

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, JUNE 15, 2023 - 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepman, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: James Siepman Richard Morris Robert Peregrine  
William Groskopf Robert Hamilton

Commission

Members Absent: Gary Szpara

Staff

Members Present: Jason Fruth, Planning Manager  
Rebekah Leto, Senior Planner  
Ben Greenberg, Senior Planner  
Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:** None

**MINUTES:** Approval of the May 18, 2023, Minutes

*After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval, of the May 18, 2023, Minutes, as corrected.*

**PUBLIC COMMENT:** None.

**SCHEDULED MATTER**

- **1:00 pm Public Hearing for RZ120**, Text amendments to correct references to the Waukesha County Shoreland and Floodland Protection Ordinance in the Waukesha County Zoning Code.

Mr. Fruth explained that in 2019, a set of text amendments was adopted by the County Board, however, it was discovered by the Planning and Zoning staff that four references to either the Downtown Okauchee District (DOD) or the Existing Floodplain Development Overlay District (EFD) had been inadvertently listed in Section 3.12 (Parking Standards) of the Waukesha County Zoning Code, which is in error as those districts only exist in the Waukesha County Shoreland and Floodland Protection Ordinance. Staff discussed the oversight with Corporation Counsel who indicated that a formal cleanup should occur with a public hearing and a corrective text amendment ordinance.

*Chairperson Siepman asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the public hearing at 1:03 pm and moved to the next item on the agenda.*

- **Public Hearing for RZ121**, Text Amendments to amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance to modify the marina conditional use section standards specifically as they relate to the Downtown Okauchee District.

Mr. Fruth explained that the text amendment was initiated by a property owner in the downtown Okauchee area who holds an existing Conditional Use Permit for a marina and wishes to expand the use. Currently, the existing Conditional Use option for marinas limits the total length of piers to a number that is equal to

the lake frontage on a property, which is problematic for the subject property owner. The property owner indicated that a pier expansion would make his restaurant business more feasible and ensure its long term success. County Staff urged the property owner to contact the Department of Natural Resources (DNR) for their approval before moving forward. The DNR determined that some expansion of the pier system would be acceptable. County and Town staff agreed that an exception to the frontage provisions would have merit in the DOD District. Code language would continue to maintain a requirement that T or L piers should not extend more than 150 ft. from the shore so navigation is not adversely affected, with DNR approval.

Mr. Groskopf asked if future requests would come before the Commission as Conditional Use and Site Plan/Plan of Operation requests, to which Mr. Fruth replied “Yes”. Mr. Peregrine asked who the property owner was who initiated the request, to which Mr. Fruth responded Weissgerbers Golden Mast. He added that a proposed site plan was submitted, however, no formal application has been received.

*Chairperson Siepman asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the public hearing at 1:09 pm and moved to the next item on the agenda.*

- **RZ120 (Waukesha County Park & Planning Commission) Text Amendment Zoning Code**

Mr. Fruth indicated the text amendments are to correct references to the Waukesha County Shoreland and Floodland Protection Ordinance in the Waukesha County Zoning Code.

Mr. Fruth referred to the overview given above during the public hearing for RZ120. No additional information was requested from the Commission or public.

*After a brief discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.*

- **RZ121 (Waukesha County Park and Planning Commission) Text Amendment SFPO**

Mr. Fruth indicated the text amendments will amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance to modify the marina conditional use section standards specifically as they relate to the Downtown Okauchee District.

Mr. Fruth referred to the overview given above during the public hearing for RZ121. No additional information was requested from the Commission or public.

*After a brief discussion, Mr. Hamilton moved, seconded by Mr. Groskopf and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.*

- **RZ115 (Erik Swedberg) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at W350 N9355 Norwegian Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the FLP Farmland Preservation to the R-1 Residential District.

Chairperson Siepman announced due to a conflict of interest he would recuse himself from voting on RZ115 and PPC23\_004 (Erik Swedberg) and at 1:11 pm left the meeting.

Ms. Leto indicated the property is a total of 154 acres in size. The current zoning on the property is Farmland Preservation (35 acre per dwelling unit density). The Ashippun River runs through the northern portion of the property with Environmental Corridor, wetlands and floodplain along the river. The petitioners are proposing to create a 5 acre farm consolidation parcel that would include an existing single

family residence, 2 barns, a silo and a shed. At some point, the residence, one of the barns and the shed would be removed and a new residence and new barn would be constructed. Current access to the property is a driveway via Norwegian Drive and the same driveway would be extended and utilized for the new residence. She indicated the location of the residence would be located on the southwest portion of the property.

