F. KAWATSKI  
529 W 21326 GREEN LANE  
WAUKESHA, WI 53188-5822  
PHONE (262) 544-6458

TOWN OF WAUKESHA

JANUARY 8, 2018

PLANNING COMMISSION AND  
TOWN BOARD

TO WHOM IT MAY CONCERN;

HAVING RESIDED AT THE PROPERTY IMMEDIATELY EAST OF THE  
MCDONALD'S CONTRACTING LLC, PROPERTY SINCE MARCH OF 1988,  
I WOULD LIKE TO EXPRESS MY OPINION ON THE MATTER.

I AM OPPOSED TO REZONING ANY PART OF IT FROM  
R1 TO B3 OR GRANTING IT CONDITIONAL USE STATUS. FOR  
THESE REASONS, 1.) THE MAJORITY OF THE SURROUNDING  
PROPERTIES LAND USAGE IS RESIDENTIAL.  
2.) IF B3 ZONING IS GRANTED TO THE R1 AREA, WHAT  
SAFEGUARDS ARE IN PLACE TO PREVENT THE OCCUPANT  
FROM FUTURE EXPANSION INTO THE CI AND, OR ENVIRONMENTAL  
CORRIDOR AREAS. 3. THE PRESENT LIMITED LIABILITY  
CORPORATION (OCCUPANT) HAS DEMONSTRATED ITS ABILITY  
TO CIRCUMVENT ZONING RESTRICTIONS, THE ROAD RIGHT  
OF WAY, BUILDING CODES, AND PROPERTY LINES. IF REZONED  
IT WOULD SET A PRECEDENT FOR THE PROPERTIES AT  
S30 W 21548 GREEN LANE AND S20 W 21710 MACARTHUR RD,  
WHERE NONCONFORMING LAND USAGE EXISTS.

RESPECTFULLY

JAMES F. KAWATSKI

James F. Kawatki

RECEIVED

FEB 22 2018

Deanna and Brian Schirmacher  
S29W27267 Green Lane  
Waukesha WI 53188

DEPT OF PARKS & LAND USE

February 22, 2018

Waukesha County Park and Planning Commission  
Waukesha County Administrative Center  
515 W Moreland Boulevard  
Waukesha WI 53188

To Whom It May Concern:

We are writing to the Town of Waukesha Board regarding the request being made to amend the Low Density Residential Category for properties located in part of the SE ¼ of Section 7, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003).

As residents of this community we disagree with any plan to change the zoning for this area. We appreciate living in a quiet suburban setting with wide open spaces for families and children. This is what attracted us to purchase a home in this area. Allowing businesses to start development in this area will reduce quality of life for all of the residential home owners, increase noise, and unnatural light. We are vigorously opposed to this action, which will decrease property value and quality of life in this quiet community of homeowners.

We hope the Board will carefully consider the objections of the tax paying homeowners in this area to any zoning designed to increase business activity in this neighborhood.

Thank you

  
Brian Schirmacher

  
Deanna Schirmacher

RECEIVED

FEB 22 2018

February 22, 2018

DEPT OF PARKS & LAND USE

Dear Members of the Waukesha County Park and Planning Commission:

We do not support allowing Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003 to be rezoned from the Low Density Residential category to the Commercial and Office Park category. Just as we did not support rezoning (WAKT 1324.990) from R-1 & C-1 to B-3 & C-1 when it was brought before the Town of Waukesha Plan Commission and the Waukesha Town Board on January 11, 2018 and was not approved by either group.

There are currently 14 residential homes on Green Lane and just one property with a business only and this is new information to me, as a longtime property owner on Green Lane, that there are plans to have a commercial area on Green Lane. My property in this neighborhood is my home and has been since 1991 and before that owned by my father when he built it in the 70's and the land by my grandparents before that as they owned the farm land that the majority of these homes on Green Lane are now built.

The homeowner of the property (WAKT 1324.990) has already cut down and removed at least 100 trees, striped the top soil, created berms and put in a gravel circular driveway near the area that is zoned part of the conservancy district. He is parking on average two business vehicles (which are not DOT inspected due to weight class and could potentially be leaking oil onto the conservancy property) and three trailers on this circular driveway and has employees parking their vehicles in this area, as well. We can see he has constructed at least three temporary out buildings - one of which has had rock salt stored in it (which can be washing onto the conservancy property). He is already illegally operating at least a portion of his business on his residential property. If this property is to change - what more would he want to build and how much more equipment would he be storing on the property. I own a business of a similar nature and lease a building and property in a business district where it belongs because it is a 24/7 operation. My residence is where I come to relax, spend time with my wife and kids and escape my work - I don't want to see and hear the activity of the business at all hours across from my home, which is my sanctuary.

The homeowner of the property (WAKT 1324.990.002) to my knowledge is not operating a business nor desires to operate one so it is not necessary to be rezoned Commercial.



The homeowners of the property (WAKT 1324.990.002) are already operating a bakery / cake shop out of their home which includes a sign on their home advertising this business, to our knowledge they are operating this business legally and at this time it is very low impact on our residential area and there is no need to rezone their property to Commercial either.

Green Lane is a fairly narrow and curvy road, heavily traveled by commuters each day as they use it as a shortcut to avoid the light at Merrill Hills Road and Sunset Drive. There has been a semi parked on the road / blocking the

road on a regular basis at one of these properties on Green Lane to deliver products and which creates very dangerous driving conditions. There is not room to have delivery trucks / semis turn around and drop off products and supplies at these properties, as necessary, per the posted signs that no through trucks over 3 tons.

The rezoning of these properties brings the potential for someone in the future to come in and tear down these homes and put up businesses only which will bring down our property value and make our residential property in this current residential area hard to sell across from a growing business district. We would like you to keep these properties zoned residential so we can keep our home and other properties along this street in our family for years to come.

Sincerely,

 & 

Robert A. & Charlotte Hartmann  
S30 W27431 Green Lane  
Waukesha, WI 53188

RECEIVED

FEB 22 2018

DEPT OF PARKS & LAND USE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Waukesha County Park and Planning Commission at 1:00 p.m., on Thursday, February 22, 2018, in Room AC 255/259, of the Waukesha County Administration Center, 515 W. Moreland Boulevard\*, Waukesha, WI, 53188, to consider amendments to the Comprehensive Development Plan for Waukesha County adopted by the Waukesha County Board of Supervisors, on February 24, 2009. The areas of amendment include the following specific sites and/or plan requests:

1. In the Town of Delafield, the following request is being made:

A. *Randy Kohn, representing the Church of the Resurrection*, W287 N3700 North Shore Drive, Pewaukee, WI 53072-3136, requests a portion of the property located in part of the NW ¼ of Section 12, T7N, R18E, Town of Delafield (Tax Key No. DELT 0766.034), be amended from the Governmental and Institutional category to the Suburban 1 Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow the church to divide off and sell a 1.5 acre parcel on the northern portion of the property for future residential use.

2. In the Town of Merton, the following requests are being made:

A. *Thomas and Patricia Downing*, W293 N7882 Camp Whitcomb Road, Hartland, WI 53029, request a portion of the property located in part of the W ½ and the NE ¼ of Section 14, T8N, R18E, Town of Merton (Tax Key No. MRTT 0341.977), be amended from the Primary Environmental Corridor category to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit), to allow for a second residence on the property as part of a Planned Unit Development.

B. *The Waukesha County Park and Planning Commission*, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by the Richard H. Simmons Revocable Living Trust Dated 12/23/14, W335 N8435 Stone Bank Road, Oconomowoc, WI 53066-9719, located in part of the NW ¼ of Section 7, T8N, R18E, Town of Merton (Tax Key No. MRTT 0314.998), be amended from the Rural Density and Other Agricultural Land and Isolated Natural Resource Area categories to the Farmland Preservation category (35 acres of area per dwelling unit or greater), with the Isolated Natural Resource Area to be placed in the Environmental Corridor Overlay category.

3. In the Town of Waukesha, the following requests are being made:

A. *Jack Gaudion, representing The Legend at Merrill Hills, LLC*, 1325 E. Bristlecone Drive, Hartland, WI 53029, requests property located in part of the SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No. 1368.978.003), be amended from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to accommodate a Planned Unit Development containing 33 single-family homes within a gated golf course community.

B. *The Town of Waukesha Board*, W250 S3567 Center Road, Waukesha, WI 53189, requests properties located in part of the SE ¼ of Section 7, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per

NOTICE OF PUBLIC HEARING

Page 2

dwelling unit) to the Commercial and Office Park category, to expand the planned commercial area in the vicinity of Green Lane.

- C. *Rolling Meadows Townhomes, LLC, c/o John Marek*, P.O. Box 270463, Milwaukee, WI 53227, requests properties owned by the School District of Waukesha, located in part of the SE ¼ of Section 27, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1404.996 and WAKT 1429.999), be amended from the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a 40-unit townhome Planned Unit Development.
4. *The Waukesha County Park and Planning Commission*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment to the Waukesha County Park and Open Space Plan, which is Appendix A of the Comprehensive Development Plan for Waukesha County. The proposed updated Park and Open Space Plan, associated maps, and a summary of the proposed amendments can be viewed online at <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>.

Following the Public Hearing, the staff will evaluate public input and prepare a formal recommendation for the above-cited issues to be presented to the Waukesha County Park and Planning Commission, Waukesha County Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors for final consideration.

Plan amendment request files are available for viewing and copying in the offices of the Waukesha County Planning and Zoning Division located in Room AC 230 of the Waukesha County Administration Center located at 515 W. Moreland Blvd., Waukesha, WI 53188.

For more detailed information on the above requests, please contact Jason Fruth at (262) 548-7790.

For information regarding the Park and Open Space update Item No. 4, please contact Jason Wilke at 262-548-7806.

All interested parties will be heard.

A quorum of the Waukesha County Board or its Committees may be present.

**\*Please note: Due to controlled access screening, you must enter the building via the main entrance of the Courthouse, located at 515 W. Moreland Blvd.**

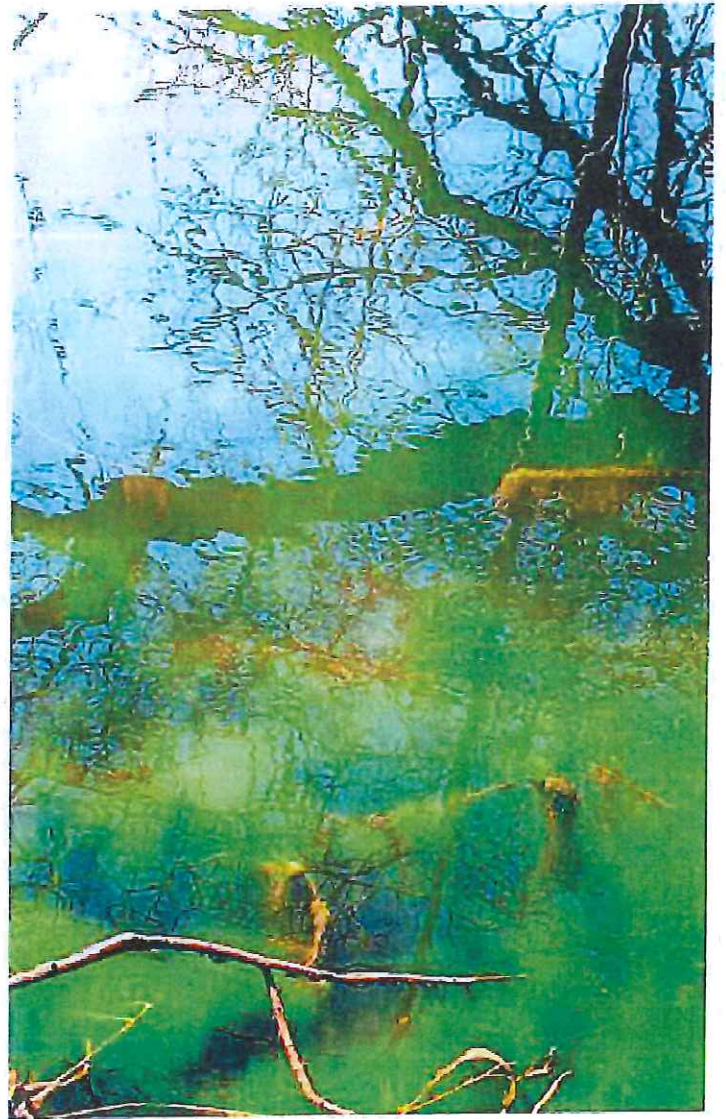
WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director  
515 W. Moreland Blvd., Room AC 260  
Waukesha, WI 53188

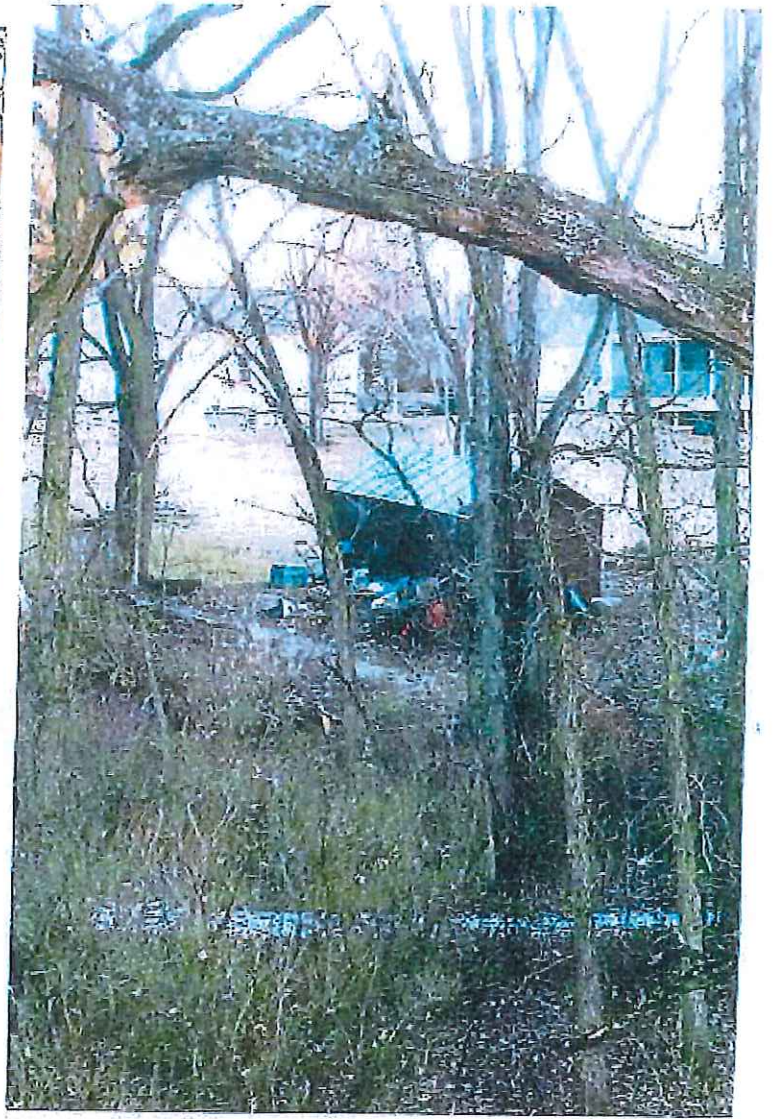
Legal Notice to be published in the  
Waukesha Freeman on  
Tuesday, January 23, 2018



