

174<sup>th</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-001	04/02/19 04/04/19	Land Use	ORD: Approve First Distribution Easement To Wisconsin Electric Power Company To Install, Operate, Maintain, Repair, Replace And Extend Underground Utility Facilities On Waukesha County Property Known As Menomonee Park
174-O-002	04/02/19 04/04/19	Land Use	ORD: Approve Second Distribution Easement To Wisconsin Electric Power Company To Install, Operate, Maintain, Repair, Replace And Extend Underground Utility Facilities On Waukesha County Property Known As Menomonee Park
174-O-003	04/01/19 04/01/19	Land Use	ORD: Authorize Department Of Parks And Land Use To Exchange Parkland With The Village Of Big Bend
174-O-004	03/29/19 04/04/19	Land Use	ORD: Amend The Town Of Ottawa District Zoning Map Of The Waukesha County Zoning Code By Rezoning Certain Lands Located In Part Of The NW ¼ Of The SW ¼ Of Section 1, T6N, R17E, Town Of Ottawa, From The P-I Public And Institutional District To The AD-10 Agricultural Density District 10 (CZ-1837B)
174-O-005	04/01/19 04/04/19	Land Use	ORD: Amend The Text And District Zoning Map Of The Town Of Vernon Zoning Code (RZ21)
174-O-006	04/02/19 04/04/19	Land Use	ORD: Adopt Text And Map Amendments To The Waukesha County Shoreland And Floodland Protection Ordinance To Incorporate A New Downtown Okauchee District, Two Letters Of Floodplain Map Revision, Provisions Required By State Statute And To Modernize Various Code Provisions (RZ29)
174-O-007	04/03/19 04/04/19	Land Use	ORD: Amend The Text Of The Waukesha County Zoning Code To Modernize And Update Various Zoning Provisions To Provide Consistency With State Statutes And The Concurrently Proposed Waukesha County Shoreland And Floodland Protection Ordinance Text Amendments (RZ30)
174-O-008	04/01/19 04/04/19	Land Use	ORD: Amend The Text Of The Waukesha County Shoreland And Floodland Subdivision Control Ordinance To Incorporate Minimum Lot Size And Width Requirements For The Downtown Okauchee District (RZ31)
174-O-009	03/29/19 04/04/19	Land Use	ORD: Amend The District Zoning Map Of The Town Of Lisbon Zoning Code By Rezoning Certain Lands Located In Part Of The Ne ¼ Of Section 29, T8n, R19e, Town Of Lisbon, Waukesha County, Wisconsin, From The A-10 Agricultural District (Town) To The A-5 Mini Farm District (Town) (RZ33)
174-O-010	04/01/19 04/04/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (3A – Waukesha County Park And Planning Commission/Leverence, Section 36, T8N, R18E, Town Of Merton)
174-O-011	04/02/19 04/04/19	Land use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (4A – Waukesha County Park And Planning Commission/Downtown Okauchee, Section 35, T8N, R20E And Section 36, T8N, R17E, Town Of Oconomowoc)

174<sup>th</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-012	04/02/19 04/04/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (5a – Waukesha County Park And Planning Commission/Brahm, Section 11, T6N, R17E, Town Of Ottawa)
174-O-013	04/02/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (6 – Waukesha County Park And Planning Commission/Revisions To Chapter 9 Relating To Mailing Requirements For Plan Amendment Public Hearing Notices)
174-A-001	03/18/19 04/04/19	Executive	APPT: Andy Thelke as Director of Administration
174-A-002	04/04/19 04/04/19	Executive	APPT: Larry Nelson to the Community Development Block Grant Board
174-A-003	04/04/19 04/04/19	Executive	APPT: Frank Muenkel to the Community Development Block Grant Board
174-O-014	04/03/19 04/04/19	Executive Judiciary Finance	ORD: Modify Capital Project 201615 Security System Recording And Display Equipment Replacement To Allocate Funds For System Design And Integration With Other Components Of The Security Electronics System
174-O-015	04/03/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Arrowhead School District To Provide School Resource Officer Services
174-O-016	04/03/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Sussex Hamilton School District To Provide School Resource Officer Services
174-O-017	04/04/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Kettle Moraine School District To Provide School Resource Officer Services
174-O-018	04/04/19 04/04/19	Judiciary Finance	ORD: Expenditure Of Seized Funds – Amend The 2019 Sheriff's Department Budget For Multiple Purchases
174-O-019	04/04/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Amend The 2015-2019 Police Services Contract With The City Of Pewaukee To Provide 1.00 FTE Deputy To The Metro Drug Enforcement Unit Funded By The City Of Pewaukee Beginning June 1, 2019 And Amend The 2019 Sheriff's Department Budget Accordingly
174-O-020	04/02/19 04/04/19	Finance	ORD: Authorizing The Sale Of \$17,500,000 General Obligation Promissory Notes, Series 2019A
174-O-021	04/04/19 04/04/19	HHS Finance	ORD: Modify The 2019 Health And Human Services Budget To Increase Expenditures For A Portion Of One Time Start Up Remodeling Costs Associated With A New Residential Care Facility Contract

1 APPROVE FIRST DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER  
2 COMPANY TO INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND  
3 EXTEND UNDERGROUND UTILITY FACILITIES ON WAUKESHA  
4 COUNTY PROPERTY KNOWN AS MENOMONEE PARK  
5  
6

7 WHEREAS, Wisconsin Electric Power Company, d/b/a We Energies, has requested to install,  
8 operate, maintain, repair, replace and extend underground utility facilities within Waukesha  
9 County property, known as Menomonee Park, located in the Northeast ¼ and the North ½ of the  
10 Southeast ¼ of Section 18, Township 8 North, Range 20 East, in the Village of Menomonee  
11 Falls, County of Waukesha, State of Wisconsin; and  
12

13 WHEREAS, it is deemed necessary to allow We Energies to install, operate, maintain, repair,  
14 replace and extend underground utility facilities on Waukesha County's land for the purpose of  
15 transmitting electric energy, signals, television and telecommunication services, including the  
16 customary growth and replacement thereof; and  
17

18 WHEREAS, it is necessary to provide an easement from Waukesha County to We Energies for  
19 the purpose of installing, operating, maintaining, repairing, replacing and extending underground  
20 utility facilities on County-owned land.  
21

22 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
23 that Waukesha County's grant of a first Distribution Underground Utility Easement  
24 ("Easement") to Wisconsin Electric Power Company, which will be recorded in the Office of the  
25 Register of Deeds, is hereby approved.  
26

27 BE IT FURTHER ORDAINED that the Director of Parks and Land Use may execute the  
28 Easement on behalf of Waukesha County, together with any other documents necessary to  
29 accomplish the intended transaction.

DISTRIBUTION EASEMENT  
UNDERGROUND

WR NO. 4195314

IO: 52491

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **WAUKESHA COUNTY, a Municipal Corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within and beneath a part of Grantor's land hereinafter referred to as "easement area"

The easement area is described as strips of land twelve (12) feet in width being a part of Grantor's premises in the **Northeast 1/4 of Section 18, Township 8 North, Range 20 East**, in the Village of Menomonee Falls, Waukesha County, Wisconsin; said premises are more particularly described in that certain **Quitclaim Deed** recorded in the office of the Register of Deeds for Waukesha County on **August 15, 1963** as **Document No. 593739**.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

MNFV0069998  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, electric pad-mounted switch-fuse unities, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestal, terminals and markers, together with all necessary and appurtenant equipment underground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed within the 12-foot wide easement area so as not to interfere with Grantee's use of the easement area. No trees or bushes shall be removed from within the 12-foot wide easement area without the prior approval of the Waukesha County Park System, which approval shall not be unreasonably withheld, conditioned or delayed provided that said removal is reasonably necessary for Grantee's full enjoyment of the rights granted herein. Grantee may not trim, cut down or remove trees and bushes outside the 12-foot wide easement area without prior approval of the Waukesha County Park System.
2. **Consistent Uses Allowed:** The Grantor reserves the right to use the easement area for purposes which are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as the Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein.
3. **Access:** Grantee or its agents shall have the right to enter and use the easement area with full right of ingress and egress over and across the easement area of Grantor for the purpose of exercising its rights in the easement area. Except in the case of an emergency, Grantee or its agents shall provide Grantor 24-hour advance notice of entry.
4. **Buildings or Other Structures:** Grantor agrees that no new structures will be erected in the easement area and that nothing shall be erected or planted within three feet of the sides of any transformers and within ten feet of the door side of any transformers.
5. **Continual Operation of Park:** The County grounds shall at all times remain open for public use. If the Grantee must perform work in any area that will in any way interfere with or detour the travelling public Grantee will seek prior approval from Grantor, which approval shall not be unreasonably withheld, delayed or denied. Excepting, however, in cases of emergencies when access shall be immediate.
6. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.

7. **Restoration:** Grantee agrees to restore or cause to have restored any and all damages to Grantor's land (including any County trails, parking lots and/or roadways), as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents, weather permitting. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area and for which Grantee has obtained prior approval to remove.
8. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
9. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
10. **Indemnify and Hold Harmless:** In consideration of the foregoing grant, it is understood that during the time said underground electrical facilities are located on the premises of the Grantor pursuant to this grant, Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies will indemnify and save the Grantor, its successors and assigns harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of Grantee's exercise of any of its rights under this easement; excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, Grantor's employees, agents and invitees.
11. **Governing Law:** This easement shall be construed and enforced in accordance with the laws of the State of Wisconsin.
12. **Invalidity:** If any term or condition of this easement, or the application of this easement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this easement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
13. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document.
14. **Entire Agreement:** This easement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this easement and duly recorded in the Office of the Register of Deeds of Waukesha County, Wisconsin.

[Signature Page follows]

IN WITNESS WHEREOF, the Owner has caused this Distribution Easement to be approved by the Waukesha County Board of Supervisors and signed by its Director of Parks and Land Use.

**Grantor: WAUKESHA COUNTY, a Municipal Corporation**

By \_\_\_\_\_

Dale Shaver / Director of Parks and Land Use

Acknowledged before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2019,

by Dale Shaver, County Director of Park and Land Use, on Behalf of Waukesha County.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

**Grantee: Wisconsin Electric Company, a Wisconsin corporation doing business as We Energies**

By \_\_\_\_\_

Dawn M. Neuy, Manager of Real Estate Services

Acknowledged before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2019,

by Dawn M. Neuy, Manager of Real Estate Services, on Behalf of Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

This instrument was drafted by Barb Schaefer on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.



1 APPROVE SECOND DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER  
2 COMPANY TO INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND  
3 EXTEND UNDERGROUND UTILITY FACILITIES ON WAUKESHA  
4 COUNTY PROPERTY KNOWN AS MENOMONEE PARK  
5  
6

7 WHEREAS, Wisconsin Electric Power Company, d/b/a We Energies, has requested to install,  
8 operate, maintain, repair, replace and extend underground utility facilities within Waukesha  
9 County property, known as Menomonee Park, located in the Northeast ¼ of Section 18,  
10 Township 8 North, Range 20 East, in the Village of Menomonee Falls, County of Waukesha,  
11 State of Wisconsin, and  
12

13 WHEREAS, it is deemed necessary to allow We Energies to install, operate, maintain, repair,  
14 replace and extend underground utility facilities on Waukesha County's land for the purpose of  
15 transmitting electric energy, signals, television and telecommunication services, including the  
16 customary growth and replacement thereof; and  
17

18 WHEREAS, it is necessary to provide an easement from Waukesha County to We Energies for  
19 the purpose of installing, operating, maintaining, repairing, replacing and extending underground  
20 utility facilities on County-owned land.  
21

22 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
23 that Waukesha County's grant of a second Distribution Underground Utility Easement  
24 ("Easement") to Wisconsin Electric Power Company, which will be recorded in the Office of the  
25 Register of Deeds, is hereby approved.  
26

27 BE IT FURTHER ORDAINED that the Director of Parks and Land Use may execute the  
28 Easement on behalf of Waukesha County, together with any other documents necessary to  
29 accomplish the intended transaction.

