

**Minutes of Land Use, Parks and Environment (LUPE) Committee
March 20, 2018**

Chair Zimmermann called the meeting to order at 8:32 a.m.

Committee Members Present: Dave Zimmermann (Chair), Bill Mitchell, Kathleen Cummings, Keith Hammitt, Robert Kolb, Tom Schellinger, and Ted Wysocki.

Also Present: Legislative Policy Advisor Sarah Spaeth, Planning and Zoning Manager Jason Fruth, Parks System Manager Duane Grimm, Parks System Manager Steve Brunner, Land Resources Manager Perry Lindquist, Senior Planner Amy Barrows, Senior Civil Engineer Leif Hauge, Strand Associates Representative Ashley Pridemore, Citizens Laurie Longtine, Peter Urlacher, Laura Schroeder, Shelley Smith, and Ginger Agen. Minutes Recorded by Beth Schwartz, County Board Office.

Approve Minutes of February 20, 2018

MOTION: Mitchell moved, second by Hammitt to approve the minutes of February 20, 2018. Motion carried 7-0.

Public Comment: Several citizens spoke in regards to Ordinance 172-O-083.

Smith spoke about the Merrill Hills development as a resident on a bordering property. Her concerns include that the property is intended to be an isolated natural resource, but equipment has cut the vegetation down and created pathways which opposes the area being protected. She discussed having witnessed equipment stuck in the ground and expressed the need to keep the natural resources.

Urlacher spoke about his concerns that the development will increase the amount of high groundwater he experiences on his property. He handed out a packet of information to committee members.

Longtine expressed that she felt the process failed her and surrounding residents. She does not oppose the idea of the development but objects to many issues. Drainage issues for the area have increased since the driving range was installed and she expressed concern for potential increased runoff from the proposed installation of the emergency access road from Oak Knoll Road.

Schroeder discussed her footbridge constructed to deal with the water runoff but that the problem has gotten worse and now the footbridge is not enough. She spoke with the club groundskeeper and does not like the solutions presented to her.

Executive Committee Report of March 19, 2018

Zimmermann reported the committee heard the Center for Growth 2017 annual report and the Fire Study update, approved the extension for the Waukesha Freeman legal advertising contract. They also heard standing committee reports from committee chairs.

Future Agenda Items: Brief on storm water issues for any new members elected (Mitchell)

Future Meeting Date(s): April 3, 2018 (Chair Zimmermann will not be in attendance, meeting will be held at Retzer Nature Center)

Discuss and Consider Ordinance 172-O-094: Abolish One Land Information System Manager Position And Create One Land Information System Supervisor Position In The Department Of Parks & Land Use

Lindquist provided some background information on the Land Information System (LIS) Division and said it underwent strategic planning where changes were made to increase efficiency including the merging of Land Resources and Land Information Divisions. He said one regular full time Land Information supervisor (salary range \$73,216 - \$96,824, \$35.20/hr minimum, \$40.48/hr mid-point, \$46.55/hr maximum) will be created and abolish one full time Land Information Manager (\$84,739 – \$122,034, \$40.74/hr minimum, \$48.89/hr mid-point, \$58.67/hr maximum) in the Land Information Systems Fund (LIS) within the Parks and Land Use Department. The lower cost supervisor position is estimated to save \$13,300, comparing projected salary and related benefits at the minimum for the pay range. This position is budgeted in the Land Information System Fund, which is a special revenue fund and does not budget for tax levy. Position savings will drop to fund balance assuming all budgeted revenues are received. Lindquist said the Department evaluated the current structure of the Land Information System Division including its three direct reports, and would like to consolidate the program area into the Land Resources Division to reduce administrative cost while increasing service delivery. Aligning the Land Information System with another operating Division provides an opportunity to reallocate staff time to work on delivering system services to customers. Abolishing a managerial classification and replacing it with a supervisory classification would more appropriately reflect the administrative oversight needed in the Land Information System program area.

MOTION: Mitchell moved, second by Schellinger to approve Ordinance 172-O-094. Motion carried 7-0.

