

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, MAY 6, 2010, 1:00 P.M.**

---

**CALL TO ORDER**

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:    Bill Mitchell                    Pat Haukohl                    Walter Kolb  
                                 Gary Goodchild                Jim Siepmann

Commission

Members Absent:    Bob Peregrine

Staff

Members Present:    Dale Shaver, Director, Waukesha County Department of Parks and Land Use  
                                 Richard L. Mace, Planning and Zoning Division Manager  
                                 Kathy Brady, Secretary Supervisor  
                                 Sarah Spaeth, Legislative Policy Advisor  
                                 Sandy Scherer, Senior Planner  
                                 Jason Fruth, Senior Planner

Guests Present:

Richard and Beverly Ische:	CZ-1703
Bryan Reilly:	CZ-1703
Kyle Kohlmann:	SCU-1528
Mary Jo Stoll:	SCU-657F
Jay Diebold:	SCU-657F
Michael Begler:	Petitioner, retaining wall matter
Bret Achtenhagen:	SCU-1528
Mike Hahn:	Speaker, Sanitary Sewer Service Area Amendment, Village of Big Bend and Environs

**CORRESPONDENCE:**                    None.

**MEETING APPROVAL:**                None.

**MINUTES**                                    Approval of the April 8, 2010, Minutes

- *Mrs. Haukohl moved, seconded by Mr. Siepmann and carried unanimously for approval of the April 8, 2010, Minutes.*

**PUBLIC COMMENT**

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

**SCHEDULED MATTER**

- **1:00 p.m. Sanitary Sewer Service Area Amendment for the Village of Big Bend and Environs by Mike Hahn, SEWRPC, (Matter tabled at the April 8, 2010 meeting).**

Mr. Mace presented the “Sanitary Sewer Service Area Amendment for the Village of Big Bend and Environs” dated March 2010, and made a part of these Minutes.

Mr. Mace explained, at the April 8, 2010, meeting, the Park and Planning Commission expressed concerns regarding some of the boundaries of the proposed service areas extending into the Environmental Corridor and the issue of nonproliferation of sewage treatment plants. There was concern that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) was endorsing building a sewage treatment plant when the past premise had been not to build sewage treatment plants and outfall pipes above lakes as it was located upstream from Lake Tichigan and it was felt the outfall pipe may be better situated below the lake. Several of the Commissioners questioned why SEWRPC came to the conclusion it did and had questions regarding alternatives. The matter was tabled in order for a representative from SEWRPC to attend the next Park and Planning Commission meeting to explain the report and answer questions before the Resolution is forwarded to the County Board.

*Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously to bring the matter back to the table.*

Mr. Mace indicated that Mr. Hahn would be addressing technical questions, funding, questions regarding the nonproliferation policy not being followed and other issues regarding the Amendment. Mr. Hahn, from SEWRPC introduced himself to the Commission. He clarified that after speaking with his Staff the conclusion was that the nonproliferation policy is not really a policy and not the main deciding factor in these types of decisions. The State Administrative Code 110 which governs these types of issues requires a cost effectiveness analysis of various alternatives (presented in Chapter 3) and these can be a deciding factor. The way the Code is written, cost effectiveness supersedes any other consideration and if there are other overriding concerns, they can be brought in. Mrs. Haukohl did not understand why, referring to SEWRPC’s report, Page 25 under “Conclusions” it stated:

The nonmonetary considerations in favor of Alternative No. 3 include:

- Implementation of Alternative No. 1 would be consistent with the WDNR nonproliferation policy.

Mr. Hahn agreed and stated the report should say Alternative 3 (not Alternative No. 1) and is the one that connects to the City of Waukesha. Mrs. Haukohl also added that the report states there will be no loss of parkland although it would be built in a parkland. Mr. Hahn said they would try to work out some type of trade (of which he was unaware of the details) with the Village or the County. Chairperson Mitchell asked Mr. Mace if he knew anything about the details of the trade to which Mr. Shaver, Director, stated that the County has not been approached regarding that matter. Mrs. Haukohl asked about discharge into the Fox River, specifically whether there would be any problems? Mr. Hahn, replied, “No,” from the basic standpoint it is the DNR’s function to evaluate effluent as to not to degrade water quality downstream.

