

Minutes
Land Use, Parks and Environment Committee
Tuesday, March 18, 2008

Chair Mitchell called the meeting to order at 8:45 a.m.

Committee Present: Supervisors Bill Mitchell (Chair), Pauline Jaske (arrived at 8:47 a.m.), Walter Kolb, Keith Hammitt and Peter Wolff (left at 9:30 a.m.; returned at 9:59 a.m.)

Also Present, Legislative Policy Advisor Mark Mader, Legislative Associate Karen Phillips, Parks Systems Manager Duane Grimm, Planning and Zoning Manager Dick Mace, Diane Zak and Sandy Campbell of Camtec, Inc; Town of Ottawa residents Yvonne Caby, Gary Goodchild, Dennis Shaw, Bruce Moore, Jeff Schlueter and Kris Davidson; Tom Halquist and Bob Rinne of Halquist Stone.

Approve Minutes of the February 7, 2008 and February 19, 2008

MOTION: Wolff moved, second by Kolb, to approve the minutes of the February 7, 2008.

Motion carried 4-0.

MOTION: Wolff moved, second by Hammitt, to approve the minutes of the February 19, 2008.

Motion carried 4-0.

Correspondence

Mitchell read a letter from Town of Ottawa resident Carolyn DuPuis, W348 S5041 Waterville Road, adjacent neighbor of the Caby's, who supports the request to divide their land as requested in Resolution 162-R-036.

Jaske arrived at 8:47 a.m.

Mace handed out a map regarding Ordinance 162-O-098 and stated a memo will follow with more information for reconsideration of this ordinance by the County Board.

Public Comment

The following Town of Ottawa citizens spoke in regard to Resolution 162-R-036:

Moore, S53 W34986 Glacier Drive, Town of Ottawa, stated his opposition, saying approval of this request would only encourage more requests in the future. He submitted a list of signatures in support of the Town and the Waukesha County Development Plans.

Goodchild, S46 W35864 Meadows Drive, expressed his opposition of changing the Master Land Use Plan. He stated similar requests were presented to the Town of Ottawa in the past, and those were denied. He submitted copies of email submitted by other residents opposed for the record.

Yvonne Caby, petitioner, explained she and her husband purchased this property with the intent of doing a division, and when they went to the Town to check the records of zoning, there was no mention of the Master Use Plan. She opined her property should not fall under the Master Use Plan, because 3-acre lots surround it.

Shaw stated concerns for his property and the possibility of worsening drainage issues. He expressed concerns that this amendment would set precedence and therefore the plan should not be changed.

Executive Committee Report

Mitchell highlighted the items discussed at the March 17 Executive Committee meeting.

- Ordinances for UW extension (4H)
- Capital contribution to Village of Sussex
- Appointments
- Closed session regarding lawsuit with Nationwide Insurance.
- Legislative Updates

Future Meeting Dates

April 1, 2008 – Mitchell stated this meeting might be cancelled if there are no issues to be addressed.

Mitchell thanked the LUPE Committee members for their dedication and contributions to the LUPE committee during this term.

Discuss and Consider Resolution 162-R-034: Year 2008 Approval Of Amendment To The Waukesha County Development Plan (1a – Tom Halquist, Section 34, Town Of Lisbon)

Tom Halquist, N51 W23563 Lisbon Road, Sussex, requests approximately 24 acres, south of C.T.H. “K” and west of the existing quarry operation, be amended from the Low Density Residential category to the Extractive category, to accommodate the long-term expansion of the existing quarry located to the east of these parcels and south of C.T.H. “K”.

Mace pointed out the location of the quarry and the adjacent areas of the property. He stated the quarry has been there since the 1940’s, and there is presently perhaps about six years of actual quarry life left in that site. He explained the expansion in relation to the process areas, offices, and expanded limestone quarry, as well as the sites for the long-term expansion for extraction purposes. Mace related that the Park and Planning Commission unanimously approved this resolution, and Staff recommends in favor granting approval of this amendment to the Waukesha County Development Plan.