Green Lane  
Photo's submitted  
By Sam  
Fuller



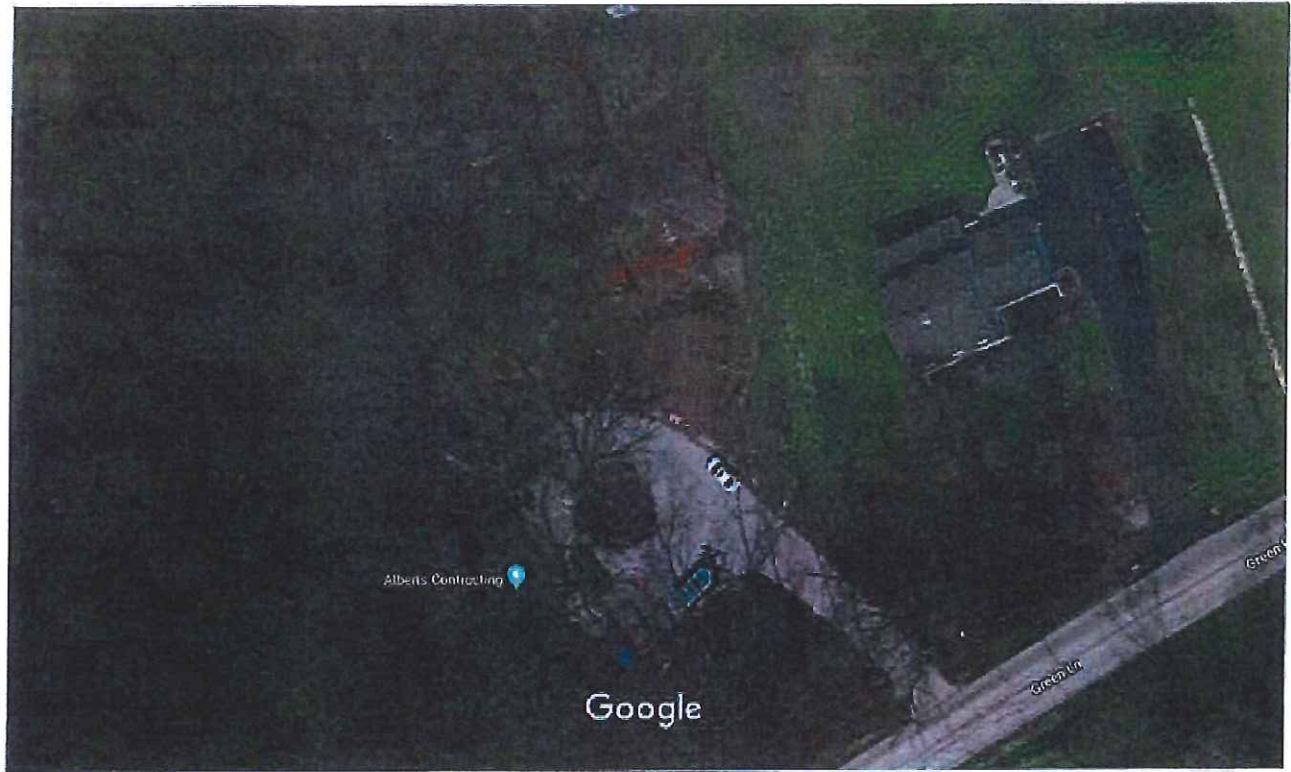








Google Maps



Imagery ©2018 U.S. Geological Survey, Map data ©2018 Google 20 ft

Google Maps

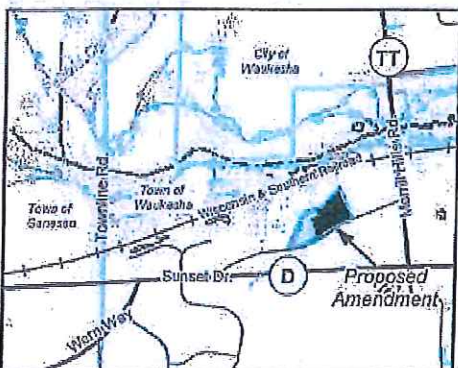
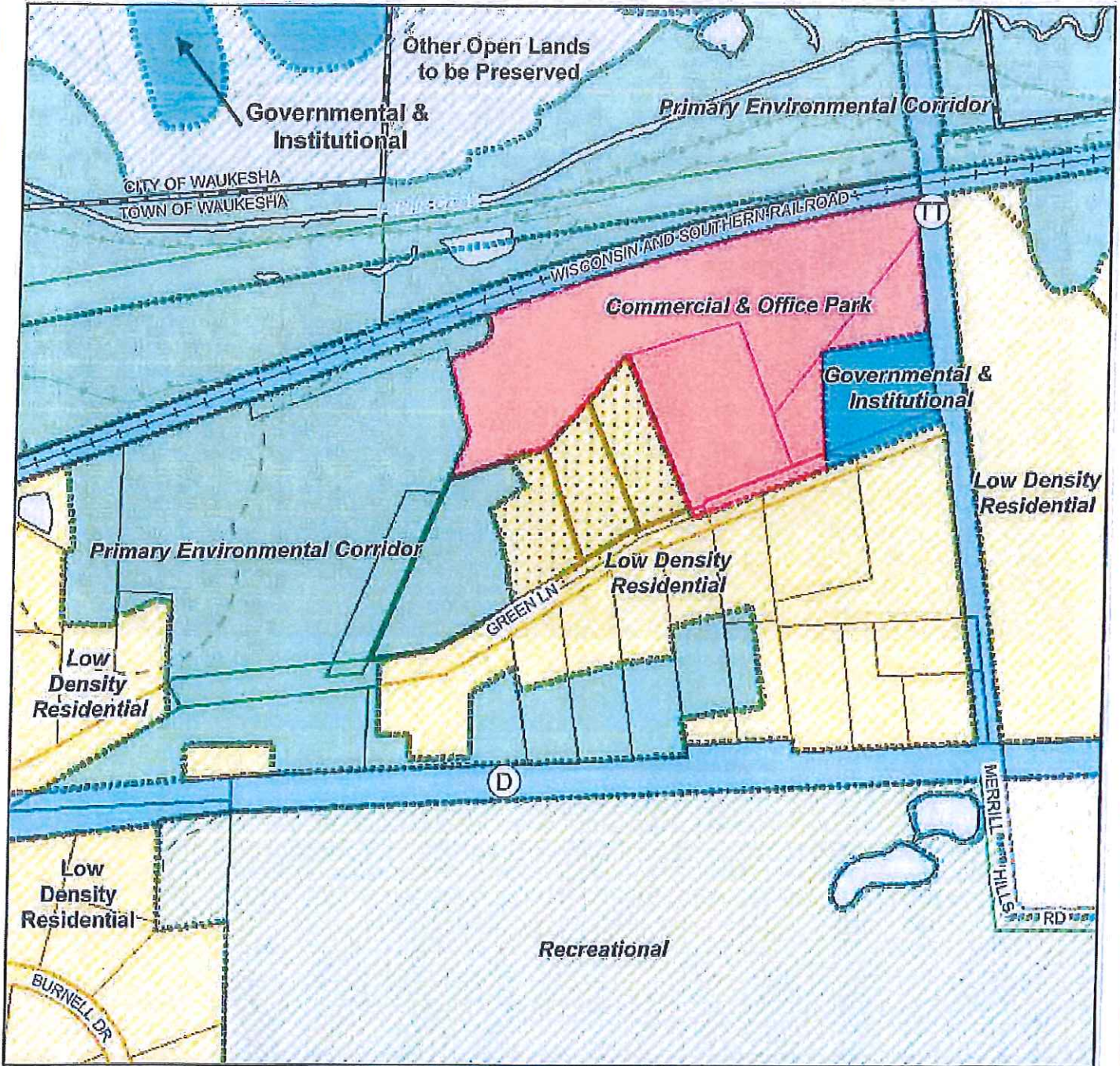


Imagery ©2018 DigitalGlobe, U.S. Geological Survey, Map data ©2018 Google 50 ft



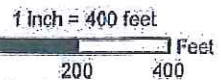
# DEVELOPMENT PLAN AMENDMENT

PART OF THE SE 1/4 OF SECTION 7  
TOWN OF WAUKESHA



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL AND OFFICE PARK

PETITIONER.....TOWN OF WAUKESHA (8B)  
 DATE OF PLAN COMM. CONSIDERATION.....03/01/18  
 AREA OF CHANGE.....4.2 ACRES  
 TAX KEY NUMBERS.....WAKT 1324.990, 1324.990.002, & 1324.990.003



Prepared by the Waukesha County Department of Parks and Land Use

1 YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
2 PLAN FOR WAUKESHA COUNTY (4 – WAUKESHA COUNTY PARK AND PLANNING  
3 COMMISSION/PARK AND OPEN SPACE PLAN, WAUKESHA COUNTY)  
4  
5

6 WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
7 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
8

9 WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual  
10 update and amendment procedures; and  
11

12 WHEREAS, on February 22, 2018, the Waukesha County Park and Planning Commission held a  
13 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
14 Plan for Waukesha County; and  
15

16 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 1,  
17 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
18 change to the Comprehensive Development Plan for Waukesha County; and  
19

20 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
21 County Park and Planning Commission on March 1, 2018, and a recommendation was reported  
22 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
23 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that the following amendment is hereby approved to the Year 2035 Comprehensive Development  
27 Plan for Waukesha County.  
28

29 4. *The Waukesha County Park and Planning Commission*, 515 W. Moreland Blvd.,  
30 Waukesha, WI 53188, requests a comprehensive amendment to the Waukesha County Park  
31 and Open Space Plan, which is Appendix A of the Comprehensive Development Plan for  
32 Waukesha County. The proposed updated Park and Open Space Plan, associated maps, and  
33 a summary of the proposed amendments can be viewed online at  
34 <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>.  
35

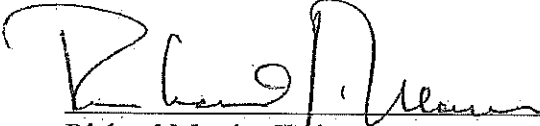
36 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
37 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

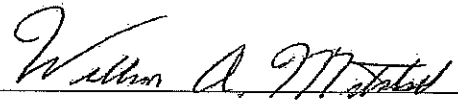
**COMMISSION ACTION**

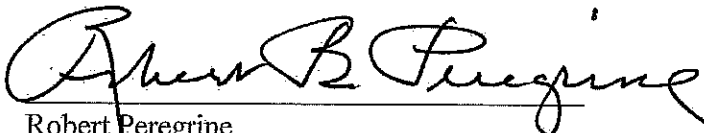
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (4 – Waukesha County Park and Planning Commission/Park and Open Space Plan) hereby recommends approval.


**PARK AND PLANNING COMMISSION**

**March 1, 2018**

  
Richard Morris, Chairperson

  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2018 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(4 – WAUKESHA COUNTY PARK AND PLANNING COMMISSION)**

**DATE:** March 1, 2018

**PUBLIC HEARING DATE:**

Thursday, February 22, 2018, 1:00 p.m.

**REQUEST:**

4. Year 2018 amendment to the Comprehensive Development Plan.

*The Waukesha County Park and Planning Commission, 515 W. Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment to the Waukesha County Park and Open Space Plan, which is Appendix A of the Comprehensive Development Plan for Waukesha County. The proposed updated Park and Open Space Plan, associated maps, and a summary of the proposed amendments can be viewed online at <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>.*

**PUBLIC REACTION**

*Public Information Meeting*

On September 27, 2017, the Waukesha County Department of Parks and Land Use hosted a Public Information Meeting regarding the proposed amendments. Approximately 25 people attended the meeting. There were several map change requests by municipal and non-profit partners that were addressed. Written comments included positive remarks regarding the County's park and open space planning and support for a continued effort to coordinate with partners, linking more trails and open spaces. There was a request to increase the Tarmann land acquisition fund, expand the greenway to include Jericho Creek, participate in watershed protection friendly ordinances and incorporate existing watershed initiatives, and include tributaries upstream of Eagle Spring Lake as proposed acquisition.

Parks staff responded to the above inquiries regarding Jericho Creek and tributaries of Eagle Spring Lake and indicated that a larger, more detailed analysis of future greenway corridors would be forthcoming as part of a subsequent planning effort in the future.

*Public Hearing*

There were no public comments at the public hearing. Commissioner Bonnie Morris notified staff that references to the Town of Summit should read Village of Summit. There were a few comments received in advance of the hearing. The comments included:

- The Ice Age Trail Alliance requested a minor trail correction east of Four Winds Subdivision and north of CTH "K" in the Town of Merton.
- SEWRPC identified an error in the text of the plan regarding the number of SEWRPC natural area sites proposed for protection. The plan should state that all

- natural area sites are recommended to be protected, rather than all but two sites.
- The Village of Wales Clerk notified staff that a property previously identified as Kettle Moraine School District property was recently sold to a private entity.
- Staff proposed revisions to the definition of “Open Space Lands to be Protected by Public Land Use Regulation” to better describe that the intent of this category is for local zoning and land division control ordinances to be relied upon to protect certain isolated resources.

**STAFF ANALYSIS:**

The Waukesha County Park and Open Space Plan has been an element of the Comprehensive Development Plan for Waukesha County since its inception in 1996. The goals of the plan were established from the regional park and open space planning program developed by Southeastern Wisconsin Regional Planning Commission in 1977. The County started planning for priority park and recreation facility sites in 1957. The last comprehensive amendment to the Park and Open Space Plan was in 2009, followed by the adoption of a Bicycle Plan in 2012.

The Plan serves as a guide for the acquisition, preservation, development and management of park, recreation, and open space lands in the County. The Waukesha County Department of Parks and Land Use coordinates with local units of government, non-profit organizations, and the State of Wisconsin to avoid duplication when delivering park and recreation services. The Plan is also designed to meet State planning requirements for outdoor recreation funding programs, thereby affording the County eligibility to apply for, and receive, available State and Federal funds to assist in the acquisition and development of recommended park and open space sites and facilities.

In 2017, the Waukesha County Business Alliance, the Waukesha-Ozaukee-Washington Workforce Development, Inc. and Waukesha County surveyed businesses to gain greater insight into their relocation, expansion and workforce projections and needs. When asked “If you were going to relocate your business, please choose the top three factors that would be most important”, park and recreational opportunities ranked very high. As part of Southeastern Wisconsin Regional Planning Commission’s VISION 2050 long-range land use planning effort, a majority of respondents felt it was very important to provide bicycle facilities to the region and over 90% of residents think it is important to preserve natural and agricultural resources.

In order to ensure that the Park and Open Space Plan remains current and continues to be an effective tool for planning into the future, the Waukesha County Department of Parks and Land Use gathered significant input from the public, local municipalities, DNR, and local non-profit conservation organizations and is, therefore, proposing a comprehensive update to the Plan. The proposed updated Park and Open Space Plan, associated maps, and a summary of the proposed amendments, which include the changes requested as part of the public hearing process, can be viewed online at <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>. The following is a summary of the proposed updates:

- Comprehensive updates to the Park and Open Space Acquisition Plan and the Parks, Greenways, and Trails Map, which include updates to both existing and proposed land ownership designations. These updates were coordinated with Federal, State, local municipalities and nonprofit organizations, lake districts and associations.

- Since the 2009 update, consistent with plan recommendations, proposed acquisitions have been attained at Menomonee Park, Monches Park, Mukwonago Park, Nashotah Park, Ryan Park, and Retzer Nature Center. Greenway acquisitions have also been made at Fox River, Mukwonago, Pewaukee, Spring Brook and Mill Creek. Some lands that were previously of acquisition interest at Monches Park and Mukwonago Park, after further analysis, are now recommended to be removed from the plan. The Plan identifies new proposed acquisition areas at Ryan Park (for future park entry purposes) and Retzer Nature Center (for wetland mitigation purposes).
- The Plan reduces the overall acreage of proposed County land ownership within greenways and reassigns the proposed ownership designation for certain lands to the local municipality, an active non-profit agency, or places the acreage in the category of "Open Space Lands to be Protected by Public Land Regulation." County Parks Division staff recommends such jurisdictional changes for lands that are generally noncontiguous to other lands planned for County ownership. County Parks Division staff feels that other entities may be better positioned to protect and maintain some of these isolated resources and recommends that local land use regulation may be more efficient to protect isolated resources in other settings. The County's goals for acquiring greenway includes creating a system of preserved corridors for resource protection and trail opportunities. A separate, more comprehensive update of the greenway element of the plan is planned in the future.
- Introduction of Potential Wetland Mitigation Banking Sites and program.
  - This Plan includes the identification of 14 sites that may be suitable for wetland mitigation banking to facilitate economic and infrastructure development in the County. Properties that qualified for inclusion contained a minimum of 20 contiguous acres of hydric soils. Wetland mitigation bank sites are restored, enhanced, or created wetlands whose purpose is to provide general purpose credits to offset unavoidable impacts to existing wetlands from permitted activities such as road improvement projects or new development activities. By proactively identifying mitigation sites, development projects can more efficiently meet federal and state mitigation requirements. Providing land for wetland mitigation banking purposes allows for the restoration and enhancement of wetlands located within the County and in the same basin as an unavoidable impact to existing wetlands. County wetland mitigation sites would contribute to improved water quality, flood storage, groundwater recharge, habitat, natural aesthetics and general environmental health.
  - A total of 2,283 acres of land has been identified as potential wetland mitigation sites. 38 of those acres are already owned by the County and the remaining acreage is proposed for County greenway or park acquisition. These lands are currently undevelopable due to hydric soils and wetland and floodplain

regulations. Lands purchased with State or Federal money are not eligible for the program.

- Updated County park property maps, amenity inventories, park descriptions and natural management description of greenways.
  - Amenities previously added include restroom improvements at several parks, new dog exercise areas at Mukwonago and Nashotah Parks, an archery range at Mukwonago Park, and footgolf at Moor Downs.
- Updated Bicycle Plan for Waukesha County to include additional facilities that have been constructed since the last Plan update and minor changes to proposed facilities.
- Introduction of a new regional planning effort for river access sites along the Fox River in coordination with the Wisconsin-Illinois Fox River Water Trail Initiative, which was recently initiated by the Southeast Fox River Partnership (Wisconsin), and the Fox River Ecosystem Partnership (Illinois).
- Integrated elements of the SEWRPC Vision 2050 Plan, including updated demographics and resource inventories.
- Integrated updated SEWRPC Natural Areas and Critical Species Habitat Inventory. There are 13 additional natural area sites identified and all 118 sites are proposed for protection by either the County, a local unit of government, a non-profit agency, or the State of Wisconsin.
- Incorporation of updated Standards of Excellence and Strategic Planning Pillars adopted by the County Board of Supervisors in 2017 and associated Parks System Division objectives taken from the 2017-2019 Strategic Plan. The objectives include:
  - Achieve 80% of survey customers reporting a good to very good rating to the convenience and efficiency of online reservation systems for golf tee times, facility rentals and program registrations. Achieve high ratings for customer service satisfaction.
  - Achieve an 80% customer satisfaction rating for clean and safe park rentals, facilities and grounds.
  - Increase volunteer hours assisting with Park System events and land management projects by 5% annually.
  - Increase revenue from partnerships and sponsorships for Park System projects and/or events by 5% annually.
  - Improve the County's remote connectivity to provide Parks and Land Use customers the ability to make purchases using credit cards in order to achieve a 70% / 30% credit to cash ratio by December 2019.
- Improved formatting, graphics and usability.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed updates to the Park and Open Space Plan reflect existing and proposed park and open space conditions and short and long-term Department objectives. The Plan has been updated to include recently added park amenities that accommodate recreational interests of the citizens of Waukesha County. The Plan incorporates a regional planning effort to provide river access sites along the Fox River. Finally, the Plan identifies sites that are ideal for wetland mitigation banking purposes. Sites used for wetland mitigation purposes cannot be purchased by State or Federal funds. Having these sites identified on a map in advance of purchase, allows the County to plan accordingly.

The updated Plan serves as a guide for the acquisition, preservation, development, and management of park, recreation and open space lands in the County. The Plan is also designed to meet State planning requirements to be eligible for State and Federal funding to assist in the acquisition and development of recommended park and open space sites and facilities.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2018\4 Waukesha County Park and Planning Commission Park and Open Space Plan Final.doc



1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
2 ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MERTON BY  
3 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE  
4 NW ¼ OF THE NE ¼ OF SECTION 14, T8N, R18E, TOWN OF MERTON,  
5 WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL  
6 AND EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICTS  
7 TO THE A-1 AGRICULTURAL DISTRICT (SZ-1862)  
8  
9

10 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
11 this Ordinance was approved by the Merton Town Board on February 12, 2018; and  
12

13 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
14 Planning Commission, which recommended approval and reported that recommendation to the  
15 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
16 as required by Section 59.692, Wis. Stats.  
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
19 that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map  
20 for the Town of Merton, Waukesha County, Wisconsin, adopted by the Waukesha County Board  
21 of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-1  
22 Agricultural and EC Environmental Corridor Overlay Districts to the A-1 Agricultural District,  
23 certain lands located in part of the NW ¼ of the NE ¼ of Section 14, T8N, R18E, Town of  
24 Merton, and more specifically described in the “Staff Report and Recommendation” and map on  
25 file in the office of the Waukesha County Department of Parks and Land Use and made a part of  
26 this Ordinance by reference SZ-1862, is hereby approved, subject to the following conditions:  
27

- 28 1. The pending Land Use Plan Amendment (2018, Request 2A) shall be adopted by the  
29 Waukesha County Board prior to this rezone being effective.  
30
- 31 2. The area of the property that is not subject to this zoning amendment shall be preserved  
32 in perpetuity by means of a conservation easement. The easement language shall be  
33 reviewed and approved by the Waukesha County Planning and Zoning Division, and  
34 recorded in the Waukesha County Register of Deeds office prior to any development  
35 activities taking place.  
36
- 37 3. The existing pier location shall be used as a single point of access to the lake by  
38 motorized equipment. A second pier may be constructed within the same vicinity to  
39 accommodate two boat slips for each residential unit. A pier plan shall be submitted to  
40 the Waukesha County Planning and Zoning Division, prior to any additional pier  
41 improvements being made. This restriction shall be included in the language of the  
42 conservation easement.  
43

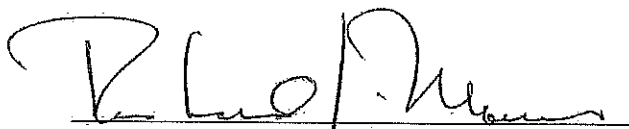
44 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
45 this Ordinance with the Town of Merton Clerk.

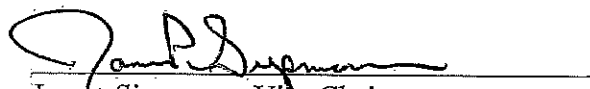
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **SZ-1862 (Thomas and Patricia Downing)** in accordance with the attached "Staff Report and Recommendation".

