

Minutes
Land Use, Parks and Environment Committee
Tuesday, December 4, 2007

Chair Mitchell called the meeting to order at 8:50 a.m.

Committee Present: Supervisors Bill Mitchell (Chair), Pauline Jaske, Walter Kolb, Peter Wolff, Keith Hammitt. **Absent:** Supervisor Vera Stroud.

Also Present: Legislative Policy Advisor Mark Mader, Land Resource Manager Perry Lindquist, Planning and Zoning Manager Dick Mace, and Citizen Nate Rice. Recorded by Karen Phillips, County Board Office.

Approve Minutes

MOTION: Jaske moved, Wolff second, to approve the minutes of the November 20, 2007, meeting. Motion carried 5-0.

Public Comment

Rice stated he is a resident of Summit, on Silver Lake, and has been working for the last three years to create the Silver Lake Management District. He stated the people interested in having a lake district formed are concerned about protecting water quality, improving public safety, and improving the fish and wildlife habitat the lake provides. In addition, the residents in the area are concerned about the amount of activity at the public boat launch and the increasing boat traffic on the lake creating unsafe conditions.

Executive Committee Report

Mitchell highlighted the items considered at the December 3 meeting:

- Ordinance for creating Silver Lake Management district
- Appointments to the Silver Lake Management district
- Ordinance for accepting Gates Foundation Grant
- Update on the Act 150 Formula Funding Committee

Future Meeting Dates

Mitchell acknowledged the following future meeting dates:

December 18

January 15

Elect Committee Secretary

Mitchell stated a new committee secretary must be elected to replace Keith Harenda, who resigned.

MOTION: Wolff moved, Kolb second, to nominate Pauline Jaske for Committee Secretary.

Motion carried 5-0.

Discuss and Consider Ordinance 162-O-076: Order Creating Silver Lake Management District

Lindquist reviewed the items distributed to the Committee, including the staff report/recommendations regarding formation of the Silver Lake Management District and a copy of the minutes from the Public Hearing of October 16. He stated the only real issue is the delineation of the boundary set around the City of Oconomowoc, which has to do with a pending lawsuit.

Mitchell recalled that the group trying to form the District has made numerous attempts to work with the City in resolving this issue, with no avail. He then requested Lindquist to clarify the Fowler Lake Management District issue. Lindquist stated it is unclear exactly who is being assessed for Fowler Lake, whether it is included on all city residents' tax bills. He made the point that a property cannot be in two lake districts, and it would most likely create a problem to put some of the residents already in the Fowler Lake Management District into the Silver Lake Management District. A discussion took place regarding riparian rights, including properties without lake frontage with deeded access rights, and also any properties that drain to the lake.

Mader recapped the minutes of the Public Hearing, stating no one had a problem with formation of this district; there were no adversaries or major complications. The reason this ancillary discussion is taking place is because Supervisor Herro may be bringing up the issue with respect to the City of Oconomowoc.

Lindquist stated the only reason the County is involved in the creation of the Silver Lake Management District is that there are two units of government involved in the riparian properties, the Town of Summit and the City of Oconomowoc.

MOTION: Wolff moved, Jaske second, to approve Ordinance 162-O-76.

Discussion took place regarding enforcement of parking restrictions once the thirteen parking spaces in the lot are full. Rice added that everyone will be treated equally, whether you are a lake resident or not; residents will not get any special parking preference.

Mader stated the other item that came up is the three appointees to the Silver Lake Management District, including Rice, are involved in litigation and this may be an issue brought up on the board floor. He asked Rice to explain to the Committee why this management district is being formed now rather than earlier.

Rice explained that there were a series of public hearings in the City of Oconomowoc regarding remodeling of a restaurant located about 17 feet from the edge of the lake. Both City and County codes applied to the site, and members of the lake association went to the hearings to speak in favor of the County code being applied. The City had their own interpretation of the codes, and as a result, the State of Wisconsin took the City of Oconomowoc to court because the city granted variances to rebuild a non-conforming structure very close to the lake; that is still ongoing. As a result of supporting the State and County positions, the three appointees were then sued by the restaurant owner. Rice stated that about two months ago the restaurant owner withdrew the lawsuit.