Mr. Morris asked if it was a lot not abutting a public road and would there be an easement over the current driveway for access, to which Ms. Leto replied “Correct”. She further explained that an easement will be created as part of the Certified Survey Map process. Mr. Groskopf confirmed that after this parcel is created there would be 4 more potential density rights. Ms. Leto explained the Swedberg Farm tract has over 269 acres over 2 different parcels. The number of dwelling units which are permitted in total is 7. Two (2) are currently being used and because the residence is being removed and replaced it will not change, so that would leave 5 density rights left. Mr. Hamilton asked, “What was the reason for the exclusion of the existing barn?” Ms. Leto replied it was per the petitioner’s request, the barn will remain in use by the farmer of the land and the Swedberg family. Mr. Hamilton asked if the farmer of the land is the owner or if the farmland is leased out, to which Ms. Leto replied she was unsure but indicated that the barn is currently being used for agricultural storage and equipment. Mr. Morris said he previously farmed this land and indicated there are 2 renters, 1 for the cropland and 1 for the pastureland and barn.

*After discussion, Mr. Hamilton moved, seconded by Mr. Peregrine and carried by a vote of 4 to 0, (Chairperson Siepmann recused himself due to a conflict of interest) 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.*

• **PPC23 004 (Erik Swedberg) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at W350 N9355 Norwegian Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a lot not abutting a public road.

Ms. Leto indicated the existing driveway will remain in the same location and there will be a 33 ft. wide easement placed over it to access the new parcel. No additional farmland will be disrupted. Mr. Hamilton asked if the date in Condition No. 2 should be June 15, 2023, not June 14, 2023 as stated. Ms. Leto replied yes. The Commission agreed and Mr. Fruth indicated the date would be corrected in the condition.

*After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried by a vote of (4-0, Chairperson Siepmann recused himself due to a conflict of interest), for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 2 which will now read:*

- 2. A note must be placed on the Certified Survey Map indicating that the Waukesha County Park and Planning Commission approved the creation of Lot 1 as a lot not abutting a public road on June 15, 2023.*

*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.*

Chairperson Siepmann returned to the meeting at 1:23 pm.

• **CU87 (Colts Neck, LLC Nancy Jablonski) Town of Oconomowoc, Section 15**

Mr. Fruth pointed out the location of the property in the NE ¼ of Section 15, T8N, R17E, Town of Oconomowoc. He indicated the request is for Conditional Use approval to operate a commercial horse boarding stable with a caretakers unit, riding arena and additional agricultural-related buildings.

Ms. Leto indicated the property is located in the Saddlebrook Farms subdivision, northeast of Ashippun Lake. The subdivision contains 8 riparian lots with single family residences and 5 large agricultural parcels, 2 of which are developed as farms. Access to all of the subdivision properties is via Saddlebrook Lane. The petitioner is proposing to operate a commercial horse boarding stable with a caretakers unit and riding arena along with other agricultural buildings. The main building contains the indoor riding arena (14,000 sq. ft.), a caretakers unit for a full time employee and his family (1,200 sq. ft) and an 8,800 sq. ft. barn with 20 horse stalls.

Ms. Leto explained that there is a drainage easement which extends across the front portion of the property. The driveway for the property will be via Saddlebrook Lane and a culvert will be placed over the drainage easement in order to access the buildings. There is a hay barn located near the east property line and a utility type building (for the petitioner's personal residential use) is located near the west property line. Approximately 17 stalls will be available for parking and are located south and east of the barn. The hours of operation were proposed to be 7 days per week from 7:30 am to 9:30 pm and there will be 1 full time and 1 part time employee. No riding competitions are proposed, however, individual riding lessons could occur at scheduled times. In addition, horse owners may work with their individual trainers. No riding lessons will be open to the public. Mr. Fruth mentioned Condition No. 20 states the hours of operation are 7:30 am to 9:00 pm, not 9:30 pm. Ms. Leto explained the Planning and Zoning staff is recommending a 9:00 pm closing to accommodate the neighbors. A small sign is being proposed at the driveway entrance. The petitioner has been working with the Waukesha County Land Resources Division and DATCP to create a Manure Management Plan. In addition, the amount of impervious surface being placed on the vacant parcel triggered a Stormwater Management Plan and the details are currently being discussed. An outdoor arena is being proposed on the east side of the property.