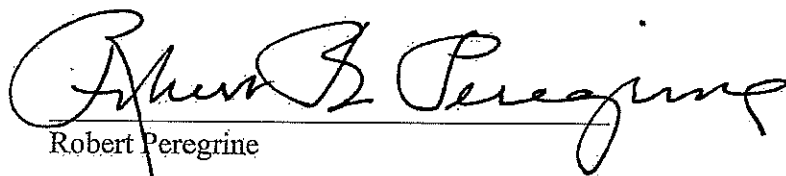
PARK AND PLANNING COMMISSION

March 1, 2018

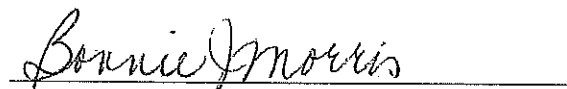
  
Richard Morris, Chairperson

  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** March 1, 2018

**FILE NO.:** SZ-1862

**PETITIONER:** Thomas and Patricia Downing  
W293 N7882 Camp Whitcomb Road  
Hartland, WI 53029

**TAX KEY NUMBER:** MRTT 0341.977

**LOCATION:**

Part of the NW ¼ of the NE ¼ of Section 14, T8N, R18E, Town of Merton. More specifically, the property is located at the Camp Whitcomb Road address cited above, containing approximately 10.5 acres.

**EXISTING ZONING:**

A-1 Agricultural District with EC Environmental Corridor Overlay District.

**PROPOSED ZONING:**

Remove EC Environmental Corridor Overlay District from an approximately 1.9 acre portion of the property.

**EXISTING USES:**

Single-family residential.

**PROPOSED USES:**

Construct a second single-family residence on the property as part of a Planned Unit Development (PUD).

**PUBLIC HEARING DATE:**

January 17, 2018.

**PUBLIC COMMENT:**

None.

**TOWN PLAN COMMISSION:**

At their January 17, 2018 meeting, the Town of Merton Plan Commission recommended approval of the proposed zoning amendment to the Town Board.

**TOWN BOARD ACTION:**

At their February 12, 2018 meeting, the Town of Merton Board approved the proposed amendment without conditions.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MERTON CDP:**

The property is subject of a 2018 County Land Use Plan amendment that is currently pending. The Town has recently approved a similar Town Plan amendment request to bring the subject portion of the property into the Suburban II Density Residential category. The property is currently designated as Primary Environmental Corridor (PEC), which requires a minimum of one unit per five acres, excluding

wetland acreage. The property contains approximately eight (8) acres, excluding the wetland acreage. If the pending amendment is approved to bring the disturbed area of the property, which includes the area of a proposed second home site, to the Suburban II Density Residential category (3 to 4.9 acres per dwelling unit), the rezone request would be compatible with plan recommendations.

**STAFF ANALYSIS:**

The subject property is approximately 10.5 acres in size, excluding the established road right-of-way of Camp Whitcomb Road. The property has frontage on Lake Keesus and there are wetlands located along the shore of the lake and an isolated wetland located on the south side of the property. A majority of the property is heavily wooded with steep slopes. There is a flat area located on a ridge that is largely disturbed. The flat area contains a single-family residence, detached garage and shed. The State of Wisconsin owns the adjacent property to the north for preservation/open space purposes. There are single family residential lots located on the west and east sides of the property. The Union Pacific Railroad borders the property to the south.

The petitioners are proposing to construct a second residence on the property for their daughter and family (see Exhibit "A"). At the recommendation of the Waukesha County Park and Planning Commission as part of a conceptual review, the petitioners have opted to request a Conditional Use Permit for a PUD. The PUD would allow the petitioner to construct a condominium style development with two residences on a single lot rather than dividing the property, which would have included a lot not abutting a public road. The petitioners have agreed to place the undisturbed area that remains in the Primary Environmental Corridor in a conservation easement and preserve the area in perpetuity. The petitioners have also agreed to use the existing pier location as a single access to the lake for both proposed condominium units.

The base zoning of the property is A-1 Agricultural, which requires a minimum lot size of three acres and 200 ft. in average width. There is also an Environmental Corridor Overlay District that encompasses the entire property. Although the overlay district allows development to occur at a density of one unit per five acres of upland PEC, the Land Use Plan requires that the wetlands be excluded from density calculations. The petitioners are proposing a Land Use Plan amendment in order to accommodate the proposed development. In order to develop a second home site on the lot and keep the property as a single lot of record as part of a PUD, the petitioners are required to amend the zoning district because a single lot of record in the EC Overlay District is limited to a total disturbance of 32,670 sq. ft. The petitioners are proposing a total disturbance area (existing and proposed) of 63,336, not including the existing driveway. This amount of disturbance would have been permissible with the creation of two lots, as well. The disturbance area will accommodate the existing and proposed home sites, private sewage systems, wells and yards. The map exhibit depicts a total of 1.9 acres being amended, which includes the long existing driveway corridor.

The petitioners have demonstrated that the area where the second home site is proposed has been disturbed for over 50 years. Four cottages were constructed in the 1960's with a driveway constructed along almost the entire extent of the ridge. Three of the cottages were removed. The petitioner constructed a single-family residence in the early 1980's. They use one of the cottages as a shed. There are a few mature native trees, but a majority of the area is mowed yard. The petitioners anticipate removing two to four healthy trees to accommodate the second home site.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, subject to the following conditions:

1. The pending Land Use Plan Amendment (2018, Request 2A) shall be adopted by the Waukesha County Board prior to this rezone being effective.
2. The area of the property that is not subject to this zoning amendment shall be preserved in perpetuity by means of a conservation easement. The easement language shall be reviewed and approved by the Waukesha County Planning and Zoning Division, and recorded in the Waukesha County Register of Deeds office prior to any development activities taking place.
3. The existing pier location shall be used as a single point of access to the lake by motorized equipment. A second pier may be constructed within the same vicinity to accommodate two boat slips for each residential unit. A pier plan shall be submitted to the Waukesha County Planning and Zoning Division, prior to any additional pier improvements being made. This restriction shall be included in the language of the conservation easement.

The amendment will allow the construction of a second residence on the property within an area that has been disturbed for over 50 years. The proposed request complies with the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and Comprehensive Development Plan. The proposed improvements are limited to an existing disturbed area and the proposed density is consistent with the surrounding land uses. The remainder of the property will be held in a conservation easement and be protected in perpetuity. Lake access will also be limited to a single location, which will protect the wetland vegetation that occupies a majority of the shore frontage from further disturbance.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachments: Exhibit "A", Cattail Farm Condominium Plat  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1862 Downing Mrt.Docx

**EXHIBIT "A"**

**CONDOMINIUM FLAT**  
**CAITAIL, formerly known as CONDOMINIUMS**  
 BEING UNPLATTED LANDS WITHIN AND BEING A PART OF THE  
 NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWN 8 NORTH  
 RANGE 18 EAST, TOWN OF KEETON, WAUKESHA COUNTY, WISCONSIN.  
 LEGAL DESCRIPTION: (Area Subject to Condominium)

Let Chit (1) of CERTIFIED SURVEY MAP NO. \_\_\_\_\_ recorded in the register of deeds office of Waukesha County on \_\_\_\_\_ 2018 as Document No. \_\_\_\_\_

**SURVEYORS CERTIFICATE**  
 I, JAMES R. BEATY, BEING A LICENSED SURVEYOR AUTHORIZED TO PRACTICE AND SURVEY IN THE STATE OF WISCONSIN, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND IDENTIFIED BY THE DECLARATION OF CONDOMINIUM OF REPRESENTATION OF THE CONDOMINIUMS FACILITIES, DIAGRAMMATIC FLOOR PLANS FOR THE BUILDING, AND THE APPROXIMATE DIMENSIONS, FLOOR AREA AND LOCATIONS OF EACH UNIT WITH ALL COMMON ELEMENTS.  
 DATED THIS 8TH DAY OF JANUARY AT WALES, WI.

PREPARED BY SURVEYOR  
 JAMES R. BEATY  
 1815 SAGE PENNY LANE  
 WALES, WISCONSIN 53183  
 1-262-248-1275  
 james@beattydevelopment.com

OWNER/DEVELOPER:  
 THOMAS DOWNING  
 1752 N 78th CAMP WHITCOMB ROAD  
 WAUKESHA, WI 53186  
 TAX PIN: MTT 1049877

ALL AREAS OUTSIDE OF  
 UNIT ENVELOPES SHOWN  
 ARE COMMON ELEMENTS  
**DISTURBED AREA PERMITTED**  
 Lot 1 (Total)  
 64,117 sq. ft. = 14.0%  
 as shown 63,335 sq. ft.

**LEGEND**  
 ○ - INDICATES IRON PIPE 1 1/2" x 18", 1.0 LBS./LINEAL FT. SET (L31664)  
 ○ - 1" ID IRON PIPE FOUND (UNLESS NOTED)  
 ○ - 2" ID IRON PIPE FOUND (UNLESS NOTED)  
 ○ - RECORDING  
 ○ - POWER POLE  
 ○ - LIGHT POLE  
 ○ - WELL  
 ○ - OVERHEAD WIRE  
 ○ - UNDERGROUND WIRE  
 ○ - ELECTRIC FEDERAL  
 ○ - ELECTRIC FEDERAL

BEARING REFERENCE - WEST LINE OF THE  
 NE 1/4 SEC. 14, T8N, R18E, WHOSE ASSUMED  
 POINT OF BEGINNING IS THE POINT OF  
 PLANE COORDINATE SYSTEM, 680 NORTH,  
 SOUTH ZONE.  
 (PER CSDS REVISED SEPTEMBER 2018)

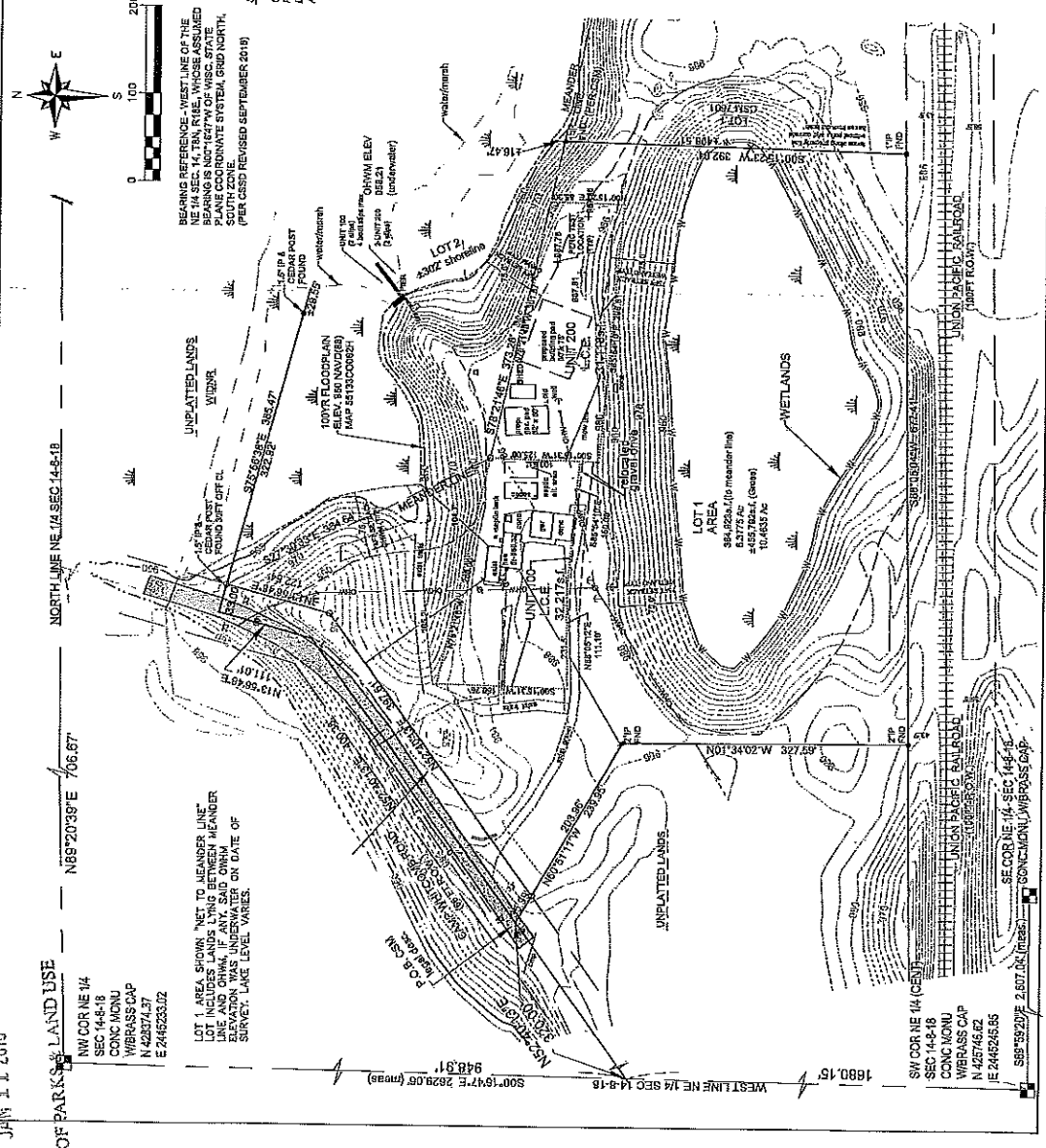
Page 1 of 2

RECEIVED

JAN 11 2018

DEPT OF PARKS & LAND USE  
 NW COR NE 1/4  
 SEC 14-8-18  
 CONC MONU  
 WBRASS CAP  
 N 425746.82  
 E 2445245.83

LOT 1 AREA SHOWN "NET TO MEANDER LINE"  
 LOT INCLUDES LANDS LYING BETWEEN MEANDER  
 ELEVATION WAS UNDERWRITER OR DATE OF  
 SURVEY. LAKE LEVEL VARIES.



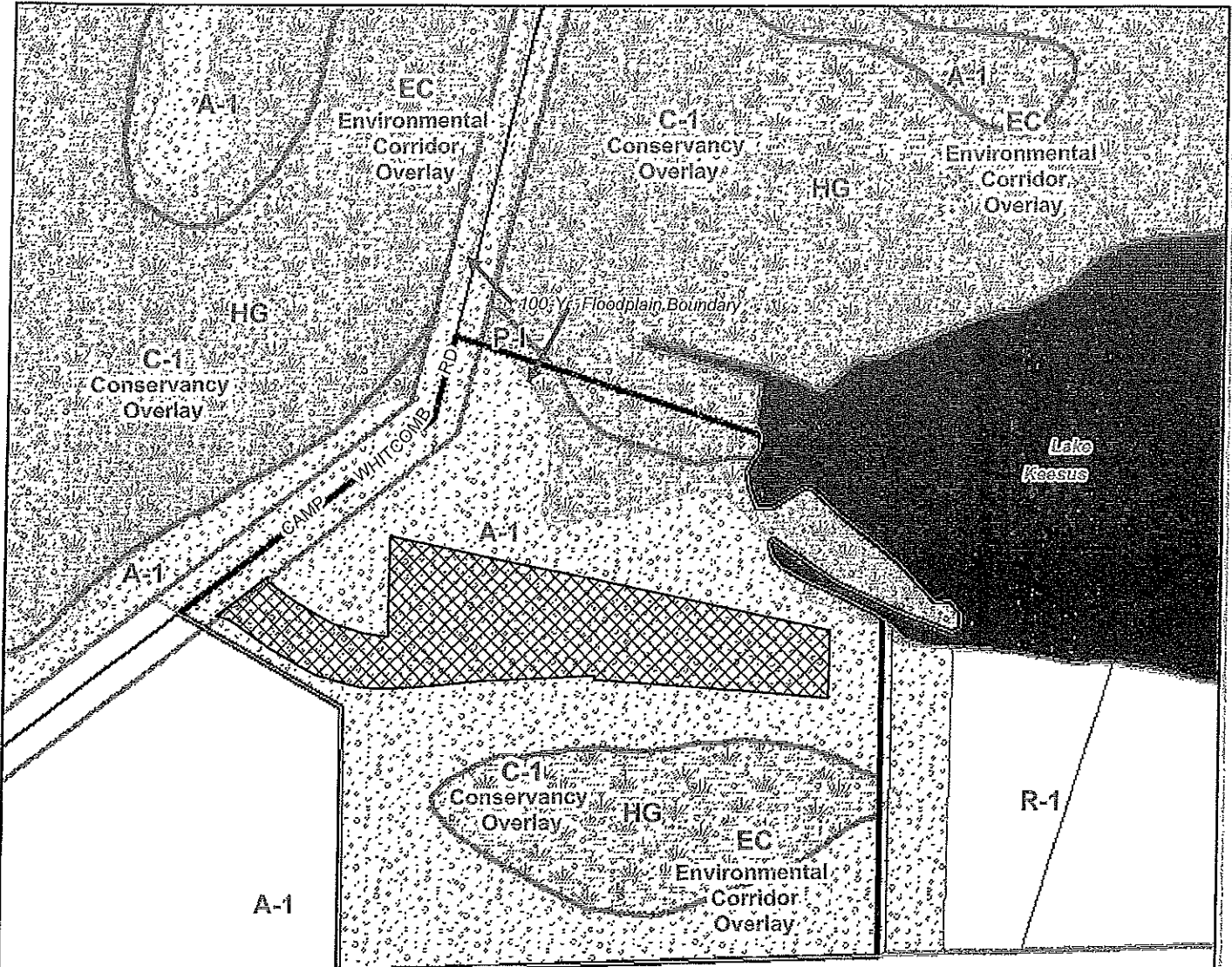
Referred on: 03/08/18

File Number: 172-O-086

Referred to: LU

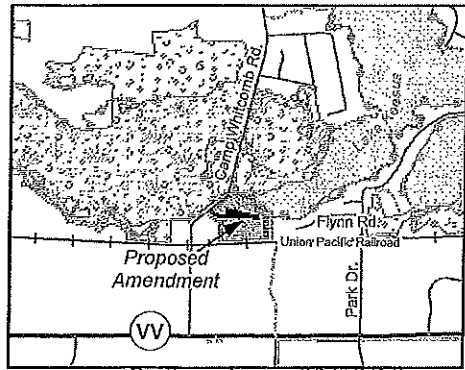
# ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 14  
TOWN OF MERTON



**Legend**

- Zoning District Boundary
- Environmental Corridor
- 100-Yr. Floodplain
- Wetland



SHORELAND ZONING AMENDMENT FROM A-1 AGRICULTURAL DISTRICT WITH EC ENVIRONMENTAL CORRIDOR OVERLAY TO A-1 AGRICULTURAL DISTRICT

PETITIONER.....DOWNING

DATE OF PLAN COMMISSION CONSIDERATION.....03/01/18

AREA OF CHANGE.....1.9 ACRES

TAX KEY NUMBER.....MRTT 0341.977

1 inch = 200 feet

0 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use

1 AMEND THE TOWN OF VERNON DISTRICT ZONING MAP BY REVISING THE  
2 PREVIOUSLY IMPOSED B-3 GENERAL BUSINESS DISTRICT CONDITIONS  
3 OF APPROVAL. THE REZONING PERTAINS TO MULTIPLE PROPERTIES  
4 FRONTING UPON ENTERPRISE DRIVE, LOCATED IN PART OF THE  
5 SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON (RZ2)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Vernon Town Board on February 1, 2018; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 59.69, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the Town of Vernon District Zoning Map, adopted by the Waukesha County Board of  
18 Supervisors, on December 23, 2016, is hereby amended to revise the previously imposed B-3  
19 General Business District conditions of approval. The rezoning pertains to multiple properties  
20 fronting upon Enterprise Drive, located in part of the SW ¼ of Section 1, T5N, R19E, Town of  
21 Vernon, and more specifically described in the “Staff Report and Recommendation” and map on  
22 file in the office of the Waukesha County Department of Parks and Land Use and made a part of  
23 this Ordinance by reference RZ2, subject to the following conditions:  
24

