

177th BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
177-O-037	07/05/22 07/07/22	JU FI	ORD: Amend The 2022 Sheriff's Department Budget By Appropriating Seized Fund Revenues To Fund Multiple Expenses To Enhance Law Enforcement
177-R-002	07/01/22 07/07/22	JU	RES: Designation Of Waukesha County Communication Center As Single Public Safety Answering Point (PSAP) In County For Wis. Stat. Section 256.35(3s)(bm) Grant Eligibility
177-O-038	VOID		
177-O-039	07/05/22 07/07/22	JU	ORD: Repeal The 2016 Waukesha County All Hazard Mitigation Plan And Adopt The 2021 Waukesha County All Hazard Mitigation Plan
177-O-040	07/05/22 07/07/22	HS HR FI	ORD: Modify The 2022 Department Of Health And Human Services – Special Purpose Grant Fund Budget For Expansion Of Crisis Service In Law Enforcement, Create 3.0 Clinical Therapist Positions, And Increase American Rescue Plan Act Funding General Government Revenue
177-O-041	07/06/22 07/07/22	HS HR FI	ORD: Modify The 2022 Department Of Health And Human Services Budget To Expand Intensive Mental Health Services For Community Youth And Create Positions, Funded Through The American Rescue Plan Act
177-O-042	07/06/22 07/07/22	HS HR FI	ORD: Modify The 2022 Department Of Health And Human Services – Special Purpose Grant Fund Budget For Enhancements To Child Welfare Infrastructure, Create One Social Worker Sunset Position, And Increase American Rescue Plan Act Funding
177-O-043	07/11/22 07/11/22	PW	ORD: Create A Parking Regulation For CTH TT In The Village Of Waukesha
177-O-044	08/01/22 08/04/22	LU	ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Delafield By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 25, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The C-1 Conservancy Overlay District To The A-2 Rural Home District (RZ100)
177-O-045	08/01/22 08/04/22	LU	ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Delafield By Establishing Shoreland Zoning For 19 Properties Located In The SE ¼ And SW ¼ Of The SW ¼ Of Section 25 And The NE ¼ And NW ¼ Of The NW ¼ Of Section 36, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin (RZ101)
177-O-046			VOID
177-O-047	08/01/22 08/04/22	PW	ORD: Create A Parking Regulation For CTH K In The Village Of Menomonee Falls
177-R-003	08/02/22 08/04/22	EX	RES: Resolution To Conduct Advisory Referenda On Uniformity In Election Laws And Administration Throughout The State Of Wisconsin
177-O-048	08/02/22 08/04/22	EX HR	ORD: Amend Chapter 7 Of The County Code Of Ordinances And Establish Policy Relating To Election Administration Grants And Donations
177-A-021	08/03/22 08/04/22	EX	APPT: John Corning to the Ashippun Lake Management District

177th BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
177-O-048	08/02/22	JU FI	ORD: Modify The 2022 District Attorney's Office Budget To Accept Antiterrorism And Emergency Assistance Program (AEAP) Grant To Fund Victim Services Related To The 2021 Waukesha Parade Incident
177-O-049	08/02/22	JU HR FI	ORD: Modify The Salary Range Assignment For Telecommunicator Classification From Open Range 06 To Open Range 07

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
2 DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY CONDITIONALLY REZONING CERTAIN
3 LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 25, T7N, R18E, TOWN OF DELAFIELD,
4 WAUKESHA COUNTY, WISCONSIN, FROM THE C-1 CONSERVANCY OVERLAY DISTRICT
5 TO THE A-2 RURAL HOME DISTRICT (RZ100)
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 Delafield Town Board on June 14, 2022; 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 59.692, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
17 Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the
18 Town of Delafield, Waukesha County, Wisconsin, adopted by the Waukesha County Board of
19 Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the C-1
20 Conservancy Overlay District to the A-2 Rural Home District, certain lands located in part of the
21 SW ¼ of Section 25, T7N, R18E, Town of Delafield, and more specifically described in the "Staff
22 Report and Recommendation" and map on file in the office of the Waukesha County
23 Department of Parks and Land Use and made a part of this Ordinance by reference RZ100, is
24 hereby approved, subject to the following conditions:
25

- 26 1. Subject to documentation being submitted that all required DNR and ACOE permits have
27 been obtained and/or that previous permits are still valid for the two wetland fill areas: one
28 near Sylvan Trail and one to access the proposed residential building location.
29
- 30 2. Subject to the petitioner obtaining a Stormwater Permit from the Land Resources Division
31 for compliance with the erosion control requirements and the site drainage standards.
32
- 33 3. Subject to a Minor Grading Permit, including an existing and proposed grading plan for the
34 driveway, being obtained by Waukesha County Planning and Zoning Division, prior to land
35 altering activities taking place.
36
- 37 4. Subject to there being no more than a 15,000 sq. ft. disturbance area, located south of the
38 "L" shaped portion of the parcel (south of the line with a dimension of 344.64).
39
- 40 5. An approved building envelope for the proposed residence be determined and shown on
41 the Certified Survey Map.
42
- 43 6. A detailed tree inventory/study be completed only within the proposed disturbance
44 envelope area.

45

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

48


49 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
50 approval and publication.

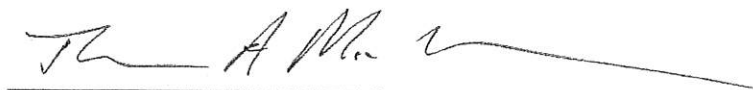
COMMISSION ACTION

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 **RZ100 (Studer)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

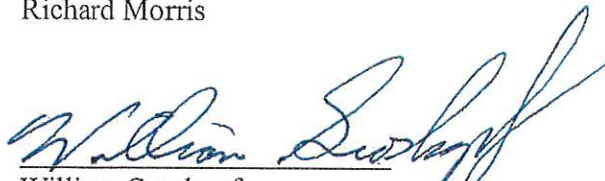
July 21, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


Robert Peregrine

absent
Richard Morris


William Groskopf

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

DATE: July 21, 2022

FILE NO.: RZ100

TAX KEY NO.: DELT 0819.992.001

APPLICANT: Jon Spheeris
175 E. Wisconsin Avenue, Ste. A
Oconomowoc, WI 53066

OWNER: Daniel Studer and Sheyenne Brown Studer
W289 N106 Elmhurst Road
Waukesha, WI 53188-9420

LOCATION:

The property is described as Lot 1, Certified Survey Map (CSM) No. 6889, part of the SW ¼ of Section 25, T7N, R18E, Town of Delafield. More specifically, the property is located at the Elmhurst Road address cited above containing approximately 11.4 acres.

PRESENT ZONING CLASSIFICATION:

C-1 Conservancy Overlay District

PRESENT LAND USE:

Residential

PROPOSED ZONING:

A-2 Rural Home District

PROPOSED LAND USE:

Rezone two small areas equating to 1,359 sq. ft. from the C-1 Conservancy Overlay District to the A-2 Rural Home District to accommodate a residential driveway for a future home site.

PUBLIC HEARING DATE:

June 7, 2022

PUBLIC REACTION:

Keith Kindred, N2W28651 Sylvan Trail. Mr. Kindred stated he made a navigability determination request in 2016, which the Department of Natural Resources (DNR) never completed. In 2018, after observing tree removal and land altering activities on the property, Mr. Kindred again reached out to the DNR for a navigability determination which prompted the DNR to conduct a site visit and determine the pond on Mr. Kindred's property to be navigable. Mr. Kindred indicated that the DNR and County Land Resources Division (LRD) issued permits under false pretenses, after the petitioner relayed that the driveway he was looking to install was over an old road. Mr. Kindred noted that he has not seen any additional flooding as a result of the fill brought onto the property along the east-west portion of the flag lot. However, he noted more flooding was occurring on the north side of the driveway.

Sean Beres, N3W28650 Sylvan Trail. Mr. Beres noted that on the north side of the easement there has been more water in his (wetland) pond, back yard, and the wetland areas on his property since the petitioner conducted the work on the driveway in 2018. He also stated it was previously a deer path on the petitioner's property and not a roadway.