**DISTRIBUTION EASEMENT  
UNDERGROUND**

Document Number

WR NO. 4195313

IO: 52491

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **WAUKESHA COUNTY, a Municipal Corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within and beneath a part of Grantor's land hereinafter referred to as "easement area"

The easement area is described as strips of land twelve (12) feet in width being a part of Grantor's premises in the **Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 18, Township 8 North, Range 20 East**, in the Village of Menomonee Falls, Waukesha County, Wisconsin; said premises are more particularly described in those certain **Warranty Deeds** recorded in the office of the Register of Deeds for Waukesha County on **September 1, 1960 as Document No. 529928** and on **January 19, 1970 as Document No. 754316**.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

MNFV0069997 and LANV0072998 and  
LANV0072999  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, electric pad-mounted switch-fuse unities, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestal, terminals and markers, together with all necessary and appurtenant equipment underground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed within the 12-foot wide easement area so as not to interfere with Grantee's use of the easement area. No trees or bushes shall be removed from within the 12-foot wide easement area without the prior approval of the Waukesha County Park System, which approval shall not be unreasonably withheld, conditioned or delayed provided that said removal is reasonably necessary for Grantee's full enjoyment or the rights granted herein. Grantee may not trim, cut down or remove trees and bushes outside the 12-foot wide easement area without prior approval of the Waukesha County Park System.
2. **Consistent Uses Allowed:** The Grantor reserves the right to use the easement area for purposes which are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as the Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein.
3. **Access:** Grantee or its agents shall have the right to enter and use the easement area with full right of ingress and egress over and across the easement area of Grantor for the purpose of exercising its rights in the easement area. Except in the case of an emergency, Grantee or its agents shall provide Grantor 24-hour advance notice of entry.
4. **Buildings or Other Structures:** Grantor agrees that no new structures will be erected in the easement area and that nothing shall be erected or planted within three feet of the sides of any transformers and within ten feet of the door side of any transformers.
5. **Continual Operation of Park:** The County grounds shall at all times remain open for public use. If the Grantee must perform work in any area that will in any way interfere with or detour the travelling public Grantee will seek prior approval from Grantor, which approval shall not be unreasonably withheld, delayed or denied. Excepting, however, in cases of emergencies when access shall be immediate.
6. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.

7. **Restoration:** Grantee agrees to restore or cause to have restored any and all damages to Grantor's land (including any County trails, parking lots and/or roadways), as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents, weather permitting. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area and for which Grantee has obtained prior approval to remove.
8. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
9. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
10. **Indemnify and Hold Harmless:** In consideration of the foregoing grant, it is understood that during the time said underground electrical facilities are located on the premises of the Grantor pursuant to this grant, Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies will indemnify and save the Grantor, its successors and assigns harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of Grantee's exercise of any of its rights under this easement; excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, Grantor's employees, agents and invitees.
11. **Governing Law:** This easement shall be construed and enforced in accordance with the laws of the State of Wisconsin.
12. **Invalidity:** If any term or condition of this easement, or the application of this easement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this easement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
13. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document.
14. **Entire Agreement:** This easement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this easement and duly recorded in the Office of the Register of Deeds of Waukesha County, Wisconsin.

[Signature Page follows]

IN WITNESS WHEREOF, the Owner has caused this Distribution Easement to be approved by the Waukesha County Board of Supervisors and signed by its Director of Parks and Land Use.

**Grantor: WAUKESHA COUNTY, a Municipal Corporation**

By \_\_\_\_\_

Dale Shaver / Director of Parks and Land Use

Acknowledged before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2019,

by Dale Shaver, County Director of Park and Land Use, on Behalf of Waukesha County.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

**Grantee: Wisconsin Electric Company, a Wisconsin corporation doing business as We Energies**

By \_\_\_\_\_

Dawn M. Neuy, Manager of Real Estate Services

Acknowledged before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2019,

by Dawn M. Neuy, Manager of Real Estate Services, on Behalf of Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

This instrument was drafted by Barb Schaefer on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.



1 AUTHORIZE DEPARTMENT OF PARKS AND LAND USE TO  
2 EXCHANGE PARKLAND WITH THE VILLAGE OF BIG BEND  
3  
4

5 WHEREAS, the County Board of Supervisors approved Enrolled Ordinance 152-18 on June 13,  
6 1997 for the purchase of the 27.129 acre Irma King Property (tax key: VNT 2105995 and BBV  
7 2105948) in the Town of Vernon and Village of Big Bend; and  
8

9 WHEREAS, the County received State of Wisconsin Stewardship Funding support on May 31,  
10 1995 (URGP-49) for the 27-acres of the Irma King Property Acquisition with the grant  
11 obligation that the property be used for public outdoor recreation; and  
12

13 WHEREAS, in June, 1972, the Village of Big Bend purchased 27-acres of land for the Big Bend  
14 Lions Park Addition specifically to be used for public outdoor recreation; and  
15

16 WHEREAS, the Department of Parks and Land Use provided to the Village a Land Use Permit  
17 granted April 19, 2000 to construct, operate and maintain a non-motorized recreational trail to  
18 access existing Village parklands and play fields; and  
19

20 WHEREAS, the Village of Big Bend has asked the Waukesha County Department of Parks and  
21 Land Use to exchange parkland parcels to allow the Village to expand its outdoor recreation use  
22 offerings existing on adjoining Village parkland.  
23

24 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
25 that Waukesha County is authorized to enter into the Land Exchange Agreement between  
26 Waukesha County and the Village of Big Bend, pending approval by Wisconsin Department of  
27 Natural Resources.  
28

29 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use or his  
30 designee is authorized to fulfill the County's obligations contained in the Land Exchange  
31 Agreement.

LAND EXCHANGE AGREEMENT  
BETWEEN WAUKESHA COUNTY AND THE VILLAGE OF BIG BEND

WHEREAS, the County of Waukesha, hereinafter referred to as "COUNTY" and the Village of Big Bend, hereinafter referred to as "VILLAGE" are desirous of transferring ownership of park properties, on an even exchange basis, to permit the expansion of the VILLAGE's active community park and permit the COUNTY to maintain natural resource based lands adjacent to the Fox River for Greenway purposes. (Refer to Exhibit A); and

WHEREAS, the County Board of Supervisors approved Enrolled Ordinance 152-18 for the 27.129 acre Irma King Property Acquisition (tax key: VNT 2105995 and BBV 2105948) on June 13, 1997; and

WHEREAS, the COUNTY received State of Wisconsin Stewardship Funding support on May 31, 1995 (URGP-49) for the 27-acres of the Irma King Property Acquisition for public outdoor recreation which required certain restrictions be placed on the property; and

WHEREAS, the VILLAGE received Land and Water Conservation Fund ("LAWCON") Grant 55-0046 and Outdoor Recreation Action Program – Local Park Aids ("ORAP-LPA") Grant #115 funding on June 9, 1972 for the purchase of 27-acres of land for the Big Bend Lions Park Addition Acquisition specifically used for public outdoor recreation; and

WHEREAS, the COUNTY provided the VILLAGE a Land Use Permit granted April 19, 2000 to construct, operate and maintain a non-motorized recreational trail; and

WHEREAS, the COUNTY requests the VILLAGE to permit COUNTY vehicular access for the purpose of accessing adjoining Waukesha County-owned lands for land management activities; and

WHEREAS, the COUNTY and VILLAGE understand the transfer of parkland ownership requires the approval of the State of Wisconsin Department of Natural Resources.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the receipt and adequacy of which are acknowledged, upon approval by County Executive, County Board of Supervisors and the Village of Big Bend Board of Trustees, the COUNTY and the VILLAGE agree to the following terms:

1. The COUNTY will complete the following for COUNTY-owned property:
  - a. Hire qualified firms to provide:
    - i. An appraisal to determine the fair market value of the parcel proposed for the exchange. The appraisal will reflect the raw land value based upon recreational use value.
    - ii. A certified survey of the parcel to be exchanged.
    - iii. Title insurance for the parcel to be exchanged.
  - b. Obtain written approval for the land transfer from the State of Wisconsin Department of Natural Resources.
  - c. Prepare the necessary document to terminate the existing Land Use Permit from the COUNTY to the VILLAGE for the multi-use trail.

2. The VILLAGE will complete the following for VILLAGE-owned property:
  - a. Hire qualified firms to provide:
    - i. An appraisal to determine the fair market value of the parcel proposed for the exchange. The appraisal will reflect the raw land value based upon recreational use value.
    - ii. A certified survey of the parcel to be exchanged.
    - iii. Title insurance for the parcel to be exchanged.
  - b. Obtain written approval for the land transfer from the State of Wisconsin Department of Natural Resources.
  - c. Provide COUNTY with the necessary document to allow COUNTY vehicular access to COUNTY-owned property through VILLAGE parkland.
3. The VILLAGE and COUNTY agree that the expenses incurred for the appraisal, survey, title insurance, recording fees and any other fees associated with this transfer along with the fair market appraised value based on highest and best use of the parkland proposed for transfer will result in a cost neutral transfer of land or even exchange of property, unless mutually agreed upon by both parties.
4. The VILLAGE will annex the parcel currently known as the 27.129 acre Irma King Property (tax key: VNT 2105995) in the Town of Vernon into the Village of Big Bend at the Village's own expense.
5. The VILLAGE and COUNTY agree to place the following deed restriction on the properties to be exchanged: "By acceptance of this deed, the sponsor, for itself and its successors and assigns, hereby covenants and agrees not to sell, lease, assign or mortgage the premises herein without the prior written approval of the Secretary of the Department of Natural Resources, his/her designee, or any successor."
6. The VILLAGE and COUNTY agree to lands being transferred and full acceptance of all grant restrictions placed on each respective property.
7. The VILLAGE and COUNTY agree to the termination of the recreational trail Land Use Permit from the COUNTY to the VILLAGE.

[Signatures Appear on Next Page]

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019

WAUKESHA COUNTY

By: \_\_\_\_\_

Paul Farrow  
County Executive

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019

By: \_\_\_\_\_

Margaret Wartman  
County Clerk

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019

VILLAGE OF BIG BEND

By: \_\_\_\_\_

James Soneberg  
Village President

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019

VILLAGE OF BIG BEND

By: \_\_\_\_\_

Brad Calder  
Village Clerk

Attest: \_\_\_\_\_

Name, Clerk

Exhibit A – Land Involved in Trade



# WAUKESHA COUNTY / VILLAGE OF BIG BEND LAND TRADE

LOCATION



0 100 200 400 Feet

- Civil Division Boundary
- Parcel Boundary
- Subject Parcels

- Current County Greenway
- Proposed County Greenway

- Land Trade to County
- Land Trade to Village

Map created by  
Waukesha County LIS  
April 2019

1 AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA  
2 COUNTY ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART  
3 OF THE NW ¼ OF THE SW ¼ OF SECTION 1, T6N, R17E, TOWN OF OTTAWA,  
4 FROM THE P-I PUBLIC AND INSTITUTIONAL DISTRICT TO THE  
5 AD-10 AGRICULTURAL DENSITY DISTRICT 10 (CZ-1837B)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Ottawa Town Board on December 4, 2017; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 59.69, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the Town of Ottawa District Zoning Map of the Waukesha County Zoning Code, Waukesha  
18 County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26,  
19 1959, is hereby amended to rezone certain lands located in part of the NW ¼ of the SW ¼ of  
20 Section 1, T6N, R17E, Town of Ottawa, from the P-I Public and Institutional District to the AD-  
21 10 Agricultural Density District 10, and more specifically described in the "Staff Report and  
22 Recommendation" and map on file in the office of the Waukesha County Department of Parks  
23 and Land Use and made a part of this Ordinance by reference CZ-1837B.  
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
26 this Ordinance with the Town Clerk of Ottawa.  
27

28 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
29 approval and publication.

COMMISSION ACTION

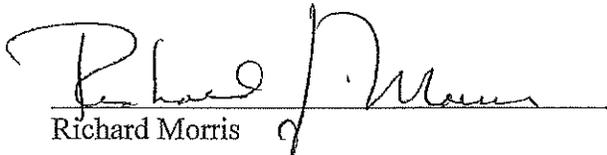
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of (CZ-1837B Soli Deo Gloria LLC/Petra and Mike Dekan) in accordance with the attached "Staff Report and Recommendation."

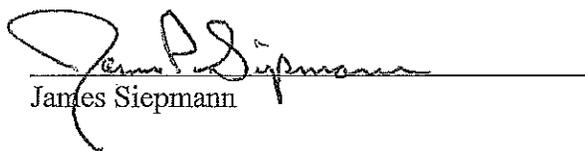
PARK AND PLANNING COMMISSION

March 21, 2019

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** March 21, 2019

**FILE NO.:** CZ-1837B

**OWNER/PETITIONER:** Soli Deo Gloria, LLC  
P.O. Box 279  
Wales, WI 53183-0279

**AGENTS:** Petra and Mike Dekan  
187 Crooked Stick Pass  
North Prairie, WI 53153

**TAX KEY NO.:** OTWT 1587.998

**LOCATION:**

Part of the NW ¼ of the SW ¼ of Section 1, T6N, R17E, Town of Ottawa. More specifically, the approximately 40-acre property is located on the east side of Waterville Road, south of the Glacial Drumlin State Trail and north of Parry Road.