- 25 1. The following permitted uses may be allowed, subject to the approval of a Site Plan/Plan  
26 of Operation Permit by the Town of Vernon Plan Commission and the Vernon Town  
27 Board.  
28
- 29 a. Wholesalers and distributors.
  - 30 b. Retail, wholesale and disposition of automobiles, motorcycles, all-terrain vehicles  
31 (ATV), lawn and garden equipment, snowmobiles, personal watercraft and boats,  
32 boat trailers, related marine equipment, and sporting goods and supplies including  
33 repair, service and maintenance, and storage for such equipment, vehicles, and  
34 supplies.
  - 35 c. Printing and publishing houses.
  - 36 d. Cabinet/Countertop sales and production.
  - 37 e. Contractor’s facilities for electricians, plumbers, heating contractors, carpet  
38 cleaning, and similar trades and services including repair, service and  
39 maintenance, and storage for associated equipment, vehicles, and supplies of the  
40 contractor’s facility.
  - 41 f. Telegraph and telephone office and telephone exchange.
  - 42 g. Utility company office.
  - 43 h. Professional office or studio, including but not limited to photographer, interior  
44 decorator, etc.
  - 45 i. Mini-warehouse storage facilities.
  - 46 j. Commercial food production and distribution.  
47


- 48 2. The following Conditional Uses may be allowed, subject to an approval of a Conditional  
 49 Use Permit and a Site Plan/Plan of Operation by the Town of Vernon Plan Commission  
 50 and Vernon Town Board.  
 51
- 52 a. Animal hospitals, veterinarian clinics, commercial kennels.
  - 53 b. Contractor's yard as defined in the Waukesha County Zoning Code.
  - 54 c. Testing laboratories (experimental and analytical).
  - 55 d. Public and semi-public buildings and uses including libraries, museums, public  
 56 and private utilities and communication towers, but not including hospitals, rest  
 57 homes, private academy, nursery schools or the operation of a public barn,  
 58 restaurant or recreational facility as a commercial enterprise.
  - 59 e. Auto and truck service and towing including repair service and maintenance, and  
 60 storage for associated equipment, vehicles, and supplies.  
 61
- 62 3. Any use similar to the permitted or Conditional Uses listed above, subject to the approval  
 63 of the Town of Vernon Plan Commission.  
 64
- 65 4. No residential use is permitted as a principal or accessory use.  
 66
- 67 5. Compliance with all dimensional zoning requirements (e.g. setbacks, offsets, height and  
 68 area restrictions, etc.) as contained in the B-3 General Business District.  
 69
- 70 6. Compliance with the current Town of Vernon Commercial and Industrial Development  
 71 Ordinance, Chapter 144, Town of Vernon municipal code and any future changes,  
 72 additions, modifications, alterations, and/or amendments to the current or future Town of  
 73 Vernon Commercial or Industrial Development Ordinance, Chapter 144, Town of Vernon  
 74 municipal code. This conditional shall be enforceable by the Town of Vernon only.  
 75
- 76 7. The Waukesha County Board must approve the rezoning.  
 77
- 78 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
 79 this Ordinance with the Town Clerk of Vernon.

COMMISSION ACTION

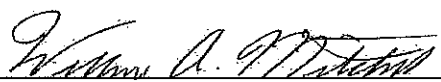
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Town of Vernon Zoning Code, hereby recommends approval of (**RZ2 Town of Vernon**) in accordance with the attached "Staff Report and Recommendation".

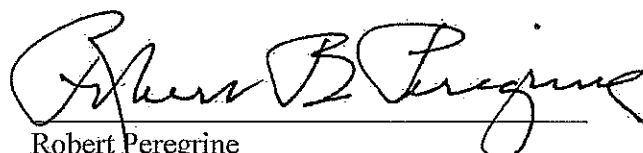
PARK AND PLANNING COMMISSION

February 22, 2018


  
Richard Morris, Chairperson

Absent  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**FILE NO.:** RZ2

**TAX KEY NO's.:** VNT 2019.982.004, VNT 2019.982.005, VNT 2019.982.006,  
VNT 2019.982.011, VNT 2019.982.013, VNT 2019.982.014,  
VNT 2019.982.015, VNT 2019.982.016, VNT 2019.982.017,  
VNT 2019.982.018, VNT 2019.982.019, VNT 2019.982.020,  
VNT 2019.982.021, VNT 2019.982.022, VNT 2019.982.023,  
VNT 2019.982.024, VNT 2019.982.025, VNT 2019.982.026,  
VNT 2019.982.027, VNT 2019.982.028, VNT 2019.982.029,  
VNT 2019.982.031, VNT 2019.982.032 and VNT 2019.982.033.

**DATE:** February 22, 2018

**OWNER/PETITIONER:** Town of Vernon Board  
W249 S8910 Center Drive  
Big Bend, WI 53103

**LOCATION:**  
The eleven affected properties (24 Tax Key No.'s because of condominium form of ownership) are located in part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon. The properties all front Enterprise Drive.

**PROPOSED REQUEST:**  
Amend the conditions of the existing Conditional B-3 General Business District zoning (CZ-0972D) to allow for sales and repair of automobiles.

**EXISTING ZONING:**  
B-3 District (conditional).

**EXISTING LAND USE:**  
Business and light industrial.

**PROPOSED LAND USE:**  
Business and light industrial with addition of auto sales and service uses.

**PUBLIC HEARING DATE:**  
December 13, 2017.

**PUBLIC REACTION:**  
One nearby business owner expressed support for the changes and the Town Clerk stated that others had had called with questions but did not express objections. Two other individuals asked questions about the parking and limits on number of cars to be sold; these questions appeared to relate to a specific associated site plan amendment being proposed.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:**  
At their meeting on December 13, 2017, the Town of Vernon Plan Commission unanimously recommended to the Town of Vernon Town Board approval of the revised rezoning conditions. On February 1, 2018, the Town of Vernon Board approved the rezoning request. The revised terms that would govern the subject area are contained in the attached Town Ordinance.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF VERNON LAND USE PLAN:**

The County Land Use Plan designates the property in the Mixed Use category, which allows for a range of uses, including commercial and industrial uses. The Town of Vernon Land Use Plan identifies the lands in the planned Commercial category. The proposed amendments to the conditional rezoning are consistent with the recommended use designation of both plans.

**STAFF ANALYSIS:**

The Enterprise Drive light industrial/commercial area of the Town of Vernon was conditionally rezoned to allow for said uses in 1992. The properties along Enterprise Drive essentially function as a form of a business park. The terms of the conditional rezoning have been modified a few times since that time, most recently in 2014. The proposal is to now further slightly amend the conditional rezoning terms to allow for sales and service of automobiles. Sales and service of similar mechanized equipment such as motorcycles, all-terrain vehicles and boats is already provided for. This request was prompted by the desire of one of the motorsports businesses in this area wishing to be able to offer a limited number of cars for sale on one of the subject parcels.

Waukesha County Planning Staff observed that the originally transmitted Town Ordinance was not reflective of all of the most recent 2014 subject rezoning terms and also recommended to the Town that references to County approval of Site Plan approvals be removed because the Town is now subject to its own Zoning Code. The final signed ordinance incorporates those changes.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The approval of the request will allow for additional flexibility for the use of properties in an already commercial/light industrial setting. The Town’s Site Plan review authority will help ensure that the scope and scale of automobile sales and service operations are compatible with the setting.

Respectfully submitted,

*Jason Fruth*

Planning and Zoning Manager

Attachments: Town Ordinance No. 2018-01  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ00002 T Vernon Board vnt.docx

## ORDINANCE 2018-01

## AN ORDINANCE TO REZONE PROPERTIES LOCATED ON ENTERPRISE DRIVE IN THE ENTERPRISE BUSINESS PARK OF THE TOWN OF VERNON PURSUANT TO SEC. 300-46 OF THE ZONING ORDINANCE FOR THE TOWN OF VERNON

WHEREAS, prior to the adoption of the Town of Vernon Zoning Code, Waukesha County adopted a rezoning ordinance that affected properties located on Enterprise Drive in the Enterprise Business Park of the Town of Vernon, which rezoning imposed certain restrictions on uses that can be allowed within the district for such properties; and

WHEREAS, upon the adoption of the Town of Vernon Zoning Code, Waukesha County again imposed the same restrictions on said properties pursuant to Waukesha County's authority under Wisconsin Statutes §60.62(3)(b) and other laws, and said conditions were therefore carried forward into the Town of Vernon Town Code; and

WHEREAS, the conditions imposed on said properties do not allow new and used automobile salesrooms and lots, but the Town of Vernon is inclined to allow such uses on said properties; and

WHEREAS, following commencement of the Zoning Amendment Procedure per Section 300-46 of the Town of Vernon Town Code, the Town Clerk duly referred the matter to the Town Plan Commission per Section 300-46 A(3) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on December 13, 2017 as required by Section 300-46 A.(4) of the Town of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B.(1) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town of Vernon Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent of the zoning ordinance for the Town of Vernon will not be contrary to the public health, safety or general welfare of the Town of Vernon will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors, and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood; and

WHEREAS, by this Zoning Amendment the Town Board intends to readopt all of the conditions that were previously imposed by Waukesha County on the zoning of properties located on Enterprise Drive in the Town of Vernon exactly as imposed by Waukesha County, subject to one change, which would be to allow retail, wholesale and disposition of automobiles as a permitted use that may be allowed subject to approval of a site plan/plan of operation permit by the Town of Vernon Plan Commission and Vernon Town Board.

NOW, THEREFORE, the Town of Vernon Town Board, Waukesha County, Wisconsin, ordains as follows:

#### SECTION 1. ZONING CHANGE

The Enterprise Business Park properties, identified as all properties in the Town of Vernon located on Enterprise Drive and as further described in attached Exhibit A, are rezoned to General Business District (B-3) subject to the following conditions:

1. The following permitted uses may be allowed, subject to the approval of a Site Plan/Plan of Operation Permit by the Town of Vernon Plan Commission and the Vernon Town Board. .
  - a. Wholesalers and distributors.
  - b. Retail, wholesale and disposition of automobiles, motorcycles, all-terrain vehicles (ATV), lawn and garden equipment, snowmobiles, personal watercraft and boats, boat trailers, related marine equipment, and sporting goods and supplies including repair, service and maintenance, and storage for such equipment, vehicles, and supplies.
  - c. Printing and publishing houses.
  - d. Cabinet/Countertop sales and production.
  - e. Contractor's facilities for electricians, plumbers, heating contractors, carpet cleaning, and similar trades and services including repair, service and maintenance, and storage for associated equipment, vehicles, and supplies of the contractor's facility.
  - f. Telegraph and telephone office and telephone exchange.
  - g. Utility company office.
  - h. Professional office or studio, including but not limited to photographer, interior decorator, etc.
  - i. Mini-warehouse storage facilities.
  - j. Commercial food production and distribution.
2. The following Conditional Uses may be allowed, subject to an approval of a Conditional Use Permit and a Site Plan/Plan of Operation by the Town of Vernon Plan Commission and Vernon Town Board.
  - a. Animal hospitals, veterinarian clinics, commercial kennels.
  - b. Contractor's yard as defined in the Waukesha County Zoning Code.
  - c. Testing laboratories (experimental and analytical).
  - d. Public and semi-public buildings and uses including libraries, museums, public and private utilities and communication towers, but not including hospitals, rest homes, private academy, nursery schools or the operation of a public barn, restaurant or recreational facility as a commercial enterprise.
  - e. Auto and truck service and towing including repair service and maintenance, and storage for associated equipment, vehicles, and supplies.
3. Any use similar to the permitted or Conditional Uses listed above, subject to the approval of the Town of Vernon Plan Commission.
4. No residential use is permitted as a principal or accessory use.
5. Compliance with all dimensional zoning requirements (e.g. setbacks, offsets, height and area restrictions, etc.) as contained in the B-3 General Business District.

6. Compliance with the current Town of Vernon Commercial and Industrial Development Ordinance, Chapter 144, Town of Vernon municipal code and any future changes, additions, modifications, alterations, and/or amendments to the current or future Town of Vernon Commercial or Industrial Development Ordinance, Chapter 144, Town of Vernon municipal code. This condition shall be enforceable by the Town of Vernon only.

7. The Waukesha County Board must approve the rezoning

SECTION 2. CERTIFICATION

Upon certification by the Town Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Town Planner shall change the zoning classification of the subject property on the Town of Vernon zoning map as indicated herein.

SECTION 3. SEVERABILITY


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 4. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 1<sup>st</sup> day of February 2018

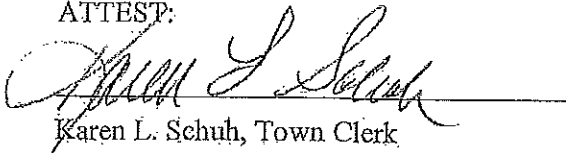
BY THE TOWN OF BOARD OF SUPERVISORS



Thomas G. Bird, Town Chairman



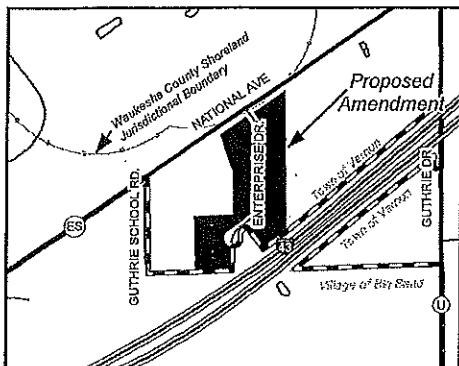
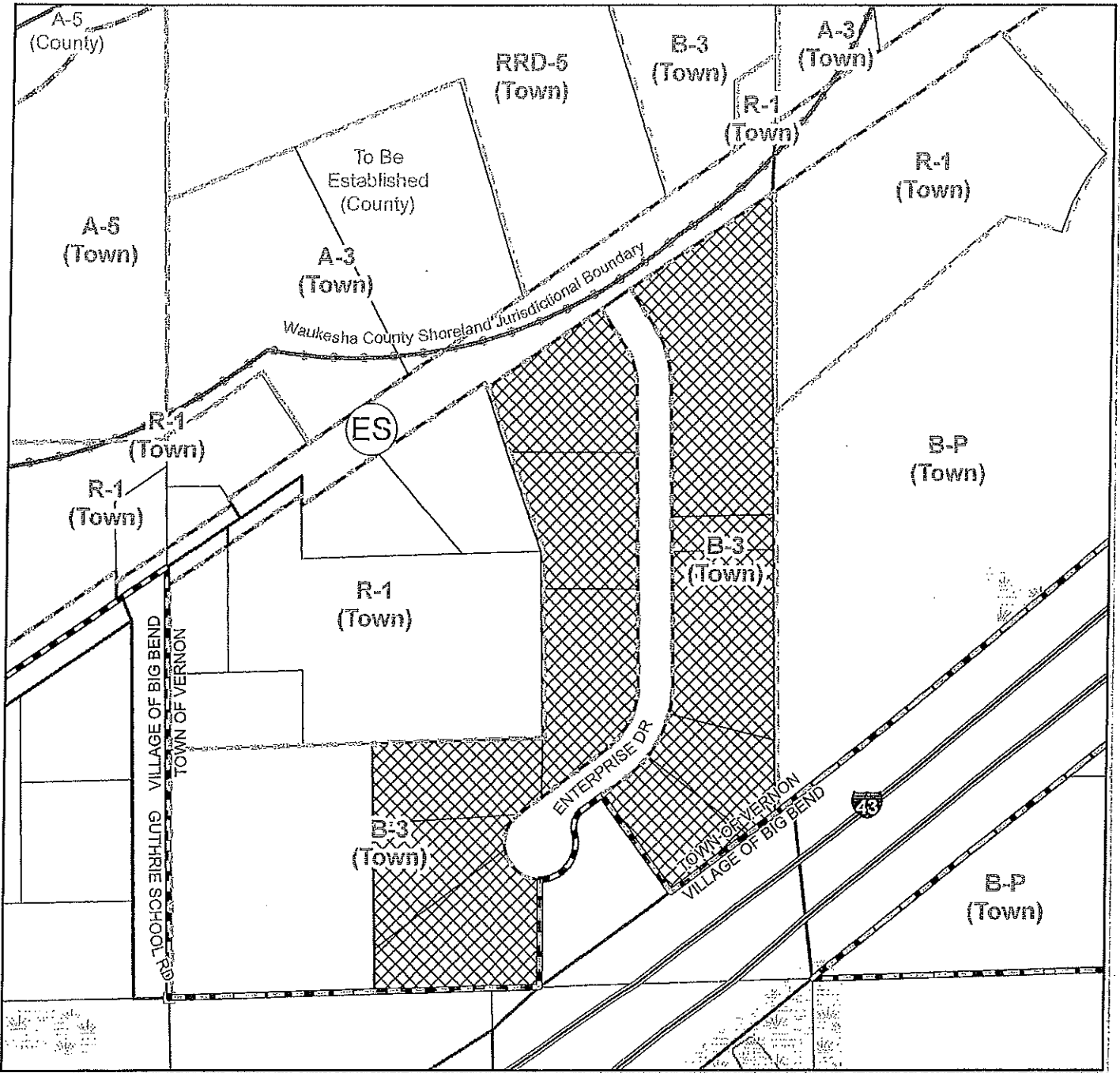
ATTEST:

  
Karen L. Schuh, Town Clerk

Published and posted this 2<sup>nd</sup> day of February 2018

# ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 1  
TOWN OF VERNON

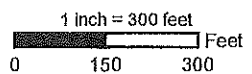


AMEND CONDITIONS OF CONDITIONAL B-3 GENERAL BUSINESS ZONING DISTRICT (15.41 AC)

FILE ..... RZ2  
 DATE OF PLAN COMMISSION ..... 02/22/18  
 AREA OF CHANGE ..... 30.8 ACRES  
 TAX KEY NUMBERS ..... VNT 2019.982.004, .005, 006, .011, .013, .014, .015, .016, .017, .018, .019, .020, .021, .022, .023, .024, .025, .026, .027, .028, .029, .031, .032, .033



Prepared by the Waukesha County Department of Parks and Land Use



1 AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY  
2 REPEALING AND RECREATING SECTION 13-2-15(h) RELATING TO  
3 SIGN ILLUMINATION AND NUISANCE PREVENTION (RZ1)  
4  
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
7 this Ordinance was approved by the Waukesha Town Board on January 11, 2018, and  
8

9 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
10 Planning Commission, which recommended approval and reported that recommendation to the  
11 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
12 as required by Section 60.62, Wis. Stats.  
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15 that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on  
16 October 30, 2017, is hereby amended to repeal and recreate Section 13-2-15(h) relating to sign  
17 illumination and nuisance prevention, more specifically described in the "Staff Report and  
18 Recommendation" on file in the office of the Waukesha County Department of Parks and Land  
19 Use and made a part of this Ordinance by reference RZ1, is hereby approved.  
20

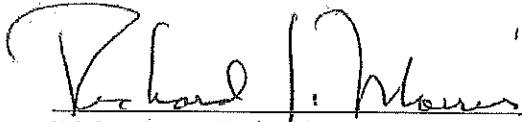
21 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
22 this Ordinance with the Town Clerk of Waukesha.