There was also discussion between the neighbors noted above, the petitioner and the Plan Commission regarding potential access issues over the easement strip that they use to access their lands to the north and south of the easement.

TOWN PLAN COMMISSION:

On June 7, 2022, the Town Plan Commission moved to approve the request subject to all required permits from the Army Corps of Engineers (ACOE), DNR and County be obtained and all easement issues appropriately addressed. The motion failed 3-2.

TOWN BOARD ACTION

On June 14, 2022, the Town Board unanimously approved the rezoning request, subject to any easement issues for the surrounding neighbors and that any permits with the DNR and Waukesha County are current and enforced.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:

The Town Land Use Plan and County Comprehensive Development Plan designate the subject parcel mainly as Isolated Natural Resource Area (5 acres/dwelling unit). There is a small area of Suburban Density Residential II (3.0 – 4.9 ac/du) on the western portion of the parcel that abuts to C.T.H. G and is a shared driveway easement. The proposed rezone will accommodate a future residential parcel. Given the existing parcel has more than 10 acres of upland INRA, the proposal complies with both plans.

OTHER CONSIDERATIONS:

The 11.36 acre subject property, platted in 1992, is located east of C.T.H. G and south of I-94 and contains a single family residence. The lands to the west are owned by the Schoenstatt Sisters, who have expressed to the town that they have no plans to develop their land at this time. Rural residential development surrounds the parcel to the north, west and south. Access to the existing home is from C.T.H. G. There is steep topography on the property that slopes west to east. There is Isolated Natural Resource Area on the entire property. There are wetland areas on the east portion of the property. The wetland area on the subject property equates to .85 acres. The DNR determined in 2017 that the wetland pond on the petitioner's property was not navigable, but the pond on the adjacent neighbor's property was navigable.

Subject to the establishment of county zoning being approved on the property (action pending as part of RZ101), this property will be entirely under the jurisdiction of the County's Shoreland and Floodland Protection Ordinance. The proposed zoning districts include A-2 Rural Home, C-1 Conservancy Overlay, HG High Groundwater and EC Environmental Corridor Overlay.

The property owner is requesting a second access to the property from Sylvan Trail in anticipation of a 2-lot land division to construct a single family residence. The construction of a driveway requires the filling of two wetland areas: one near Sylvan Trail, which was completed in 2017, and one further south that would provide access to the building site over the wetland area. These two areas equate to 1,359 sq.

ft. (0.03 acres) of wetland fill (Exhibits A and B). Access from the west (C.T.H. G) is not easily achievable due to the Isolated Natural Resource Area, steep slopes and the restrictions on number of parcels utilizing access easements.

While the property owner made efforts to secure permits prior to conducting any driveway work, there was some uncertainty regarding the town, county and DNR's jurisdictional limits and the wetland boundaries that ultimately halted the project. In late November 2017, a DNR staff member made an onsite determination outside of the growing season that no wetlands existed on the east-west portion of the flag strip and therefore no DNR permits were required for the proposed driveway in this location. The Town Planner questioned this determination as there are DNR mapped wetlands on site. The DNR assured him of their authority to make this call. The Town Planner relayed who to contact at the town to install a culvert from Sylvan Trail and that a Stormwater Permit was required by the Land Resources Division to ensure proper erosion control measures were being taken for the land altering activities surrounding the installation of the driveway. A permit was applied for with the LRD and issued the same day which noted the scope of the permit is to "stone the driveway to the point that is currently cleared along the east property line. If you obtain State approval to cross the wetland to the west, you will be required to submit a new schedule and erosion control plan" and "the first 50 ft. of the driveway from Sylvan Trail must be 3-6 inch diameter clear stone". One week later in December 2017, at the request of an adjacent property owner and the town, the same DNR staff member determined that a wetland pond on the adjacent property located directly south, west and north of the proposed driveway to be navigable, thereby enacting County Shoreland Zoning on the mapped wetland areas immediately, as per the SFPO.

In February 2018, the petitioner obtained a DNR permit to fill 296 sq. ft. of wetlands on the south portion of the flag strip to achieve access to a new home site in February of 2018. The ACOE also issued a permit exemption letter to fill approximately 300 sq. ft. of wetland, subject to standard conditions. The ACOE permit has since expired. It is important to note that both the DNR and ACOE permits reference an area the size of the wetland fill near Sylvan Trail but are permitting fill of the wetland area east of the proposed home site, which is approximately 1,100 sq. ft. In addition, the 2018 wetland delineation determined that wetlands did exist over the east-west area of the flag strip, a portion of which had been filled, as the DNR field staff had indicated no permits were required for this work.

In the 2018 wetland report, SEWRPC notes how a 1970's aerial shows the adjacent subdivision (Sylvan Hills) under construction, with Sylvan Trail, a public road, already installed. The ponds, which are not located within the plat boundary, have also been excavated around the eastern end and northeastern leg of the subject property. Placement of dredged soils around the ponds is evident. A ditch extends eastward from the end of Sylvan Trail that is likely to carry stormwater runoff to a north-south ditch connecting the two ponds.

The C-1 Conservancy Overlay District applies to all areas of wetlands and allows for normal driveway construction in order to provide access to a property provided such facilities are deemed essential or provided that failure of the existing streets, driveways or bridges would endanger public health or safety. In the case of the subject property, access is already available to an existing residential home site that is located outside of the wetland. Accordingly, the request for an alternative access to facilitate a land division requires a rezone from the C-1 wetland area to an upland zoning category. The County LUP designates this property as INRA and as such requires a 5 acre density in order to be divided. The wetland delineation confirms that there is at least 10 acres of upland on the property, which would allow the property owner the opportunity to apply for a minor land division (Certified Survey Map) with the town and the county. The CSM has been submitted to the Town and County for review (Exhibit C) and if

approved will contain a disturbance envelope of no more than 32,670 sq. ft. (3/4 of an acre) in accordance with the SFPO. The proposed parcel is considered a lot not abutting a public road, which requires Town and County Plan Commission approval. This review, along with the CSM review, will also address access concerns relative to existing easements.

STAFF RECOMMENDATION

Based on the above analysis, the Planning and Zoning Division Staff recommends **conditional approval** of the request to rezone approximately .031 acres from the C-1 Conservancy District to the A-2 Rural Home District, subject to the following conditions:

1. Subject to documentation being submitted that all required DNR and ACOE permits have been obtained and/or that previous permits are still valid for the two wetland fill areas: one near Sylvan Trail and one to access the proposed residential building location.
2. Subject to the petitioner obtaining a Stormwater Permit from the Land Resources Division for compliance with the erosion control requirements and the site drainage standards.
3. Subject to a Minor Grading Permit, including an existing and proposed grading plan for the driveway, being obtained by Waukesha County Planning and Zoning Division, prior to land altering activities taking place.

The C-1 Conservancy Overlay District allows for the limited filling and excavating of a wetland to accommodate access to a property that would otherwise not have access. Given the size of the parcel and that more than 10 upland acres of Isolated Natural Resource Area are available, the proposed land division and limited wetland fill seem reasonable and avoids steep slope disturbance and easement issues that would be present if a second alternative access were proposed from the west. The proposed access from Sylvan Trail requires a small amount of wetland fill, some of which has been already completed. While the wetland appears to be man-made, it is still a regulated wetland. As conditioned, new permits, or, at a minimum, a review of previously obtained permits are required from the County, DNR and ACOE to ensure the fill was and is done in accordance with local, state and federal regulations. This would include a review of the site drainage to ensure neighboring properties are not adversely affected by the proposal. As conditioned, the proposal complies with the purpose and intent of the Ordinance and Town and County Land Use Plans.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