**LOT SIZE(S):** Approximately 40 acres, not excluding the road ROW.

**EXISTING USE(S):** Agricultural, Isolated Natural Resource Area (INRA).

**REQUESTED USE(S):**

To rezone and divide the land into three (3) lots via a Certified Survey Map (CSM) with two (2), eleven acre parcels, and one (1) 16.8 acre parcel, all having access to Waterville Road (refer to Conceptual Map attached).

**EXISTING ZONING DISTRICT CLASSIFICATION(S):**

The property is zoned P-I Public and Institutional with an Environmental Corridor Overlay (INRA).

**PROPOSED ZONING DISTRICT CLASSIFICATION(S):**

AD-10 Agricultural Density District 10 (10-acre density, one (1) acre minimum lot size, minimum average width of 150 feet) with an Environmental Corridor Overlay (INRA). Note: EC Overlay will remain unchanged.

**SOIL TYPES:**

The soils on the subject property are well drained soils, some with slopes between 12 and 20% along Waterville Road and within the INRA in the eastern portion of the property.

**CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN:**

The CDP designations are Rural Density and Other Agricultural Lands (County) and Agricultural 10 Acre Density (Town) and INRA. The County's Rural Density designation incorporates the ten-acre density requirement of the Town. A CDP amendment was approved in 2016. The proposed density conforms to the Town and County plans.

The Town and County Comprehensive Development Plans also incorporate adopted plans such as the Town's Park and Open Space Plan and the County's Park and Open Space Plan. These Plans call for public interest acquisition of land for outdoor recreation and open space uses by local, county, state, federal and private conservancy interests. For this specific property, the Ice Age Trail Corridor is identified as a planned element of an interconnected Countywide Trail System with a specific 'trail corridor' in the planned location identified on the adopted plan maps. The intent of any land division subsequent to a rezone would be for these plan recommendations to be implemented accordingly or the land division would not comply with the planned 'trail corridor' identified on the adopted plan maps.

**PUBLIC HEARING DATE:** December 4, 2017.

**PUBLIC REACTION:**

A letter dated December 4, 2017, was submitted to the Town and the County for the record from the Ice Age Trail Alliance (IATA) asking for the Town and the County to ensure off road protection for the trail in the preferred location away from the road so that the trail aligns with an existing trail easement to the south. Several people spoke in favor of the importance of having a safe off road trail easement. One stated the trail corridor has been intended for the east side of the property since the 1980's and he would like to see the trail developed there to be of benefit to the community.

**TOWN PLAN COMMISSION ACTION:**

On March 4, 2019, the Town of Ottawa Plan Commission unanimously recommended approval of the request to the Waukesha County Park and Planning Commission.

**STAFF ANALYSIS:**

The subject 40 acre property was formerly owned by Lad Lake, a school for disadvantaged young people located predominantly on the west side of Waterville Road and to the northwest of the subject property, and the subject property was only used for agricultural and open space purposes. Therefore, when it was sold to the current property owners, a Conditional Use amendment was not required as a determination was made that the sale of the 40 acres did not affect the overall operation of the Lad Lake facility.

The subject property is located on Waterville Road, a Wisconsin designated Rustic Road, which also currently provides a *temporary* "on street" access route for the Ice Age National Scenic Trail (IANST), also known simply as the Ice Age Trail (IAT). The actual mapped trail corridor route is located further east and to the rear of the subject property on both the Town and County Park and Open Space Plans. This area is also designated as an Isolated Natural Resource Area on the Town and County Comprehensive Development Plans and contains the kettle moraine topography indicative of the area, some with slopes in excess of 12%. Topography may also pose some challenges in siting access points for the proposed lots, which will have to be addressed upon review of the CSM.

There has been a trail planned through this part of the Town of Ottawa by the IATA for well over 30 years that incorporates "off street" locations as part of the Ice Age National Scenic Trail. This portion of the trail plan is discussed in detail in the Town of Ottawa's Park and Open Space Plan that was prepared by the Southeastern Wisconsin Regional Planning Commission and adopted by the Town of Ottawa in 2001 (refer to page IV-4 and related maps from said plan attached). The subject segment is shown as part of the 'trail corridor' within that Plan. Specific relevant recommendations of the adopted Town of Ottawa Park and Open Space Plan include:

1. Continued maintenance and completion of the Ice Age Trail (IAT) in the Town of Ottawa with the DNR/IATA/National Park Service (NPS) taking the lead.
2. The Town Park Board identified needs in the Town for bicycle and pedestrian trail routes and paths, and development of walking and hiking trails to connect to the regional trails.
3. There are two segments of the IAT currently located “on street” in the Town and are considered *temporary* connecting segments pending the development of the trail in “off street” locations:
  - a. One area is north of the Kettle Moraine State Forest (KMSF) along C.T.H. “C” and C.T.H. “D”.
  - b. The second area is along Waterville Road between the Waterville Road Field Station and the Preserve at Hunter’s Lake Subdivision (i.e., this includes the subject parcel).

The adopted Town Park and Open Space Plan and the IATA calls for the relocation of the *temporary* “on street” trail to the easterly portion of the subject property, and within the planned ‘trail corridor’, and so that it directly aligns with the existing “off street” trail the IATA owns further to the south providing a vital link in the connectivity to the Waterville Field Station/UW Regents property and Glacial Drumlin Trail to the north. The Town Park and Open Space Plan also calls for the completion of the IAT and calls for relocation of “on street” segments such as the current segment. Such recommendations further the safety and experience of trail users and contributes to the planned local, County, and State interconnected trail system.

Per State law, zoning, and land division review activities in particular, must be consistent with town and county plans. Accordingly, because the petitioners are proposing to both rezone and divide the property by CSM, the Town’s adopted Park and Open Space Plan provisions must be addressed as part of that review process. In particular, the Town’s Land Division Control Ordinance requires compliance with the Town’s adopted Park and Open Space Plan. As noted above, the Town’s Plan is very specific in identifying the current “on street” trail as a *temporary* connecting segment, and the plan also clearly identifies the Ice Age Trail Corridor on the east side of the property.

It should be noted that the IATA has had discussions with Payne and Dolan regarding locating the trail on their property that abuts the subject property to the east, but Payne and Dolan indicated they are not open to the idea due to the continuing operation of the quarry and the steep topography currently in the area. Such a location would also raise safety and aesthetic concerns related to the quarrying operations.

The ‘trail corridor’ approved by the WDNR Board with its preferred boundaries has been planned to replace the “on street” trail with an “off street” route. It is wide enough to allow some flexibility when siting the “off street” trail within the planned IAT corridor. The determination of the specific width and alignment of the trail within the planned ‘trail corridor’ requires facility planning and negotiations with landowners for the purchase or lease of land, unless other arrangements are made through other processes such as a CSM. In a letter received from the IATA date December 4, 2017, the IATA stated they are requesting the Town and the County help protect a ‘trail corridor’ at least 50 feet wide on the east side of the subject property. This is the IATA’s preferred location in the wooded area and away from the road in order to provide a scenic trail experience.

In 2016, CZ-1837 was conditionally approved to rezone the property from the P-I Public and Institutional District to the AD-10 Agricultural Density District 10. Three (3) lots were proposed with that request, two (2) acres of which were going to be sold to the neighbor to the south. The condition of that approval was as follows:

A Certified Survey Map (CSM) be prepared in conjunction with this zoning change that designates an appropriate 'trail easement' up to 100 feet in width along the east lot line of the subject parcel for the benefit of the Ice Age National Scenic Trail and the Ice Age Trail Alliance. If a CSM is not subsequently submitted to the Town of Ottawa for review within six months of the effective date of the zoning change, the zoning change will automatically revert back to the Public and Institutional zoning category.

In early 2017, CZ-1837A was submitted in an attempt to amend the condition of approval for rezone CZ-1837 that was approved by the Town of Ottawa and Waukesha County. Only two (2) lots were proposed with this second request, and instead of placing the 'trail easement' along the east lot line, as required, the petitioner instead requested the 'trail easement' be located along the west lot line/Waterville Road and have the 'trail easement' be 50 feet in width versus the up to 100 feet of width conditioned in CZ-1837. The Town and County Staff both recommended denial of CZ-1837A. The main reason the Town Plan Commission provided for denial of CZ-1837A was that this request should provide the opportunity to get the 'trail easement' within the desired 'trail corridor' in a permanent "off street" location on the east side of the property.

Before CZ-1837A was processed further by the County, the Town and County met with the Petitioner's attorney who indicated they would withdraw the previous two rezone petitions and file a new petition, which is the rezone before the Park and Planning Commission currently, CZ-1837B. This request is once again asking to conceptually divide the parcel into three lots – 11, 11, and 16 acres respectively, which will require a land division through the Town's Certified Survey Map process with approval by the Town Board after recommendation by the Town Plan Commission. A Certified Survey Map must be submitted for review via the Town's Certified Survey Map process and in compliance with the Town of Ottawa's adopted Comprehensive Development Plan, Land Division and Development Ordinance, adopted Land Division Review Checklist, Park and Open Space Plan, the County Zoning Code, and any other plans and Ordinances referenced within said plans and Ordinances, consistent with State law.

Since the Public Hearing in December 2017, the Town has adjourned the matter seven times in order to allow the petitioners and the IATA to work on a Trail Agreement that would identify the width and location of an off street trail easement on the subject property. Although not in the identified and preferred trail corridor location, the two parties have prepared a draft Trail Agreement but have not yet finalized the document at this time. The Town of Ottawa decided, in an effort to move the rezone forward, to recommend approval of the rezone request in March 2019. An approved Trail Agreement will have to be recorded in conjunction with the recordation of an approved Certified Survey Map in accordance with Town Ordinances and to comply with the Town and County Park and Open Space Plans which are planning elements and provisions of the Town of Ottawa Comprehensive Development Plan.

The lands adjoining this parcel are zoned AD-10 Agricultural Density 10 District to the south; Q-1 Quarrying District to the east; A-T Agricultural Transition District to the north; and RRD-5 Rural Residential Density District 5 on the west side of Waterville Road. The lands adjoining this parcel are designated on the Town and County CDPs as Agricultural 10 Acre Density and INRA to the west, northwest and south; Rural Density and Other Agricultural Land to the southwest; Extractive to the east; and Prime Agricultural (Town)/Rural Density (County) to the north.

**STAFF RECOMMENDATION:**

Based upon the above analysis, the Planning and Zoning Division staff recommend **approval** of the request in accordance with the Town of Ottawa's recommendation.

The recommendation for approval is consistent with the Town and County Comprehensive Development Plans amended in 2016, and if the Certified Survey Map is approved by the Town of Ottawa consistent with the Town of Ottawa's adopted Park and Open Space Plan and the County's adopted Park and Open Space Plan, the use will provide for limited rural residential development along Waterville Road, a state designated Rustic Road, and will remain compatible with the immediate land uses and zoning categories, all while preserving the natural resource base and rural character of the Town of Ottawa and providing for limited recreational use in accordance with the adopted plans for the area.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Senior Planner

Attachments: Conceptual Land Division Map  
Rezone Map  
Page IV-4 and three accompanying maps from the  
Town of Ottawa's adopted Park and Open Space Plan (2001)

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1837B Soli Deo Gloria LLC Dekan.Docx

RECEIVED

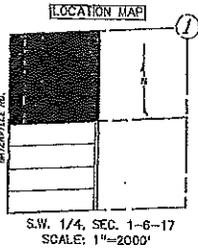
NOV 10 2017

DEPT OF PARKS & LAND USE

Conceptual

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 6 NORTH  
RANGE 17 EAST, IN THE TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN



NW CORNER  
SW 1/4  
SEC. 1-6-17  
SEWRPC MON  
W/ BRASS CAP  
374.965.66  
2,416,516.05

WESTERLY 48' INDICATED FOR  
PUBLIC ROADWAY PURPOSES

WATERVILLE ROAD  
(60' R.O.W.)

N 00°22' 29" E 2845.90 SEC. LINE

SW CORNER  
SW 1/4  
SEC. 1-6-17  
SEWRPC MON  
W/ BRASS CAP  
369.338.57  
2,416,512.76

SOLI DEO GLORIA LLC  
UNPLATTED LANDS

PAYNE & DOLAN INC.  
UNPLATTED LANDS

N 86°34' 45" E 1321.40

NE CORNER  
NORTHWEST 1/4  
SOUTHWEST 1/4

40.08  
PIC. NAIL  
FOUND IN  
TREE STUMP

LOT 1  
483,451 S.F. (11.09851 AC.)

LOT 2  
483,803 S.F. (11.10658 AC.)