Discuss and Consider Ordinance 172-O-083: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3A – Gaudion/Legend At Merrill Hills, LLC, Section 18, T6N, R19E, Town Of Waukesha)

Fruth said this 52-acre property is located immediately south of The Legend at Merrill Hills country club and contains a 12-acre driving range, the range/practice areas are proposed to remain. The remainder of the property is undeveloped. Approximately eight acres of wooded Isolated Natural Resource Area (INRA) is proposed to remain. There are areas of isolated wetlands both within and southeast of the INRA. Single family subdivisions are east and west of the property. A condominium plat would be prepared upon approval of this ordinance outside of the INRA. Residents have expressed concerns about adverse drainage and storm water management with a number of difficult existing drainage patterns surrounding the subject lands. If the preliminary storm water management plan is implemented, the drainage pattern for the area will be improved and areas previously generating runoff will be treated on site. There are seven condominiums that would be served by septic systems located within fringe areas of the INRA. Town of Waukesha Environmental Health staff confirmed that topography and soils are such that serving these seven units with onsite systems is likely not practicable. In order to limit the proposed disturbance within the INRA, the petitioner is proposing to utilize a type of septic system that reduces the area of a standard mound system by up to 40%. Access, installation and maintenance of the septic systems is proposed to disturb less than 10% of the existing INRA, which is within the limitations set forth by the County Development Plan. No wells are proposed within the INRA. Lindquist discussed preliminary storm water review which decides what systems work. He said the citizen concerns are being addressed and that further approvals will be needed as the process moves along.

This incorporates facilities that will reduce and re-direct runoff to help address existing drainage issues in the surrounding neighborhoods. The proposed disturbance to the INRA is limited and the remainder of the INRA and all wetland areas are proposed to be placed in commonly owned outlots to help protect these environmentally sensitive areas from future development. The concept plan being considered would bring forward a fairly small residential community that would include substantial open space and preserved

wetlands thus benefitting the environment and the surrounding community. Wysocki expressed concerns that this ordinance approves the development of a condominium, reading from the amendment request. Fruth said that is not technically what this ordinance approves and the language refers to the request, it only changes the category from Recreational to Low Density Residential. Cummings agreed with Wysocki and said that voting yes means to agree with 32 single family homes within a gated golf course community. Fruth said ordinances to amend the comprehensive plan are always written the same way and this is not a site plan approval, which is only approved by the town. Kolb discussed his unease with the ordinance and his wariness of some of the language used in discussing runoff options. Hammitt asked about water retention and storm water management and Lindquist said these plans do not get reviewed by the committee, that instead the plans must comply with a detailed set of standards. Hauge discussed in detail the site drainage. Wysocki said he would feel more comfortable including in the ordinance substantial compliance conditions that protect the surrounding neighbors.

MOTION: Wysocki moved, second by Hammitt to amend Ordinance 172-O-083 to include “Condition #3: A storm water management plan shall be implemented that is in substantial compliance with the preliminary storm water management plan previously approved by the Waukesha County Department of Parks and Land Use Land Resources Division on 12/5/17.” Motion carried 7-0.

MOTION: Schellinger moved, second by Zimmermann to approve Ordinance 172-O-083 as amended. Motion carried 6-1 (Cummings voted no).

Discuss and Consider Ordinance 172-O-081: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2A –Downing, Section 14, T8N, R18E, Town Of Merton)

Fruth said this property is 10.5 acres excluding the established road right of way of Camp Whitcomb Road. The property has frontage on Lake Keesus and there are wetlands located along the shore of the lake and an isolated wetland located on the south side of the property. A majority of the property is heavily wooded with steep slopes. There is a flat area located on a ridge that is largely disturbed. The flat area contains a single family residence, a detached garage and a shed. The State owns the adjacent property to the north for preservation/open space purposes. Single family residential lots are located on the west and east sides of the property. Union Pacific Railroad borders the property to the south. The petitioners propose constructing a second single family residence on the property and the area where it is proposed has been disturbed for over 50 years including the construction of four cottages. There are a few mature native trees in the areas subject to the request but a majority of the area is mowed yard. Two trees would be removed for construction and to accommodate the second home site it is proposed to amend the driveway area and lands surrounding the existing and proposed homes. The planned unit development would allow the petitioner to construct condominium style development with two residences on a single lot rather than divide the property which would have included a lot not abutting a public road. The petitioners agreed to place the undisturbed area that remains in the primary environmental corridor in a conservation easement and preserve the area in perpetuity. The petitioners also agreed to use the existing pier location as a single access to the lake that would serve both condominium owners.