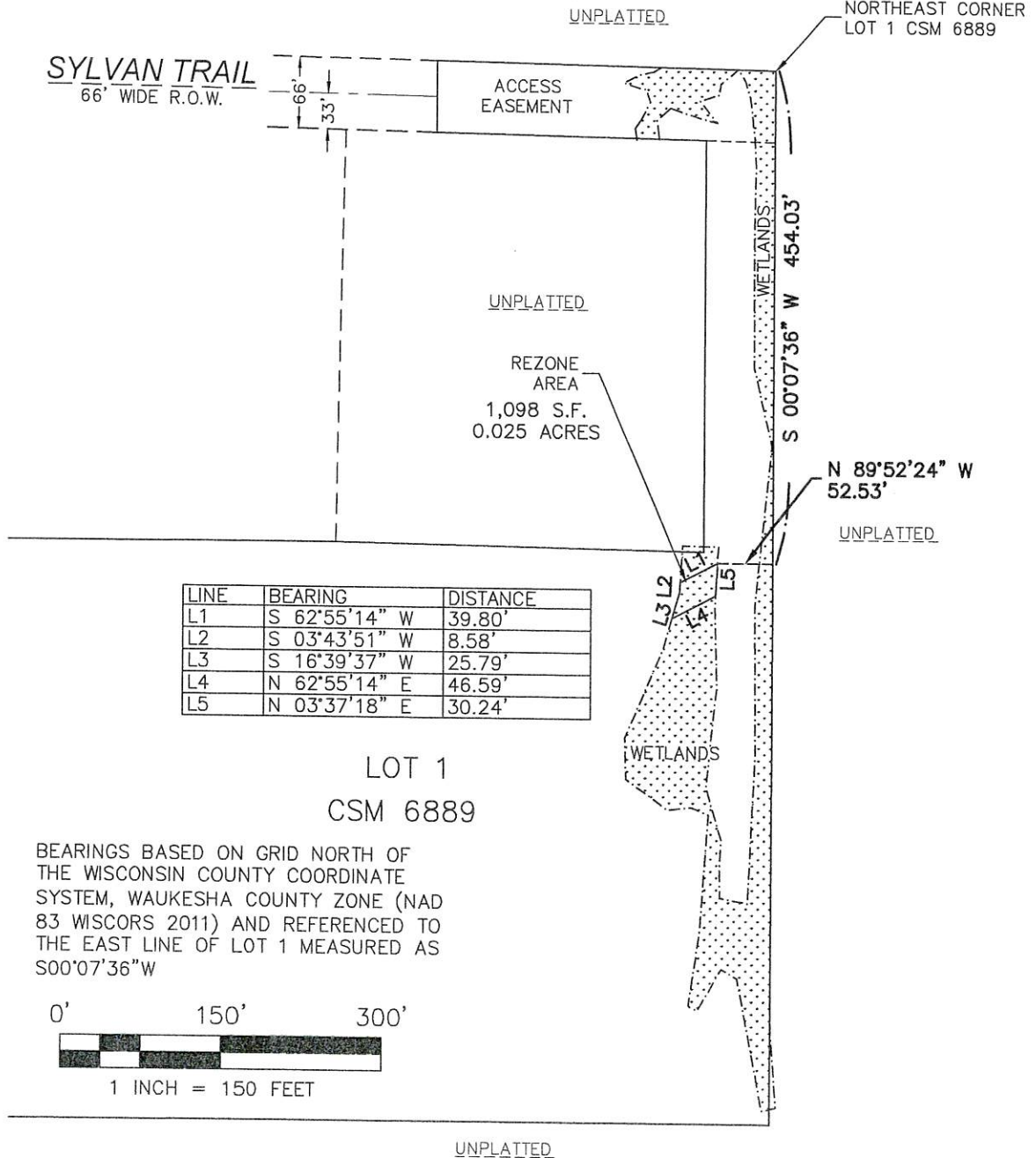
Attachments: Exhibit A & B: Wetland Fill Areas
Exhibit C: Preliminary CSM, Sheet 1
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ100 Studer Dit.Docx

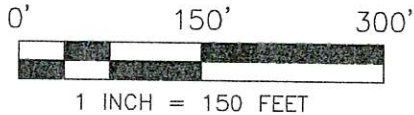
EXHIBIT A

REZONE EXHIBIT A

PART OF LOT 1 OF CSM 6889 BEING PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 25, T7N, R18E,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE EAST LINE OF LOT 1 MEASURED AS S00°07'36"W

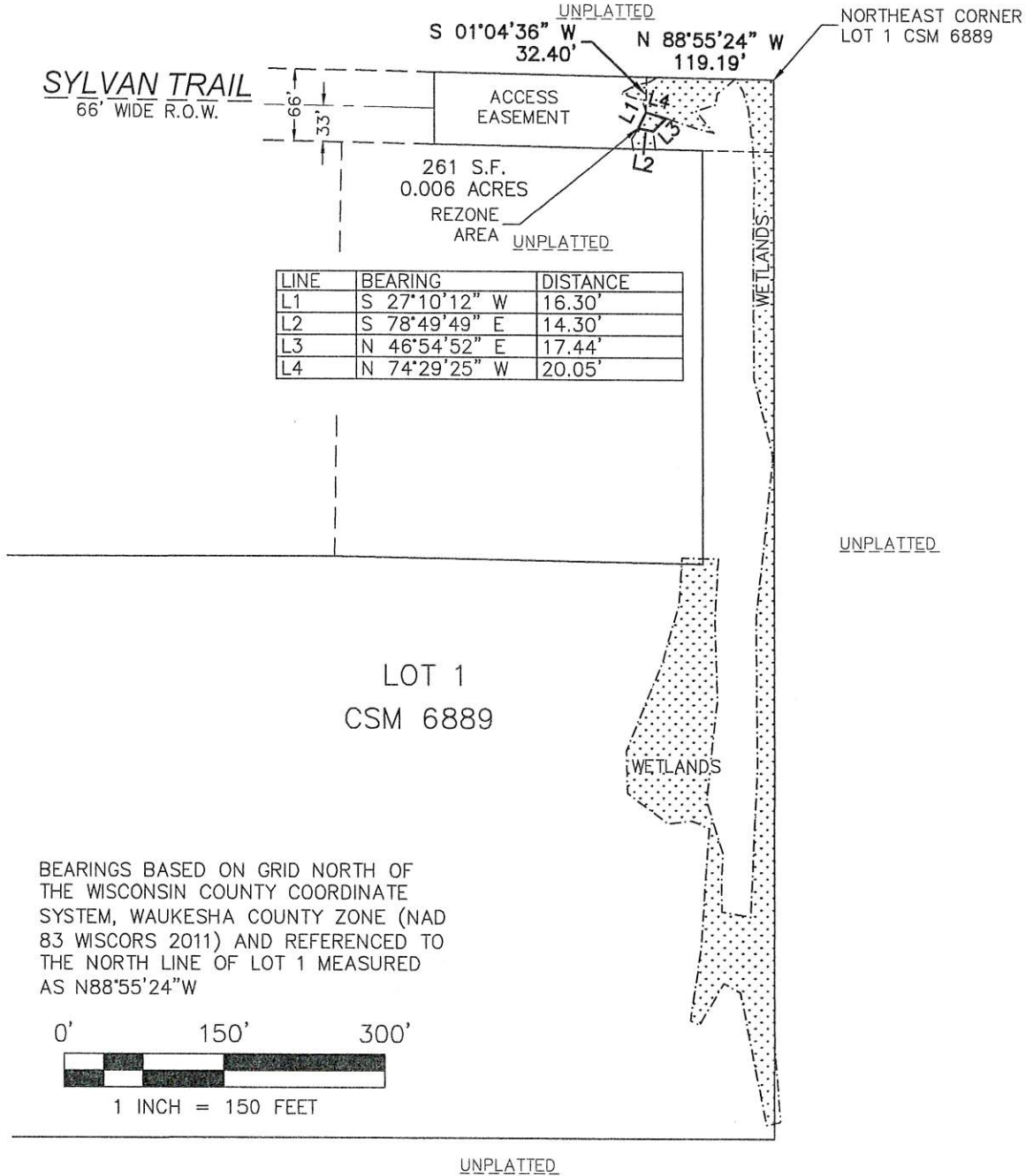


CLIENT STUDER	LOCATION W289N106 ELMHURST RD WAUKESHA, WI	DATE 3/31/2022	 LAND SURVEYING • LAND PLANNING 111 W. 2ND STREET OCONOMOWOC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599
PROJECT REZONE		REV.	
LAYOUT EXHIBIT-1		REV.	
DRAWING 22074 REZONE EX.DWG	DRAWN BY MTQ	CHECKED BY JDD	JOB NO. 22074