LOT 3  
731,288 S.F. (16.78807 AC.)

WAUKESHA COUNTY  
ENVIRONMENTAL CORRIDOR  
(SCALED FROM WAUK. CNTY GIS MAPPING)

PAYNE & DOLAN INC.  
UNPLATTED LANDS

SE CORNER  
NORTHWEST 1/4  
SOUTHWEST 1/4

1284.13  
S 86°54' 19" W 1324.21  
(N 86°58' 22" E 1333.656)  
CHARLES H. YAMKE  
PARCEL 1 C.S.H. NO. 5710

OTTAWA LAND LLC  
UNPLATTED LANDS



LEGEND

- - INDICATES 1" DIA IRON PIPE SET  
18" LONG, 1.13 LBS/LIN FT UNLESS NOTED
- ( ) - INDICATES "RECORDED AS"

BEARINGS REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4  
OF SECTION 1-6-17 HAVING A BEARING OF N 00°22' 29" E  
(WIS. STATE PLANE COOR. SOUTH ZONE)

SURVEYED FOR:  
SOLI DEO GLORIA, LLC  
P.O. BOX 279  
WALES, WI 53183

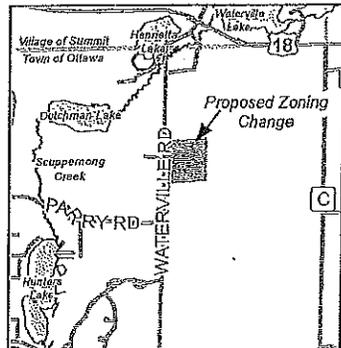
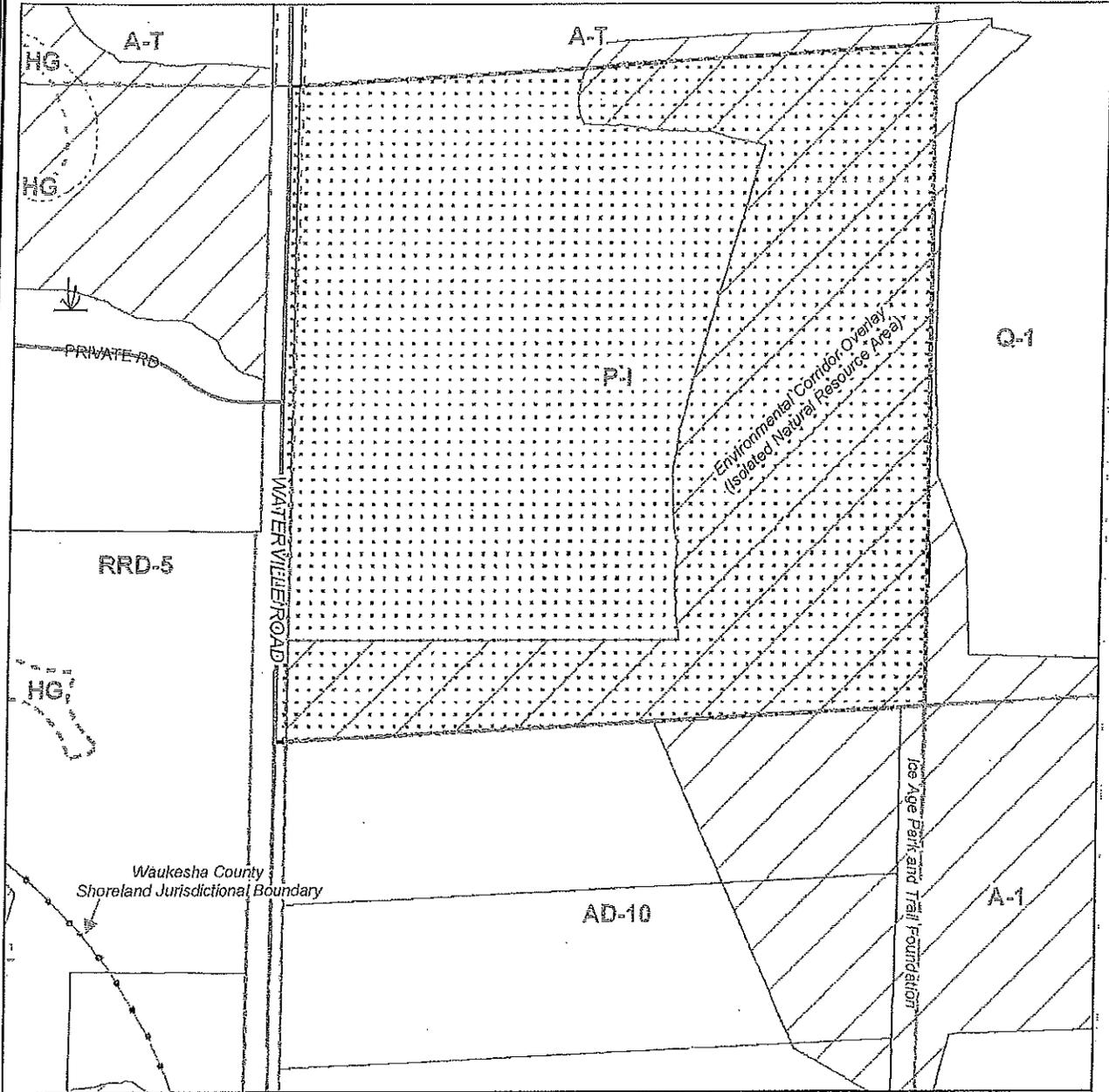
SURVEYED BY:  
MICHAEL W. BUECHL, INC  
233 OAKTON AVENUE  
PEWAUKEE, WI 53072  
262-691-4444

OT-7173-W  
SHEET 1 OF 3

THIS INSTRUMENT WAS DRAFTED BY MICHAEL W. BUECHL

# ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 1  
TOWN OF OTTAWA



COUNTY ZONING CHANGE FROM P-1 PUBLIC AND INSTITUTIONAL DISTRICT TO AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT

FILE.....CZ-1837B

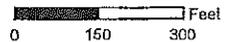
PARK & PLANNING COMMISSION MEETING..... 03/21/19

AREA OF CHANGE.....39.6 ACRES

TAX KEY NUMBER.....OTWT 1587.998



1 inch = 300 feet



Prepared by the Waukesha County Department of Parks and Land Use

The Glacial Drumlin Trail within Waukesha County has been completed and the DNR has assumed responsibility for its continued maintenance. As noted in Chapter II, a six-mile section of this trail traverses the northern portion of the Town from east to west.

The County park plan also recommends the continued maintenance and completion of the Ice Age National Scenic Trail. The DNR, the Ice Age Park and Trail Foundation, and the National Park Service share responsibility for completing and maintaining the trail. As previously noted, an approximately nine-mile section of this trail traverses the eastern portion of the Town from north to south. Two segments of the Ice Age Trail within the Town are located on-street and are considered temporary "connecting segments" pending development of the trail in off-street locations. One segment is located north of the Kettle Moraine State Forest along CTH C and CTH D, and the other segment is located along Waterville Road between the Waterville Field Station and the Preserve at Hunters Lake subdivision.

A trail corridor, shown on Map IV-2, has been approved by the Wisconsin Natural Resources Board and sets the preferred boundaries within which the on-street portions of the trail would be replaced by an off-street route. The corridor is intentionally wide to allow flexibility in siting the trail. The trail corridor is general in nature and is subject to change based on facility planning and on negotiations with landowners to purchase land or easements for the trail.

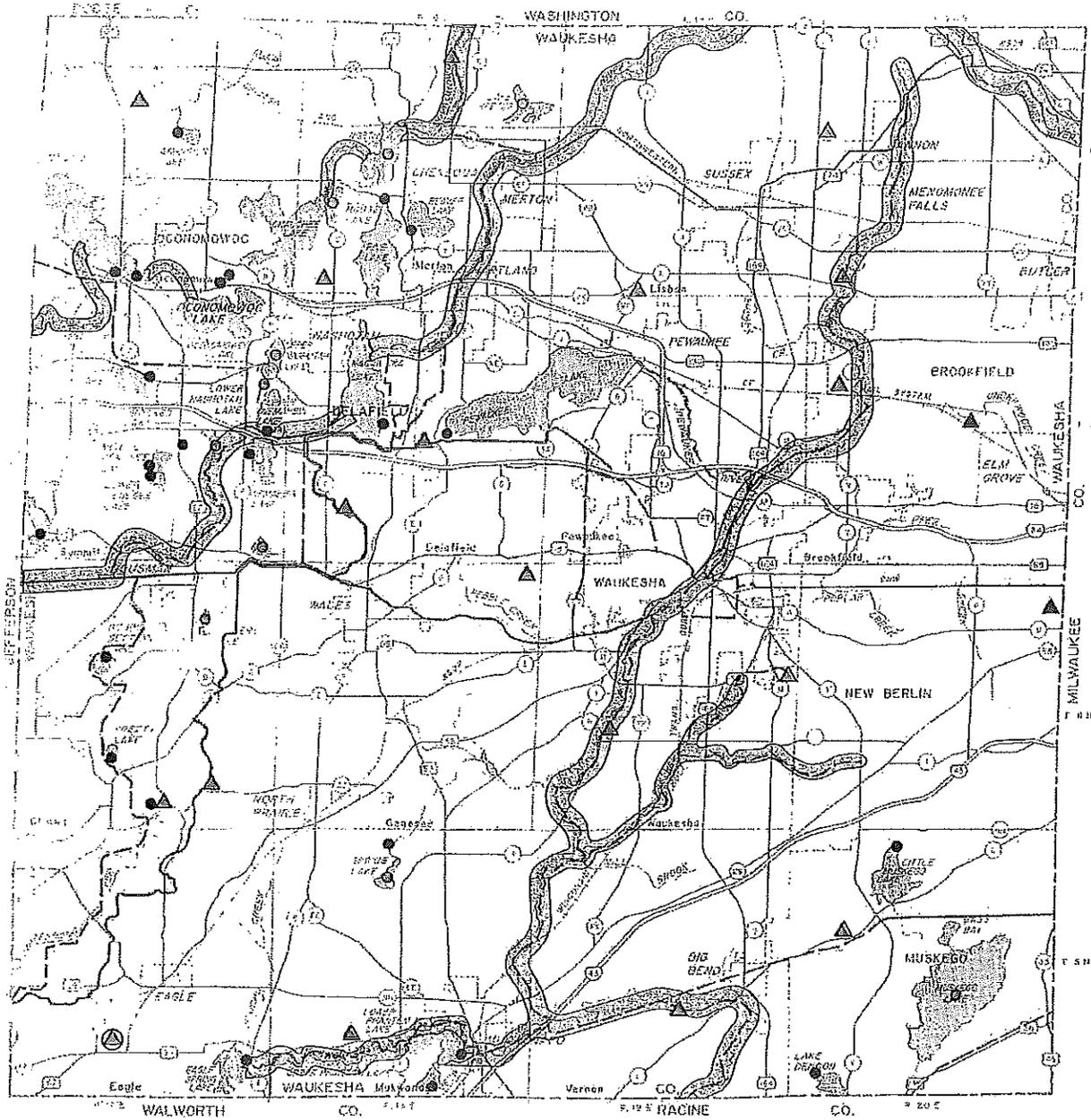
#### **Lake and River Access**

The County park plan recommends the development of boat-access sites to provide opportunities for individuals who do not own land contiguous to a body of water to participate in such water-related recreation activities as motorboating, water-skiing, fishing, and canoeing. Therefore, it is recommended that the Town of Ottawa maintain two existing public boat-access sites at Pretty Lake and that Waukesha County maintain its existing public boat-access site at School Section Lake. Additionally, the County plan recommends that a public boat-access site be developed at Hunters Lake. It should be noted that, since the adoption of the county park plan, an access site to Hunters Lake has been dedicated to the Town within the Preserve at Hunters Lake subdivision. A minimal carry-in boat access site is available at this time.

