

Enrolled 158-6
~~PROPOSED RESOLUTION 158-6~~

APPROVAL OF BEELER AMENDMENT TO THE YEAR 2002
WAUKESHA COUNTY DEVELOPMENT PLAN

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6
7 WHEREAS on November 26, 1996, the Waukesha County Board of Supervisors in Resolution
8 No. 151-13 approved a Development Plan for Waukesha County to take effect January 1, 1997,
9 and

10
11 WHEREAS on May 27, 1997, the Waukesha County Board of Supervisors adopted Resolution
12 #152-R-002 entitled, "Technical Refinements and Implementation of a Development Plan for
13 Waukesha County" which, among other matters, provided for annual update and amendment
14 procedures, and

15
16 WHEREAS on February 21, 2002, the Waukesha County Park and Planning Commission and
17 the Waukesha County Land Use, Parks and Environment Committee held a Joint Public Hearing
18 to receive testimony on proposed changes to the Waukesha County Development Plan, and
19

20 WHEREAS the staff has identified in a "Staff Report and Recommendation" dated April 2,
21 2002, a summary of the hearing, comments and Staff Recommendations for and against the
22 various proposed changes to specific properties and provisions in the Waukesha County
23 Development Plan, and

24
25 WHEREAS said "Staff Report and Recommendation" has been reviewed by the Waukesha
26 County Park and Planning Commission on April 2, 2002, and a recommendation thereon
27 reported to the Land Use, Parks and Environment Committee and the Waukesha County Board
28 of Supervisors as required by Resolution No. 152-R-002 which endorses the recommendations
29 set forth in the "Staff Report and Recommendation" along with some modification and
30 additional conditions to various properties.

31
32 WHEREAS on April 9, 2002, the Waukesha County Board referred the amendment of the Beeler
33 property in the Town of Merton back to the Land Use, Parks and Environment Committee, who
34 referred it back to the Waukesha County Park and Planning Commission, and
35

36 WHEREAS on May 23, 2002, the Waukesha County Park and Planning Commission tabled the
37 proposed amendment to the Beeler property for further review by the Planning and Zoning
38 Division staff, and
39

40 WHEREAS on June 6, 2002, the Waukesha County Park and Planning Commission voted to
41 reaffirm their original decision of denial, in accordance with the staff memorandum dated May
42 23, 2002, and
43

44 WHEREAS on August 6, 2002, the Land Use, Parks and Environment Committee referred the
45 matter back to the staff of the Waukesha County Department of Parks and Land Use – Planning
46 and Zoning Division, and
47

48 WHEREAS on April 3, 2003, the Waukesha County Park and Planning Commission reviewed a
49 memorandum from the staff of the Waukesha County Department of Parks and Land Use, who

| | | |
|-----------------------|------------------------|-----------------|
| Referred on: 08/12/03 | File Number: 158-R-005 | Referred to: LU |
|-----------------------|------------------------|-----------------|

50 reaffirmed a recommendation of a denial for the request, and
51
52 WHEREAS the Waukesha County Park and Planning Commission voted on April 3, 2003, to
53 approve the amendment to the Primary Environmental Corridor designation on the Beeler
54 property, based upon the inconsistencies in the mapping of the Primary Environmental Corridor
55 and the existing residential development around the subject property, and

56
57 WHEREAS the Planning and Zoning Division staff contacted the Southeastern Wisconsin
58 Regional Planning Commission concerning the discrepancies in the Primary Environmental
59 Corridor mapping, and

60
61 WHEREAS on June 25, 2003, the Southeastern Wisconsin Regional Planning Commission
62 submitted correspondence discussing the discrepancies in the mapping of the Primary
63 Environmental Corridor and concluded that, in taking into account the existing natural resource
64 features and existing development conditions on the Beeler property, that the Commission staff
65 concluded that the southerly portion of the Beeler property is not considered Primary
66 Environmental Corridor (See Exhibit "A").