Mr. Goodchild stated that last year there was a similar application from the Village of Wales to the City of Waukesha, utilizing a forced main which was approved by the Commission. He mentioned that the dollar amounts on the surface indicate running a forced main would be less expensive than operating a plant. He noted that at the Dela-Hart site, effluent was pumped across the freeway and down Sawyer Road to stay away and downstream from the lakes. In this particular request it is upstream of Tichigan Lake. Without

going over all of the details, he felt connecting to the City of Waukesha would be the least costly and best alternative. Mr. Goodchild and Chairperson Mitchell asked if the City of Waukesha would charge connection fees which may put the project over budget? Mr. Hahn replied, that is part of it, but he said the fiscal charges are not an integral part of consideration directing the cost effectiveness analysis, but rather the overall cost to the actual physical connections, civil works that are needed, etc. He added, there was a fiscal analysis done by Applied Technologies as part of the facilities plan which resulted in a present worth cost of \$16 million for a connection to the City of Waukesha. On the cost effectiveness alone, the least expensive alternative was to build a new treatment plant. Chairperson Mitchell asked if the rules have changed since the Village of Wales site or are there different dynamics? Mr. Hahn replied, "No," and it also depends on the length of the connection, the size of the area being served and other various factors. Referring to the Dela-Hart site and a forced main to avoid Upper and Lower Nemahbin Lakes, the residence time is the amount of time it takes for the volume of the lake to turn over in the lake based on inflow and outflow. The longer the residence time, the more sensitive a lake is going to be from inputs to the watershed in terms of pollutants. Lake Tichigan, being located on the Fox River has a residence time of 11 days whereas Upper Nemahbin Lake has a residence time of 200 days.

Mr. Goodchild asked what the cost difference was between connecting to the City of Waukesha, versus building a new plant? Mr. Hahn replied, the cost for connecting to the City of Waukesha (Page 21 of the report) would be approximately \$11.9 million and the cost for building a new plant (Page 16 of the report) would be \$10.9 million based on a 50 year analysis period. For a 20 year period the cost for a new plant would be \$8.65 million and connecting to the City of Waukesha would be \$9.6 million. Mrs. Haukohl commented that it seems the \$1 million difference overcomes all of the positive items. It goes against the nonproliferation policy and does not avoid the temporary disturbance of lands along the Fox River and the loss of parkland. Mr. Hahn replied, "Yes," but the nonproliferation policy probably would have been stated differently because the DNR has specifically stated that the cost effectiveness analysis overrides it. Another factor to be considered is the fiscal impact which is not stated as a consideration in favor of Alternative No. 3. Mr. Goodchild said as he understood it, the area proposed to be served first is north of I-43 in the Commercial area (area closest to the City of Waukesha). He asked, if the City ever receives water from the City of Milwaukee and they discharge with a portion of this water (if it was connected to the City of Waukesha) would it then be discharged towards Lake Michigan? Mr. Hahn responded, "No," it is not a part of the Waukesha water supply service but rather the Village of Big Bend. Mr. Goodchild asked if a portion of the water was still going to the Fox River if it was connected to the City of Waukesha? Mr. Hahn answered, there would not be more return than they were diverting and the Village of Big Bend would not be served by a water supply from Milwaukee, Racine or Oak Creek and would not increase the amount being sent to Lake Michigan. Over time, a portion of water would have to be returned to the Fox River.

Mr. Shaver said there is a service agreement between the City of Waukesha and the Village of Wales that there would be additional sewage coming into the Waukesha processing facility but the draw from the Great Lakes requires an equal amount of water to be returned. Even if there is additional effluent coming in from other service areas such as the Village of Big Bend or the Village of Wales, that can be diverted as long as the base flow is returned.

Mrs. Haukohl referred to SEWRPC's Resolution in the report and it being adopted by a vote of 10 to 1. She wondered why one person voted against the Resolution. Mr. Hahn said they are pursuing that question right now with that particular Commissioner to find out what the reservations were for the vote against the Resolution.