#### **Local Park and Outdoor Recreation Element**

In addition to meeting the resource-oriented outdoor recreation needs, a park plan must seek to provide sites and facilities for nonresource-oriented activities, such as baseball, tennis, and playground activities. In comparison to the resource-oriented outdoor recreation sites and facilities, sites and facilities for nonresource-

OUTDOOR RECREATION ELEMENT OF THE WAUKESHA COUNTY PARK AND OPEN SPACE PLAN



LEGEND

MAJOR PARKS

- ▲ STATE
- ▲ COUNTY
- ▲ PROPOSED COUNTY
- ▲ LOCAL
- ⊙ SPECIAL OUTDOOR RECREATION SITE

BOAT ACCESS

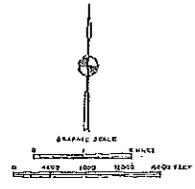
- ⊙ EXISTING PUBLIC ACCESS
- ⊙ PROPOSED PUBLIC ACCESS (LOCATION TO BE DETERMINED BY WISCONSIN DEPARTMENT OF NATURAL RESOURCES)

TRAILS

- EXISTING ICE AGE TRAIL
- PROPOSED ICE AGE TRAIL
- EXISTING AREAWIDE TRAIL
- PROPOSED AREAWIDE TRAIL

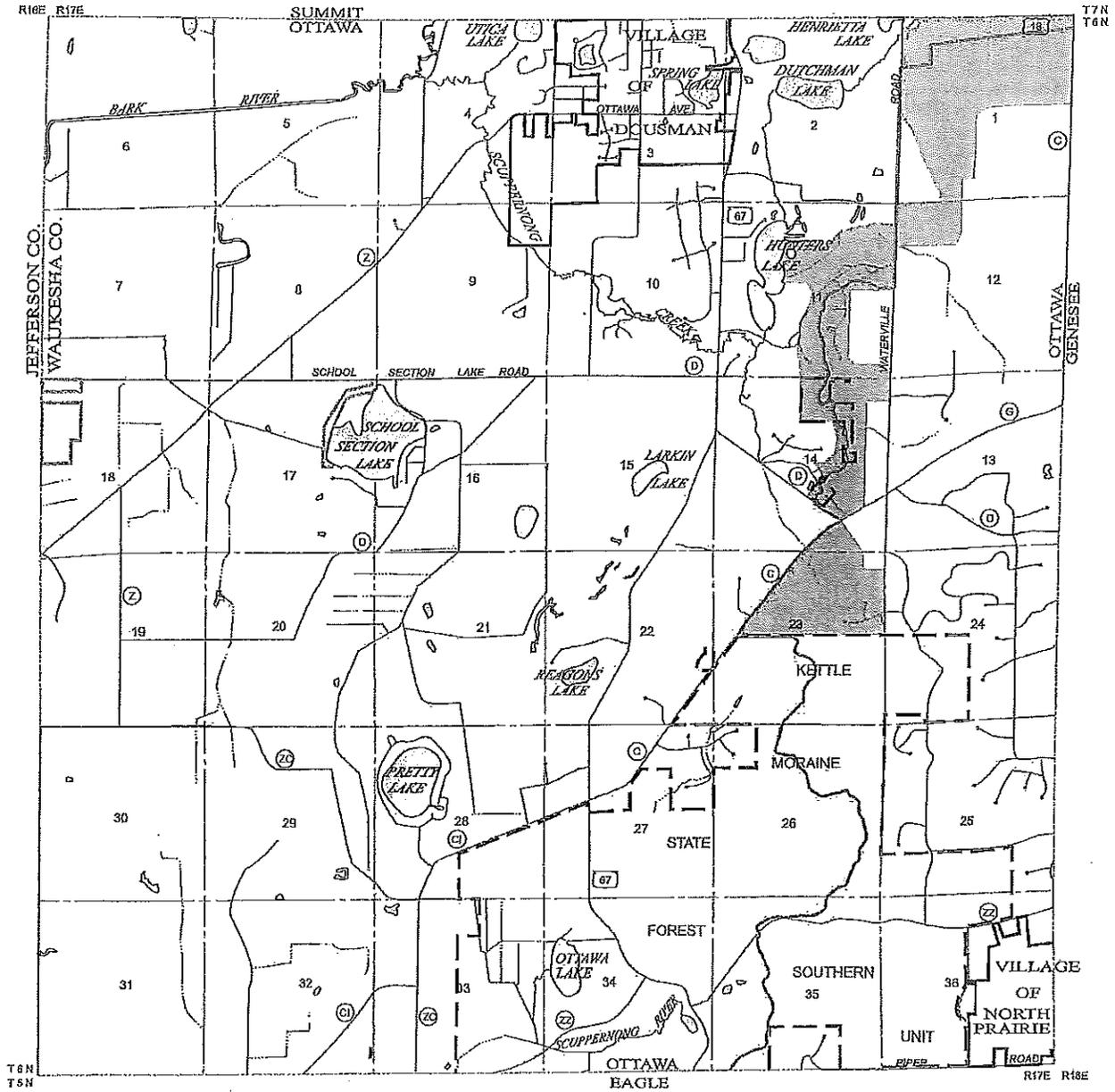
PARKWAYS

- ▨ GENERAL PARKWAY LOCATION



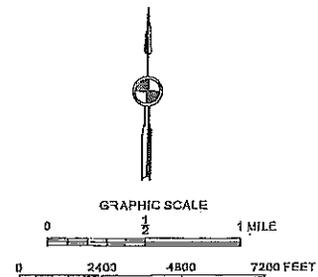
Source: SEWRPC.

ICE AGE TRAIL CORRIDOR AND EXISTING TRAIL IN THE TOWN OF OTTAWA: 2000



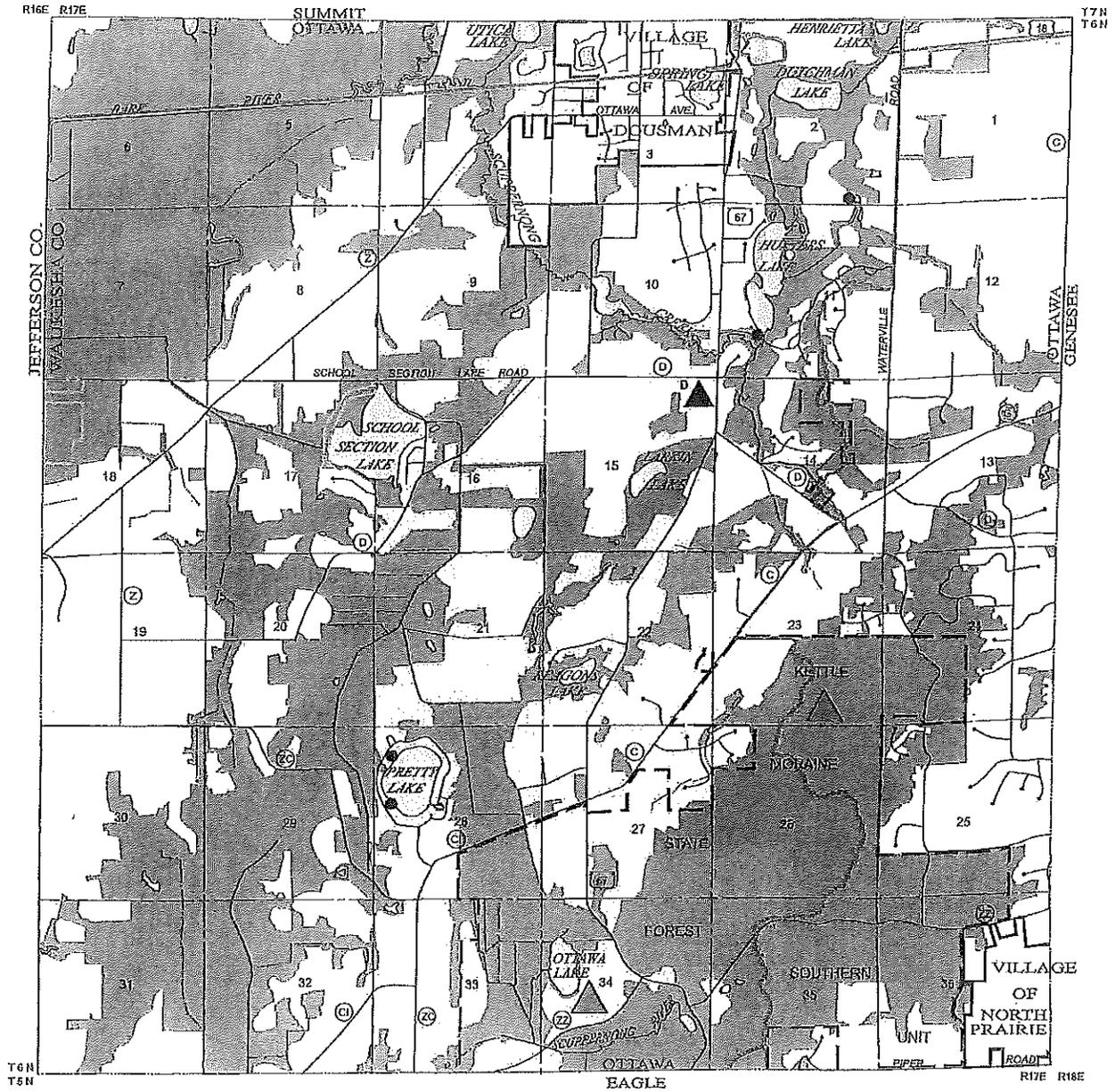
LEGEND

-  EXISTING ICE AGE TRAIL
-  ICE AGE TRAIL CORRIDOR
-  2000 TOWN OF OTTAWA CIVIL DIVISION BOUNDARY
-  KETTLE MORaine STATE FOREST



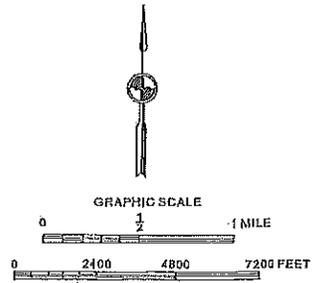
Source: SEWRPC.

RECOMMENDED OUTDOOR RECREATION PLAN FOR THE TOWN OF OTTAWA



LEGEND

- |  |  |  |                                   |
|--|--|--|-----------------------------------|
|  | EXISTING MAJOR PARK                                      |  | PROPOSED TRAIL CORRIDOR           |
|  | EXISTING TOWN OF OTTAWA PARK                             |  | ADDITIONAL DEVELOPMENT PROPOSED   |
|  | EXISTING TOWN OF OTTAWA OPEN SPACE OR PUBLIC ACCESS SITE |  | ENVIRONMENTALLY SIGNIFICANT LANDS |
|  | EXISTING TRAIL   |  | SURFACE WATER                     |
|  | PROPOSED TRAIL (COUNTY RESPONSIBILITY)                   |  | KETTLE MORAINE STATE FOREST       |



Source: SEWRPC.

1 AMEND THE TEXT AND DISTRICT ZONING MAP OF THE  
2 TOWN OF VERNON ZONING CODE (RZ21)  
3  
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
6 this Ordinance was approved by the Vernon Town Board on January 9, 2019; and  
7

8 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
9 Planning Commission, which recommended approval and reported that recommendation to the  
10 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
11 as required by Section 60.62, Wis. Stats.  
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
14 that the text and map of the Town of Vernon Zoning Code, adopted by the Town of Vernon on  
15 December 23, 2016, is hereby amended, more specifically described in the "Staff Report and  
16 Recommendation" on file in the office of the Waukesha County Department of Parks and Land  
17 Use and made a part of this Ordinance by reference RZ21, is hereby approved.  
18

19 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
20 this Ordinance with the Town Clerk of Vernon.  
21

22 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
23 approval and publication.

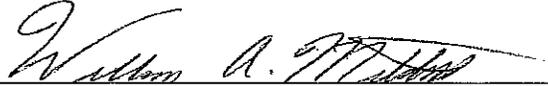
COMMISSION ACTION

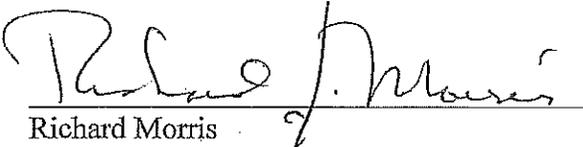
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Vernon Zoning Code and Map hereby recommends **approval** of **RZ21 (Town of Vernon Board)** in accordance with the attached "Staff Report and Recommendation".

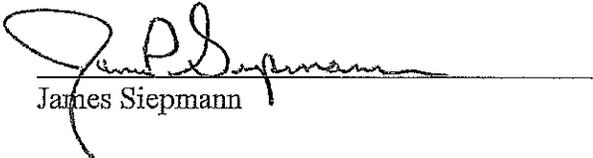
PARK AND PLANNING COMMISSION

March 21, 2019

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AND ZONING MAP AMENDMENT**

**DATE:** March 21, 2019

**FILE NO.:** RZ21

**PETITIONER:** Town of Vernon Board  
W249 S8910 Center Drive  
Big Bend, WI 53103

**NATURE OF REQUEST:**  
Text and map amendments to the Town of Vernon Zoning Code.

**PUBLIC HEARING DATE:**  
Wednesday, January 9, 2019.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION:**  
At their January 9, 2019, meeting, the Town of Vernon Plan Commission recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their January 9, 2019, meeting, the Town of Vernon Board approved the proposed amendments.