67
68 NOW THEREFORE BE IT HEREBY RESOLVED BY THE WAUKESHA COUNTY BOARD
69 OF SUPERVISORS that the amendment to the Beeler property, in the NE ¼ of Section 30 in the
70 Town of Merton, be amended from the Primary Environmental Corridor category to the Low
71 Density Urban Residential (LDR) category (Tax Key No.: MRTT 0405.954), to permit the
72 redivision of two (2) lots into three (3) parcels is hereby approved to the Year 2010 and the
73 Buildout Map of the Waukesha County Development Plan subject to the following conditions:

- 74
75 1. Compliance with the Board of Adjustment decision of September 12, 2001.
76
77 2. A Vegetation Preservation & Removal Plan presented by the petitioner Baumann, be
78 developed and submitted for review and approval by the Planning Staff so as too assure
79 the overall natural qualities of this site outside of the area in which the house, garage,
80 septic system and driveway will be built, are protected and preserved in an effort to
81 promote and enhance the quality of the vegetation on this site and preservation of the
82 high quality vegetation and replacement of vegetation where necessary.

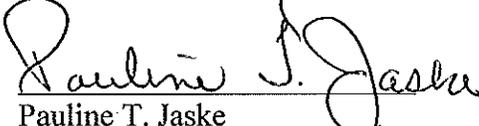
83
84
85 BE IT FURTHER RESOLVED that a more detailed description and maps of the aforementioned
86 property are on file in the office of the Waukesha County Department of Parks and Land Use.

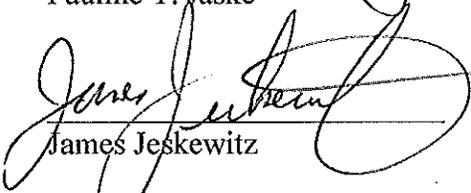
87
88 BE IT FURTHER RESOLVED that the Waukesha County Clerk shall file a certified copy of
89 this Resolution with the Town of Merton Clerk of Waukesha County.

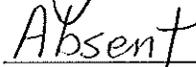
APPROVAL OF BEELER AMENDMENT TO THE YEAR 2002
WAUKESHA COUNTY DEVELOPMENT PLAN

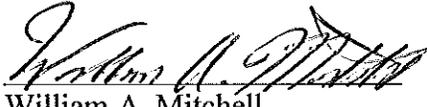
Presented by:
Land Use, Parks, and Environment Committee

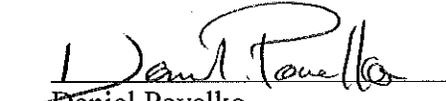

Walter L. Kolb, Chair

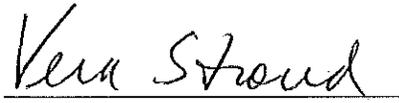

Pauline T. Jaske


James Jeskewitz


Absent
Scott J. Klein


William A. Mitchell


Daniel Pavelko


Vera Stroud

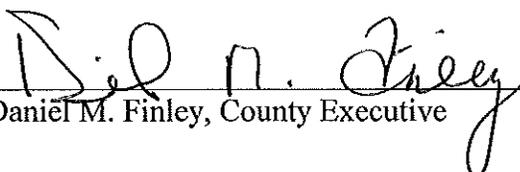
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8-29-03, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:

Vetoed:

Date: 8-29-03, 
Daniel M. Finley, County Executive

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

TELEPHONE (262) 547-6721
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WAUKESHA



June 25, 2003

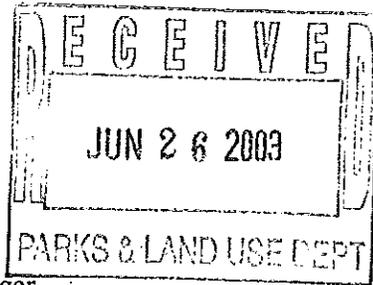


EXHIBIT "A"

Mr. Richard L. Mace
Planning and Zoning Manager
Waukesha County Department of Parks and Land Use
1320 Pewaukee Road, Room 230
Waukesha, WI 53188-3868

Dear Mr. Mace:

This will follow up our interagency meeting on May 14, 2003, at which we discussed certain mapping and policy issues related to environment corridors, as well as respond to your letter to the Commission dated May 22, 2003, on those issues. This letter summarizes certain aspects of the corridor delineation process as discussed at that meeting. This letter also reports on staff findings regarding specific environmental corridor mapping situations which you asked that the Commission staff review.