*After discussion, Mr. Kolb moved, seconded by Mr. Siepmann, and carried by a vote of 3 to 2 (Mrs. Haukohl and Mr. Goodchild voted against) for approval, in accordance with the report entitled “Sanitary Sewer Service Area Amendment for the Village of Big Bend and Environs.”*

- **CZ-1703 (Town of Oconomowoc) Section 21 (R-1 Residential and C-1 Conservancy Districts to the P-I Public and Institutional and C-1 Conservancy Districts)**

Mr. Mace presented the “Staff Report and Recommendation” dated May 6, 2010, and made a part of these Minutes. He pointed out the location of the property on the east side of N. Lake Road between the Hwy. 16 Bypass and C.T.H. “K in the Town of Oconomowoc on the aerial photograph. The request is to allow the property to be used for the Town Recycling Center and allow the construction of public works buildings.

Mr. Mace pointed out the surrounding properties. To the south there is a landscape/garden center/nursery, a large church to southwest, residential properties directly to the west and the bypass to the north. He indicated that residents would bring trees, brush, leaves and grass to the recycling center to be processed. A detailed plan for the operation has not been submitted. At some point in the future, the Town plans to build a covered salt facility and a public works garage. Mrs. Haukohl asked how frequent chipping would occur, what days and hours would the recycling center be open and is it an appropriate land use in this area? Mr. Mace replied, that the hours of operation would be determined during the Site Plan/Plan of Operation review. Mrs. Haukohl expressed concerns regarding the noise associated with the recycling center for the neighboring residential properties and groundwater contamination from the storage of the salt. Mr. Mace noted that it would depend on how much material is brought into the site and groundwater contamination would not be an issue because the salt shed must be enclosed and runoff to a brine tank.

Chairperson Mitchell asked if there was any public comment?

Two adjacent property owners spoke in opposition of the rezoning and their comments are summarized below:

- There are active C-1 wetlands to the south of the site which could be endangered.
- Concern that Town of Oconomowoc vehicles were dumping crushed asphalt, rough cut timber, crushed concrete and other debris on the property before the property was rezoned (during the week of March 8, 2010). A neighbor reported this to the Town was told by the Town Chairman, Mr. Hultquist that there were no activities or Town vehicles on the site and if there were he would look into the matter.
- Only four (4) Notices for the Public Hearing were sent out to the residents on Park Street. He felt it deemed that only four (4) residences would be most affected by the rezoning of the land and it demonstrated a willful neglect of listening to any resident/taxpayer and that the Town already had their mind made up.
- On North Lake Road there have been numerous car accidents, with two (2) fatalities. The speed limit is 55 mph which was raised when the road improvements were done.
- There will be a decrease in property values for surrounding residents and property that the Town owns.
- Potential groundwater contamination (garage with vehicles stored in it, fuel pumping, etc.)

- The Town Board met on May 3, 2010, after changing the time of the meeting from 7:00 p.m. to 6:00 p.m. without notifying the residents. He felt it prevented a variety of people from attending and voicing their opinion. The Town Board rushed through the matter and voted to approve the rezone without allowing the public to speak.
- The neighbors felt the Town was deceptive towards the residents in the way things were handled.
- Concern for public safety with the speed limit at 55 mph and an increase in car accidents. The Town promised the residents that the speed limit on North Lake Road would be changed to 45 mph from 55 mph but it hasn't been done.
- The rezoning is not an acceptable proposal.
- Two written statements (from neighboring property owners on Park Street) were submitted to the Commission as they were not able to attend today's meeting.

Chairperson Mitchell asked if there was anyone from the Town of Oconomowoc in attendance to answer questions or clarify concerns. No one from the Town was present

Mr. Mace clarified that the Notice of Public Hearing was sent out from the County Planning Office not the Town. By law anyone within 300' of the property to be rezoned is notified. There were approximately 15 notices mailed out (County Board Supervisor, Army Corps of Engineers, the church, the State, several neighbors and the Town Clerk and Administrator) and it was buffered properly and no one within 300' was missed. There is a plan for the site on the east side of the property which deals only with the asphalt pad where brush will be placed. In addition, the Town did start dumping on the site without permits or the property being rezoned and they were wrong in doing so and stopped as soon as they were notified by the Town Administrator.

