

• **SCU-1432 (Lapham Peak Snowmaking Operation) Town of Delafield, Section 29**

Mr. Mace presented the "Staff Memorandum" dated December 10, 2009, and made a part of these Minutes. He pointed out the location of the property in part of the NW ¼ and SW ¼ of Section 29 in the Town of Delafield on the aerial photograph. He stated the petitioner's are presenting the required annual report and requesting to amend conditions to the existing Conditional Use to allow the pond to be used for firefighting purposes and that the annual pond pumping limitation previously imposed be relaxed and that the requirement to not disturb the wetland be revised to allow the installation of the new and enlarged water distribution piping for the expanded trail use to extend slightly into the wetland (see Site Plan).

Mr. Mace said a condition of SCU-1432 requires that an annual report summarizing the pond's impact and well monitoring be submitted to the Waukesha County Planning and Zoning Division Staff through 2009, for the Commission's review and to see if there are any negative impacts on groundwater in the area. Mrs. Haukohl expressed concerns regarding annual reports and any impacts not being presented to the Staff or Commission after 2012, pumping of water near wetland areas and that the maximum number of gallons of water pumped from the well annually will no longer be limited (based on a figure of approximately three million gallons of water). Mr. Mace pointed out that the three million gallon figure is over an annual period and in comparison, which approximates the annual water usage of 47 residential households.

Chairperson Mitchell asked Mr. Muzik (Wisconsin Department of Natural Resources, DNR) how comfortable he was with the number of gallons of water estimated to be pumped from the well and what safe guards are set up to limit it if necessary in the future? Mr. Muzik replied that the three million gallon figure is an assumption for the future which may never be achieved and an annual well usage report will be provided to the Planning and Zoning Division Staff per Condition No. 4. During the past few years it was discovered that the snow depth needed to be thicker (24") than originally assumed (12") to get through the warm spells, rain and other issues.

Mrs. Haukohl asked how long the annual well reports will be provided? Mr. Muzik replied, as he understood, it would be unlimited. Chairperson Mitchell noted that the Commission would not have the authority to make annual changes. Mr. Mace indicated the Planning and Zoning Division Staff share similar issues and concerns of the Commission especially rules regarding ground water and surface water usage, however, do not feel the amount of water usage is a concern. Mrs. Haukohl noted that the matter may not necessarily need to come back before the Commission and suggested the Planning and Zoning Division Staff still perform an annual review past 2012 of the impact on the wetlands to the west and north. Mr. Muzik indicated the monitoring and current reports have been prepared voluntarily by John McCarthy (Engineer and member of the Friends of Lapham Peak) but he was unsure how long that commitment would last and the DNR does not have the Staff available to create this type of detailed report. Mr. Peregrine pointed out the water from the well is being converted into a solid and goes right back into the ground on the property when it melts. Mr. Muzik added that approximately 22% may be lost due to evaporation. Mr. Mace noted that the Planning and Zoning Division Staff was in support of the request. It is also noted that these requested changes are being permitted by the Waukesha County Park and Planning Commission as the Town did not have any specific concerns with water usage in their original action of the Conditional Use three years ago.

After discussion, Mrs. Morris moved, seconded by Mr. Kolb, and carried by a vote of 6 to 1 (Mrs. Haukohl voted "No") for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCS-1102 (Fred Lathers LLC./Fiduciary) Town of Waukesha, Sections 31 and 32**

Mr. Mace presented the "Staff Memorandum" dated December 10, 2009, and made a part of these Minutes. He pointed out the location of the property, north of the State of Wisconsin's Vernon Marsh Wildlife Area in the Town of Waukesha on the aerial photograph and indicated the request is for a waiver from Section 2.3 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, which requires all remnant parcels to be included on a Certified Survey Map (CSM).