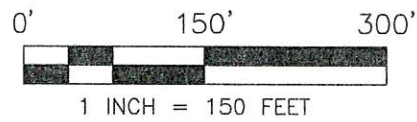
EXHIBIT B

REZONE EXHIBIT B

PART OF LOT 1 OF CSM 6889 BEING PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 25, T7N, R18E,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE NORTH LINE OF LOT 1 MEASURED AS N88°55'24"W



CLIENT STUDER	LOCATION W289N106 ELMHURST RD WAUKESHA, WI	DATE 3/31/2022	<p>LAND SURVEYING • LAND PLANNING 111 W. 2ND STREET OCONOMOWOC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599</p>
PROJECT REZONE		REV.	
LAYOUT EXHIBIT-2		REV.	
DRAWING 22074 REZONE EX2.DWG	DRAWN BY MTQ	CHECKED BY JDD	JOB NO. 22074

Referred on: 08/04/22

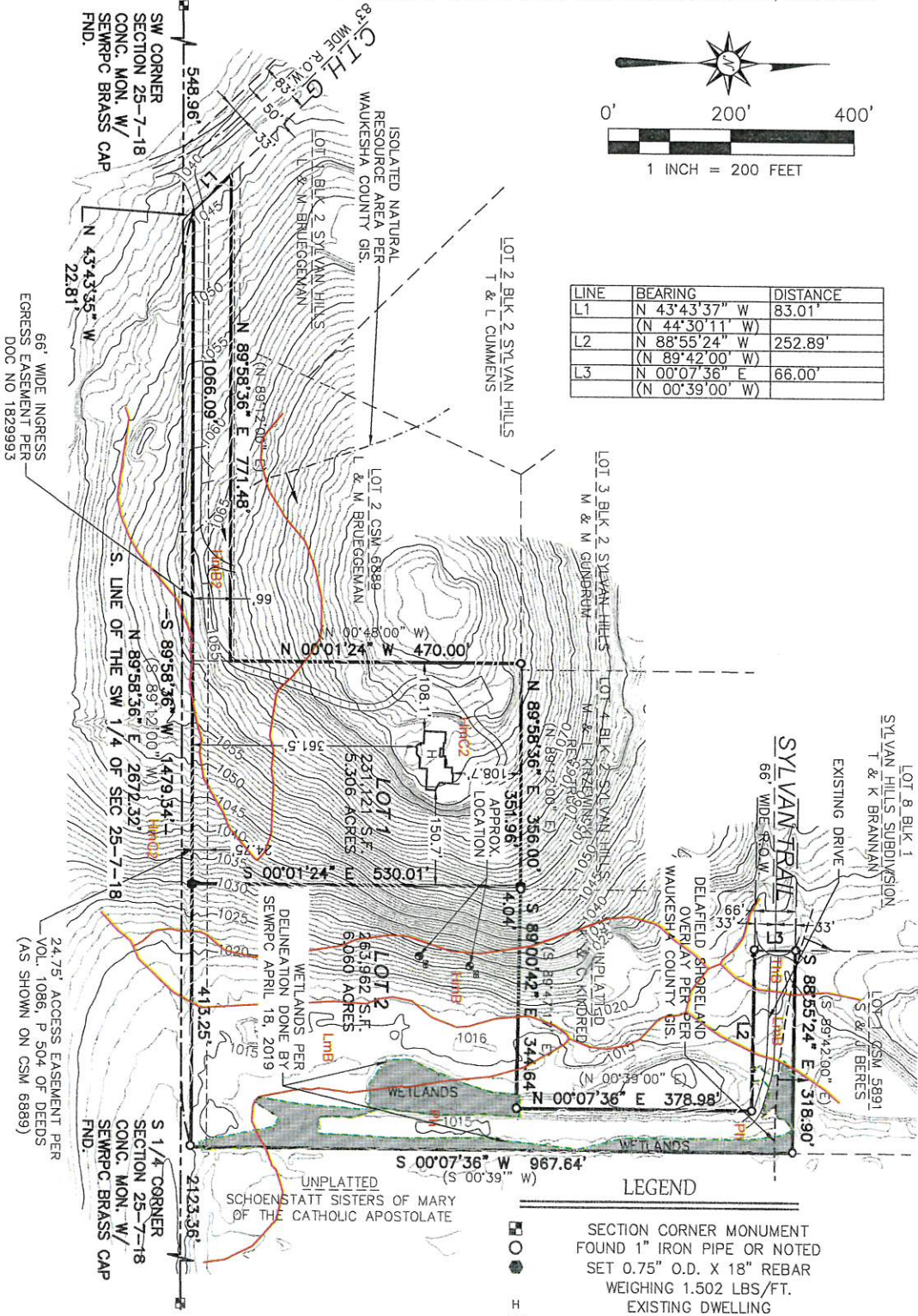
File Number: 177-O-044

Referred to: LU 9

EXHIBIT C

WAUKESHA CO. CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LOT 1 OF CSM 6889, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS, VOL 57, P372-374, ON OCTOBER 26, 1992, AS DOCUMENT NO 1779007, BEING PART OF THE SW 1/4 AND PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 25, T7N., R18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

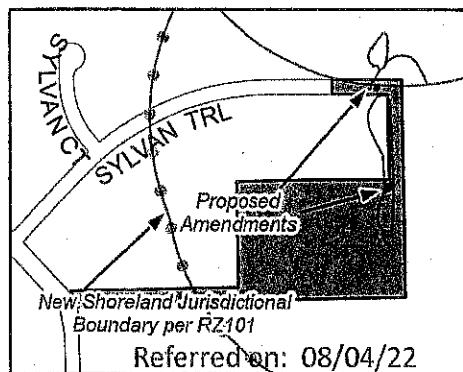
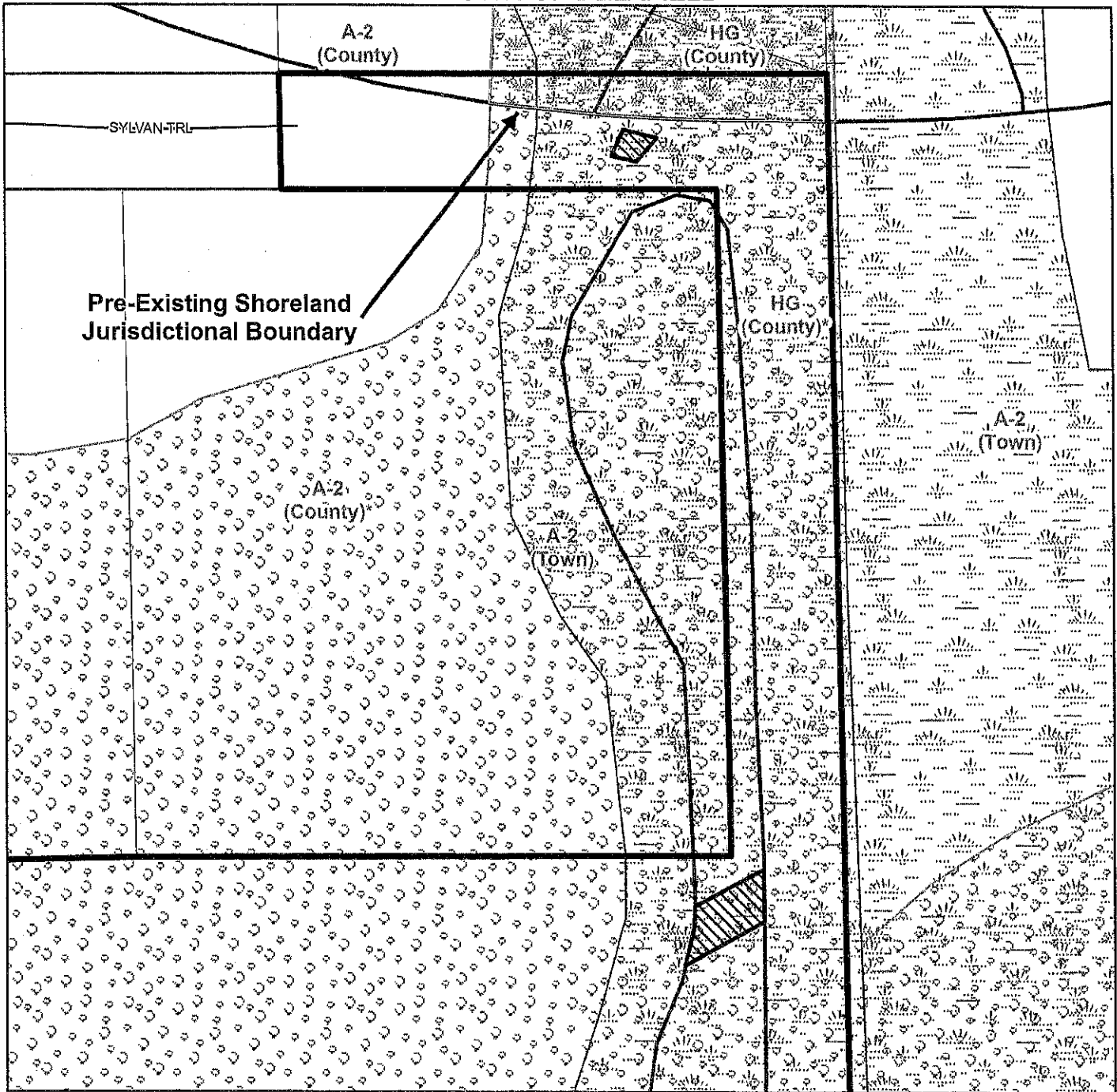