Refinement of Environmental Corridors, Including Lake Shoreland Areas

The refinement of environmental corridors is an ongoing process, which takes into account the best information available with respect to the natural resource base (including the results of Commission staff field survey work), existing land use, and parcel boundary information available at the time at which the corridor delineations are refined and updated. Corridor refinement and updating is carried out on a region-wide basis on an approximately five-year cycle following the preparation of new orthophotographs, and additionally, is carried out as part of sewer service area planning work and other planning work of the Commission. The corridor refinement process involves the systematic application of well established corridor delineation guidelines, a process which is intended to ensure that like properties are treated equally and fairly.

With respect to inland lake areas, the environmental corridor mapping procedures call for the delineation of a shoreland area 75 feet in depth around major and minor lakes. In the environmental corridor refinement process, the portions of such shoreland areas consisting of mowed lawn or other landscaped area, or encompassing boat houses or other structures, are not included in the environmental corridor delineation. Thus, the corridor refinement methodology is intended to exclude from the environmental corridor those shoreland areas which, for all intents and purposes, are developed as homesites or for other urban uses. This refinement of the shoreland corridors has been made on the Waukesha County development plan map file. This refinement has not been made on the Commission's 1995 "existing" environmental corridor file, however.

In order to avoid confusion, we would suggest the existing 1995 corridor file be deleted from the Waukesha County GIS website and that the environmental corridor layer from the County development plan be presented in its place. This would avoid the problem of having different environmental corridor delineations on the website. Please bear in mind that the County development plan file is not cadastrally based and, accordingly, will not fit perfectly when overlaid on GIS parcel maps. Please let us know if you

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Mr. Richard L. Mace
June 25, 2003
Page 2

agree with this approach. If so, we will work with the County Land Information System Division staff in making this change.

The Regional Planning Commission staff is currently updating the existing environmental corridor inventory to the year 2000. The shoreland corridor refinement discussed above is being made as part of this inventory; moreover, this inventory will be cadastrally based. Upon completion of this inventory update, the Commission staff will prepare a cadastrally based "planned" environmental corridor file—reflecting planned floodplain additions and other anticipated changes to the corridors, as appropriate. It is expected that the resulting planned environmental corridor file will eventually be able to be incorporated directly into the preparation of the Waukesha County comprehensive plan.

Review of the Environmental Corridor Delineation on a Parcel in U.S. Public Land Survey Section 30, Township 8 North, Range 18 East

At the May 14th meeting, you asked that the Commission staff review the delineation of a primary environmental corridor on the Beeler property located in the northeast quarter of Section 30 in the Town of Merton. The southerly portion of that property is shown as a primary environmental corridor on the Waukesha County development plan map and the Regional Planning Commission environmental corridor map files.

In response to your request, the staff has reviewed the area concerned, taking into account existing natural resource features and existing development conditions—all as evident on a year 2000 orthophotograph and a large-scale topographic map prepared from aerial photography taken in 1999. Based upon that review, the Commission staff concludes that the southerly portion of the Beeler property is not part of an environmental corridor. This conclusion is based upon the observation of a number of structures in the area concerned, including an old barn and old building foundations which are evident on the topographic map, but less evident on the orthophotograph. These structures indicate a past commitment of the area to urban, rather than open space, use.

Given this conclusion, additional urban development in the subject area may be considered to be consistent with the regional land use plan and the Waukesha County development plan. We would recommend that the environmental corridor delineation be removed from the subject site in the next cycle of amendments to the County development plan.