MOTION: Mitchell moved, second by Hammitt to approve Ordinance 172-O-081. Motion carried 7-0.

Discuss and Consider Ordinance 172-O-082: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2B –Waukesha County Park And Planning Commission, Section 7, T8N, R18E, Town Of Merton)

Fruth said the owner of an 80-acre farm in the northwest part of the Town of Merton contacted both the Town and County to express his desire to re-establish eligibility for the State’s farmland preservation program. He is not currently eligible for the Farmland Preservation Program because his lands are not

formally designated for Farmland Preservation. He said a number of farms in the area changed hands since a survey was conducted by the Town which revealed not enough farms were interested in participating in farmland preservation. For the owner to be accepted into the farmland preservation program, the local and County land use plans must reflect a farmland preservation designation for his lands. The Town recently amended its plan for the Simmons farm to that category and the County must also amend its plan for an Agricultural Enterprises Area (AEA) expansion to move forward.

MOTION: Schellinger moved, second by Cummings to approve Ordinance 172-O-082. Motion carried 6-0.

Supervisor Hammitt left the meeting at 10:17 a.m.

Discuss and Consider Ordinance 172-O-084: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3B – Town Of Waukesha Board, Section 7, T6N, R19E, Town Of Waukesha)

Fruth said Green Lane is approximately ½ mile local road with predominately residential properties fronting both sides of the property as it extends from CTH TT to CTH D. Despite some commercial uses to the east and north of the subject parcels the predominant current use of each of the three subject parcels is residential. The east parcel contains a home with a small bakery run from the home. The middle property contains a residential home and outbuilding. Westerly property contains a home and two outbuildings. Lands to the north and east are planned commercial/office park while to the northwest west and south planned for residential or natural resource preservation. The majority of the lands along Green Lane are in residential use with a small node of commercial/mixed uses near CTH T. Fruth said staff recommended that this request be denied. It has not been demonstrated that the conversion of the parcels from single family residential to commercial can be done without detriment to the subject properties and surrounding neighborhood. Aside from existing violations in the west parcel, the parcel may not be appropriate for businesses of a more intensive nature such as contractor's yards because of the limited space outside the wetlands and environmental corridor on the site. Zimmermann asked for clarification on the residential areas of the property, which Fruth pointed out on a map.

MOTION: Schellinger moved, second by Wysocki to approve Ordinance 172-O-084. Motion carried 6-0.

Discuss and Consider Ordinance 172-O-085: Year 2018 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (4 – Waukesha County Park And Planning Commission/Park And Open Space Plan, Waukesha County)

Brunner said updates to the Park and Open Space Plan include comprehensive updates to greenways, and trails map coordinated with federal, state, and local municipalities as well as nonprofit organizations and lake districts. Grimm said these collaborative efforts include the following: an introduction of potential wetland mitigation banking sites and program; updated county park property maps, amenity inventories, park descriptions and natural management description of greenways. Greenways are often the result of donations. Amenities include restroom improvements, new dog exercise areas, archery range and foot golf and an updated bicycle plan. An introduction to a new regional planning effort for river access sites along Fox River in coordination with Wisconsin-Illinois Fox River Water Trail Initiative was included as well as integrated elements of Southeastern Wisconsin Regional Planning Commission (SEWRPC) natural areas and critical species habitat inventory. Updates were based on incorporation of standards of excellence and strategic planning pillars as well as improved formatting/graphics/usability.

The Wetland Mitigation Banking sites and program identifies fourteen sites ideal for wetland mitigation banking purposes. Sites used for wetland mitigation purposes can be purchased by State or Federal funds.