COMMISSION ACTION

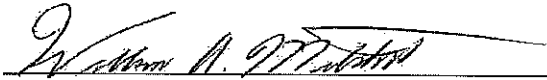
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of **RZ1 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

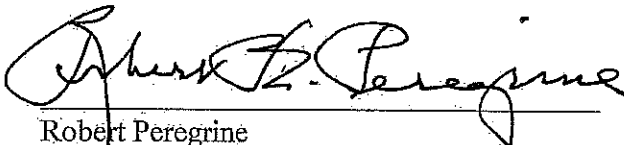
PARK AND PLANNING COMMISSION

February 22, 2018

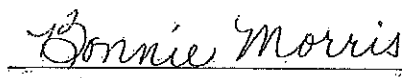
  
Richard Morris, Chairperson

Absent  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

Absent  
William Maslowski

  
Bonnie Morris



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**DATE:** February 22, 2018

**FILE NO.:** RZ1

**PETITIONER:** Town of Waukesha Board  
W250 S3567 Center Road  
Waukesha, WI 53189

**NATURE OF REQUEST:**

Repeal and re-create Section 13-2-15(h) of the Town of Waukesha Zoning Code, relating to sign illumination and nuisance prevention.

**PUBLIC HEARING DATE:**

January 11, 2018.

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION:**

At their January 11, 2018 meeting, the Town of Waukesha Plan Commission recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**

At their January 11, 2018 meeting, the Town of Waukesha Board approved the proposed amendments.

**OTHER CONSIDERATIONS:**

The Town is proposing revised sign nuisance prevention standards to provide some degree of flexibility for signs that may exist or be proposed adjacent to residential properties. This issue came to light when a church that abuts a residentially zoned property proposed a small illuminated sign. Even though the adjacent property was undeveloped land, its residential zoning designation meant that the sign would be prohibited because of the Town Code's strict prohibition of internally illuminated signs on properties zoned or used for single family or duplex residential uses. Accordingly, the Town is proposing to ease its signage nuisance standards to allow for such signs, provided that a number of considerations or mitigating factors are taken into account. Factors to be considered are enumerated in the proposed ordinance, which is attached.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments will enable a case by case review for illuminated signs that abut residential properties. This will allow proper marking of institutional, business and other uses that abut residentially zoned or used areas while ensuring that such signs do not adversely affect neighboring uses.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning Manager

Attachment: Town Ordinance (2018-01)

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ00001 Text Amendment Wkt.Docx

ORDINANCE NO. 2018-01

AN ORDINANCE TO AMEND

TITLE 13: ZONING

CHAPTER 2: GENERAL PROVISIONS

SECTION 13-2-15(h) SIGN ILLUMINATION AND NUISANCE PREVENTION,

|                                                                    |
|--------------------------------------------------------------------|
| <p>RECEIVED<br/>1/17/2018<br/>DEPT OF PARKS<br/>&amp; LAND USE</p> |
|--------------------------------------------------------------------|

WHEREAS, the Town Board of the Town of Waukesha has regulated zoning within the Town since approximately September 22, 1948; and

WHEREAS, the Town Clerk upon due notice as required by Sections 13-2-22(d)(1) and 13-2-23(b) of the town code and applicable State laws duly scheduled a public hearing and gave notice thereof, and the public hearing was duly held on January 11, 2018; and

WHEREAS, upon completion of the public hearing, the Plan Commission considered the testimony of the public hearing along with other pertinent information and made a recommendation to the Town Board concerning the proposed amendment to the Town Zoning Code; and

WHEREAS, the Town Board of the Town of Waukesha having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor and others, hereby determined that this Zoning Amendment will not be contrary to the public health, safety or general welfare of the Town of Waukesha; will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town of Waukesha Comprehensive Plan, and updates the Waukesha Zoning Code for the future.

NOW, THEREFORE, the Town Board of the Town of Waukesha, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Title 13: zoning, chapter 2: general provisions, section 13-2-15(h) sign illumination and nuisance prevention, is hereby amended as follows:

(h) Sign Illumination and Nuisance Prevention

Illumination of all signs permitted in the Town must conform to the following restrictions:

- (1) Signs which are internally illuminated shall not face adjacent lands which are zoned for, or used as, single family or duplex use unless approved by the Town Board after consideration of whether the request would have a substantial adverse effect on adjacent residential property(ies). Factors to be considered shall include:
  - a. Distance between the proposed sign and existing or potential future single

- family or duplex residential uses;
  - b. Screening or buffers between the proposed sign and existing or potential future single family or duplex residential uses;
  - c. Size of the proposed sign; and
  - d. Whether the adjacent property(ies) are currently used for single family or duplex residential.
- (2) Signs shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties; shall not be flashing, revolving, blinking, strobe, or animated, except for the display of the time and temperature as approved by the Town Board.
  - (3) No illuminating element of any kind may be visually exposed.
  - (4) The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 foot candles of daytime (6:00 a.m. to 7:00 p.m.) candle power, nor 45 foot candles of nighttime (- 8:00 p.m. to 6:00 a.m.) candle power.
  - (5) Signs shall conform to the requirements of the COMM 16 (National Electrical Code).
  - (6) Signs shall not be constructed, operated, or maintained so as to constitute a nuisance to adjoining properties, or materially affect or detract from the value of the adjoining properties.

**SECTION 2: SEVERABILITY.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3: EFFECTIVE DATE.**

This ordinance shall take effect immediately upon passage and posting as provided by law and upon the approval of the Waukesha County Board as required by Wisconsin Statutes 60.62(3)(b).

Adopted by the Town Board of the Town of Waukesha on this 11<sup>th</sup>, day of January, 2018.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WI

By: \_\_\_\_\_

*John Marek*  
John Marek, Town Chairman

ATTEST:

*Kathy Nickolaus*  
Kathy Nickolaus, Town Clerk-Treasurer

|                                                                    |
|--------------------------------------------------------------------|
| <p>RECEIVED<br/>1/17/2018<br/>DEPT OF PARKS<br/>&amp; LAND USE</p> |
|--------------------------------------------------------------------|

1           AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE BY  
2           REPEALING SECTION 17.02(14)(b)13 AND REPEALING AND RECREATING  
3           SECTION 17.15 RELATING TO MOBILE TOWER SITING AND  
4           ANTENNA REGULATIONS (ZT-1861)  
5  
6

7           WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
8           this Ordinance was approved by the Brookfield Town Board on August 15, 2017; and  
9

10          WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
11          Planning Commission, which recommended approval and reported that recommendation to the  
12          Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
13          as required by Section 60.62, Wis. Stats.  
14

15          THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
16          that the text of the Town of Brookfield Zoning Code, adopted by the Town of Brookfield on  
17          December 27, 1988, is hereby amended to repeal Section 17.02(14)(b)13 and repeal and recreate  
18          Section 17.15 relating to mobile tower siting and antenna regulations, more specifically  
19          described in the "Staff Report and Recommendation" on file in the office of the Waukesha  
20          County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-  
21          1861, is hereby approved.  
22

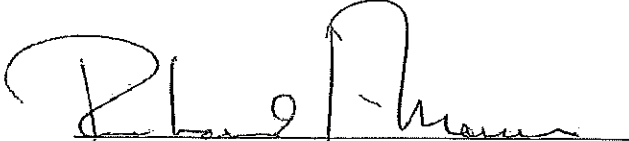
23          BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
24          this Ordinance with the Town Clerk of Brookfield.

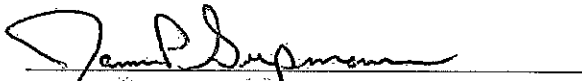
**COMMISSION ACTION**

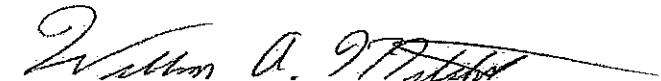
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends **approval** of ZT-1861 (Text Amendment) in accordance with the attached "Staff Report and Recommendation".

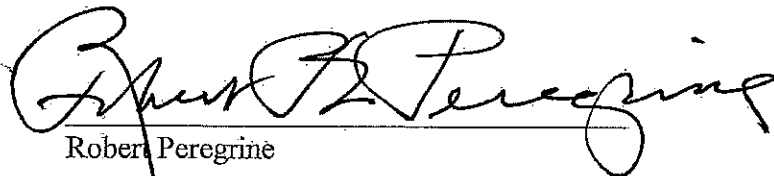
**PARK AND PLANNING COMMISSION**

**March 1, 2018**


  
Richard Morris, Chairperson

  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

Absent  
William Maslowski

  
Bonnie Morris

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**DATE:** March 1, 2018

**FILE NO.:** ZT-1861

**PETITIONER:** Town of Brookfield Board  
W250 S3567 Center Road  
Waukesha, WI 53189

**NATURE OF REQUEST:**  
Repeal Section 17.02(14)(b)13. and repeal and recreate Section 17.15 of the Town of Brookfield Zoning Code, relating to mobile tower siting and antenna regulations.

**PUBLIC HEARING DATE:**  
July 25, 2017.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION:**  
At their July 25, 2017 meeting, the Town of Brookfield Plan Commission unanimously recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their August 15, 2017 meeting, the Town of Brookfield Board unanimously approved the proposed amendment.

**OTHER CONSIDERATIONS:**  
The Town of Brookfield is proposing text amendments to comply with relatively recent changes to State law regarding permitting requirements for cellular communication towers. The Town is also proposing to remove dated satellite dish provisions from the Town Code as part of this same set of amendments.

The Town's proposed language generally mirrors State Statute and provides for a Conditional Use process for consideration of new cell towers and "substantial modifications" to cell towers. The Conditional Use parameters that can be considered for such uses are quite limited and the Town is largely ordaining State statutory language in this regard. State law defines substantial modifications and requires that smaller projects, such as replacement of antennae on existing towers must be provided for as a permitted use. Law provides fairly broad protections for the siting of new cell towers and limits units of government in establishing fall zones or setbacks. The proposed ordinance language also replicates statutory language that requires project sponsors to engage in an assessment of collocation opportunities within a nearby search ring.

In reviewing the transmitted ordinance, Planning and Zoning Staff observed that the Town's proposed Class 2 co-location section had conflicting statements regarding the required permitting mechanism and one reference indicates that a Conditional Use process would be required for review of the more minor telecommunication improvements (those deemed to be less than a "substantial modification.") Planning and Zoning Staff reached out to the Town Planner and he has indicated that the Town Attorney will be correcting the error and the Town will forward a corrected copy. The change may be as simple as changing the word "conditional" to "permitted."

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved, provided that a corrected copy of the ordinance, as described above, is transmitted to Waukesha County prior to Park and Planning Commission consideration of this matter.** The proposed amendments will make the Town ordinance consistent with State law relative to mobile communication facilities.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance

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**ORDINANCE REPEALING SECTION 17.02(14)(b)13. AND REPEALING AND RECREATING SECTION 17.15 OF THE ZONING CODE OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN**

---

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 17.02(14)(b)13. of the Zoning Code of the Town of Brookfield is hereby repealed.

SECTION 2: Section 17.15 of the Zoning Code of the Town of Brookfield is hereby repealed and recreated to read as follows:

**17.15 MOBILE TOWER SITING REGULATIONS**

**(1) PURPOSE.** The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

**(2) AUTHORITY.** The town board has the specific authority under §§ 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

**(3) DEFINITIONS.** All definitions contained in § 66.0404(1), Wis. Stats., as the same currently exist or as the same may be amended hereafter, are hereby incorporated by reference.

**(4) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES.**

**(a) APPLICATION PROCESS.**

1. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town planner. The application must contain the following information:

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DEPT OF PARKS & LAND USE

A. The name and business address of, and the contact individual for, the applicant.

B. The location of the proposed or affected support structure.

C. The location of the proposed mobile service facility.

D. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

E. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

F. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:

A. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

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DEPT OF PARKS & LAND USE

- B. Make a final decision whether to approve or disapprove the application.
- C. Notify the applicant, in writing, of its final decision.
- D. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.F.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$3,000.

**(5) CLASS 1 COLLOCATION.**

**(a) APPLICATION PROCESS**

1. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town planner. The application must contain the following information:

A. The name and business address of, and the contact individual for, the applicant.

B. The location of the proposed or affected support structure.

C. The location of the proposed mobile service facility.

D. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

E. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters,

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NOV 16 2017

DEPT OF PARKS & LAND USE

receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

F. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.
4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
  - A. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  - B. Make a final decision whether to approve or disapprove the application.
  - C. Notify the applicant, in writing, of its final decision.
  - D. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2,F.
7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

RECEIVED

NOV 16 2017

DEPT OF PARKS & LAND USE  
Referred to: LU 8

(6) CLASS 2 COLLOCATION.

(a) APPLICATION PROCESS.

1. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town obtainable with this permit.
2. A written permit application must be completed by any applicant and submitted to the town planner. The application must contain the following information:
  - A. The name and business address of, and the contact individual for, the applicant.
  - B. The location of the proposed or affected support structure.
  - C. The location of the proposed mobile service facility.
3. A permit application will be provided by the town upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
5. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
6. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
  - A. Make a final decision whether to approve or disapprove the application.
  - B. Notify the applicant, in writing, of its final decision.
  - C. If the application is approved, issue the applicant the relevant permit.
  - D. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
7. The fee for the permit is \$500.

(7) **PENALTY PROVISIONS.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

(8) **SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

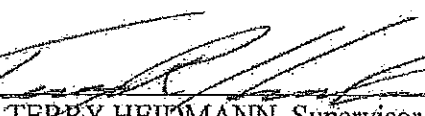
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.


Dated this 5<sup>th</sup> day of August, 2017.

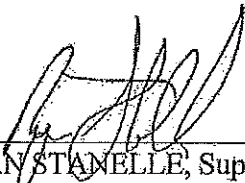
**TOWN BOARD, TOWN OF BROOKFIELD,  
WAUKESHA COUNTY, WISCONSIN**

BY:   
\_\_\_\_\_  
KEITH HENDERSON, Chairman

BY:   
\_\_\_\_\_  
PATRICK STROEBEL, Supervisor

BY:   
\_\_\_\_\_  
TERRY HEIDMANN, Supervisor

BY:   
\_\_\_\_\_  
JOHN R. SCHATZMAN, SR.  
Supervisor

BY:   
\_\_\_\_\_  
RYAN STANELLE, Supervisor

ATTEST:   
\_\_\_\_\_  
ELISA M. CAPPOZZO, Clerk

jwh\clients\brookfield\1-ordinances\ord-repealing and recreating 17.15 mobile (cell) tower siting regulations 7-17-17.docx

RECEIVED

NOV 16 2017

DEPT OF PARKS & LAND USE



6/23/16

Waukesha County Depto Public Works  
Attn. Gary Evans

Dear Mr. Evans

My name is Jucileide N. Cepolski (aka Julie Cepolski), and I live in the Town of Delafield, on Highway G, very close to the Buck Rub Outfitters location on Silvernail Road. My house is a few houses across, west from Buck Rub.

The reason I am contacting you is to request that the speed limit in that residential area be reviewed and reduced, right now the speed limit is 50 miles per hour, and when driving out of our property, the visibility to the west is compromised by the curve and heavy vegetation, which combined with the high speed limit can result in a fatal car accident.

Besides the high speed, many times we have seen heavy traffic i.e. loaded construction trucks driving by at 50 plus mph, also please note that there is a lot of wild life in that region which poses another threat of fatal car accident.

I ask your consideration to my request, and if you would like more details, I would like to invite you to meet myself and my husband in my residence and witness personally the concerns/dangers to the public, more specifically to the residents of the area I live in due to the high speed limit.

Best Regards

  
Juileide N. Cepolski  
N13W28643 Silvernail Rd (Hwy G)  
Town of Delafield, WI 53072  
F: 262-402-8075

G-4  
AMB  
5/1/16





A PERFECT ENVIRONMENT

Residential ♦ Recreational ♦ Responsible

Chair  
Larry Krause  
Supervisors  
Pete Van Horn  
Cindi Duchow  
Edward Kranick  
Ron Troy  
Clerk/Treasurer  
Mary Elsner

September 29, 2015

Waukesha County  
OCT 2 2015  
Dept of Public Works

Mr. Mike Borck  
Traffic Regulations Engineer  
Wisconsin Department of Transportation  
DTSD, SE Region  
141 NW Barstow Street  
Waukesha, WI 53187-0798

Dear Mr. Borck:

Recently, the Town of Delafield Town Board received a request (attached) from the Prairie Hill Waldorf School located at N14 W29143 Silvernail Road in the Town. Their request is for a speed reduction in front of their school along Silvernail Road which is currently signed at 50 mph. The roadway is not a local road, but rather a frontage road within the WisDOT right of way and maintained by Waukesha County. The Town Board unanimously voted to support the request by Prairie Hill Waldorf School as indicated in the attached minutes, sixth order of business, item A..

near  
CTH G

Although the Town has modified speed limits in the past on local roads under the Town's jurisdiction, we have not done so for roads that are not under our jurisdiction. Therefore, please let me know if the Town's support for this request as shown on the attached minutes is adequate for you to proceed with consideration of the request.

Should you have any questions, please contact me.

Sincerely,

Timothy G. Barbeau, PE, PLS  
Town of Delafield Engineer

c: Bruce Barnes, P.E., Waukesha County Dept. of Public Works  
Jeanne Ring, Business Administrator, Prairie Hill Waldorf School

H:\1151600\DocL 150229 Borck WisDOT Prairie Hill



Monday, August 31, 2015



Town of Delafield  
N14 W30782 Golf Road  
Delafield, WI 53018-2117

Sir or Madame:

Prairie Hill School is a non-profit private school based on an educational philosophy dating more than 90 years. It is located at N14 W29143 Silvernail Rd. Pewaukee, WI 53072 and has a current enrollment of 130 students as well as 40 faculty and staff members. Silvernail is a busy frontage road used daily by many commuters. The students are not bussed but rather brought to school in private vehicles. The school day starts at 8:30 am and ends with a 3:15pm pick up. There are also numerous afterschool activities that take place during the week and occasionally on the weekends.

I am asking that the speed limit of 50 mph be changed to 25 during the morning drop off and the afternoon pick up, when children and families are most present. There have been many close calls reported and some commuters may be unaware of the school's presence on this busy road.

I have talked to several people in regard to this issue and they have each directed me back to the Town of Delafield. The last person, Bruce Barnes, P.E. from the Waukesha County DPW stated, "It appears that Prairie Hill Waldorf School is not located along County Trunk Highway G (Silvernail Rd), but in front of a local road under Delafield Township's jurisdiction." I would like to have this addressed before winter when travelling by car becomes an even greater danger.

Please contact me and let me know how we can move this forward.