Even without the environmental corridor designation, good planning practice suggests that any development of the subject area be designed in a manner which is sensitive to remaining natural resource features. In this respect, site design should minimize the loss of woodlands and minimize development of steep (12 percent or greater) slopes. Where steeply sloped areas are to be developed, the design should be carefully fitted to the topography and should minimize runoff and erosion; in addition, proper construction site erosion control practices should be adhered to and the site properly stabilized.

Review of Selected Environmental Corridors as Depicted on the Waukesha County GIS Website

At our meeting on May 14th, you drew attention to certain lands in the Towns of Genesee and Oconomowoc which are shown as primary environmental corridors on the County GIS website but not on the initially adopted County land use plan map. You asked that the Commission staff investigate and help the County staff resolve the differences.

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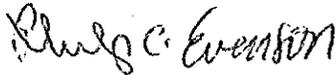
4.

Mr. Richard L. Mace
June 25, 2003
Page 3

In consultation with the County Land Information System Division staff, it has been determined that the afore-noted differences resulted from a problem with a server on the County website. It was confirmed that the digital file of the Waukesha County development plan map originally provided by the Commission to the County is correct. The County Land Information System Division staff has rectified the problem with its server, with the result that the map of the County development plan included on the County GIS website now correctly reflects the adopted environmental corridors.

We trust that these comments will be useful to you. Should you have any questions, please do not hesitate to call.

Sincerely,



Philip C. Evenson
Executive Director

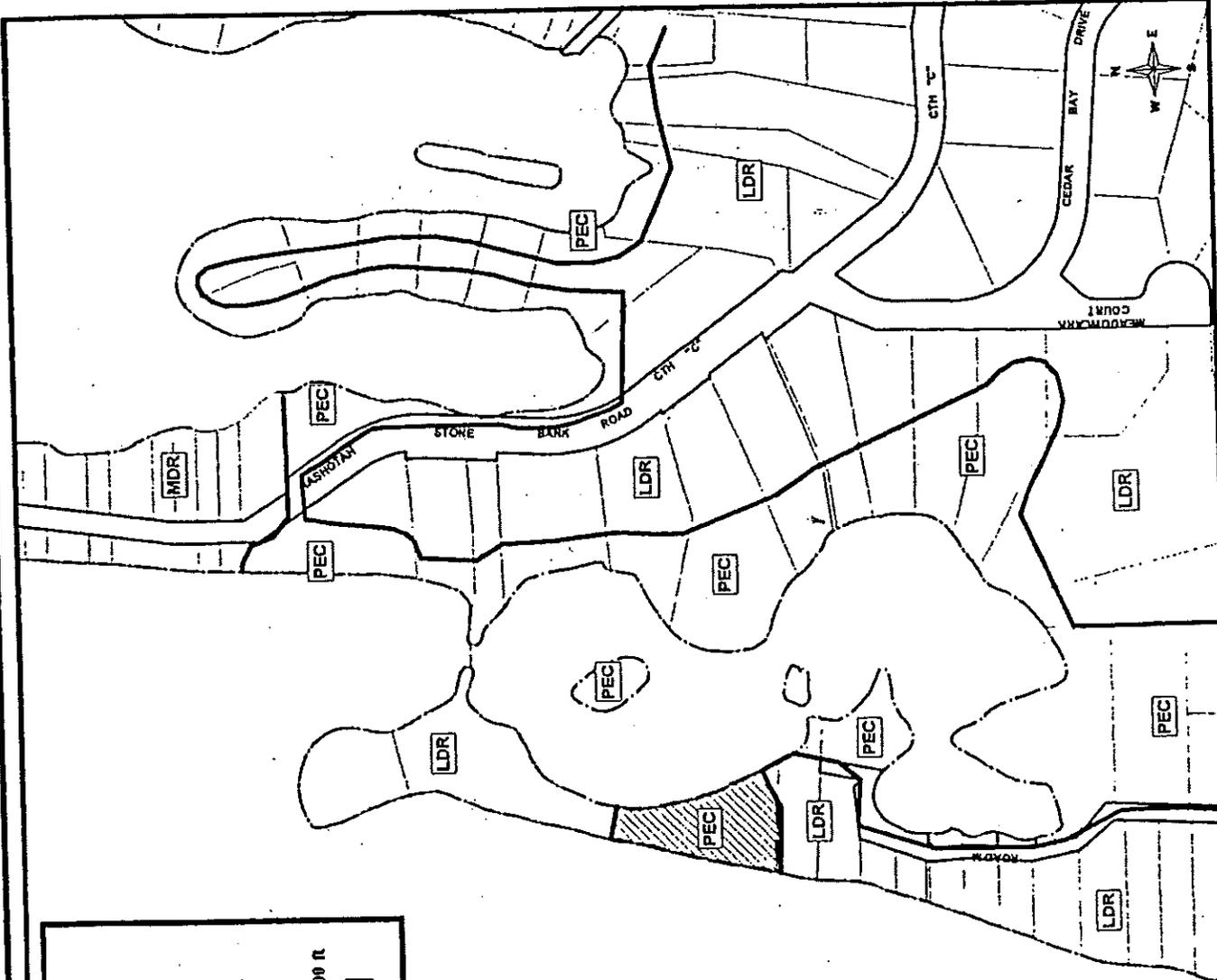
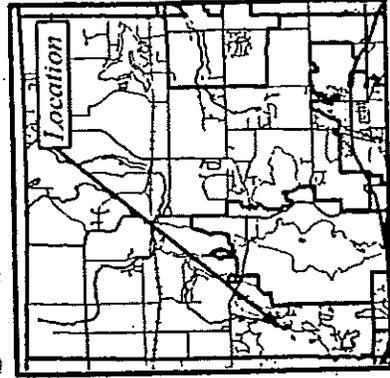
PCE/WJS/mlh
#83387 v1 - env corridor mtg followup