LINE	BEARING	DISTANCE
L1	N 43°43'37" W (N 44°30'11" W)	83.01'
L2	N 88°55'24" W (N 89°42'00" W)	252.89'
L3	N 00°07'36" E (N 00°39'00" W)	66.00'

- LEGEND**
- SECTION CORNER MONUMENT
 - FOUND 1" IRON PIPE OR NOTED
 - SET 0.75" O.D. X 18" REBAR
 - WEIGHING 1.502 LBS/FT.
 - EXISTING DWELLING
 - RECORD DIMENSION
 - DRIVEWAY LOCATION
 - APPROXIMATE SOIL TEST
 - WELL
 - SEPTIC VENT
 - SEPTIC CLEANOUT

ZONING AMENDMENT

PT OF THE SW 1/4 OF SECTION 25,
TOWN OF DELAFIELD



	COUNTY ZONING AMENDMENT FROM C-1 CONSERVANCY OVERLAY DISTRICT TO A-2 AGRICULTURAL DISTRICT (0.03 AC)
	CONSERVANCY (C-1) OVERLAY DISTRICT
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY DISTRICT

FILE.....RZ100

DATE OF PLAN COMMISSION.....7/21/22

AREA OF CHANGE.....0.03 ACRES

TAX KEY NUMBER.....DELT 0819.992.001

*RZ101 established the following County Zoning on this property: A-2 Agricultural District, HG High Groundwater District, C-1 Conservancy Overlay District, and EC Environmental Corridor Overlay District

Prepared by the Waukesha County Department of Parks and Land Use
File Number: 177-0-044

0 50 100 Feet

Referred to: LU 11

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
2 DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY ESTABLISHING SHORELAND
3 ZONING FOR 19 PROPERTIES LOCATED IN THE SE ¼ AND SW ¼ OF THE SW ¼ OF
4 SECTION 25 AND THE NE ¼ AND NW ¼ OF THE NW ¼ OF SECTION 36, T7N, R18E,
5 TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN (RZ101)
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 Delafield Town Board on June 14, 2022; 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 59.692, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
17 Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the
18 Town of Delafield, Waukesha County, Wisconsin, adopted by the Waukesha County Board of
19 Supervisors on June 23, 1970, is hereby amended to establish Shoreland Zoning on 19
20 properties located in the SE ¼ and SW ¼ of the SW ¼ of section 25 and the NE ¼ and NW ¼ of
21 the NW ¼ of Section 36, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more
22 specifically described in the "Staff Report and Recommendation" and map on file in the office
23 of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance
24 by reference RZ101, is hereby approved.
25

26 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
27 Ordinance with the Town of Delafield Clerk.
28

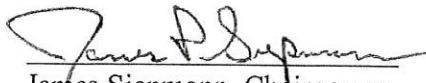
29 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
30 approval and publication.

COMMISSION ACTION

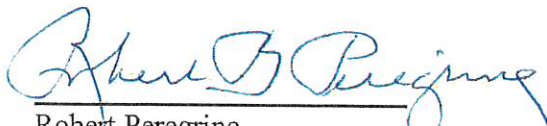
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **RZ101 (Waukesha County-Department of Parks and Land Use)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 21, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


Robert Peregrine

Absent
Richard Morris


William Groskopf

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

DATE: July 21, 2022

FILE NO.: RZ101

TAX KEY NO.: Multiple

APPLICANT: Waukesha County Department of Parks and Land Use
515 W. Moreland Blvd., Room AC230
Waukesha, WI 53188

LOCATION:

There are 19 properties affected. The properties are located in the SE ¼ and SW ¼ of the SW ¼ of Section 25 and the NE ¼ and NW ¼ of the NW ¼ of Section 36, T7N, R18E, Town of Delafield.

PRESENT ZONING CLASSIFICATION:

A-2 Rural Home District and A-1 Agricultural District (Town of Delafield).

PRESENT LAND USE: Residential, agricultural, conservancy.

PROPOSED ZONING:

Establishment of the County's zoning authority under the Waukesha County Shoreland and Floodland Protection Ordinance extending 1,000 feet from the Ordinary High Water Mark of a navigable pond. The zoning includes A-2 Rural Home, EC Environmental Corridor Overlay, C-1 Conservancy Overlay, HG High Groundwater and A-1 Agricultural Districts.

PROPOSED LAND USE:

Residential, agricultural and conservancy.

PUBLIC HEARING DATE:

June 7, 2022

PUBLIC REACTION:

One resident asked the County to clarify the zoning districts that were being proposed.

TOWN PLAN COMMISSION:

On June 7, 2022, the Town Plan Commission recommended approval of the rezoning request. The motion carried 4-1.

TOWN BOARD ACTION

On June 14, 2022, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:

The Town Land Use Plan and County Comprehensive Development Plan designate the subject area as Suburban Density Residential II (3.0 – 4.9 ac/du), Rural Density and Other Agricultural, Isolated Natural Resource Area and Government and Institutional. The proposed zoning complies with both plans.

OTHER CONSIDERATIONS:

The Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional limits apply to all structures, land and water in the unincorporated areas, that are within 1,000 ft. from the Ordinary High Water Mark (OHWM) of a navigable lake or pond, 300 ft. from the OHWM of a navigable river or stream, or the landward side of the floodplain, whichever is greater. In 2018, a request was made to the DNR by a private property owner to determine the navigability status of a small wetland pond located on their property, which is located in the Sylvan Hills subdivision south of I-94 and east of C.T.H. G in the Town of Delafield. The DNR determined that the pond was navigable, which enabled the establishment of county shoreland zoning. The northwest portion of the subdivision is already under the County's shoreland jurisdiction due to the proximity to Etter Lake. The 1,000 ft. buffer from the wetland pond extends the County's jurisdiction further south into the Sylvan Hills subdivision and the northern parcels of The Retreat subdivision, as well as some agricultural fields.

Nineteen properties are either wholly or in part proposed to be incorporated into the County's zoning jurisdiction. The proposed A-1 and A-2 County zoning districts mirror that of the town's existing zoning districts. The Town's A-1 Agricultural District requires larger lots than the County's A-1 Agricultural District (20 acres vs. 3 acres, respectively). However, both areas being zoned as A-1 in the southeast and southwest of the 1,000 ft. buffer do not appear to allow for the creation of a new lot due to access issues. Required setback, offsets and maximum square footage also may vary slightly between the town and county zoning codes, however, the allowed uses remain similar. All the residential parcels within the subject area have been developed, except for two parcels (and one outlot) within The Retreat subdivision to the south, which notes on the recorded plat that these properties will be under the County's Shoreland jurisdiction.