**OTHER CONSIDERATIONS:**  
The Town of Vernon is proposing to amend the Town Zoning Code with regards to several topics:

- Replace floor area ratio requirements with building footprint.
- Adds Town Board to the review process for Site Plan and Conditional Use reviews.
- Eliminates the R-1a District and places properties previously zoned R-1a into the R-1 District.
- Rezones properties along Enterprise Dr. from Conditional B-3 to B-3 (without conditions).
- Adds new statutory language regarding substantial evidence requirements for Conditional Uses.
- Allows wetland setback relief for retaining walls, walkways and decks and patios.
- Other miscellaneous changes relative to electronic signage, the land use matrix, etc.

The proposed text amendments are generally fairly minor in nature. A full copy of the amendments can be viewed at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning). Click on "Zoning Ordinances"/Draft Town Ordinances. The amendments are an attempt to modernize or improve provisions relative to the above topics. The Town has now been administering its own ordinance for more than two years and a number of the changes are a response to experience in administering the new ordinance. The elimination of the R-1a District eliminates a district that had become identical to the R-1 District over time as amendments were made. This simplifies the ordinance and results in no practical change for the owners of properties that are changing from R-1 to R-1a. The mapping of properties along Enterprise Dr. to the B-3 District will greatly simplify the zoning terms for the light industrial properties in this area.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed text amendments are minor in nature. A number of the changes provide additional flexibility to land owners, while other changes are meant to improve the efficiency of administering the ordinance. The map changes simplify the town's zoning map.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance 2019-01

Text amendment at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) (click on "Zoning Ordinances"/Draft Town Ordinances).

Zoning map amendment at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) (click on "Mapping Resources/Town Draft Zoning Maps.")

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## ORDINANCE 2019-01

AN ORDINANCE TO REZONE THE PROPERTIES THAT FRONT ON ENTERPRISE DRIVE FROM CONDITIONAL B-3 (GENERAL BUSINESS DISTRICT) TO B-3 (GENERAL BUSINESS DISTRICT ZONING (WITHOUT CONDITIONS)), TO ELIMINATE THE R-1a RESIDENTIAL DISTRICT ZONING AND REZONE AFFECTED PROPERTIES TO R-1 ZONING WITHIN THE TOWN OF VERNON, AND TO AMEND VARIOUS SECTIONS WITHIN THE TOWN OF VERNON ZONING CODE INCLUDING THE ZONING USE MATRIX PURSUANT TO THE ZONING ORDINANCE FOR THE TOWN OF VERNON.

WHEREAS, prior to the adoption of the Town of Vernon Zoning Code, Waukesha County adopted to rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning (without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix; and

WHEREAS, following commencement of the Zoning Amendment Procedure per Section 300-46 of the Town of Vernon Town Code, the Town Clerk duly referred the matter to the Town Plan Commission per Section 300-46 A(3) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on January 9, 2019 as required by Section 300-46 A.(4) of the Town of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B.(1) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town of Vernon Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent of the zoning ordinance for the Town of Vernon will not be contrary to the public health, safety or general welfare of the Town of Vernon will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors, and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood; and

WHEREAS, by this Zoning Amendment the Town Board intends to rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning

(without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix.

NOW, THEREFORE, the Town of Vernon Town Board, Waukesha County, Wisconsin, ordains as follows:

**SECTION 1. ZONING CHANGE**

To rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning (without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix, and the Waukesha County Board must approve the rezoning

**SECTION 2. CERTIFICATION**

Upon certification by the Town Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Town Planner shall change the zoning classification of the subject property on the Town of Vernon zoning map as indicated herein.

**SECTION 3. SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 7<sup>th</sup> day of February 2019

BY THE TOWN OF BOARD OF SUPERVISORS



Thomas G. Bird, Town Chairman

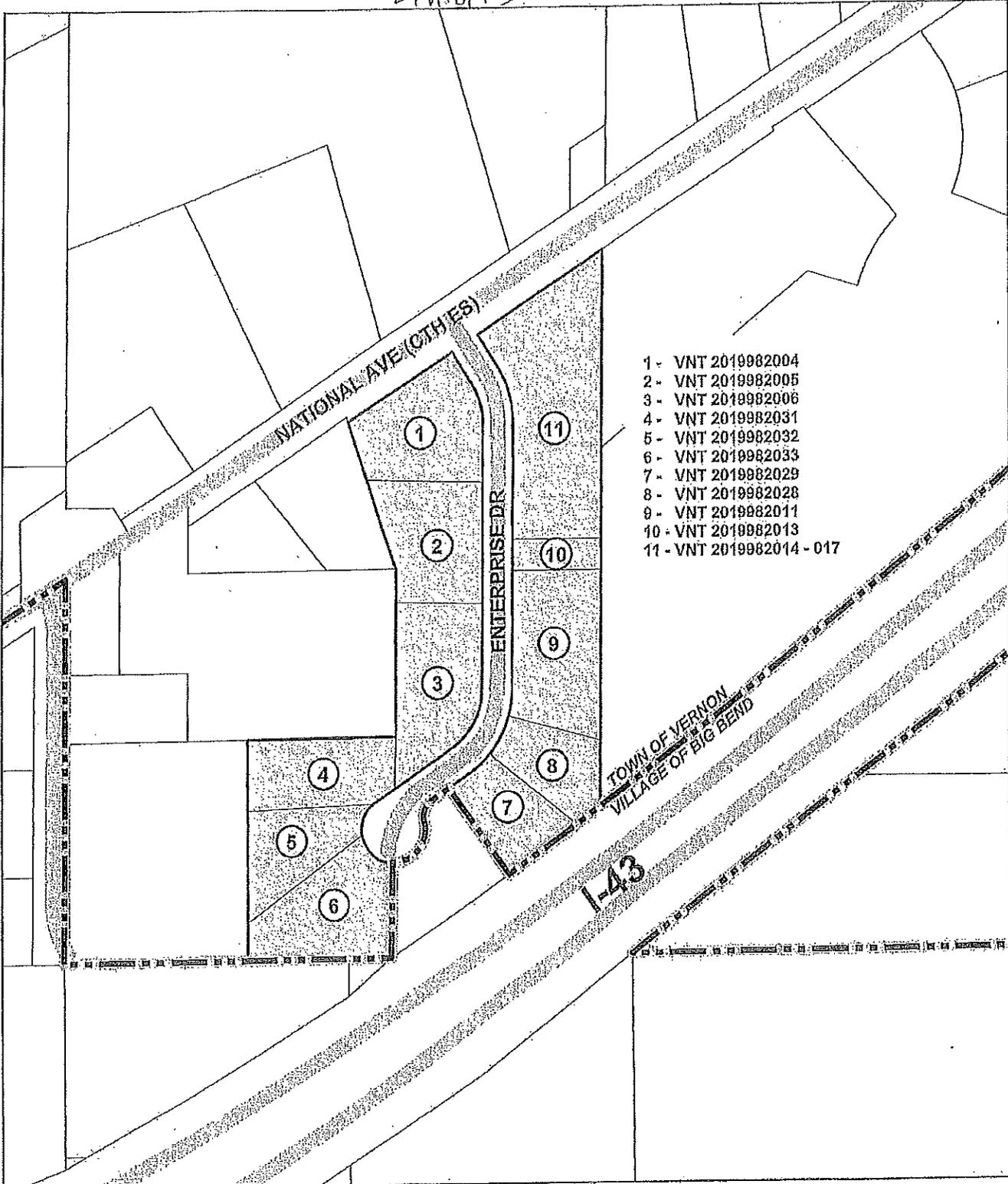
ATTEST:



Karen L. Schuh, Town Clerk

Published and posted this 8<sup>th</sup> day of February 2019

Exhibit 1



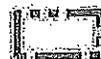
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- 4 - VNT 2019982031
- 5 - VNT 2019982032
- 6 - VNT 2019982033
- 7 - VNT 2019982029
- 8 - VNT 2019982028
- 9 - VNT 2019982011
- 10 - VNT 2019982013
- 11 - VNT 2019982014 - 017

Town of Vernon  
Waukesha County, WI

Exhibit 1

January 2019

0 150 300 600 Feet



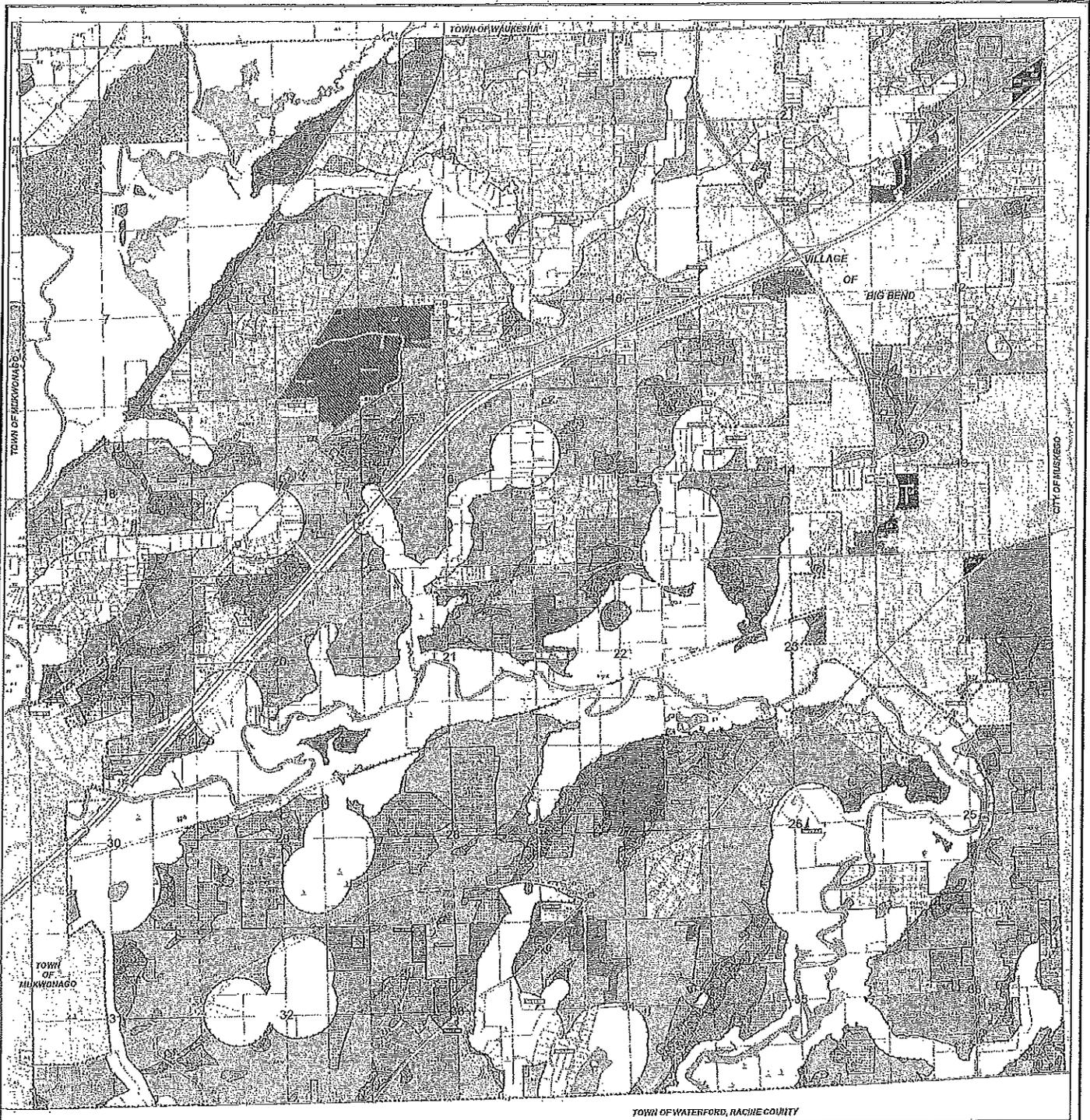
Municipal Boundary



Parcels



Parcels to be Rezoned



TOWN OF WATERFORD, RACINE COUNTY

### TOWN OF VERNON ZONING MAP

TOWN 5 NORTH RANGE 19 EAST WAUKESHA COUNTY, WISCONSIN

**DRAFT**

- Zoning Districts**
- A1 Single-Family Detached
  - A2 Single-Family Detached
  - A3 Single-Family Detached
  - A4 Single-Family Detached
  - A5 Single-Family Detached
  - A6 Single-Family Detached
  - A7 Single-Family Detached
  - A8 Single-Family Detached
  - A9 Single-Family Detached
  - A10 Single-Family Detached
  - A11 Single-Family Detached
  - A12 Single-Family Detached
  - A13 Single-Family Detached
  - A14 Single-Family Detached
  - A15 Single-Family Detached
  - A16 Single-Family Detached
  - A17 Single-Family Detached
  - A18 Single-Family Detached
  - A19 Single-Family Detached
  - A20 Single-Family Detached