Mrs. Haukohl expressed concerns that this is a rural area and felt this type of operation should be located in a more Industrial type area and wondered if this was spot zoning. Mr. Mace disagreed, and said there is a landscape business to the south, there will be a 30' buffer from the wetland, any buildings will be located 75' from the wetland and the use is consistent with the Comprehensive Development Plan for Waukesha County. Mrs. Haukohl asked if the 30' buffer from the wetland is sufficient, to which Mr. Mace replied, "Yes." In addition, the runoff would go into the pond to the south. No construction activities can occur until the rezone is complete and the Site Plan/Plan of Operation is issued.

Mr. Siepmann asked if the Site Plan/Plan of Operation would only be reviewed by the Planning and Zoning Division Staff? Mr. Mace replied, "Yes," unless the Commission would like to add a condition that the Site Plan/Plan of Operation be reviewed by the Planning and Zoning Staff and the Commission.

Mr. Kolb suggested tabling the matter, since no one from the Town was present at today's meeting to address the Commission and neighbors questions and concerns regarding the operation. It was also suggested that a Town representative should come to the next Park and Planning Commission meeting to address the concerns. The Commission agreed and wanted to make sure they understood the details of the operation and exactly what was intended for the site and operation before voting on the matter.

Chairperson Mitchell explained to the audience that the Commission would be tabling the matter in order for a Town representative to attend the next Park and Planning Commission meeting and address the concerns and details for the recycling center site. He reminded the audience that this type of operation is an appropriate use for the land.

*After discussion, Mr. Kolb moved, seconded by Mr. Siepmann, and carried unanimously to table the matter in order for a representative from the Town of Oconomowoc to address the Commission at their next meeting regarding the details of the Town's Recycling operation and the associated Site Plan/Plan of Operation.*

- **ZT-1704 (Text Amendment) Town of Mukwonago**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2010, and made a part of these Minutes and indicated the request is to amend Section 82-31 of the Town of Mukwonago Municipal Code relating to the storage of mobile homes and recreational vehicles. Mr. Mace noted that the amendment would allow recreational vehicles or mobile homes 35' in length, where currently the length is limited to 26'.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval in accordance with the "Staff Report and Recommendation."*

- **SCU-1528 (Pat and John Haunfelder) Town of Lisbon, Section 9**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2010, and made a part of these Minutes. He pointed out the location of the property at N87 W25121 Watersedge Drive in the Town of Lisbon on the aerial photograph and indicated the request is for land altering activities beyond 30' of the residence and the construction of retaining walls.

Mr. Mace indicated the pond was constructed as part of a gravel mining operation run by the Payne and Dolan Corporation. The property in question is located on the north end of the pond. The land around the pond is held in common with the other lot owners. A residence was constructed on the lot and during construction, excessive grading and land altering activities occurred beyond 30' of the residence which requires a Conditional Use Permit. The Town of Lisbon approved the request with several conditions. Mrs. Haukohl expressed concerns regarding runoff to the pond and adjacent properties, to which Mr. Mace replied that it was addressed in the Town's Condition No. 1.

*After discussion, Mr. Siepmann moved, seconded by Mr. Goodchild, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". 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.*

- **SCU-0580T (Lakeview Lanes) Town of Delafield, Section 24**

Mr. Mace presented the "Staff Report and Recommendation" dated May 6, 2010, and made a part of these Minutes. He pointed out the location of the property at W280 N2159 C.T.H. "SS" in the Town of Delafield on the aerial photograph and indicated the request is to terminate the existing Conditional Use Permit for legal non-conforming use status to operate a bowling alley, restaurant, lounge and banquet hall known as Lakeview Lanes.

Mr. Mace indicated the property was purchased by St. Anthony on the Lake Church in January 2009. The church plans to demolish the vacant building and restore the site with grass. In addition, the church is proposing to retain a portion of the former parking area for use as overflow parking. Mrs. Haukohl asked about the parishioners utilizing the County's bike trail between the church and proposed overflow parking lot? Mr. Mace pointed out the existing trail on the aerial photograph and said it was within walking distance from the church.