The Shoreland and Floodland Protection Ordinance also includes zoning districts that identify existing natural resources and soils indicative of high groundwater. The proposed zoning districts for the subject area consist of the HG High Groundwater District, C-1 Conservancy Overlay District, and EC Environmental Corridor Overlay District. The overlay districts coincide with existing natural resource inventories.

STAFF RECOMMENDATION

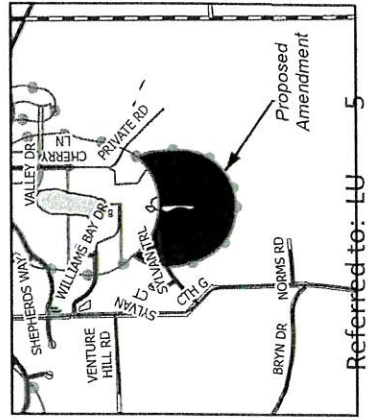
The Planning and Zoning Division Staff recommends approval of the proposed zoning districts under the Waukesha County Shoreland and Floodland Protection Ordinance due to a waterbody being deemed navigable. State statute requires counties to administer shoreland zoning within certain distances from navigable waters in the unincorporated areas. This action complies with state law and results and the zoning change generally mirrors the town zoning scheme in the area.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

Attachments: Map



Referred to: LU 5

N

- Shoreland Zoning amendment to establish A-1 Zoning
- Shoreland Zoning amendment to establish A-2 Zoning
- Shoreland Zoning amendment to establish HG Zoning
- Shoreland Zoning amendment to establish C-1 Conservancy (Wetlands) Overlay Zoning
- Shoreland Zoning amendment to establish EC Environmental Corridor Overlay Zoning

FILE.....RZ101
 DATE OF PLAN COMMISSION.....7/21/22
 AREA OF CHANGE.....64.4 ACRES
 TAX KEY NUMBER.....MULTIPLE

ZONING AMENDMENT

PART OF THE SW 1/4, SECTION 25,
TOWN OF DELAFIELD

0 0.5 1

Miles

Referred on: 08/04/22

File Number: 177-C-045

Prepared by the Waukesha County Department of Parks and Land Use

CREATE A PARKING REGULATION FOR CTH K IN THE VILLAGE OF MENOMONEE FALLS

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WHEREAS, the parking, standing and stopping of vehicles along county trunk highways can have a detrimental effect upon highway capacity and safety; and

WHEREAS, a prohibited parking area provides safe visibility of traffic conditions for motorists; and

WHEREAS, Section 349.13 of the Wisconsin Statutes provides that local authorities may regulate the parking, standing and stopping of vehicles along such highways; and

WHEREAS Waukesha County studied parking along CTH K in the Village of Menomonee Falls to address safety concerns; and

WHEREAS this report revealed existing conditions along CTH K that are inadequate for off road parking and maintaining safe sight distances for the residents with access to CTH K.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the following parking regulation shall be in effect upon the placement of proper signs:

The north side of CTH K from a point 785 feet east of the centerline of Emerald Hills Drive easterly to the centerline of Cranes Crossing Boulevard and the south side of CTH K from a point 785 feet east of the centerline of N Brookfield Road to the beginning of the west radius for Shasta Drive and from the end of the east radius of Shasta Drive easterly to the centerline of Cherokee Drive — No Parking At Any Time.

BE IT FURTHER ORDAINED that this ordinance rescinds all other previous parking regulations for the above-described portion of the County Trunk Highway System.

To: Allison Bussler
From: Matthew Cowap
Date: July 28, 2022

Part A — Introduction

Waukesha County has received complaints about and county employees have observed unsafe intersection sight distance on CTH K between N Brookfield Road and Cherokee Drive/Cranes Crossing Boulevard. The unsafe condition is caused by patrons of the restaurant at N48 W18474 CTH K/W Lisbon Rd parking their vehicles on the shoulder of CTH K, which blocks the sight lines for vehicles exiting the parking lot of the restaurant.

This technical memorandum summarizes field observations, a crash analysis, and sight distance analysis. A recommendation regarding on-road parking is included.

Part B — Study Area

An aerial of the study area is shown in Exhibit A.

CTH K, also known as W Lisbon Rd, is a two-lane undivided north/south road with 35 mph posted speed limit. It travels through a suburban area which also includes a private school. Annual average daily traffic (AADT) volume on this section of CTH K is about 10,000 vehicles per day.

Part C — Crash Summary

A search of 60 consecutive months crash data from 60 consecutive months along the study limits found 12 crashes from year 2016 through 2022. Four of those crashes involved vehicles either turning into or out of the parking lot at N48 W18474 CTH K/W Lisbon Rd.

Part D — Sight Distance

Intersection sight distance (ISD) is desired at driveway intersections with highways to ensure motorists can see approaching traffic and safely maneuver onto the highway without greatly impacting traveling speeds for motorists on the highway. The objective is to provide an unobstructed view from the motorist's position on the driveway (approximately 14.5-feet from the edge of the highway) to all points from the driveway to the calculated ISD. Passenger vehicles were the assumed design vehicles from the driveways.

The design speed of a highway is generally considered the posted speed limit plus 5 mph. For CTH K, which has a speed limit of 35 mph, the design speed is 40 mph. The ISD at 40 mph is 385-feet for the driveway motorist turning right and 445-feet for turning left. Due to the driveway spacing on of CTH K, parking anywhere on this section CTH K will cause an obstructed view for one or more driveways.

Part E — Other Considerations

CTH K was assumed to meet the definition of a "residential district" per Wisconsin State Statute 340.01(50). This is because 300-feet or more of frontage on the south side of CTH K is comprised of residential dwellings. Therefore, the parking restrictions under Wis. Stat. 346.51, which apply to areas outside of residential and business districts, were assumed to not apply to the study area.

Wisconsin State Statute 346.53 indicates that it is illegal to park within 15 feet of the near limits of a crosswalk.

Wisconsin State Statute 346.54 indicates that a legally parked vehicle permits traffic in both directions to move simultaneously.

Waukesha County engineering staff observed parking on CTH K in June and July of 2022. They noted that there were many vehicles parking on the shoulder of CTH K in such a way as to block the sight lines of drivers departing the parking lot of N48 W18474 CTH K/W Lisbon Rd.

Part F — Parking Recommendation, Summary, & Conclusion

See Exhibit A for a summary of the recommended on-road parking prohibitions.