158-R-005

5.

Legend

- HDR High Density Urban Residential
(Less Than 6,000 Sq. Ft. of Lot Area Per D.U.)
- MDR Medium Density Urban Residential
(6,000-19,999 Sq. Ft. of Lot Area Per D.U.)
- LDR Low Density Urban Residential
(20,000 Sq. Ft. To 1.4 Acres of Lot Area Per D.U.)
- SDR I Suburban I Density Residential
(1.5 To 2.9 Acres of Lot Area Per D.U.)
- SDR II Suburban II Density Residential
(3.0 To 4.9 Acres of Lot Area Per D.U.)
- UR Urban Reserve
- RDR/AL Rural Density Residential
and Other Agricultural Lands
- OPEN Other Open Lands To Be Preserved
- PEC Primary Environmental Corridor
- SEC Secondary Environmental Corridor
- INRA Isolated Natural Resource Area
- REC Recreational
- AI Prime Agricultural
- COMM Commercial
- TRANS Transportation, Communication,
and Utilities
- GOV Government and Institutional
- EXT Extractive
- LF Landfill
- IND Industrial



Beeler Amendment

Town of Merton
NE 1/4 of Section 30

Area Being Amended From Primary Environmental Corridor to Low Density Residential

1" = 400'

0 200 400 600 800 ft

Graphic Scale in Feet

Waukesha County Development Plan Proposed Amendment

Waukesha County
Department of
Parks and Land Use



Waukesha COUNTY

DEPARTMENT OF
PARKS AND LAND USE

STAFF MEMORANDUM

To: Waukesha County Land Use, Parks and Environment Committee
Waukesha County Board of Supervisors

From: Richard L. Mace, Planning and Zoning Manager
Kathy Moore, Senior Planner

Date: August 7, 2003

Re: Beeler - Waukesha County Development Plan Amendment
Town of Merton

On April 3, 2003, the Waukesha County Park and Planning Commission discussed the Beeler request to amend the subject property in the NE ¼ of Section 30, Town of Merton, from the Primary Environmental Corridor (PEC) to the Low Density Urban Residential category on the Waukesha County Development Plan. At the meeting, the Attorney representing Mr. Beeler brought out a number of discrepancies in the mapping of the PEC on the Waukesha County Development Plan and the County GIS system, on developed lots along the lakeshores in Waukesha County. Because of these inconsistencies, the Waukesha County Park and Planning Commission voted 4 to 2 to recommend approval of the proposed amendment to the Waukesha County Development Plan for the Beeler property, thus removing it from the PEC. Subsequent to that action, the Planning and Zoning Division Staff contacted the Southeastern Wisconsin Regional Planning Commission (SEWRPC) concerning the inconsistencies of the mapping of the PEC, on lakeshore properties, which were developed.