MOTION: Jaske moved, second by Kolb, to approve Resolution 162-R-034. Motion carried. 5-0

Discuss and Consider Resolution 162-R-035: Year 2008 Approval Of Amendment To The Waukesha County Development Plan (3a – Town Of Summit Plan Commission And Town Board, Section 33, Town Of Summit)

The Town of Summit Plan Commission and Town Board, request the property owned by TKLW, LLC (Jerry Erdmann, agent), 1833 Executive Drive, Suite 101, Oconomowoc, be amended from the Medium Density Residential category to the Commercial-Office category, in order to accommodate commercial office uses on the property rather than residential condominiums. The parcel contains approximately 4.2 acres.

Mace explained the history of the area and the current adjacent property usage. He stated the proposed use is compatible with the surrounding residential properties, Aurora Hospital and the proposed institutional and retail development in the area.

MOTION: Jaske moved, second by Hammitt, to approve Resolution 162-R-035. Motion carried 5-0.

Discuss and Consider Resolution 162-R-036: Year 2008 Approval Of Amendment To The Waukesha County Development Plan (2A – Brian And Yvonne Caby, Section 25, Town Of Ottawa)

Brian K. and Yvonne P. Caby, W348 S5119 Waterville Road, request their parcel containing approximately 10 acres, be amended from the Rural Density category (10-acre category under

the Town's Plan and conditioned under the County's Plan) to the Suburban II Density Residential category (3.0 to 4.9 acres per dwelling unit) to allow the creation of one additional parcel on the approximately 10-acre tract of land.

Mace explained the location of the site and stated much of the surrounding area is Kettle Moraine State Forest. He explained that the Cabys are requesting a 3-acre parcel of their 10-acre property for their daughter to build a house on. He continued to point out the neighboring properties, which are mostly 3-acre parcels. Mace stated Staff recommends against the amendment in keeping with the Town of Ottawa's Master Land Use Plan, which has been incorporated into the Waukesha County Development Plan. The request does not comply with the objectives of the Town's plan, which includes the protection of the rural landscape and open space of the Town.

MOTION: Jaske moved, second by Wolff, to approve Resolution 162-R-036. Motion defeated 0-5.

Wolff left at 9:30 a.m.

Discuss and Consider Ordinance 162-O-113: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Revising The Previously Imposed Conditions Of Approval (Conditions No. 5 And 7) For Lands Located In Part Of The NE ¼ Of Section 14, T8N, R17E, Town Of Oconomowoc, Waukesha County, Wisconsin, (Enrolled Ordinance No. 160-66) (CZ-1577A)

Mace pointed out the location of the property on the West side of Norwegian Road about one mile North of CTH K, consisting of approximately 77 acres. He provided background information about the property, formerly a veal farm operation, with cropland and natural areas including wetlands and woodlands. Mace explained the original idea of this project was to keep the density at one unit per seven acres, which was approved subject to a number of conditions. The area would have been developed with ten lots and have an access road to the project onto Norwegian Road. After considerable engineering work and analysis, it was determined the appropriate site distance requirements could not be met in the original location without severe modifications to Norwegian Road. The petitioner then proposed to relocate the access road, which would then cross into the southeast corner of the Environmental Corridor while protecting the natural qualities of the site. The only trees affected would be recently planted pine trees (pine plantation).

Mace stated the Oconomowoc Town Board, against recommendation of the Town Plan Commission, voted unanimously to deny the proposed amendment. Town and County Staff voted to deny in order to be consistent with the Town Board, although they do feel that this amendment is appropriate. Mace explained that for the sake of consistency, Staff recommends that the County Board deny this request.

MOTION: Jaske moved, second by Kolb, to approve Ordinance 162-O-113.

Kolb stated he will concur with the Town vote, but feels it is unfair.

Jaske stated she would vote in favor, because the pine trees could be moved and saved.

Motion defeated 2-2 (Kolb, Mitchell).