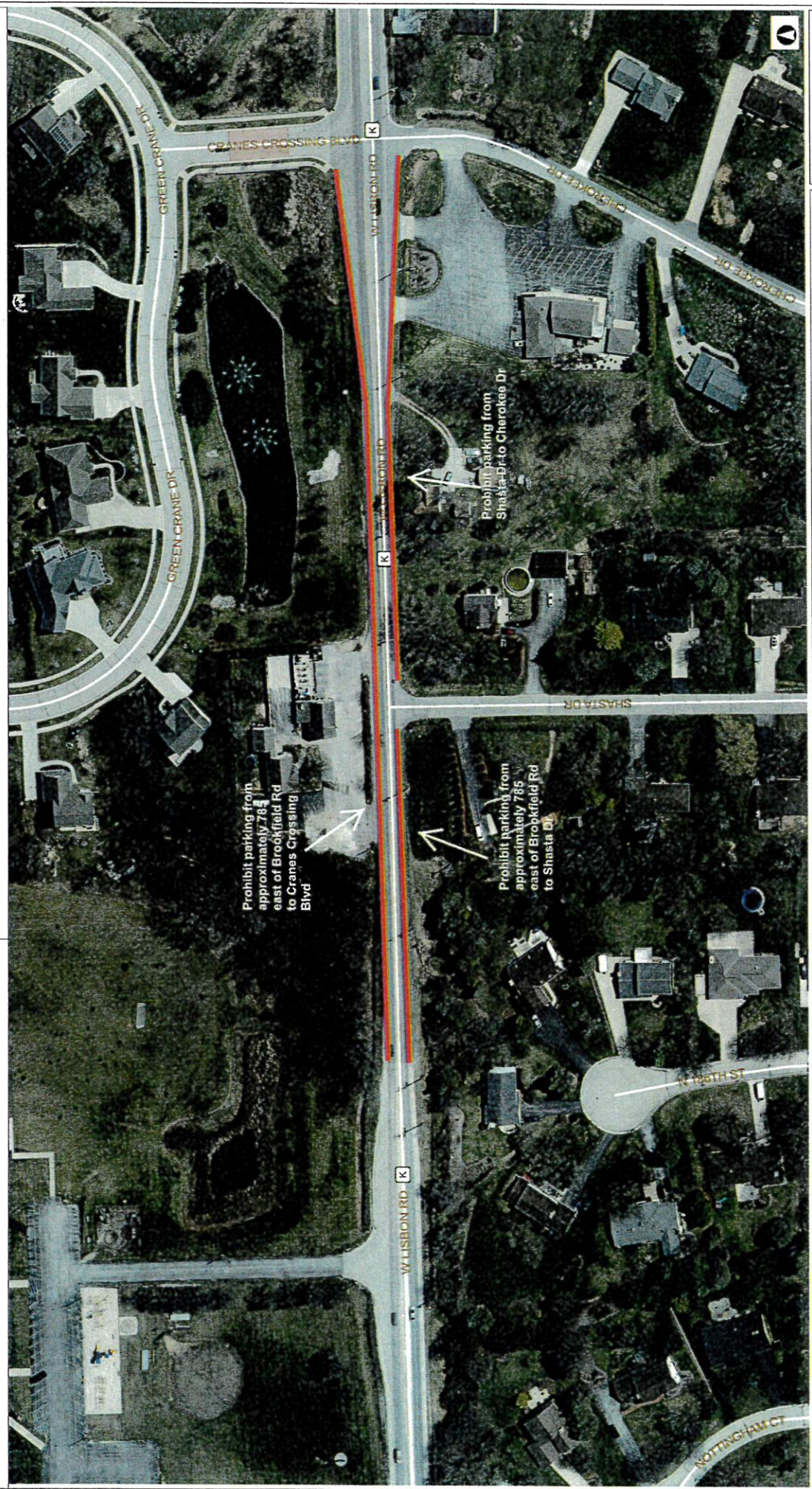
- Prohibit parking along the north side of CTH K from approximately 785 feet east of the centerline of Emerald Hills Drive to Cranes Crossing Blvd. This prohibition is recommended due to ISD requirements for exiting the parking lot and the 500-foot visual requirement per Wis. Stat. 346.51.
- Prohibit parking along the south side of CTH K from approximately 785 feet east of the centerline of N Brookfield Rd to Shasta Dr and from Shasta Dr to Cherokee Dr. This prohibition is recommended due to ISD requirements for exiting resident driveways and the 500-foot visual requirement per Wis. Stat. 346.51.

In summary, it is recommended to prohibit parking along the north side of CTH K from approximately 785 feet east of the centerline of Emerald Hills Drive to Cranes Crossing Blvd. Additionally, it is recommended to prohibit parking along the south side of CTH K from approximately 785 feet east of the centerline of N Brookfield Rd to Shasta Dr and from Shasta Dr to Cherokee Dr.

Should any questions or comments arise, feel free to contact Matthew Cowap, P.E. at (262) 548-7748 or mcowap@waukeshacounty.gov.

EXHIBIT A
RECOMMENDED PARKING PROHIBITIONS

LAND INFORMATION SYSTEMS DIVISION



0 100.00 Feet

Referred on: 08/04/22

Printed: 7/28/2022

File Number: 177-O-047

Referred to: PW 5

Notes

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically addresses and addresses that if specific and precise accuracy is required, the same should be obtained by the user of the information and depictions herein, or for use which ignores this warning. Waukesha County is not responsible for any damages which result from their party use of the information and depictions herein.

1 RESOLUTION TO CONDUCT ADVISORY REFERENDA ON UNIFORMITY IN ELECTION LAWS
2 AND ADMINISTRATION THROUGHOUT THE STATE OF WISCONSIN
3
4

5 WHEREAS, a lack of uniformity in the application of Wisconsin's elections laws during the 2020
6 elections undermined the people's confidence in the outcome of elections held across Wisconsin;
7 and
8

9 WHEREAS, more than six million dollars of out-of-state corporate money was directed into select
10 Wisconsin cities for election operations creating a lack of uniformity; and
11

12 WHEREAS, the Wisconsin Constitution provides for uniformity in taxation and in the enactment
13 of general laws by the legislature but not in voting laws; and
14

15 WHEREAS, an amendment to the Wisconsin Constitution requiring uniformity in the
16 administration of elections held in Wisconsin is necessary to protect our democracy and preserve
17 our fundamental right to vote so that all voters are treated the same and so that our election
18 laws are reliable and predictable; and
19

20 WHEREAS, the Governor of Wisconsin cannot veto a Constitutional amendment passed by the
21 Legislature.
22

23 NOW, THEREFORE, BE IT RESOLVED by the Waukesha County Board of Supervisors does hereby
24 approve the following questions be placed on the November 8, 2022 ballot as advisory referenda:
25

26 *Question 1: Should the Wisconsin Legislature prepare and place on the statewide ballot a*
27 *Constitutional Amendment requiring that election administration, access to ballots, and counting*
28 *of ballots be nearly uniform as practicable?*
29

30 *Question 2: Should the Wisconsin Legislature prepare and place on the statewide ballot a*
31 *Constitutional Amendment prohibiting non-governmental entities and any individual other than*
32 *election officials designated by law from funding, managing, or performing any task in election*
33 *administration?*
34

35 BE IT FURTHER RESOLVED that the Corporation Counsel is directed to prepare a Notice of
36 Referenda, including the date of the referenda, the entire text of the questions, as well as
37 explanatory statements of the effect if either a yes or no vote.
38

39 BE IT FURTHER RESOLVED that this Resolution and Referenda be filed with the Waukesha County
40 Clerk no later than 70 days prior to the November 8, 2022 election, at which the Questions will
41 appear on the ballot.
42

43 BE IT FURTHER RESOLVED that the Waukesha County Clerk shall send the results of the Referenda
44 to the Governor of the State of Wisconsin, the Wisconsin Counties Association, all Wisconsin
45 County Boards, and to all local members of the Wisconsin Legislature.

1 AMEND CHAPTER 7 OF THE COUNTY CODE OF ORDINANCES AND ESTABLISH POLICY
2 RELATING TO ELECTION ADMINISTRATION GRANTS AND DONATIONS
3
4

5 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 7-
6 90 is repealed and recreated to read:
7

8 **Sec. 7-90. Acceptance**
9

10 (a) *Generally.*
11

12 Except as provided in subsection (b), donations of cash can be accepted, but no
13 expenditure authority can be appropriated until complying with section 7-91(b)
14 below. All other donations require that a donation acceptance worksheet, supplied
15 by the department of administration, be completed and routed to corporation
16 counsel before acceptance can take place.
17

18 (b) *Election Administration Donations.*
19

20 No donation over \$500 in value shall be accepted from any person or non-
21 governmental entity for the purpose of elections administration, including but not
22 limited to collection of ballots or voter registration.
23

24 BE IT FURTHER ORDAINED that it shall be the policy of the county that no grant shall be
25 accepted from any person or non-governmental entity for the purpose of elections
26 administration, including but not limited to collection of ballots or voter registration.



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: July 6, 2022
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Appointment of Resident to the Ashippun Lake Management District Board

This letter is submitted to recommend John Corning as a replacement for David Zimmermann as the Waukesha County representative on the Ashippun Lake Management District Board. Mr. Corning has lived on Ashippun Lake for the past 29 years. He is currently the treasurer on the Ashippun Lake Management District.

John coordinates the Clean Boats Clean Water invasive species prevention program for the lake, leveraging interns that are administrated by Waukesha County, but paid for by the Lake Management District. He is well qualified to help the Ashippun Lake Management District fulfill its mission to maintain high quality water in Ashippun Lake.

It is this background that makes John an outstanding appointee to the Ashippun Lake Management District Board. John's term, if approved, will be effective immediately.