Mr. Mace added, that there is a possibility that the Pewaukee Lake Yacht Club may offer to acquire some of this property in the future, however, no specific proposals have been made.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval to terminate the existing Conditional Use in accordance with the “Staff Report and Recommendation.”*

- **SCU-657F (St. Anthony on the Lake) Town of Delafield, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated May 6, 2010, and made a part of these Minutes. He pointed out the location of the property at W280 N2159 C.T.H. “SS” in the Town of Delafield on the aerial photograph and indicated the request is to remove the existing building and restore a portion of the site with grass. A portion of the existing parking lot will be retained as overflow parking for the parishioners of the church.

Mrs. Haukohl mentioned the “Compliance with the Comprehensive Development Plan for Waukesha County” section is not included in the “Staff Report and Recommendation.” Mr. Mace said the Staff Report would be corrected. At the Public Hearing, the Town discussed the possibility of requiring the petitioner to combine the two properties together by Certified Survey Map (CSM) and requiring the recently acquired property to be rezoned to be consistent with the church property. The Town did not act on these two issues, only on the removal and grading portion of the request. If the Town does require the CSM, the Conditional Use would need to come back before the Park and Planning Commission unless Condition No. 2 is revised. The Commission decided that they would not need to review the Conditional Use again if the Town requires a CSM, only if the use changes in the future to something other than a church and parking lot. In addition, Condition No. 2 will be revised to reflect the abovementioned revisions.

Mr. Siepmann asked why Condition No. 1 requires the petitioner to have a Storm Water Permit for removing the structure and seeding the property? Mr. Mace answered that all of the asphalt would not be removed. Mr. Siepmann said a Storm Water Permit is required if impervious surface is being created and questioned whether it should be an Erosion Control Permit. Mr. Mace said it was all part of one permit, a Storm Water and Erosion Control Permit. He asked the petitioner if the permit had been issued, to which Mr. Diebold from Shaw Environmental replied, “No”, but the submitted plans have been approved. Mr. Goodchild clarified the proposal, the Conditional Use for the bowling alley has been eliminated, the new Conditional Use covers the removal of the buildings, grading and restoration of the property and the parking area.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 2 which will now read:*

2. *The applicant must follow through with the Town to have the Conditional Use boundaries for St. Anthony on the Lake Church officially expanded to include the subject property and to resolve the Certified Survey Map (CSM) issue with the Town which will not require further review by the Waukesha County Park and Planning Commission. Unless the use of the property changes in the future from what is outlined in the “Staff Report and*

*Recommendation”, there is no need for this matter to come back before the Waukesha County Park and Planning Commission. The Conditional Use boundaries of the property will be reflected as both Tax Key parcels DELT 0813.998 and DELT 0813.999.002 whether combined by CSM or left as separate parcels.*

*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.*

• **(Michael and Kelly Begler) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Memorandum” dated May 6, 2010, and made a part of these Minutes. He pointed out the location of the property at N52 W35577 West Lake Drive in the Town of Oconomowoc on the aerial photograph and indicated the request is for approval of a retaining wall within 5 ft. of the east property line.

Mrs. Haukohl noticed that the “Staff Memorandum” states the property is located in Section 36 not Section 35. Mr. Mace indicated the property is located in Section 35 and that the “Staff Memorandum” would be corrected. The proposed retaining wall will be located approximately 1.8 ft. away from the property line due to the finished yard grade. Mr. Begler, petitioner noted that the adjacent neighbor has no problems with the request. Mrs. Haukohl expressed concerns regarding the drainage to the lake and the adjacent property and suggested that wording be added to Condition No. 5 to read, “The activities shall not cause adverse drainage on adjacent properties or the lake.” The Commission agreed.

*After discussion, Mr. Siepmann moved, seconded by Mrs. Haukohl, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum” with a change to Condition No. 5 which will now read:*

5. *The activities shall not cause adverse drainage on adjacent properties or the lake.*

*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.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Haukohl moved, seconded by Mr. Goodchild to adjourn at 3:05 p.m.*

Respectfully submitted,

Walter Kolb  
Acting Secretary

WK:kab