Discuss and Consider Ordinance 162-O-114: Amend The District Zoning Map Of The Town Of Eagle Zoning Ordinance By Conditionally Rezoning Certain Lands Located In Parts Of Section 1, T5N, R17E, Town Of Eagle, From The A-P Agricultural Land Preservation District (County And

Town) And The A-1a Agricultural District (Town) To The M-1 Limited Industrial District (County And Town) And RRE-1 Residential Rural Estate District (Town) And C-1 Conservancy District (County) (SZT-1669)

Mace pointed out the location of the property and surrounding parcels. He explained that there are two parts to this rezone; one on the East of Highway 59, and one to the West. The westerly part is to be rezoned to accommodate 3-acre residential estate-type subdivision. An issue to be aware of is that there is a street extension that runs into the property, and a small isolated naturalized area. Mace said this area was previously a cattle farm. The parcel East of Highway 59 is a rezone to light industrial use. He stated concerns were raised at the public hearing, especially in regard to the industrial park, of possible adverse effects on Jericho Creek. Mace stated several meetings have taken place over the past year with the Friends of Mukwonago, the Town and the County. The Town of Eagle Plan Commission incorporated all of the conditions agreed to and offered by the petitioner's engineer and as suggested by The Friends of Mukwonago, as well as the County Staff's recommendation of a buffer strip, resulting in eleven conditions included in the ordinance to give added protection to the stream corridor.

Wolff returned at 9:59 a.m.

Further discussion took place and Mace provided more details on some of the conditions.

MOTION: Jaske moved, second by Hammitt, to approve Ordinance 162-O-114. Motion carried 5-0.

Mitchell thanked Mace for his professionalism and contributions in working with the LUPE Committee throughout the past two years.

Discuss and Consider Ordinance 162-O-109: Approve Land Use Permit To Wisconsin Electric Power Company For Construction, Operation, And Maintenance Of Underground Electric Power Lines In The Town Of Summit – Lake Country Trail

Grimm explained the proposal to bore underground and install 1082 feet of electric cable into the City of Delafield. He stated this is favorable because it will eliminate some of the above ground power lines. The Land Use Permit Fee of \$1147.00 will be waived fee in consideration of the easement for the extension of the Waukesha County Lake Country Trail.

MOTION: Wolff moved, second by Hammitt, to approve Ordinance 162-O-109. Motion carried 5-0.

Discuss and Consider Ordinance 162-O-110: Approve Land Use Permit To Wisconsin Electric Power Company For The Construction And Maintenance Of A Step Down Transformer Cabinet In The Village Of Nashotah – Nashotah Park

Grimm stated they were asked by WE Energies for a Land Use Permit to construct and maintain a step down transformer cabinet in Nashotah Park. He stated this would be a temporary transformer, not long term, to improve the line that they have there. Mitchell asked if there is a safety issue. Grimm stated there is not, and it will be fenced in and WE Energies will pay for the screening of it.

MOTION: Jaske moved, second by Kolb, to approve Ordinance 162-O-110. Motion carried. 5-0

Discuss and Consider Ordinance 162-O-111: Approve Land Use Permit To Artistic Stone For The Purpose Of Construction, Operation, And Maintenance Of A 6" Drainage Pipe In The Village Of Lannon – Bugline Trail

Grimm explained that Artistic Stone installed a 6-inch pipe to allow drainage of their quarry in order to prevent flooding to the Trail. He stated this had been done, without a permit. Grimm said Staff is satisfied that the proper plans are in place for the drainage pipe.

MOTION: Wolff moved, second by Hammitt, to approve Ordinance 162-O-111. Motion carried 5-0.

Discuss and Consider Ordinance 162-O-112: Approve Land Use Permit To Schultz Excavating For The Purpose Of Construction, Operation, And Maintenance Of A 6" Drainage Pipe In The Village Of Lannon – Bugline Trail

Grimm explained Schultz Excavating had previously installed a drainage pipe without a permit. Grimm stated they are now requiring Schultz Excavating to obtain the necessary Land Use Permit. He stated Staff is satisfied that it had been installed satisfactorily.

MOTION: Kolb moved, second by Wolff, to approve Ordinance 162-O-112. Motion carried 5-0.

Mitchell thanked Grimm for a job well done in his position as Parks Systems Manager.

MOTION: Wolff moved, second by Jaske, to adjourn the meeting at 10:13 a.m. Motion carried 5-0.

Respectfully submitted,

Pauline Jaske
Secretary