Mr. Mace indicated a two (2) lot CSM is being proposed for the south portion of the Lathers property. The division would create two (2) outlots. Outlot 1, approximately 60 acres in size, is proposed to be acquired by the State (Department of Natural Resources DNR) for expansion of the Vernon Marsh Wildlife area. Outlot 2, approximately 12.9 acres in size, is proposed to be acquired by the City of Waukesha for the shallow well nest that they may or may not install in the future to supplement City water supplies. Under the Waukesha County Shoreland and Floodland Subdivision Control Ordinance there is a requirement that the remnant tract needs to be shown on the CSM. The proposed request is for the Commission to grant a waiver from that requirement so the remaining acres of cropland and wetlands owned by Fiduciary be excluded from the CSM. Mr. Kolb asked what is the purpose of not including the remainder lands on the CSM? Mr. Ohm (Fiduciary Real Estate Development, Inc.) replied that the entire farm (approximately 300 acres) was purchased from the Lathers family in 2006. He further explained the CSM is a method to transfer the two (2) parcels to other owners, which would expedite the procedure and save costs. Mr. Siepmann asked if Fiduciary would retain the rest of the farm to which Mr. Ohm replied that the WDNR is only purchasing Outlot 1 (approximately 60 acres). Possibly next year, approximately 132 acres would be sold to the DNR and Fiduciary would keep approximate 100 acres to eventually be divided in the future when market conditions improve.

Mr. Kolb asked, during the negotiations with the City of Waukesha, was the DNR involved in the purchase of the 60 acres? Mr. Ohm answered, it all happened at the same time and there were three-way meetings including the DNR. Mr. Kolb asked, if the City of Waukesha in acquiring Outlot 2 discussed considering annexing the entire property to the City? Mr. Ohm answered "No, we have not talked with the City about annexation." They all felt it was a win-win situation. Fiduciary would be relieved from some debt of the entire farm with the City of Waukesha acquiring 12 acres and the DNR would get the majority of the site (2/3 of the Lathers farm). The balance of the farm would remain in the Town and possibly be developed in the future when market conditions improve. Mr. Kolb said the Town is very concerned about the City of Waukesha's water problem, specifically water being drawn down from the shallow wells and affecting surrounding wetlands. He indicated he did not support the request and said it is not good for the public and too many people in the Town will be affected. Mr. Goodchild pointed out that the CSM would have to be approved by the Town of Waukesha. Mr. Kolb said the Town is concerned that the City would purchase the property then annex it. Mr. Ohm said Fiduciary is the landowner and are under an eminent domain order from the City of Waukesha. The City of Waukesha Mayor has promised the Town Chairman in writing that before any wells are put on the parcel that private well guarantees would be put in place. Mr. Goodchild reminded the Commission they are voting on the agenda item which is to waive the requirement. Mrs. Haukohl agreed with Mr. Kolb and expressed concerns about the surrounding wells and whether the surrounding wetlands would be monitored. Mr. Mace said although he has not seen the formal agreement, at the meetings he attended there was an

understanding regarding the “no annexation issue”. He added that the wells planned for the site may not need to be built depending on whether or not the City of Waukesha gets water from Lake Michigan, but that the City was planning for any eventuality in the future.

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried by a vote of 6 to 1 (Mr. Kolb voted “No”) for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds**

Mr. Mace presented the “Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds”. He indicated the Plan had not been updated since 1979 and affects a small area in Waukesha County including Menomonee Falls, Brookfield, Butler, Muskego and New Berlin. The plan update includes major plan elements addressing land use, surface water quality, point and nonpoint source pollution abatement and groundwater management. The objective of the plan is to provide for the improvement of water quality in the streams and lakes of the study area.

After discussion, Mr. Kolb moved, seconded by Mr. Siepmann, and carried unanimously for approval, in accordance with the report entitled “Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds”.

• **Cooperative Comprehensive Development Plan Update**

Mr. Mace presented the Comprehensive Development Plan Adoption Tracklist indicating the anticipated or plan adoption date for each Town, City and Village in Waukesha County participating in the cooperative effort. The Commission thanked Mr. Mace for the update.

Note: Following the Commission meeting, a majority of the Commissioners had been invited to and may be present for the annual Christmas luncheon to commence upon adjournment of the regular Commission meeting.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Goodchild to adjourn at 11:40 a.m.

Respectfully submitted,

Bonnie Morris / kab

Bonnie Morris
Secretary

BM:kab