- Overlay Zoning Districts**
- O1 Overlay Zoning District
  - O2 Overlay Zoning District
  - O3 Overlay Zoning District
  - O4 Overlay Zoning District
  - O5 Overlay Zoning District
  - O6 Overlay Zoning District
  - O7 Overlay Zoning District
  - O8 Overlay Zoning District
  - O9 Overlay Zoning District
  - O10 Overlay Zoning District

- Land Base**
- Land Base 1
  - Land Base 2
  - Land Base 3
  - Land Base 4
  - Land Base 5
  - Land Base 6
  - Land Base 7
  - Land Base 8
  - Land Base 9
  - Land Base 10



**ZONING AMENDMENTS**

File Number	Change	Adopted
17-1854	A Site B-3	11/28/2017
17210	Town Zoning repealed, Shoreland Zoning established	10/23/2018
17221	Rezone R-10 to R-1 Townwide, Zoning on Enterprise Dr., rezone from B-3 (conditional) to D-3.	Pending

\*Conditional Approval



1 ADOPT TEXT AND MAP AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND  
2 AND FLOODLAND PROTECTION ORDINANCE TO INCORPORATE A NEW  
3 DOWNTOWN OKAUCHEE DISTRICT, TWO LETTERS OF FLOODPLAIN  
4 MAP REVISION, PROVISIONS REQUIRED BY STATE STATUTE  
5 AND TO MODERNIZE VARIOUS CODE PROVISIONS (RZ29)  
6  
7

8 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County  
9 Shoreland and Floodland Protection Ordinance on January 23, 1970; and  
10

11 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such  
12 Ordinance pursuant to Section 59.692, Wisconsin Statutes; and  
13

14 WHEREAS, the Downtown Okauchee Advisory Committee guided the preparation of ordinance  
15 amendments to the Shoreland and Floodland Protection Ordinance related to the creation of a  
16 Downtown Okauchee District; and  
17

18 WHEREAS, the Waukesha County Department of Parks and Land Use and Town of  
19 Oconomowoc held a public informational meeting for the proposed Downtown Okauchee  
20 amendments at the Oconomowoc Town Hall on January 22, 2019; and  
21

22 WHEREAS, the proposed amendments, including the creation of a new Downtown Okauchee  
23 District, letters of map revision, and other miscellaneous provisions, have been the subject of a  
24 public hearing held on February 21, 2019, following the notice and procedures of Section  
25 59.692, Wisconsin Statutes; and  
26

27 WHEREAS, the proposed amendments have been duly referred, considered and approved by the  
28 Waukesha County Park and Planning Commission at its meeting of March 21, 2019; and  
29

30 WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed  
31 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment  
32 Committee and to the Waukesha County Board of Supervisors with its recommendation that the  
33 proposed amendments be approved.  
34

35 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
36 that the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to  
37 adopt proposed text and map amendments. The amendments are available for viewing on the  
38 Waukesha County website at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning), and are on file in  
39 the office of the Waukesha County Department of Parks and Land Use and are more specifically  
40 described in the "Staff Report and Recommendation" by reference RZ29, also on file in the  
41 office of the Waukesha County Department of Parks and Land Use, and made a part of this  
42 Ordinance.  
43

44 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and  
45 publication.  
46

47 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
48 this Ordinance with each of the town clerks within Waukesha County.

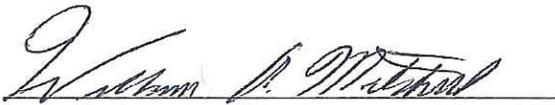
COMMISSION ACTION

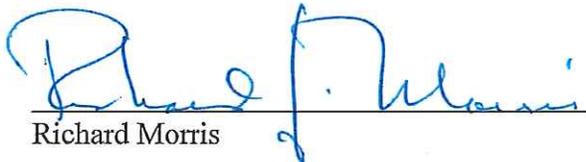
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of **(RZ29 Waukesha County Park and Planning Commission – SFPO Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”

PARK AND PLANNING COMMISSION

March 21, 2019

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**COMMISSION ACTION**

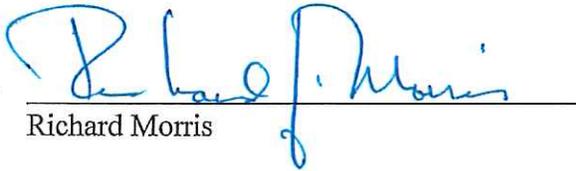
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of **RZ30 (Waukesha County Park and Planning Commission - Text Amendments)** in accordance with the attached "Staff Report and Recommendation".

**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENTS TO THE WAUKESHA COUNTY**  
**SHORELAND AND FLOODLAND**  
**PROTECTION ORDINANCE & ZONING CODE**

**FILE NO.:** RZ29 and RZ30  
**DATE:** March 21, 2019  
**PETITIONER:** Waukesha County Park and Planning Commission

**REQUEST:**

Text and map amendments are proposed to the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate a new Downtown Okauchee Zoning District (DOD), provisions required by state statutes, two Letter of Map Revisions (LOMR's) required by FEMA, and to modernize various code provisions.

Text amendments are proposed to the Waukesha County Zoning Code in order to be consistent with state statutes and to modernize various provisions. The amendments will provide consistency with the proposed amendments to the Waukesha County Shoreland and Floodland Protection Ordinance.

**PUBLIC HEARING DATE:**

February 21, 2019.

**PUBLIC INVOLVEMENT/REACTION:**

- *Downtown Okauchee Advisory Committee (DOAC).* A 13-person advisory committee comprised of stakeholders representing different interests guided the selection of recommended code revisions specific to the Downtown Okauchee Zoning District. The committee was inclusive of Okauchee business owners, Okauchee residents, developers, local officials, and planners.
- *Dedicated Webpage ([www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) - go to "News and Events" 2019 Zoning Ordinance Amendments & 2018-2019 Downtown Okauchee Zoning Amendment Project).* A Downtown Okauchee Project webpage was created to make DOAC meeting materials, project summary documents and presentation boards available to the public. The invitation to the public open house and public hearing notice included a link to the website.
- *Public Open House, January 22, 2019.* An invitation was sent to all properties within the downtown Okauchee project area and all properties within 300 ft. of the project boundary. The meeting details were also released by the press through several news outlets. A minimum of 55 people attended the public open house at the Town of Oconomowoc Hall. Eight written comments were provided at or following the meeting. The comments were largely in support of the proposed project. There were a few specific comments including:
  - *Mixed uses would be good for revitalization, such as condos above shops*
  - *Bike racks should be installed, especially for local use of restaurants/bars*
  - *Keep the character while encouraging business growth*
  - *Architectural review should be part of new construction*
  - *Consider including the Okauchee Lion's Park in the project area*

- *A public dock/beach serving the downtown area would be great*
- *Encourage preservation of historic buildings before razing*
- *There is limited parking in the downtown area*

The owners of property located at N51 W34951 Lake Drive submitted letters regarding the following:

- *Public lake access should be provided*
- *Sidewalks are aesthetic only and cause issues with noise, litter, and property damage, they did not revitalize area as originally intended*
- *No room available for snow storage because of sidewalks*
- *The bridge was repaired for no purpose and now adjacent sidewalks are failing*
- *Concern regarding the water table level and sewer availability*
- *Sewers should be installed around entire lake to keep the lake clean before accommodating downtown*
- *Who is responsible for the failure of private wells?*
- *How will sewer be dispersed and who is paying for it?*
- *People won't shop in the multi-use buildings, there are a lot of vacancies*
- *Pauline's restaurant should be torn down for parking and a park-like setting*
- *The old school should be converted into a community center*
- *Develop the existing sport fields for tournaments that could generate income*
- *Add a skateboard park between the post office and old school*
- *Add basketball hoops or other recreational activities to current playground area at Holy Trinity*
- *Put an indoor swimming pool in old school gymnasium that could be used all year by residents*
- *Convert classrooms of old school into an indoor mall with small shops*
- *Add a hotel to the old gravel pit site*
- *Traffic and noise will increase with condominium development*
- *Keep the small town atmosphere*
- *Politicians & business owners pushing for development don't live in town and only have a vested interest in making money, they don't live with the impacts of their decisions*
- *Density is already excessive*
- *Costs associated with emergency services and infrastructure*
- *Project area is too small to make it viable*
- *Changes should not just benefit the wealthy, but consider the common good for all*

Some of the above recommendations are not part of the scope of the proposed amendments (requirement of specific uses, bridge repair, sidewalk installation, and sewer preferences and payments).

The Downtown Okauchee District site design standards will address most of the comments above, including parking, site amenities, traffic, neighborhood compatibility, and architectural review. The town and county intend on discussing potential public spaces and municipal parking as a follow-up to this project. The Lion's Club is not included in the project area, but the town and county will communicate with them to identify permitting efficiencies. The Okauchee Fire Chief attended

several of the advisory committee meetings and was not concerned about the impact on emergency services. Emergency services will be considered as part of future development proposals. Sewer availability is considered by the City of Oconomowoc as part of individual development proposals. The town and county look forward to having discussions with the city regarding the area's sewer needs. Additional responses follow the comments below.

- *Public Hearing, February 21, 2019.* The following comments and concerns were provided during the land use plan amendment and/or code amendment public hearings

- Peter Puestow, a Downtown Okauchee Advisory Committee member, stated that he has been a resident of the area for 65 years and many residents in the area are in favor of the change to initiate more business in the area.

- Three other citizens provided the following comments:

- *Could additional properties on the north side of W. Wisconsin Ave. between the project area and the existing bar/restaurant at N50 W35124 Wisconsin Ave. be included in the project area?*

Response: The area was part of discussions, but because the area is planned, zoned, and primarily used for residential, it was not included. The DOD zoned area could be expanded at some point in time as part of a future rezone amendment. It would not be appropriate to include the area at this time without appropriate public notice or analysis.

- *Many of the properties located on Road B are served by point wells. New wells should not be allowed that will result in drying up the point wells. Who will be responsible when the wells no longer function properly?*

Response: The site design requirements of the Downtown Okauchee District require that all state well code and groundwater supply provisions be complied with. Larger development projects generally require the construction of a high capacity well system, which requires prior approval by the Department of Natural Resources. The existing high capacity well system that serves Mission Lakes Condominiums consists of two wells, 298 ft. and 551 ft. deep, which terminate in a sandstone aquifer. A review of several well construction reports from nearby residential properties indicate that the wells serving these residences tend to be between 50 ft. to 100 ft. deep and terminate in a sand and gravel aquifer. Driven point wells are even shallower. Since the shallow wells and high capacity wells do not terminate within the same aquifer, they do not have an impact on each other.

- *Residents were not fairly represented on the committee. The residents on the committee are largely in the real estate business and have a special interest in development.*

Response: The committee included a mixed representation of business owners,

developers, and residents. The residents represented different areas of the project area and consisted of different demographics. The committee was limited in size due to the highly technical nature of the proposed code amendments. The recommendations of the committee were brought forth to the public through the public open house and public hearing process, as well as a dedicated county webpage.

- *The amendments affect an area greater than the downtown Okauchee area.*

Response: Yes, there are amendments that affect the county's overall zoning jurisdictional area. These amendments were noticed in the paper and were part of the zoning amendment public hearing, but were not part of the public open house. The public open house was specific to the new Downtown Okauchee District standards. The land use plan amendment was also specific to the downtown Okauchee area.

- *The amendments are more restrictive than current standards for all lake residents. Many of the amendments refer to nonconforming properties.*

Response: The proposed amendments to nonconforming structures are required by state statute. They result in a relaxation of current regulations. Specifically, the proposed amendments will allow the reconstruction of a nonconforming structure, whereas the current ordinance limits improvements to 50% of the exterior structural members if severely nonconforming. Several amendments were made to nonconforming structures as part of a comprehensive code amendment in 2016. Many of the 2016 amendments also resulted in a relaxation of the regulations.

- *About 10 years ago, sewers, sidewalks, and a new bridge were constructed, which was supposed to revitalize the downtown area. There are currently eight or nine businesses vacant, so it was ineffective. Okauchee is too small to become a downtown Delafield. Residents have to deal with traffic, narrow roads, and sidewalks that limit the area for snow storage. Therefore, there is no purpose for the proposed change.*

Response: The goal of the project is to accommodate economic growth with diverse uses that are compatible with existing uses. The hope is that business vacancies are reduced as the local setting becomes more active. New residential uses within walking distance of a downtown bring more customers to businesses. Multi-family is also a recommended use by the regional planning commission in urbanized areas that are within walking distance of a business center. A modernized zoning scheme is just one element of strengthening a downtown.