Thank you,

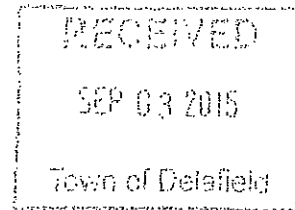
Jeanne Ring  
Business Administrator  
Prairie Hill Waldorf School  
262-646-7497  
jring@prairiehillwaldorf.org

awakens the capacity for dynamic thinking, creativity and compassion, inspiring children to contribute their unique gifts to the world

AGENDA ITEM

SEP 22 2015

ITEM # 6A PAGE 1 of 2



Monday, August 31, 2015

Dear Town of Delafield Board Members,

As we start a new school year we once again have increased traffic in the area around the school. The concern is always with the children and the families because they drive their children. I am resubmitting the proposal for a reduced speed limit in front of the school.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Jeanne Ring".

Jeanne Ring  
Business Administrator

**Sixth order of business:** Communications (for discussion and possible action)

- A. Jeanne Ring, Prairie Hill Waldorf School (8/31/15), Re: Request for reduced speed limit in front of the school

Chairman Krause stated that the Board has taken up this issue in the past. The Town has no control over the speed limit, as we do not plow or maintain the road. Engineer Barbeau was informed by Waukesha County that this is a frontage road. When the matter was discussed last year, Engineer Barbeau informed Prairie Waldorf School that they needed to contact the DOT, as the Town has no jurisdiction over the road.

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK THAT THE TOWN OF DELAFIELD SUPPORT PRAIRIE HILL WALDORF SCHOOL IN GETTING A SCHOOL ZONE SET UP ON THE FRONTAGE ROAD, WHICH IS PART OF THE I-94 COMPLEX, AND SEND A LETTER TO THE STATE DOT AND WAUKESHA COUNTY SUPPORTING IT. MOTION CARRIED.**

Engineer Barbeau was directed to write the letter.

- B. Paul Farrow, Waukesha County Executive (9/3/15), Re: Consolidating fire and EMS service areas within Waukesha County

Chairman Krause stated the subject letter is requesting each community in Waukesha County to participate in a discussion of the issues surrounding the topic of consolidating fire and EMS services areas. This would be followed by hiring a consultant that could details the options available and make a recommendation on how to proceed. In order to pay for this effort, each community is being asked to commit \$1000 to \$2000.

Ms. Duchow stated that we've done our due diligence and found that consolidation would be cost prohibitive. It's an overwhelming task and does not benefit the Town of Delafield because we do not offer the same level of service as larger communities, i.e. full time fire and paramedic. We already have mutual agreements with other communities.

Chief Kozlowski stated that all communities have not received this letter and does not know why. He does not believe it would be in our best interest to spend the money.

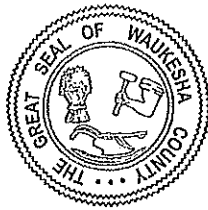
Mr. Van Horn is in support of this and would be willing to spend up to \$1500.00.

Mr. Troy feels that if we do not contribute the money, we would still be involved. He

Mr. Kranick is of the opinion that it is imperative to be at the table to discuss the issues of better economizing the services.

Chairman Krause is really split on this. The Town has done our due diligence several times over. We have great benefits of agreements with our neighbors. Yet, he feels that it is important to be part of the conversation. He stated that if we are not treated as an equal partner, the Town's participation could change.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO COMMIT TO THE STUDY UP TO \$1500.00. MS. DUCHOW – NAY, MR. TROY – NAY, MR. KRANICK – AYE, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 3-2.**



Waukesha County  
*Department of Public Works*

**TO:** Waukesha County Board of Supervisors  
**CC:** Allison Bussler, Gary Evans  
**FROM:** Bruce Barnes, P.E., PTOE  
**DATE:** December 22, 2017  
**SUBJECT:** Proposed reduction of CTH G posted speed limit between CTH G(Elmhurst Rd) and CTH SS(Prospect Ave)

Lowering the 50-MPH speed limit of the CTH G segment between CTH G (Elmhurst Road) and CTH SS (Prospect Avenue) to 45-MPH is recommended. This small reduction of the posted speed limit addresses concerns raised by local residents, the Town of Delafield and Prairie Hill Waldorf School. The attached exhibit shows the vehicle speeds observed, collision rates, and traffic counts along this 1.1-mile segment of CTH G.

Vehicle speeds were measured at two locations between CTH G (Elmhurst Road) and CTH SS (Prospect Avenue) during weekdays when traffic flows freely. The 85<sup>th</sup>-percentile speeds observed along this segment of CTH G ranged between 1-MPH slower and only 1-MPH faster than the existing 50-MPH posted speed limit.

Fifteen collisions were reported during a 5-year period (averaging 3/year during Jan 2011-June 2016) along CTH G between Elmhurst Road and Prospect Avenue. This crash rate is more than twice the statewide average for 2-lane rural highways having similar traffic volumes. Half of these reported collisions involved single vehicles running off CTH G at its curves. Six of these collisions had citations for 'failure to keep vehicle under control' or 'driving too fast for conditions'. Other minor sign improvements will be completed as part of this proposed speed limit reduction.

If the County Board approves this Ordinance, then a new 45 MPH speed limit along this segment of CTH G would

- 1) Correspond with average speeds currently observed,
- 2) Reduce the risks of past collisions and errant vehicles where more highway curves and foliage exist than along other IH-94 frontage roads in the vicinity.





# CTH G-4 (Silvernail Rd) Speed Survey



85%: 48.8 MPH EB  
48.9 MPH WB  
Avg: 44.1 MPH EB  
44.5 MPH WB  
71% in 41 - 50 MPH pace EB  
74% in 41 - 50 MPH pace WB  
11:00 AM, 7/25/16  
100 vehicles EB  
100 vehicles WB

85%: 49.2 MPH EB  
51.3 MPH WB  
Avg: 44.0 MPH EB  
46.7 MPH WB  
55% in 39 - 48 MPH pace EB  
57% in 45 - 54 MPH pace WB  
1:00 PM, 7/25/16  
92 vehicles EB  
100 vehicles WB

Collisions recorded along CTH G (Silvernail Rd) in Delafield between CTH G (Elmhurst Rd) & CTH SS (Prospect Rd)

|    |                         |   |              |       |                     |                                                |      |       |
|----|-------------------------|---|--------------|-------|---------------------|------------------------------------------------|------|-------|
| 15 | corridor crashes during | 5 | years        | 3,000 | collisions/year     | CTH G 2-way ADT E of CTH SS during 2013: 3,731 | 1.15 | miles |
|    |                         | 3 | KAB crashes: | 0.600 | KAB collisions/year |                                                |      |       |

|                                                |                 |                                                             |       |
|------------------------------------------------|-----------------|-------------------------------------------------------------|-------|
| Highway Segment                                |                 | Crash Rate:                                                 |       |
| Rural 2-lane Highways with 2,000 < ADT ≤ 7,000 |                 | crashes per 100 million vehicle miles travelled (HMVMT)     | 74.26 |
| Crash Rate:                                    |                 |                                                             |       |
| Highway Segment                                | KAB Crash Rate: | KAB crashes per 100 million vehicle miles travelled (HMVMT) | 17.43 |

0 400.00 Feet  
Printed: 12/20/2017



LAND INFORMATION SYSTEMS DIVISION

# CTH G-4 (Silvernail Rd) Reduce 50 MPH Speed Limit to 45 MPH



400.00 Feet

Printed: 12/20/2017

Referred on: 03/08/18

File Number: 172-O-090

Referred to: jpw

### Legend & Notes

Sign mounted on steel post:

- Proposed
- Existing



1 APPROVE SHORT-TERM HANGAR LEASE AGREEMENT WITH PLANE SAFE  
2 MAINTENANCE, INC AT WAUKESHA COUNTY CRITES FIELD  
3  
4

5 WHEREAS, Atlantic Aviation currently leases the 503 Bluemound hangar from Waukesha  
6 County and Plane Safe Maintenance, Inc. currently subleases space in that hangar; and  
7

8 WHEREAS, the Fixed Base Operator (FBO) agreement with Atlantic Aviation, approved in  
9 2016, states that its lease of the 503 Bluemound hangar will terminate once necessary repairs are  
10 completed; and  
11

12 WHEREAS, the necessary repairs have been completed and Plane Safe Maintenance, Inc.  
13 desires to enter into a long term hangar lease for the 503 Bluemound hangar with Waukesha  
14 County; and  
15

16 WHEREAS, a long-term lease agreement is currently being negotiated; and  
17

18 WHEREAS, a three-month lease agreement will allow time to finalize the long-term lease  
19 agreement, and  
20

21 WHEREAS, it is in the best interest of the citizens of Waukesha County to utilize the Waukesha  
22 County Airport as an economic development tool for Waukesha County; to embrace the needs of  
23 Waukesha County's businesses; and, a new Hangar Lease Agreement will further such interests.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that the Short-Term Hangar Lease Agreement between Waukesha County and Plane Safe  
27 Maintenance, Inc., regarding the 503 Bluemound hangar at Crites Field is hereby approved.  
28

29 BE IT FURTHER ORDAINED that the Waukesha County Airport Operations Supervisor is  
30 authorized to execute the Short-Term Hangar Lease Agreement on behalf of the County, and any  
31 other documents as may be necessary to effectuate the purposes of the Short-Term Hangar Lease  
32 Agreement.

**SHORT TERM AIRCRAFT MAINTENANCE HANGAR LEASE AGREEMENT**

**BETWEEN**

**WAUKESHA COUNTY**

**AND**

**PLANE SAFE AIRCRAFT MAINTENANCE, INC.  
503 BLUEMOUND ROAD  
WAUKESHA, WI 53188**

**FOR**

**503 BLUEMOUND ROAD**

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THIS AGREEMENT made and entered into this \_\_\_\_ day of April, 2018 by and between WAUKESHA COUNTY, a municipal corporation, hereinafter referred to as the "County", and PLANE SAFE AIRCRAFT MAINTENANCE, INC., a Wisconsin corporation, hereinafter referred to as "Lessee".

### **PRELIMINARY RECITALS**

WHEREAS, the County is the owner and operator of Waukesha County Airport - Crites Field, an airport situated in Waukesha County, Wisconsin (the "Airport").

WHEREAS, Lessee currently leases from Waukesha Flying Services, Inc. the Aircraft Maintenance Hangar at the Airport owned by County and used for aircraft airframe, engine and accessory maintenance and repair pursuant to a certain Use and Occupancy Agreement dated November 11, 2010 and effective November 1, 2010 (the "Sublease").

WHEREAS, Waukesha Flying Services, Inc. has completed its repairs to the Aircraft Maintenance Hangar; therefore, Waukesha Flying Services, Inc.'s right of occupancy and use to the Aircraft Maintenance Hangar ceases pursuant to its Fixed Base Operator Lease and Operating Agreement dated October 1, 2016.

WHEREAS, Lessee desires to enter into a short term lease until a long term lease can be negotiated and approved, and the County is willing to enter into such lease;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the receipt and adequacy of which are acknowledged, the County and the Lessee agree to the following terms:

### **ARTICLE 1 TERM**

This Agreement shall commence effective April 1, 2018 ("Commencement Date") and shall terminate on June 30, 2018, unless terminated sooner as permitted by this Agreement.

### **ARTICLE 2 LEASED PREMISES; PURPOSE**

The County leases to the Lessee the following described portion of the Airport which, unless specifically stated otherwise, is referred to in this Agreement as the

“Leased Premises”.

Aircraft Maintenance Hangar, 503 Bluemound Road, Waukesha, WI containing Eleven Thousand Eight Hundred Twenty-Five (11,825) square feet, more or less, of exclusive use space. County shall use One Hundred and Ninety (190) square feet for its storage needs.

The Leased Premises may only be used for the following purposes: (1) the inside storage of aircraft, (2) the storage of related materials and supplies, and (3) aircraft airframe, engine and accessory maintenance and repair. These services are more fully described in the Minimum Requirements for Aeronautical Services ordinance.

Lessee does not have an exclusive right to perform the stated aeronautical services at the Airport, and no person or entity at the Airport is obligated to use any of the aeronautical services that Lessee provides.

### ARTICLE 3 RENT

The Lessee shall pay the following rent:

Annual rental for the Leased Premises of Twenty-one Thousand One Hundred Sixty-seven and 00/100 Dollars (\$21,167.00). Rent is calculated at \$1.71 per square foot times 11,825 square feet per year divided by twelve (12) equals One Thousand Seven Hundred Sixty-three and 92/100 Dollars (\$1,763.92). Payments shall be due on the 1<sup>st</sup> of the month.

### ARTICLE 4 STANDARDS FOR GENERAL AVIATION OPERATORS

The provisions set forth in Exhibit 2, entitled Waukesha County Airport Minimum Standards for Aeronautical Service Providers, are made a part of this Agreement as are any amendments thereto made from time to time. If this Agreement and the Waukesha County Airport Minimum Standards for Aeronautical Service Providers are in conflict in what they require of the Lessee, or in what they obligate the Lessee to do or not to do, the Waukesha County Airport Minimum Standards for Aeronautical Service Providers shall control.

**ARTICLE 5  
RIGHTS AND PRIVILEGES OF LESSEE**

Subject to the terms and conditions hereinafter set forth, Lessee is hereby given the following rights and privileges during the term of this Agreement.

1. Aeronautical Services - Lessee shall have the right to perform from the Leased Premises the aeronautical services listed in Article 2 of this Agreement as specified in the Minimum Requirements for Airport Aeronautical Services at Waukesha County Airport. Lessee's permitted uses of the Leased Premises shall include corporate offices, training and ancillary uses that are related to its operation, and full access and operation rights 24 hours per day, every day of the year. Lessee shall not engage in any other business or operation without the written consent of the County. Lessee understands that a violation of this paragraph is a material default and breach of this Agreement, which gives the County the rights set forth in Article 12 of this Agreement.

The "24 hours per day, every day of the year" operation right is subject to the right of the Airport Operations Supervisor to close Airport operations when required by federal or state law, when extreme weather conditions necessitate closure, or when runway safety requires closure.

2. Aeronautical Facility Use - Lessee shall be permitted to use, in common with others, existing and future aeronautical facilities at the Airport as they may exist or be modified, augmented, or deleted from time to time. These facilities shall include, but not be restricted to the landing areas, their extensions and additions, roadways, aprons, and any air navigation facilities or other conveniences for the flying, landing, and taking-off of aircraft. Nothing herein shall prohibit the County from modifying, augmenting, or deleting any such facilities.
3. Ingress and Egress - Subject to rules and regulations governing the use of the Airport as may be established by the Airport Operations Supervisor, the Lessee, its employees, suppliers of materials, furnishers of service, sub-lessees (to the extent permitted or allowed hereunder), business visitors, and invitees shall have the right of ingress and egress to and from the Leased Premises leased exclusively to Lessee.
4. Quiet Enjoyment - The County covenants that upon paying the rent and performing the covenants and conditions herein contained, Lessee shall peacefully and quietly have, hold, and enjoy the Leased Premises for the term of this

Agreement. Lessee agrees that temporary inconveniences, such as noise, disturbances, traffic detours and the like, caused by or associated with the construction of Airport improvements or Airport events shall not constitute a breach of quite enjoyment of the Leased Premises.

## ARTICLE 6 RIGHTS AND PRIVILEGES OF COUNTY

In addition to the other rights and privileges herein retained by it, the County has and reserves the following rights and privileges:

1. Airport Development - The County has the right, but shall not be obligated to Lessee, to develop or improve the landing areas and other portions of the Airport as it sees fit, regardless of the desires or views of the Lessee, and without interference or hindrance. If the development of the Airport requires it, the County has the right to either (1) substitute another parcel of land for the Leased Premises, and relocate Lessee's improvement(s) to that new parcel at no cost to the Lessee, or (2) purchase Lessee's improvements at fair market value, and terminate this Agreement. In the event of a substitution and relocation or a purchase and Agreement termination as permitted by this section, the County shall have no liability to the Lessee for any loss, expense, damage or cost of any nature whatsoever that results from or is occasioned by the substitution and relocation or the purchase and Agreement termination.
2. Aerial Approaches - The County has the right to take any action it considers necessary to protect the aerial approaches and transition surfaces of the Airport against obstruction, together with the right to prevent the Lessee or any sub-lessee from erecting or permitting to be erected any building or other structure on the Airport which, in the opinion of the Airport Commission, would limit the usefulness of the Airport or constitute a hazard to aircraft.
3. War, National Emergency, Riot, or Natural Disaster - During time of war, national emergency, riot or natural disaster, the County shall have the right to lease the entire Airport or any part thereof to the United States or State of Wisconsin for military or National Guard use and, in such event, the provisions of this Agreement, insofar as they are inconsistent with the provisions of any lease to any such unit of government, shall be suspended for the term of such government lease.
4. Access to Leased Premises - To the extent necessary to protect the rights and

interests of the County or to investigate compliance with the terms of this Agreement, the Airport Operations Supervisor or his designee shall at any and all times have the right to inspect the Leased Premises, including all buildings, structures, and improvements erected thereon.

5. Government Use of Airport - This Agreement shall be subordinate to the provisions of any existing or future agreement between the County and the United States Government, relative to the operation or maintenance of the Airport, the execution of which has been, or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.
6. Unrestricted Right of Flight - The County, for the use and benefit of the public, has a free and unrestricted right of flight for the passage of aircraft in the airspace above the surface of the Leased Premises together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said airspace or landing at, taking off from, or operating on or about the Airport.

#### ARTICLE 7 OBLIGATIONS OF LESSEE

Except as otherwise specifically provided herein, Lessee shall have the following obligations during the term of this Agreement.

1. Condition of Leased Premises - Lessee accepts the Leased Premises in its present condition and, without expense to the County, will maintain any installations thereon.
2. Maintenance, Exterior Storage, and Housekeeping - Lessee shall, at its own expense, keep in good order, maintain, and repair the Leased Premises, any improvements thereto, and all equipment and building in a presentable and operable condition, consistent with good business practices, and in a manner to preserve and protect the general appearance and value of other premises in the immediate vicinity. This shall include, but not be limited to, hangar doors, door rollers, steel trusses, motors, pumps, other mechanical equipment, all doors, and heating, ventilating, and air conditioning (HVAC) equipment in accordance with instructions provided by the manufacturers thereof, roof, and exterior painting. Lessee shall supply and replace lights, both incandescent and fluorescent, including starters and ballasts throughout the Leased Premises. Lessee shall also



be responsible for, at its own expense, landscaping, mowing, and weed control in the confines of the Leased Premises. Lessee shall also be responsible for snow removal and control within three feet of the Leased Premises.

Lessee further agrees that there will be no outside storage of equipment, materials, supplies, or damaged or partially dismantled aircraft on the Leased Premises and will remove, at its expense, all trash, garbage, and oil, and not deposit the same on any part of the Airport except temporarily in conjunction with collection or removal.

In the event Lessee does not keep the Leased Premises in a presentable condition, the County has the right to issue a written notice to remedy the condition forthwith. Should Lessee fail to perform satisfactorily within ten (10) days of such notification or show cause for extension of said time period, the County shall have the right to perform, or have performed by an outside contractor the necessary work without liability, and Lessee agrees to pay the County one hundred twenty-five percent (125%) of such expenses within fifteen (15) days upon invoice receipt.