PF:kb

cc: Meg Wartman
Dale Shaver

1 MODIFY THE 2022 DISTRICT ATTORNEY'S OFFICE BUDGET TO ACCEPT ANTITERRORISM
2 AND EMERGENCY ASSISTANCE PROGRAM (AEAP) GRANT TO FUND VICTIM
3 SERVICES RELATED TO THE 2021 WAUKESHA PARADE INCIDENT
4
5

6 WHEREAS, the Wisconsin State Constitution and Chapter 950 of the Wisconsin Statutes
7 mandate the rights for victims and witnesses of criminal offenses; and
8

9 WHEREAS, the Waukesha County District Attorney Victim Witness and VOCA (Victim of Crime
10 Acts) programs ensure the provision of those rights through advocacy, information, referral,
11 and trauma-sensitive supportive services, while keeping victims and witness informed of case
12 progress to final disposition; and
13

14 WHEREAS, on Sunday, November 21, 2021, the Waukesha Parade incident resulted in multiple
15 deaths and injuries; and
16

17 WHEREAS, the criminal case related to the incident will be tried in Waukesha County Circuit
18 Court beginning in October 2022; and
19

20 WHEREAS, accommodating victim and witness rights for this major incident during the trial will
21 require additional facility space, technology, and supplies; and
22

23 WHEREAS, the U.S. Department of Justice Office for Victims of Crime (OVC) supports victims of
24 mass violence and terrorism through the Antiterrorism and Emergency Assistance Program
25 (AEAP) by providing grant funding for communities responding to mass violence events.
26

27 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
28 Waukesha County District Attorney's Office is authorized to accept Antiterrorism and
29 Emergency Assistance Program Grant funding from the U.S. Department of Justice Office for
30 Victims of Crime through the Wisconsin Department of Justice to assist with the costs of victim
31 services in relation to the 2021 Waukesha Parade incident.
32

33 BE IT FURTHER ORDAINED that the Waukesha County District Attorney's Office 2022 budget be
34 modified to increase operating expenditures by \$60,142, interdepartmental charges by \$7,723,
35 and general government revenues by \$67,865.

FISCAL NOTE

MODIFY THE 2022 DISTRICT ATTORNEY'S OFFICE BUDGET TO ACCEPT ANTITERRORISM
AND EMERGENCY ASSISTANCE PROGRAM (AEAP) GRANT TO FUND VICTIM
SERVICES RELATED TO THE 2021 WAUKESHA PARADE INCIDENT

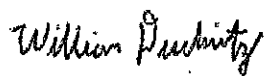
This ordinance authorizes the Waukesha County District Attorney's Office to accept Antiterrorism and Emergency Assistance Program (AEAP) grant funding in connection with the 2021 Waukesha parade incident. The Wisconsin Department of Justice, as the Victim of Crime Act administering agency for the State of Wisconsin, has applied for access of AEAP grant funds on behalf of Waukesha County. According to the District Attorney's Office, officials with the U.S. Department of Justice Office for Victims of Crime (OVC) have indicated that they anticipate the county will receive reimbursement for eligible expenses. The grant period is up to 36 months from the date of the incident, and allowable expenses may be covered retroactively.

AEAP funds can provide supplemental funding for additional resources for victim services or to secure additional office space and supplies if existing resources cannot sufficiently support victims of the incident while adequately supporting victims of other crimes.

This ordinance modifies the budget to increase expenditures by \$60,142 in operating expenses and \$7,723 in interdepartmental charges and increase general government revenue from AEAP by \$67,865. A summary of grant funded expenditures is detailed below in the following table.

Appropriation Unit	Description	Amount
Operating	Furniture*	\$ 50,479
Operating	Technology	\$ 4,035
Operating	Small Equipment	\$ 3,179
Operating	Supplies	\$ 1,449
Operating	Emergency Funds Provided to Victims	\$ 1,000
Interdepartmental	Software Licenses	\$ 1,553
Interdepartmental	Indirect	\$ 6,170
Total		\$ 67,865

*Following the temporary use of the furniture and equipment, these items will be repurposed in the District Attorney's office space.



William Duckwitz
Budget Manager

8/1/2022

JE# 2022-00005177

1 MODIFY THE SALARY RANGE ASSIGNMENT FOR TELECOMMUNICATOR
2 CLASSIFICATION FROM OPEN RANGE 06 TO OPEN RANGE 07
3
4

5 WHEREAS, there has been increased turnover and difficulty attracting and retaining quality
6 telecommunicator candidates; and
7

8 WHEREAS, the Waukesha County Department of Emergency Preparedness employee turnover
9 rates are exceeding the County's capacity to attract and train employees in a timely manner;
10 and
11

12 WHEREAS, many employers are facing the same tight labor market with low unemployment
13 rates; and
14

15 WHEREAS, the public safety workforce demographics indicate more people are leaving the
16 career than entering; and
17

18 WHEREAS, extensive on-the-job training is required for Telecommunicators; and
19

20 WHEREAS, a review of the local wages for Telecommunicator has indicated that the County
21 salaries are not keeping pace; and
22

23 WHEREAS, the County will be engaging a consultant to conduct a total compensation market
24 and benefit study in first half of 2023 to make recommendations on proposed salary structures,
25 benefits and the pay for performance system, and it is anticipated that the study will indicate
26 that the salaries for Telecommunicator are lagging; and
27

28 WHEREAS, there is a need to retain the 13 experienced Telecommunicators who are
29 compensated at or near the top of current assigned Open Range 06, and who are not eligible to
30 receive a salary adjustment due to being at the top of the pay grade; and
31

32 WHEREAS, it is appropriate to take steps to provide additional compensation to retain these
33 experienced Telecommunicators who are providing critical dispatch services during this time of
34 high vacancy by providing a salary adjustment upon movement of the classification from Open
35 Range 06 to Open Range 07; and
36

37 WHEREAS, it is expected that through turnover and vacancy of positions at the Communication
38 Center during 2022 that there will be sufficient remaining budget authority to accommodate
39 wage rate increases that would be permitted through the adjusted salary ranges requested in
40 this ordinance, and would not require additional budget modification.
41

42 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that effective
43 August 27, 2022, the Telecommunicator classification be moved from Open Range 06
44 (\$23.27/hour Minimum - \$27.03/hour Midpoint - \$30.78/hour Maximum) to Open Range 07
45 (\$24.43/hour Minimum - \$28.37/hour Midpoint - \$32.31/hour Maximum).

FISCAL NOTE

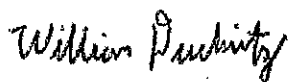
MODIFY THE SALARY RANGE ASSIGNMENT FOR TELECOMMUNICATOR
CLASSIFICATION FROM OPEN RANGE 06 TO OPEN RANGE 07

This ordinance would modify the salary range for telecommunicator positions from open range 06 to open range 07, which would result in a five percent increase to the minimum and maximum wage rate for telecommunicators. Increasing the salary range would allow for county administration to implement wage rate adjustments (discussed in more detail below) for the telecommunicators whose wages are currently capped at the top of the range. These salary adjustments would help retain the department's most experienced telecommunicators during this competitive labor market. The Human Resources Division anticipates that the 2023 compensation study will demonstrate that the current telecommunicator salary range lags behind comparable local governments, and future wage adjustments for these positions may also be recommended during 2023/2024 if warranted.

There are currently 13 telecommunicators at or near the maximum wage within the salary range, and county administration plans to provide a 4% increase in pay for these individuals. There would also be a 4% increase in pay for 4 communication center supervisors to help prevent wage compression issues between these supervisory staff and the telecommunicators that report to them. The partial-year impact of these salary adjustments is estimated at about \$19,000 in 2022. Due to significant levels of vacancy and turnover during the year, it is anticipated that this cost impact can be absorbed without requesting additional budget appropriations.

This change to the salary schedule is not expected to result in an immediate fiscal impact from telecommunicators currently compensated earlier in the salary range because all current employees are paid higher than the minimum of the new salary range.

The full-year impact in 2023 is projected to be about \$57,000, and the department will build this cost increase into its proposed 2023 budget.



William Duckwitz
Budget Manager
8/1/2022