The SEWRPC Staff corresponded back to the Planning and Zoning Division Staff on June 25, 2003 (Exhibit "A"), concerning the mapping of the PEC and concluded that in taking into account the existing natural resource features and existing development conditions involving the application of the established corridor delineation guidelines, that the southerly portion of the Beeler property is not PEC, based upon the observation of a number of structures in the area, including an old barn, and old building foundations which are evident on the topographic map as the previous structures indicate that there has been a past commitment of the area to urban rather than open space uses. Therefore, they recommended the Environmental Corridor delineation be removed from the subject site.

It should also be noted that a variance for this property was issued on September 12, 2001, which approved a request to permit the division of the property into two parcels subject to seven conditions. Also during previous discussions of this matter with the Park and Planning

Planning & Zoning Division
1320 Pewaukee Road • Room 230
Waukesha, Wisconsin 53188-3868
Phone: (262) 548-7790 • Fax: (262) 896-8071

158-R-005

Commission over the past year or so, there was concern about the guest cottage on the existing Bauman parcel and allowing its continued existence in such close proximity to the new turn around access easement which was part of the Board of Adjustments decision. Mr. Bauman indicated during discussions and questioning by the commission that he would be willing to remove that guest cottage.

Based upon the new findings by the Regional Planning Commission regarding developed lake shore areas, the Planning and Zoning Division staff would recommend that the Beeler property be removed from the Primary Environmental Corridor designation on the County Land Use Plan to the Low Density Urban Residential category subject to the requirements being met which were imposed by the Board of Adjustment decision held September 12, 2001. Further the staff recommends that the guesthouse, which is located immediately adjacent to the proposed access easement referenced in the Board of Adjustment action and east of that easement, be removed. This easement renders this cottage further non-conforming with respect to its location to the easement and will help eliminate the non-conformity of having two residential structures on a single lot, which would result if the building were allowed to remain as a residence. It is further recommended that in an effort to try to preserve and protect the natural qualities of the newly created Beeler parcel, a Vegetation Preservation and Removal Plan as presented by the petitioner, be developed and submitted for review by the planning staff so as to assure that the overall natural qualities of this site outside of the area in which the house, garage, septic system and driveway will be built, are protected and preserved in an effort to promote and enhance the quality of the vegetation on this site and preservation of the high quality vegetation and replacement of vegetation where necessary.

KM:kb

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Resolution entitled, "Year 2002 Approval of Beeler Amendment to the Waukesha County Development Plan" recommends approval in accordance with the attached "Staff Memorandum"

PARK AND PLANNING COMMISSION

April 3, 2003

Betty Willert - ^{Voted} "no"
Betty Willert, Chairperson

Vytautas J. Janusonis
Vytautas Janusonis

(not present at time of vote)
Mareth Kipp

Ellen R. Gennrich - ^{Voted} "no"
Ellen Gennrich

Walter Kolb
Walter Kolb

Joseph LaPorte
Joseph LaPorte

Walter Baade
Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/03

(RES) NUMBER-1580005

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....NAY
 11 K. HARENDA.....
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 P. PRONOLD.....AYE
 25 K. CUMMINGS.....NAY
 27 D. PAULSON.....NAY
 29 M. THOMAS.....AYE
 31 V. STROUD.....AYE
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....NAY
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 J. LA PORTE.....AYE
 16 R. MANKE.....AYE
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....AYE
 24 A. SILVA.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-29

TOTAL NAYS-04

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33