In the event of fire or any other casualty to buildings or other structures owned by Lessee, Lessee shall either repair or replace the building or remove the damaged building and restore the Leased Premises to its original condition; such action must be accomplished within one hundred twenty (120) days of the date the damage occurred. Upon petition by Lessee, the County may grant an extension of time if it appears such extension is warranted.

3. Additions or Alterations - Lessee is prohibited from making alterations, attaching external fixtures, or making other changes to the hanger facility or Leased Premises unless approved in advance, in writing, by the Airport Operations Supervisor. Any improvements made to the Leased Premises shall become the property of County.
  
4. Signage and Illumination - Lessee shall not paint upon, attach, exhibit or display in or about said Leased Premises any sign without first obtaining the written consent of the Airport Operations Supervisor regarding the nature and construction of said sign. Lessee may erect across the front of the building an appropriate sign containing the name of the Lessee, with Airport Operations Supervisor approval, said approval not to be unreasonably withheld.
  
5. Utilities - Lessee agrees to provide its own connections with utilities and to make

separate arrangements with the agencies responsible for these utilities. Lessee shall pay for all utility service supplied to the Leased Premises, and if required by the utility agencies as a condition of providing the services, Lessee will install and pay for standard metering devices for the measurement of such services. In the event it shall become necessary to make utility service or facility changes, Lessee will either make such changes and installations, at its expense, as directed and required by the utility organizations, or pay the utility organization for such changes made. The County shall have the right, without cost to Lessee, to install and maintain in, on or across the Leased Premises, sewer, water, gas, electric, and telephone lines, electric substations, or other installations necessary to the operation of the Airport, or to service other tenants of the County; provided, however, that the County shall carry out such work and locate any above-ground structures in a manner so as not to unreasonably interfere with Lessee's use of the Leased Premises.

6. Discrimination - Lessee, for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration thereof, does hereby covenant and agree that a) no person on the grounds of race, sex, color, physical handicap, or national origin shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said Leased Premises, b) that in the construction of any improvements on, over, or under such Leased Premises and the furnishings of services, thereon, no person on the grounds of race, sex, color, physical handicap, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and c) that the Lessee shall use the Leased Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
7. Costs of Enforcement - Lessee covenants and agrees to pay all reasonable costs, attorneys' fees, and expenses that shall be made and incurred by the County in enforcing the covenants, conditions and obligations of this Agreement.
8. Taxes, Licenses, and Permits - Lessee shall obtain and keep current all municipal, County, State and Federal licenses and permits that may be required in its operation. Also, Lessee will bear, pay, and discharge all taxes, assessments and levies of every nature and kind which may be taxed, charged or assessed lawfully against the Leased Premises and improvements thereon, or which may be lawfully

levied or imposed upon the leasehold by a governmental agency.

9. Liens - Lessee agrees to promptly pay all sums legally due and payable on account of any labor performed on, or materials furnished for the Leased Premises. Lessee shall not permit any liens to be placed against the Leased Premises on account of labor performed or material furnished, and in the event such a lien is placed against the Leased Premises, Lessee agrees to save the County harmless from any and all such asserted claims and liens and to remove or cause to be removed any and all such asserted claims or liens as soon as reasonably possible.
  
10. Parking - Lessee agrees to prohibit vehicle parking on the Airport premises other than those vehicles specifically associated with the use of the Leased Premises and no other. Lessee, its employees, sub-lessees, guests and invitees shall park only on Lessee's Leased Premises, or other publicly designated parking areas. Lessee, its agents or guests are expressly prohibited from operating any vehicle on any area of the Airport designated as a "movement area". Lessee shall at all times comply with posted signs regulating the movement of vehicles.
  
11. Laws, Ordinances, Rules and Regulations - Lessee agrees to observe and obey the rules and regulations governing the conduct and operation of the Airport facilities promulgated from time to time by the Airport Operations Supervisor, Airport Commission, and/or Waukesha County Board. Lessee shall comply with all applicable federal, state and local laws, rules, regulations and ordinances, including all applicable Federal Aviation Administration orders, regulations and advisory circulars that pertain to any conduct or operation at the Airport.
  
12. Storage of Flammable Fluids - Lessee agrees that the storage of gasoline or other flammable fluids in bulk quantities shall be limited to the Airport Fuel Farm or to such area as designated by the Airport Operations Supervisor. Lessee agrees that the storage of all other gasoline or flammable fluids shall be in an approved steel locker labeled "FLAMMABLE". The Airport Operations Supervisor may, in his discretion, prohibit or impose restrictions on the storage of said materials if, in the Airport Operations Supervisor's opinion, the storage is determined to be a safety hazard. The disposal of any hazardous chemicals or fluids on the Airport premises is prohibited and is considered a material breach of this Agreement.
  
13. Snow Plowing - Lessee agrees to be responsible for the plowing of snow within three (3) feet of its Leased Premises including parking lot(s) and aircraft parking ramp(s). Snow plowing adjacent to or in aircraft parking ramp(s) area(s) will be

consistent with the requirements of the Federal Aviation Administration (“FAA”) as established in Advisory Circular Airport Field Condition Assessments and Winter Operations Safety or its successors. The County shall provide snow removal on all movement areas consistent with priorities established and specified in the Waukesha County Airport Snow and Ice Control Plan.

14. Covenants - Lessee acknowledges receipt of a copy of the Waukesha County Airport Covenants that apply to its Leased Premises and shall comply with the requirements of these Covenants as they may be amended from time to time.

## **ARTICLE 8 SURRENDER OF PREMISES; HOLDING OVER**

Upon the expiration or earlier termination of the Lease, Lessee shall deliver to County possession of the Leased Premises, in a clean, orderly and sanitary condition, consistent with good hangar practice, free of debris and in as good of order and state of repair as existed on the Commencement Date, ordinary wear and tear and casualty not caused by Lessee only excepted. Lessee shall deliver to County all keys for locks in the Leased Premises and any property of Lessee not removed from the Leased Premises shall be deemed abandoned. County may, but is not obligated to, retain or dispose of any abandoned property without any liability by County to Lessee and Lessee shall pay to County on demand, expenses incurred by County in removing and disposing of such property, including, without limitation, County’s attorneys’ fees. If Lessee remains in possession of the Leased Premises after expiration of this Lease but without County’s written consent, Lessee shall be deemed to be occupying without claim of right and Lessee shall hold harmless and indemnify County from and against all costs arising out of Lessee’s delay in surrendering the Leased Premises, including, without limitation, damages founded on the claim of any successor lessee of the Leased Premises. Lessee shall further pay an additional charge for each day of such hold-over occupancy without County consent which is equal to twice the per diem rate of monthly rental as was due and payable prior to expiration of the Lease term and which charge shall be computed and paid on a daily basis.

## **ARTICLE 9 INSURANCE**

Lessee shall, at its expense, maintain insurance in full force and effect during the terms of this Agreement in such amounts and coverages as to meet the minimum limits of liability specified below, and insurance shall be placed with companies or underwriters authorized to do business in the State of Wisconsin satisfactory to the

County. The County, its boards, commissions, agencies, appointed and elected officials, employees, and representatives shall be named as additional insureds. Certificates of Insurance evidencing the required insurance shall be filed with the County's Airport Operations Supervisor and upon request certified copies of the required insurance policies shall also be filed. The Certificates of Insurance and all such policies shall contain a provision that coverages will not be canceled or non-renewed during the term of this Agreement unless thirty (30) days' advance notice in writing has been given to the County in the manner specified in this Agreement.

1. Commercial General Liability

Lessee shall maintain commercial general liability insurance with the policy written to provide coverage for, but not be limited to, the following: premises and operations, products and completed operations, personal injury, blanket contractual and independent contractors. The County, its boards, commissions, agencies, officers, employees and representatives shall be named as additional insured and stated as such on the certificate of insurance.

Limits - The limits of liability shall be not less than \$1,000,000 per occurrence and \$1,000,000 aggregate.

2. Automobile Liability

Comprehensive Automobile Liability or Business Auto Policy form covering all owned, hired and non-owned private passenger autos and commercial vehicles, including vehicles that are used in any way related to self-fueling.

Limit - \$1,000,000 combined single limit, each occurrence. Bodily injury and property damage.

3. Hangar Keepers Liability\*

Limit - Total value of aircraft stored, each accident.

\*only required if leasing hangar space to others for storage

4. Worker's Compensation and Employer's Liability

Lessee shall maintain statutory worker's compensation benefits and employer's liability insurance with a limit of liability of not less than \$100,000 each accident for employees of Lessee who are engaged in any operations on the airport, including self-fueling.

5. Property Insurance (for all property on the Leased Premises).

Limit - Lessee shall carry sufficient all-risk property insurance on owned and leased buildings and equipment, including aircraft and self-fueling equipment at the Airport.

6. Aircraft Liability (for all owned/leased aircraft which are operated at the Airport)

Limit - \$1,000,000 combined single limit, each occurrence. Bodily injury and property damage.

It is expressly understood that the County has no responsibility for Lessee's owned or leased equipment.

The County may require reasonable increased limits of liability for the above insurance coverages if it determines that the stated limits are inadequate based on insurance industry standards, legal considerations or risk exposure review.

The County may elect, at its option, to terminate this Agreement upon the cancellation or other termination of any insurance policy issued in compliance with this Article, unless another policy has been filed and approved pursuant to this Article, and shall have been in effect at the time of such cancellation or termination.

#### **ARTICLE 10 INDEMNIFICATION AND HOLD HARMLESS**

Lessee shall hold the County harmless, defend and indemnify the County in all action against it. Lessee will not hold the County liable for any damage to property or injury or death to person when the damage, injury or death is in any way connected or related to the Lessee's obligations under or its performance of this Agreement; its use or occupancy of the Leased Premises; or, any of its operations permitted or required by the Agreement. This hold harmless provision will not apply if the damage, injury or death was caused by 1) an intentional act of the County, or 2) a reckless act of the County.

If any demand, claim, lawsuit or proceeding is brought against the County and is in any way connected or related to the Lessee's performance of or its obligations under this Agreement; its use or occupancy of the Leased Premises; or, the operations permitted or required by this Agreement, Lessee shall fully defend the County against the demand, claim, lawsuit or proceeding. The County shall give the Lessee prompt notice of any such demand, claim, lawsuit or proceeding. If such demand, claim, lawsuit or

proceeding is brought the County shall have the right, but not the duty, to (1) investigate and settle the demand, claim, lawsuit or proceeding, and (2) participate in the defense of the demand, claim, lawsuit or proceeding.

If a demand, claim, lawsuit or proceeding as described in the preceding paragraph is brought, the Lessee shall pay all expenses, costs, losses, damages, fees, including attorney fees, fines, forfeitures, judgments and awards that result from the demand, claim, lawsuit or proceeding. If the demand, claim, lawsuit or proceeding was settled by the County, the Lessee shall have no payment obligation unless it approved the settlement.

In this Article, "County" includes Waukesha County and the Waukesha County Airport Commission and all of their boards, commissions, agencies, appointed and elected officials, members, employees, officers and agents.

#### **ARTICLE 11 SUBLEASES; RESPONSIBILITY FOR SUBLESSEE**

Lessee shall not sublease the Leased Premises, nor any part of the Leased Premises without the express written consent of the County, such consent to not be unreasonably withheld. At a minimum, the County will require that any sublease agreement be in writing and that it include: that each unit must be primarily used for the storage of aircraft and related material and/or supplies according to the FAA's policy on the Non-Aeronautical Use of Airport Hangars found at 79 Federal Register (FR) 42483, July 22, 2014, as amended; that the agreement be subject to the terms and conditions of this Agreement; that sub-lessees maintain aircraft liability insurance in the amounts the County sees fit; that sub-lessees maintain other insurance coverages and amounts as the County prescribes; and that sub-lessees hold the County harmless.

Lessee shall accept full responsibility and liability for the acts and omissions of its sub-lessees. Lessee shall not be released from any liability under this Agreement in the event of any subleases of the Leased Premises in whole or in part.

#### **ARTICLE 12 DEFAULTS AND REMEDIES**

The occurrence of any one or more of the following events shall constitute a material default and breach of this Agreement by the Lessee:

1. The filing by Lessee of a voluntary petition in bankruptcy.
2. The institution of proceedings in bankruptcy against Lessee, and the adjudication of Lessee as bankrupt pursuant to such proceedings.
3. The court shall take jurisdiction of Lessee and its assets pursuant to proceedings brought under the provisions of any Federal reorganization act.
4. The filing of any lien against the Airport or any of its property as the result of any act or omission of Lessee if the lien is not discharged or contested in good faith by Lessee (as determined by the County) within fifteen (15) days of Lessee's receipt of notice of the lien unless Lessee posts a bond within this time period equal to the amount of the lien.
5. The voluntary abandonment by Lessee of its operations at the Airport for a period of ten (10) days or more.
6. The appointment of a receiver of Lessee's assets or any general assignment for the benefit of Lessee's creditors.
7. The transfer of Lessee's interest herein by other operation of law.
8. The failure by Lessee to make any payment required by this Agreement at the time such payment becomes due where such failure continues for a period of fifteen (15) days after written notice from the County.
9. The falsification by the Lessee of any of its records or figures so as to deprive the County of any of its rights under this Agreement.
10. The failure by Lessee to perform any of the covenants, conditions, or obligations imposed on it by this Agreement where the failure continues for a period of fifteen (15) days after written notice from the County.
11. A sale or other transfer of stock in Lessee's corporation which divests the present stockholders of the controlling interest without the written approval of the County such approval not to be unreasonably withheld.
12. The transfer or assignment or attempted transfer or assignment of this Agreement by Lessee without securing prior written approval of the County such approval not to be unreasonably withheld. It shall be understood for the purpose of this paragraph that negotiations by Lessee for the assignment or transfer of this Agreement shall not be construed as "attempted transfer".

In the event of a breach of this Agreement by Lessee, the County shall be entitled to any and all legal and equitable remedies available to it under applicable law. Without limitation, these remedies shall include the following which are cumulative and not exclusive:

1. Specific performance of any obligation of Lessee.



2. Declaratory and injunctive relief.
3. The recovery of all damages of any nature that result from the Lessee's breach which damage include unpaid rent, fees and other payments, and the loss of future rent.
4. Reasonable attorney fees for services related to Lessee's breach of this Agreement including fees for attorneys who are County employees.
5. The termination of the Agreement and repossession of the Leased Premises by the County upon thirty (30) days' written notice of termination provided that the breach serving as the basis for termination is not sooner fully cured. If this Agreement is terminated, the Lessee shall remove all property owned by it from the Leased Premises and restore and surrender the Leased Premises to the County in the same condition as when originally received. If the Lessee fails to remove its property and to restore and surrender the Leased Premises as required, the County may do so and the Lessee shall be liable to the County for all expenses of removing the property (including storage fees, if any) and restoring the Leased Premises.

The failure of the County to declare this Agreement terminated for any of the reasons stated above shall not bar the right of the County to subsequently terminate this Agreement for any of the reasons stated above. Further, the acceptance of rental or fees by the County for any period after a default by Lessee shall not be deemed a waiver of any right on the part of the County to terminate this Agreement. In the event of termination, the County shall be obligated to make reasonable efforts to re-lease the Leased Premises and otherwise mitigate damages.

### **ARTICLE 13 CANCELLATION BY LESSEE**

Lessee may cancel this Agreement at any time that it is not in default in its obligations by giving the Airport Operations Supervisor thirty (30) days' written notice to be served as hereinafter provided after the happening of any of the following events, if such event materially impairs the conduct of Lessee's normal business on the Airport:

1. The issuance by a court of competent jurisdiction of any injunction in any way preventing or restraining normal use of the Airport or any substantial part of it, and the injunction remains in force for a period of sixty (60) consecutive days

such injunction not being the result of any fault of Lessee;

2. The inability of Lessee to use, for a period of three (3) consecutive months, the Airport, the Leased Premises or any substantial part of either due to any restriction or right reserved by the County under this Lease due to the enactment or enforcement of any law or regulation; because of fire, earthquake or similar casualty or Acts of God or the public enemy; or, due to any default or fault of the County; or
3. The lawful assumption by the United States Government of the operation, control or use of the Airport or any substantial part of it for military purposes in time of war or national emergency for a period of at least ninety (90) days.

Failure of Lessee to declare this Agreement canceled for any of the reasons set forth above shall not operate to bar or destroy the right of Lessee to cancel this Agreement by reason of any subsequent occurrence of the described events.

#### **ARTICLE 14 REMEDIES CUMULATIVE; NO WAIVER**

All of the rights and remedies given to the County in this Agreement are cumulative and no one is exclusive of any other. The County shall have the right to pursue any one or all of such remedies or any other remedy or relief that may be provided by law whether stated in this Agreement or not.

The failure of the County to take action with respect to any breach by Lessee of any covenant, condition or obligation in this Agreement shall not be a waiver of such covenant, condition or obligation or a subsequent breach of the same or any other covenant, condition or obligation. The acceptance by the County of any rent or other payment shall not be a waiver by it of any breach by Lessee of any covenant, condition or obligation.

#### **ARTICLE 15 DAMAGE TO PROPERTY OF LESSEE AND OTHERS**

The County shall have no liability to the Lessee or its sub-lessees, contractors, guests or invitees for any damage to their property caused by fire, tornado, earthquake, windstorm or other casualty, and not for any damage caused by the act or omission of a third party.

**ARTICLE 16  
DAMAGE TO PREMISES AND PROPERTY  
BY LESSEE AND OTHERS**

If any part of any Airport property is damaged by the act or omission of the Lessee, its agents, officers, employees, contractors, invitees, sub-lessee and subcontractors, the Lessee shall pay to the County, upon demand, any amount which the County reasonably determines is necessary to repair or replace the property.

**ARTICLE 17  
COUNTY REPRESENTATIVE**

The Airport Operations Supervisor is the official representative of the County for the administration and enforcement of this Agreement.

**ARTICLE 18  
SUBORDINATION**

This Agreement is and shall be subordinate to any existing or future Agreement between the County and the United States regarding the operation or maintenance of the Airport.

**ARTICLE 19  
COMPLIANCE WITH LAW**

At its own expense, the Lessee shall comply with all laws of the United States and the State of Wisconsin, all applicable local ordinances, and all rules and requirements of any law enforcement, fire department or other municipal agency. At its own expense, the Lessee shall obtain any and all permits and licenses which may be necessary for any activity at the Airport for which a license or permit is required. The Lessee shall not do or allow to be done anything at the Airport which is in violation of, or prohibited by any law, ordinance, rule, requirement, permit or license. If the attention of the Lessee is called to any such violation, the Lessee will immediately desist from or cause to be corrected such violation.

**ARTICLE 20  
GOVERNING LAW;  
VENUE FOR DISPUTES**

This Agreement shall be deemed to have been made in, and shall be construed in accordance with the laws of the State of Wisconsin. Any lawsuit related to or arising out

of disputes under this Agreement shall be commenced and tried in the circuit court of Waukesha County, Wisconsin, and the County and the Lessee submit to the exclusive jurisdiction of the circuit court for such lawsuits.

**ARTICLE 21  
COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be taken to be an original, and all collectively but one instrument.