Ms. Leto indicated at the Public Hearing, there was opposition from the neighbors regarding the use. Reasons included additional traffic, light pollution and the overall aesthetics of the buildings. The operation is proposing up to 20 horses. There are no exterior light poles being proposed, only the lights on the building and if necessary a light in the parking lot for safety. Landscape screening will be required along the east lot line to help shield the neighbor to the east from headlights as vehicles are turning out and going down the driveway. The driveway location would need to be moved to the west to accommodate the width of more mature vegetation for screening and outside of the drainage easement. Mr. Morris asked if the overnight and short term storage of trailers mentioned in the conditions is for the owner only? Ms. Leto responded that the Town recommended that particular condition for the facility not the horse owners.

Ms. Jablonski, petitioner, said that currently Condition No. 32 states the driveway must be 35 ft. off of the west lot line due to the proposed landscaping. She asked if it could be reduced to 25 ft. to be more of a natural setting. Ms. Leto said the petitioner is currently proposing 20 ft. Mr. Fruth added that the full size mature trees would be more effective for the light screening. Chairperson Siepmann suggested, since a landscaping plan has not been submitted, the Commission could approve between 25 to 35 ft. and the Planning and Zoning staff could work with the petitioner. If a resolution cannot be reached it could come back before the Commission. The Commission agreed.

*After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 32 which will now read:*

32. *The driveway location shall be between 25 ft. and 35 ft. from the east lot line in order to provide adequate space for the above required plantings, which must be located outside of the drainage easement.*

*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.*

• **SP190 (Colts Neck, LLC Nancy Jablonski) Town of Oconomowoc, Section 15**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU87) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 32 which will now read:*

32. *The driveway location shall be between 25 ft. and 35 ft. from the east lot line in order to provide adequate space for the above required plantings, which must be located outside of the drainage easement.*

*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.*

• **Discussion of draft Floodplain Zoning Ordinance**

Mr. Fruth indicated that the FEMA map panels need to be adopted into the ordinance and text amendments are also needed to get the ordinance in line with both State and Federal standards. FEMA has a 6 month timeline to adopt the ordinance.

Mr. Greenberg presented a summary of the Floodplain Ordinance amendments as follows:

Items staying the same include:

- No new structures permitted within the floodplain/floodway (This means that there was never a structure on the lot in the floodplain in the past).
- First floor of residences must be 2’ above 1% flood elevation (2 ft. above the floodplain with the lowest floor).
- Basement must be 2’ above 1% flood elevation
- Crawlspace must be at or above the flood elevation and floodproofed.
- No fill of floodplain without compensation (equal replacement)
- Flood storage districts (protects wetlands)
- Permitted uses in the floodplain.
- Redevelopment standards for structures damaged or substantially destroyed in a non-flood disaster.

New items will include:

Mapping

- New FEMA mapping must be adopted into ordinance (based on 100 yr. floodplain/1% flood)
- All A zones have engineering basis.
- Some tributaries of Fox River studied in detail, Ashippun River updates rolled in.

Floodplain Standards

- Separates floodplain rules from shoreland zoning rules. Makes updates, administration and ordinance interpretation easier.
- Separates C-1 (floodplain) rules from C-1 (wetland) rules.
- Creates a new general floodplain district for A Zones on the Federal Insurance Rate Maps.
- Creates floodway district whereas floodway rules were previously somewhat scattered.
- Eliminates the EFD Existing Floodplain Development District in favor of reliance upon non-conforming rules and floodplain storage compensation rules. Will afford owners of floodplain structures more ability to expand provided that they can compensate for any lost storage.
- Allows for improvements to both floodplain and floodway structures, up to 50% of their value, whereas existing rules required floodproofing in the flood fringe for very minor structural changes and prohibited any improvements to floodway structures. Floodway structure improvements may require obstruction analysis.
- Allows parking lots within floodplain and floodway areas with proper flood warning system.
- More flexibility to propose fill projects without rezoning lands.
- Amend appeal procedures to be consistent with the model. (Appellant would have 30 days to appeal vs. the current 20 days)

Other possible changes:

- Waukesha County is exploring the possibility of becoming a CRS (Community Rating System) community. This could potentially reduce flood insurance rates for property owners in the floodplain.

Mr. Fruth explained the timeline for the ordinance update with the Ordinance taking effect in October.

• **2023 Election of Officers for the Park and Planning Commission**

It was decided that the new officers would be:

- *Mr. Siepmann, Chairman*
- *Mr. Groskopf, Vice Chairman*
- *Mr. Peregrine, Secretary*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Morris to adjourn the meeting at 2:26 p.m.*

Respectfully submitted,

*Richard Morris*

Richard Morris  
Secretary

RM:kb

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