Zimmermann commented that on the staff recommendation that park and recreation opportunities ranked high on the survey about relocation reasons. Barrows said surveys often reveal the importance of natural resource areas to citizens and business owners. As part of SEWRPC VISION 2050 long-range land use planning effort, a majority of respondents felt it was very important to provide bicycle facilities to the region and over 90% of residents think it is important to preserve natural and agricultural resources. Mitchell said the presentation of the plan was excellent. Wysocki asked about the sites for wetland mitigation and if notifications need to be made to any owners. He also asked if the Department of Public Works was collaborated with on new bike paths, which Brunner said they were.

MOTION: Wysocki moved, second by Cummings to approve Ordinance 172-O-085. Motion carried 6-0.

Discuss and Consider Ordinance 172-O-086: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Merton By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of The NE ¼ Of Section 14, T8N, R18E, Town Of Merton, Waukesha County, Wisconsin, From The A-1 Agricultural And EC Environmental Corridor Overlay Districts To The A-1 Agricultural District (SZ-1862)

Fruth said this ordinance rezones the land discussed in Ordinance 172-O-081. The construction of a second residence on the property will allow for a condominium style development with two residences on single lot rather than divide the property.

MOTION: Wysocki moved, second by Mitchell to approve Ordinance 172-O-086. Motion carried 6-0.

Discuss and Consider Ordinance 172-O-087: Amend The Town Of Vernon District Zoning Map By Revising The Previously Imposed B-3 General Business District Conditions Of Approval. The Rezoning Pertains To Multiple Properties Fronting Upon Enterprise Drive, Located In Part Of The SW ¼ Of Section 1, T5N, R19E, Town Of Vernon (RZ2)

Fruth said this ordinance amends conditions of existing Conditional B3-General business district zoning to allow for sales and repair of automobiles. Enterprise Drive is a light industrial/commercial area in Vernon that forms a business park. Sales and service of similar mechanized equipment such as motorcycles, all terrain vehicles and boats is already provided for. This request was made by one of the motorsports businesses in area wishing to offer limited number of cars for sale on one parcel.

MOTION: Cummings moved, second by Kolb to approve Ordinance 172-O-087. Motion carried 6-0.

Discuss and Consider Ordinance 172-O-088: Amend The Text Of The Town Of Waukesha Zoning Code By Repealing And Recreating Section 13-2-15(H) Relating To Sign Illumination And Nuisance Prevention (RZ1)

Fruth said the Town of Waukesha proposes revised sign nuisance prevention standards to provide flexibility for signs adjacent to residential properties. The issue came to light when a church abutting a residentially zoned property proposed a small illuminated sign. Property was undeveloped land but residential zoning designation meant sign would be prohibited because of Town code's strict prohibition of internally illuminated signs on properties zoned or used for single family/residential uses. This ordinance enables a case-by-case review for illuminated signs abutting residential properties. Cummings asked for clarification on the language used in the ordinance, which Fruth explained. Kolb asked if signed illumination regulations could apply to signage in his district. Fruth said the County is still searching for the right measurements in acceptability and suggested time limits for scrolling and moving electronic signage.

MOTION: Mitchell moved, second by Schellinger to approve Ordinance 172-O-088. Motion carried 6-0.

Discuss and Consider Ordinance 172-O-089: Amend The Text Of The Town Of Brookfield Zoning Code By Repealing Section 17.02(14)(b)13 And Repealing And Recreating Section 17.15 Relating To Mobile Tower Siting And Antenna Regulations (ZT-1861)

Fruth discussed this ordinance that amends the code relating to mobile tower siting and antenna regulations and said that the Town of Brookfield has been consistent with the State regulations.

MOTION: Schellinger moved, second by Kolb to approve Ordinance 172-O-089. Motion carried 6-0.

Legislative Update

Spaeth updated the committee on the Juvenile Justice bill of which the assembly passed a different version than the senate. They must pass the same version or status quo remains. The small cell bill will not pass the Senate.

MOTION: Wysocki moved, second by Schellinger to adjourn the meeting at 11:10 a.m. Motion carried 6-0.

Respectfully submitted,

Keith Hammitt

Keith Hammitt
Secretary