**ARTICLE 22  
SEVERABILITY**

In the event that any provision in this Agreement is held to be invalid by any court of competent jurisdiction, the invalidity of any such provision shall in no way affect any other provision in this Agreement provided that the invalidity of any such provision does not materially prejudice either the County or Lessee in their respective rights and obligations contained in the valid provisions of this Agreement.

**ARTICLE 23  
SURVIVAL OF OBLIGATIONS/  
SUCCESSORS AND ASSIGNS BOUND**

The Lessee shall be responsible for the obligations in Article 10 in perpetuity. Additionally, any payment obligation and repair obligation that exists as of the termination or cancellation of this Agreement shall extend until the obligation is satisfied.

All of the provisions, covenants, and stipulations in this Agreement shall extend to and bind the legal representatives, successors and assigns of the respective parties.

**ARTICLE 24  
ENTIRE AGREEMENT**

This Agreement, together with any exhibits, contains and embodies the entire Agreement between the County and the Lessee and supersedes and replaces any and all prior agreements, understandings and promises on the same subject whether they are written or oral.

**ARTICLE 25  
NO ASSIGNMENT**

This Agreement may not be assigned, nor may any part of it be assigned, without the express written consent of the County, which consent shall not be unreasonably withheld.

**ARTICLE 26  
RIGHTS UPON EXPIRATION, TERMINATION OR CANCELLATION**

Upon expiration of this Agreement or upon termination/cancellation of this Agreement, the County may, in its sole discretion, do any of the following:

1. Negotiate a new agreement with Lessee;
2. Take title to all structures located on the Leased Premises; or
3. Order and require Lessee to remove all structures located on the Leased Premises and restore the site to its original condition within (60) days.

**ARTICLE 27  
DAMAGE BY CASUALTY OR OTHER FACTORS**

If at any time, any part of the leased or managed premises is damaged or destroyed by fire, earthquake, tornado, windstorm or other casualty, the County shall be under no obligation to rebuild or repair the damaged or destroyed part. The County shall have no obligation to the Lessee or any sublessee or subcontractor for any damage or destruction to their property caused by fire, earthquake, tornado, windstorm or other casualty, or caused by any other factor except for the sole negligence of the County.

**ARTICLE 28  
PARAGRAPH HEADINGS**

All article, paragraph and subparagraph headings contained in this Agreement are for convenience in reference only, and are not intended to define or limit the scope of any provision.

**ARTICLE 29  
NOTICES**

Notices to the County or Lessee provided for in this Agreement shall be hand delivered or sent by certified mail, postage prepaid, addressed to:

County

Airport Operations Supervisor  
Inc. Waukesha County Airport  
2525 Aviation Drive  
Waukesha, WI 53188  
Waukesha, WI 53188

Lessee

Plane Safe Aircraft Maintenance,  
Samuel K. Cryer & Druanne M.  
Pierce  
503 Bluemound Road  
Waukesha, WI 53188

or to such other addresses as the parties may designate to each other, in writing, from time to time, and such notices shall be deemed to have been given when so sent.

All payments shall be made payable to the Waukesha County Airport and sent to the attention of the Airport Operations Supervisor at the County's address stated above.

IN WITNESS WHEREOF, the parties have hereto have caused this Agreement to be executed by their proper officers, as of the \_\_\_\_ day of \_\_\_\_\_, 2018.

Signed in the Presence of:

WAUKESHA COUNTY:

\_\_\_\_\_

By: \_\_\_\_\_

Matthew W. Grenoble  
Airport Operations Supervisor

Signed in the Presence of:

LESSEE:  
PLANE SAFE AIRCRAFT MAINTENANCE, INC.

\_\_\_\_\_

By: \_\_\_\_\_

Samuel K. Cryer  
President

By: \_\_\_\_\_  
Druanne M. Pierce  
Vice President

FISCAL NOTE  
APPROVE SHORT-TERM HANGAR LEASE AGREEMENT WITH PLANE SAFE  
MAINTENANCE, INC AT WAUKESHA COUNTY CRITES FIELD

This ordinance authorizes the County to enter into a three-month agreement (April 1, 2018 through June 30, 2018) to lease hangar space to Plane Safe Maintenance, Inc to continue providing aircraft airframe, engine, and accessory maintenance and repair services. This short-term lease is proposed to allow Waukesha County Airport and Plane Safe time to negotiate a longer-term agreement. Previously, the fixed-based operator (FBO, Atlantic Aviation) leased this space, and then subleased the space to Plane Safe.

Plane Safe would lease 11,825 square feet of hangar space at about \$0.15 per square foot per month (\$1.79 per foot annually), for \$5,292 for the three-month period. This rate is consistent with what would have been charged the FBO under the previous agreement, but the leased space is 190 square feet less due to county airport operations retaining space for storage. The lower leasable space results in an annual revenue reduction of about \$85 over the three-month period.

*Linda Witkowski*

Linda Witkowski  
Budget Manager  
3/6/2018  
BPD



1 AUTHORIZE WAUKESHA COUNTY UNIVERSITY OF WISCONSIN EXTENSION  
2 OFFICE TO ACCEPT GRANT FUNDS AND MODIFY THE 2018 BUDGET TO  
3 APPROPRIATE THE GREATER MILWAUKEE FOUNDATION GRANT REVENUE  
4 FOR THE TOWER HILL NEIGHBORHOOD INITIATIVE PROJECT  
5  
6

7 WHEREAS, the Greater Milwaukee Foundation will award a grant of \$30,000 to the Waukesha  
8 County University of Wisconsin Extension to partner with the Greater Milwaukee Foundation to  
9 continue the educational outreach project in the Tower Hill neighborhood within the City of  
10 Waukesha; and  
11

12 WHEREAS, educators will continue to work with adults and youth in low to moderate income  
13 neighborhoods to identify and address strategic issues for housing and economic development.  
14 The targeted Waukesha neighborhoods are the Tower Hill and Dunbar Oak areas with a focus on  
15 the Healthy Neighborhood Initiative approach; and  
16

17 WHEREAS, the community development educators will focus on implementing a leadership  
18 program for neighborhood residents that engages a diverse audience and leads to the creation of  
19 a formal neighborhood community development non-profit organization that has the potential to  
20 apply for and receive city and county Community Development Block Grant funds; and  
21

22 WHEREAS, the educators will create and deliver educational programs that focus on physical  
23 conditions that address front yard curb appeal, exterior housing conditions, and weatherization  
24 and energy efficiency. UW-Extension will also connect community partners with neighborhood  
25 residents. The community partners identified will have resources available for the identified  
26 housing improvements. This targeted area has the largest concentration of affordable housing  
27 built before 1960 in Waukesha County.  
28

29 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
30 that Waukesha County University of Wisconsin Extension is authorized to accept the \$30,000  
31 grant award from the Greater Milwaukee Foundation.  
32

33 BE IT FURTHER ORDAINED that the Waukesha County University of Wisconsin Extension  
34 Office's 2018 budget be modified to increase Other Revenues by \$30,000, Operating Expense  
35 appropriations by \$25,929, and Interdepartmental Charge appropriations by \$4,071 to cover costs  
36 associated with the Greater Milwaukee Foundation grant project.

AUTHORIZE WAUKESHA COUNTY UNIVERSITY OF WISCONSIN EXTENSION  
OFFICE TO ACCEPT GRANT FUNDS AND MODIFY THE 2018 BUDGET TO  
APPROPRIATE THE GREATER MILWAUKEE FOUNDATION GRANT REVENUE FOR  
THE TOWER HILL NEIGHBORHOOD INITIATIVE PROJECT

The ordinance authorizes the Waukesha County University of Wisconsin Cooperative Extension Office (UW-Extension) to accept \$30,000 from the Greater Milwaukee Foundation. The 2018 budget is modified to increase operating expenses by \$25,929, including contracted services of \$25,500 for education programming focused on physical housing conditions and curb appeal, exterior housing conditions, weatherization, and energy efficiency. The remaining operating expenses are for office operations along with another \$4,071 of interdepartmental charges for office technology and overhead costs. Program efforts will also focus on community leadership which may lead to the creation of an organization that may be eligible for Community Development Block Grant funds in the future.

This ordinance has no direct impact on the 2018 budget.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/2/2018

MY

JE 2018-00002007

1 AMEND THE 2018 SHERIFF'S DEPARTMENT BUDGET FOR THE EXPENDITURE  
2 OF SEIZED FUNDS TO PARTICIPATING AGENCIES IN MARCH 2018  
3  
4

5 WHEREAS, Enrolled Ordinance 141-41 authorizes the Sheriff's Department "... to participate in  
6 the program to transfer federally seized property to local enforcement agencies;" and  
7

8 WHEREAS, the Sheriff's Department has such assets that had not been allocated during the  
9 2018 budget process; and  
10

11 WHEREAS, the Sheriff's Department has agreed to allocate a percentage of assets received to  
12 participating Metro Unit agencies.  
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15 that federal seized assets received and reserved in general fund balance be appropriated by  
16 increasing in the 2018 Budget General Fund Balance account by an amount not to exceed \$4,437  
17 and increasing the Operating Expense appropriation unit by an amount not to exceed \$4,437 to  
18 allow for the distribution of funds to participating Metro Unit agencies in accordance with  
19 federal seized asset guidelines.

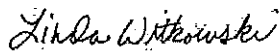
FISCAL NOTE

AMEND THE 2018 SHERIFF'S DEPARTMENT BUDGET FOR THE EXPENDITURE OF SEIZED FUNDS TO PARTICIPATING AGENCIES IN MARCH 2018

Enrolled ordinance 141-41 (1986) authorized the Sheriff's Department to participate in a federal program, which transfers forfeited assets (seized funds) to those state and local agencies that contributed directly to the seizure of that property. The Sheriff's Department receives funds from the Federal Government and acts as a trustee for a portion of these funds on behalf of participating Metro Drug Unit agencies.

According to Sheriff's Department staff, the Department annually distributes a share of Federal asset forfeiture seized funds received to participating Metro Drug Unit agency communities based on their participation status at the time of each seizure. Sheriff staff has determined that an amount not to exceed \$4,437 will be disbursed to Metro Drug Unit participating police agencies. The following participating agencies will receive seizure fund revenue: City of Waukesha (\$1,057); City of New Berlin (\$531); City of Brookfield (\$1,057); Village of Menomonee Falls (\$1,057); City of Muskego (\$187); Village of Hartland (\$168); Village of Pewaukee (\$199); Village of Elm Grove (\$138); and City of Oconomowoc (\$43).

This ordinance results in no additional direct tax levy impact in 2018.



Linda G. Witkowski  
Budget Manager  
3/5/2018

MY  
JE:2018-00002311

1 ABOLISH ONE LAND INFORMATION SYSTEM MANAGER POSITION AND CREATE  
2 ONE LAND INFORMATION SYSTEM SUPERVISOR POSITION IN THE  
3 DEPARTMENT OF PARKS & LAND USE  
4  
5

6 WHEREAS, the Department of Parks and Land Use includes an operating division called the  
7 Land Information System Division; and  
8

9 WHEREAS, the Land Information System Manager retired in January 2018; and  
10

11 WHEREAS, the Department of Parks and Land Use evaluated the current structure of the Land  
12 Information System Division including its three direct reports, and would like to consolidate the  
13 program area into the Land Resources Division to reduce administrative cost while increasing  
14 service delivery; and  
15

16 WHEREAS, aligning the Land Information System with another operating Division provides an  
17 opportunity to reallocate staff time to work on delivering system services to customers; and  
18

19 WHEREAS, abolishing a managerial classification and replacing it with a supervisory  
20 classification would more appropriately reflect the administrative oversight needed in the Land  
21 Information System program area.  
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
24 that, effective upon final approval of this ordinance, one regular full-time position of Land  
25 Information System Manager, Open Range 19 (\$40.74/hr minimum, \$48.89/hr mid-point,  
26 \$58.67/hr maximum) be abolished and one regular full-time Land Information System  
27 Supervisor, Open Range 16 (\$35.20/hr minimum, \$40.48/hr mid-point, \$46.55/hr maximum) be  
28 created in the Department of Parks and Land Use.  
29

30 BE IT FURTHER ORDAINED that the classification specification for Land Information System  
31 Supervisor on file in the County Clerk's Office and the Division of Human Resources of the  
32 Department of Administration be adopted upon final approval of this ordinance.

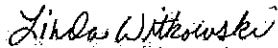
FISCAL NOTE

ABOLISH ONE LAND INFORMATION SYSTEM MANAGER POSITION AND CREATE  
ONE LAND INFORMATION SYSTEM SUPERVISOR POSITION IN THE  
DEPARTMENT OF PARKS & LAND USE

This ordinance creates one regular full time 1.00 FTE Land Information supervisor (salary range \$73,216 - \$96,824) and abolishes one full time 1.00 FTE Land Information Manager (\$84,739 – \$122,034) in the Land Information Systems Fund (LIS) within the Parks and Land Use Department.

The lower cost Supervisor position is estimated to save \$13,300, comparing projected salary and related benefits at the minimum for the pay range.

This position is budgeted in the Land Information System Fund, which is a special revenue fund and does not budget for tax levy. Position savings will drop to fund balance assuming all budgeted revenues are received.



Linda Witkowski  
Budget Manager  
MY

1 ESTABLISH SALARIES FOR SHERIFF, CLERK OF COURTS,  
2 AND COUNTY EXECUTIVE FOR 2019 – 2022  
3  
4

5 WHEREAS, the Waukesha County Code of Ordinances states that the Clerk of Courts, County  
6 Executive, and Sheriff shall receive salaries as determined by the County Board; and  
7

8 WHEREAS, the next four year term of office for the Clerk of Courts, County Executive, and  
9 Sheriff will begin in 2019; and  
10

11 WHEREAS, pursuant to Wisconsin Statute, any changes in compensation must be adopted in  
12 advance of processing nomination papers and the election; and  
13

14 WHEREAS, reasonable salaries are necessary to attract qualified candidates to these full time  
15 elected department head positions; and  
16

17 WHEREAS, per Wisconsin law, the Sheriff, Clerk of Courts, and County Executive cannot  
18 participate in the County performance management compensation program.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the annual salaries of the Clerk of Courts, County Executive, and Sheriff shall be:  
22

23 I. The annual salary for the Clerk of Courts shall be increased by 2% each year effective the  
24 first pay period following January 1<sup>st</sup> of the calendar year as follows:  
25

- 26 a. 2019 \$83,317
- 27 b. 2020 \$84,983
- 28 c. 2021 \$86,683
- 29 d. 2022 \$88,417

30  
31 II. The annual salary for the Sheriff shall be increased by 2% each year effective the first  
32 pay period following January 1<sup>st</sup> of the calendar year as follows:  
33

- 34 a. 2019 \$110,202
- 35 b. 2020 \$112,406
- 36 c. 2021 \$114,654
- 37 d. 2022 \$116,947

38  
39 III. The annual salary for the County Executive shall be increased by 2% each year effective  
40 the first pay period following the 3<sup>rd</sup> Tuesday in April of the following calendar years:  
41

- 42 a. 2019 \$110,998
  - 43 b. 2020 \$113,218
  - 44 c. 2021 \$115,483
  - 45 d. 2022 \$117,792
- 46

FISCAL NOTE

ESTABLISH SALARIES FOR SHERIFF, CLERK OF COURTS,  
AND COUNTY EXECUTIVE FOR 2019 – 2022

The chart below details the estimated impacts to the years proposed within the ordinance from 2019 to 2022 with a 2.0 percent salary increase annually. County Executive annual increases are effective in April. Increases for the Sheriff and Clerk of Courts are effective January 1<sup>st</sup> of the calendar year.

| Sheriff, Clerk of Courts, and County Executive |                     |                  |                  |                  |                  |
|------------------------------------------------|---------------------|------------------|------------------|------------------|------------------|
|                                                | 2018<br>Base Salary | 2019<br>Proposed | 2020<br>Proposed | 2021<br>Proposed | 2022<br>Proposed |
| Yearly Salaries                                | \$298,546           | \$303,859        | \$309,929        | \$316,127        | \$322,454        |
| Social Security                                | \$22,840            | \$23,244         | \$23,712         | \$24,184         | \$24,667         |
| Retirement *                                   | \$24,324            | \$24,767         | \$25,261         | \$25,767         | \$26,282         |
| Post-Employment Health                         | \$10,606            | \$10,766         | \$10,947         | \$11,134         | \$11,324         |
| <b>Total</b>                                   | <b>\$356,316</b>    | <b>\$362,636</b> | <b>\$369,849</b> | <b>\$377,212</b> | <b>\$384,727</b> |
| <b>Cost Increase from Prior Year</b>           |                     | \$6,320          | \$7,213          | \$7,363          | \$7,515          |
| <b>Percent Increase</b>                        |                     | 1.8%             | 2.0%             | 2.0%             | 2.0%             |

\*Note: Only County costs are reflected in the chart above. Costs do not include employee contributions.

Presented below are the estimated impacts of the salary proposals for the Sheriff, Clerk of Courts, and the County Executive positions.

| Salary and Benefit Change by Position |                 |                 |                  |                 |
|---------------------------------------|-----------------|-----------------|------------------|-----------------|
| Year                                  | Sheriff         | Clerk of Courts | County Executive | Total           |
| 2019                                  | \$2,622         | \$1,917         | \$1,781          | \$6,320         |
| 2020                                  | \$2,675         | \$1,956         | \$2,582          | \$7,213         |
| 2021                                  | \$2,728         | \$1,995         | \$2,640          | \$7,363         |
| 2022                                  | \$2,782         | \$2,034         | \$2,699          | \$7,515         |
| <b>Total</b>                          | <b>\$10,807</b> | <b>\$7,902</b>  | <b>\$9,702</b>   | <b>\$28,411</b> |

The impact of this ordinance will be included in the 2019 through 2022 budget process.

*Linda Witkowski*

Linda Witkowski  
Budget Manager  
3/2/2018  
MY



1           AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$12,500,000 GENERAL  
2           OBLIGATION PROMISSORY NOTES FOR CAPITAL PROJECTS  
3  
4

5   WHEREAS, Waukesha County, Wisconsin (the "County") is in need of an amount not to exceed  
6   \$12,500,000 for the public purpose of paying the cost of capital projects included in the County's  
7   2018 Capital Projects Expenditure Plan consisting of justice and law enforcement projects;  
8   public works projects; general administration projects; and parks, environment and education  
9   projects; and  
10

11   WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for  
12   such purpose pursuant to Chapter 67 of the Wisconsin Statutes.  
13

14   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15   that the County may borrow an amount not to exceed \$12,500,000 by issuing general obligation  
16   promissory notes for the public purpose of paying the cost of capital projects included in the  
17   County's 2018 Capital Projects Expenditure Plan consisting of justice and law enforcement  
18   projects; public works projects; general administration projects; and parks, environment and  
19   education projects.  
20

21   BE IT FURTHER ORDAINED that there be and there hereby is levied on all the taxable  
22   property in the County a direct, annual tax in such years and in such amounts as are sufficient to  
23   pay when due the principal and interest on such notes.  
24

25   BE IT FURTHER ORDAINED that this action by the County Board of Supervisors is taken  
26   pursuant to Section 67.12(12), Wis. Stats., and is intended to constitute a "resolution" for  
27   purposes of that section.