Rice explained it was decided to move forward with the formation of the Silver Lake Management District about 3 years ago. About two years ago, they redrew boundaries of the map at the request of the City, and asked for this issue to be put on the agenda for the Common Council to vote on whether or not they want the City's land to be included in the district. Rice stated that apparently the mayor does not want this issue to come to a vote because he is upset that the Lake District had challenged the City's desire to rebuild that restaurant on the lakeshore. Attempts were made to resolve this to no avail, so after about a year they decided to move forward without the City's 650 ft stretch of Shoreland included.

Mader asked Rice to summarize for the Committee what the primary motivating factor is in the formation of this district.

Rice stated the motivating factor primarily is environmental, with due regard for safety. Rice emphasized the concern of making sure people who use the lake are safe by limiting the number of boats in the lake to the number (13) that the DNR legally allows.

Motion carried 5-0.

Discuss and Consider Ordinance 162-O-077: Amend The Town Of Vernon District Zoning Map Of The Waukesha County Zoning Code For The Town Of Vernon By Conditionally Rezoning Certain Lands Located In Parts Of Sections 27 And 34, T5N, R19E, Town Of Vernon, From The Ad-10 Agricultural Density-10 District To The P-I Public And Institutional District (CZ-1162A)

Mace explained the Norris Foundation parcels and pointed out the area on the map. He stated the rezoning of the areas from agricultural to institutional is in conformance with the uses that have existed on the property for over 50 years. Due to the layout of the property and the number and design of buildings used as part of the Center, it is reasonable to expect the property to be used in an institutional and educational manner for many years to come.

Jaske moved, Wolff second, to approve Ordinance 162-O-077. Motion carried 5-0

Discuss and Consider Ordinance 162-O-078: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of The SW ¼ Of Section 12, T8N, R17E, Town Of Oconomowoc, Waukesha County, Wisconsin, From The A-5 Mini-Farm District To The A-2 Rural Home District (CZ-1661)

Mace explained location and adjacent areas using the map. He explained the owner's desire to move from one house on the property to another, located on proposed lot 1 of the zoning map amendment. Mace stated the area to be rezoned is approximately 18.9 acres.

Mitchell asked about the objection at the public hearing. Mace stated the property owner 200 feet to the North expressed opposition to any additional land division.

Mace continued to explain the proposal to create three lots and an outlot from the existing two lots.

MOTION: Wolff moved, Jaske second to approve Ordinance 162-O-078.

Mace stated there is a correction which should be noted; "31" lots should be corrected to read "3 lots."

Mader clarified that the correction is not in the ordinance itself but in the staff report, and recommended amending with a white sheet, which will go out with the County Board agenda.

MOTION: Wolff moved, Hammitt second, to approve Ordinance 162-O-078 with the amendment attached reflecting the correction in the staff report. Motion carried 5-0.

Discuss and Consider Ordinance 162-O-79: Amendments To The Text Of The Town Of Summit Zoning Code To Accommodate Revisions To Setbacks, Sign Code Language, Updating The Commercial, Business Park And Institutional Districts, Public Recreational Facilities Being Added As Permitted Uses, Lot Width Changes, Modifications To The Shared Driveway Provisions, Changes To The Plan Of Operations Procedure And Other Minor Modifications (ZT-1665)

Mace reviewed this ordinance and the detailed changes are which are outlined in the attachments. He stated the amendments are appropriate in keeping with the Master Land Use planning efforts zoning provisions which have been developed, and serve to update the Code relative to recent changes in the

Statue regarding some of these issues. In addition, the sign code amendments and other definitions provide needed clarification of signage regulations.

Jaske asked about the public opposition expressed regarding this Ordinance. Mace stated a neighbor voiced concerns because they did not have a clear understanding of what these changes mean.

MOTION: Kolb moved, Hammit second, to approve Ordinance 162-O-79. Motion carried 5-0

Discuss and Consider Ordinance 162-O-080: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Ordinance By Amending The Conditions Of Enrolled Ordinance No. 161-59 (ZT-1634) For Certain Lands Located In Part Of The NW ¼ Of Section 35, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin (ZT-1634A)

Mace discussed the elevation of flood plains and explained by using the map. He referred to the original map showing the flood plain area and compared it to the map showing the new flood plain. Changing the requirements would allow the petitioner to construct a new residence on the property, to have the house elevated above the maximum flood, in order to protect his property from any future flood damage.

MOTION: Wolff moved, Hammit second, to approve Ordinance 162-O-080. Motion carried 5-0.

MOTION: Wolff moved, Hammitt second, to adjourn the meeting at 10:18 a.m. Motion carried 5-0.

Respectfully submitted,

Pauline Jaske
Secretary