- The Town of Oconomowoc Plan Commission and Board sent a letter of support on February 21, 2019. The letter is attached as Exhibit A.

- The Town of Delafield Plan Commission and Board recommended approval of the proposed changes on February 5, 2019 and February 12, 2019, respectively.
- *WI Department of Natural Resources comments.* The DNR requested that we remove a statement regarding the placement of retaining walls within 75 ft. of the shore. *The recommended change has been included in the updated draft ordinance.* The DNR also provided several comments that relate to shoreland setback averaging and the definition/use of accessory buildings for shore setback averaging purposes. Since shore setback averaging was part of a previous amendment already approved by DNR staff, they have agreed to support the adoption of the current proposed amendments. Any necessary changes related to shore setback averaging can be made at a future date.

### **COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:**

The County Development Plan calls for different densities and patterns of development to allow for a wide range of land uses and development patterns in appropriate settings. The plan is subject to a concurrent amendment in order to create a special planning area for the downtown Okauchee project area. The amendment is proposing to modify the existing residential, business, and public and institutional land use categories to the mixed-use category as part of the special planning area. The areas currently designated as mixed-use would remain as is. The mixed-use category provides for a combination of residential, business, and public and institutional uses either on its own or together on a single property or within a designated area. Within this special planning area, the Downtown Okauchee District mapping provides specific use requirements.

The land use plan recommends mixed-use developments in urban areas. Specifically, the plan recommends residential development in mixed-use settings in order to provide a desirable environment for a variety of household types seeking the benefits of proximity to places of employment as well as civic, cultural, commercial and other urban amenities. Examples of mixed use settings include dwellings above the ground floor of commercial uses and residential structures next to compatible commercial structures. The Town's plan recommends that existing urban areas be renewed and redeveloped.

The proposal to update various sections of the ordinances in order to comply with new state statutes and to clarify or modernize existing provisions furthers the objectives of the County Development Plan by providing for a broad range of land uses while also providing adequate protection to the public and for lakes, streams, and other natural resources.

### **STAFF ANALYSIS:**

The text amendments are proposed for several purposes, including:

- Incorporate a new Downtown Okauchee Zoning District in order to accommodate economic growth and vitality in the downtown Okauchee area while preserving and enhancing the existing community character.
- Incorporate provisions consistent with state statutes as part of recent law changes.
- Adopt two FEMA floodplain Letter of Map Revisions (LOMR's) that are required to be adopted as official maps.
- Modernize several provisions.

The Downtown Okauchee District and related provisions were initiated by the town and county because the current ordinance is tailored to suburban or rural unincorporated areas. The new district recognizes the unique urban environment in downtown Okauchee. It was determined during an initial analysis that a majority of properties and structures within the downtown Okauchee area are nonconforming. Nonconforming conditions limit improvements to existing structures and create hurdles for redevelopment. The code changes provide for multi-family and mixed-uses, encourage development close to the road, and leverage off-site parking. With the economy rebounding, there is a renewed interest in the redevelopment of downtown areas locally and nationally. The downtown Okauchee project that is subject to this amendment can be used as a template for similar projects in other unincorporated downtowns within the county.

In early 2018, the Downtown Okauchee Advisory Committee, which consisted of town and county planning staff, town officials, developers, and local residents and business owners, was formed to assist in guiding the preparation of unique zoning ordinance provisions for the purposes stated above. The priority topics that the committee explored included:

- **Zoning/Use**
- **Setback/Offset**
- **Density/Building Footprint**
- **Building Height /# of Stories**
- **Parking**
- **Signage**
- **Design/Site Standards**
- **Miscellaneous Actions**

In brief, the amendments include the following:

- Additional accommodations for mixed uses and increased residential densities.
- Modified dimensional standards including road setback, offset, height, # of stories, minimum floor area, and building footprint to better accommodate the downtown environment.
- Modernized signage and parking regulations.
- Unique building design and site requirements for mixed-use, commercial, public & institutional, and multi-family projects.

**A detailed summary of the recommended Downtown Okauchee District provisions is attached as Exhibit B.**

Additional amendments are proposed to both the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code to incorporate provisions consistent with state statutes as part of recent law changes. These changes include modifications to the regulation of nonconforming structures, variance criteria, and conditional use provisions.

The amendments also include a new option for expedited business permitting and improvements to the parking section. Parking modifications include modernized stall and aisle sizes, incorporation of accessible (ADA) parking standards, and a new scheme for determining minimum required non-residential parking spaces on a case-by-case basis using parking demand estimates, professional guidance documents, and other factors.

The county is also required to adopt two Letter of Map Revisions (LOMR's) that have been approved by FEMA for the purpose of amending the floodplain elevation and associated boundaries as a result of updated floodplain analyses. The incorporation of the two LOMRs is only applicable to the Waukesha County Shoreland and Floodland Protection Ordinance. The two LOMRs are summarized as follows:

*Pewaukee River:* FEMA map panel 55133C0201G was amended from just downstream of CTH K (Town of Lisbon) to just downstream of Clover Drive (Village of Sussex). The FEMA Flood Insurance Study (FIS) was also amended accordingly, including profiles 122P-123P and floodway data table 7. The analysis was completed to reflect more updated topographic information. The floodway, which is the area where water is conveyed during a flood event, widened. However, the regulated floodplain, which includes the floodway and floodfringe, decreased by 0.4 ft. to 1.85 ft. throughout the reach. Because of the updated topographic data, the regulated mapped floodplain boundary widens immediately north of CTH K, but is narrower for the remainder of the revised area. The county's shoreland jurisdictional area will be modified accordingly. It should be noted that there is no increase in the regulated floodplain elevation as part of this revision. Because the county limits development in the floodplain, regardless of floodway or floodfringe, the proposed amendments do not have a significant impact on affected property owners. All affected property owners were notified at the time of FEMA review and adoption of the proposed amendments. The floodplain analysis was approved by WDNR staff on May 5, 2016. The LOMR was approved by FEMA and became effective on June 23, 2017.

*Rosenow Creek:* FEMA map panels 55133C0019G and 55133C0038G were amended from the confluence with Lac La Belle to just upstream of STH 67 (Lake Road); and the Rosenow Creek Sand Beach Road Diversion from the confluence with Lac La Belle to the confluence with Rosenow Creek. The FEMA Flood Insurance Study (FIS) was also amended accordingly, including profiles 135P and 135P(a), floodway data table 7, and summary of discharges table 4. The analysis was completed to reflect discharge through an existing culvert under Sand Beach Road, approximately 940 ft. north of Blackhawk Drive. The floodplain elevation decreases by 0.02 ft. to 1.5 ft. throughout the reach. Because of updated topographic data, the regulated mapped floodplain boundary widens and narrows, typically between 5 and 30 ft. There is no increase in the regulated floodplain elevation as part of this revision. The county's shoreland jurisdictional area does not change.

**A complete summary of recommended provisions that are not related to the Downtown Okauchee District is attached as Exhibit C.**

The proposed text amendments are available for viewing on the Planning and Zoning Division webpage at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) - click "2019 Zoning Ordinance Amendments". The amendments are in a "track changes" format (deletions in strike-through and text additions in colored font) and in a final format with all changes accepted.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved.

The proposed Downtown Okauchee District will promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee. The new district has been tailored to make improvement of properties within Okauchee more feasible, thus promoting economic growth. The advisory committee that guided the Okauchee project and the Town of Oconomowoc have been enthusiastic in their support of these amendments. Other proposed revisions are intended to reflect state statutes, clarify existing code language, and modernize parking and other miscellaneous provisions.

Respectfully submitted,

*Amy Barrows*

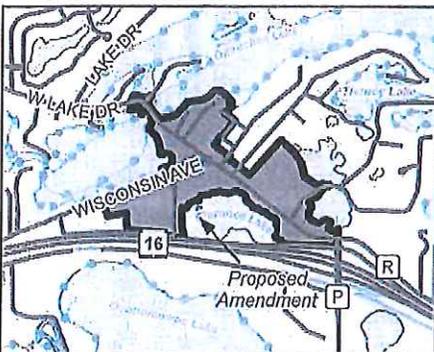
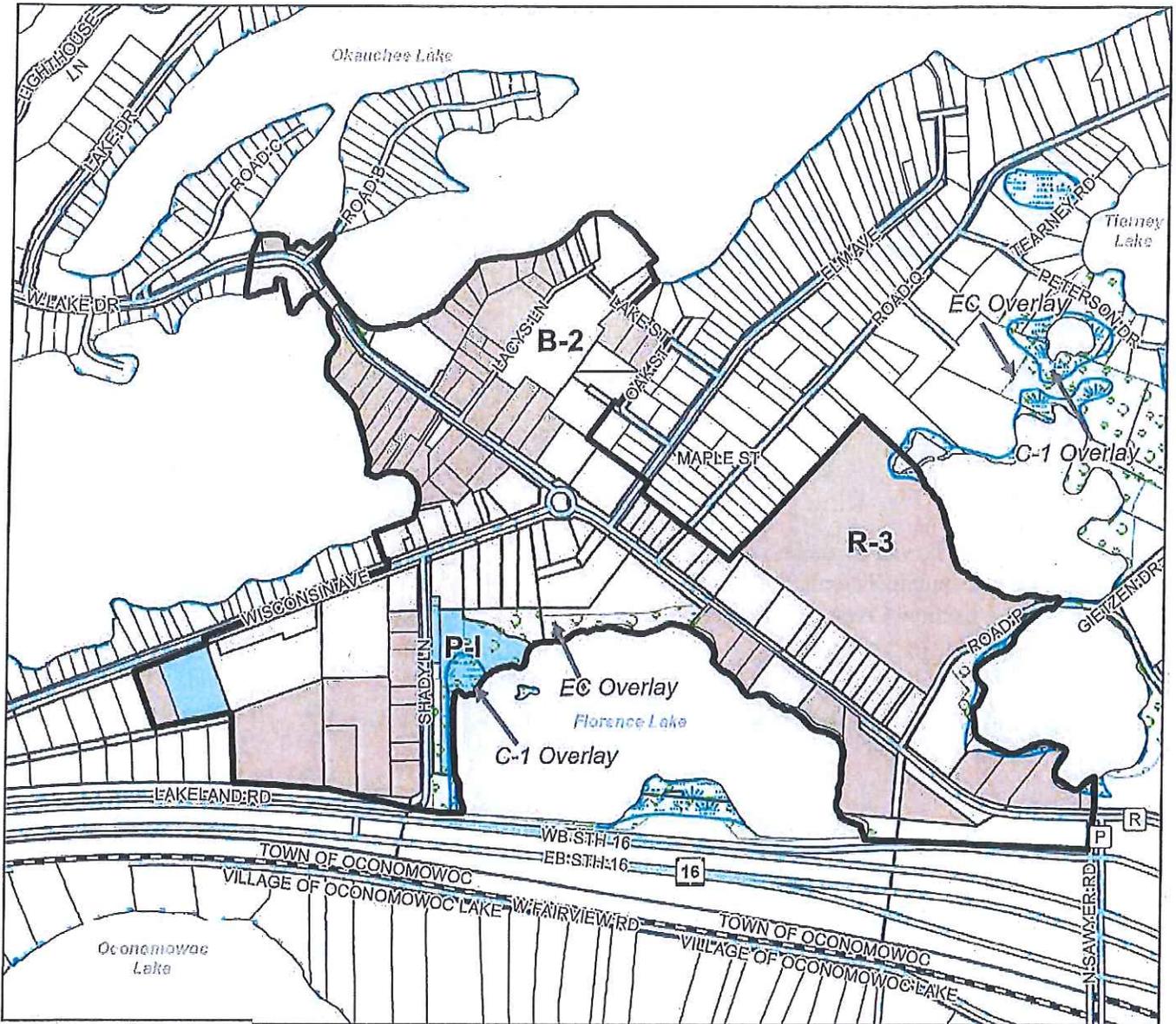
Amy Barrows  
Senior Planner

Attachments: Downtown Okauchee Zoning Map  
Pewaukee River LOMR Zoning Map  
Rosenow Creek LOMR Zoning Map  
Exhibits "A" through "C".

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ29 RZ30 SFPO And ZC Text Amendments.Doc

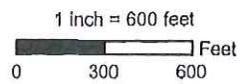
# ZONING AMENDMENT

PART OF SECTION 35 AND SECTION 36  
TOWN OF OCONOMOWOC

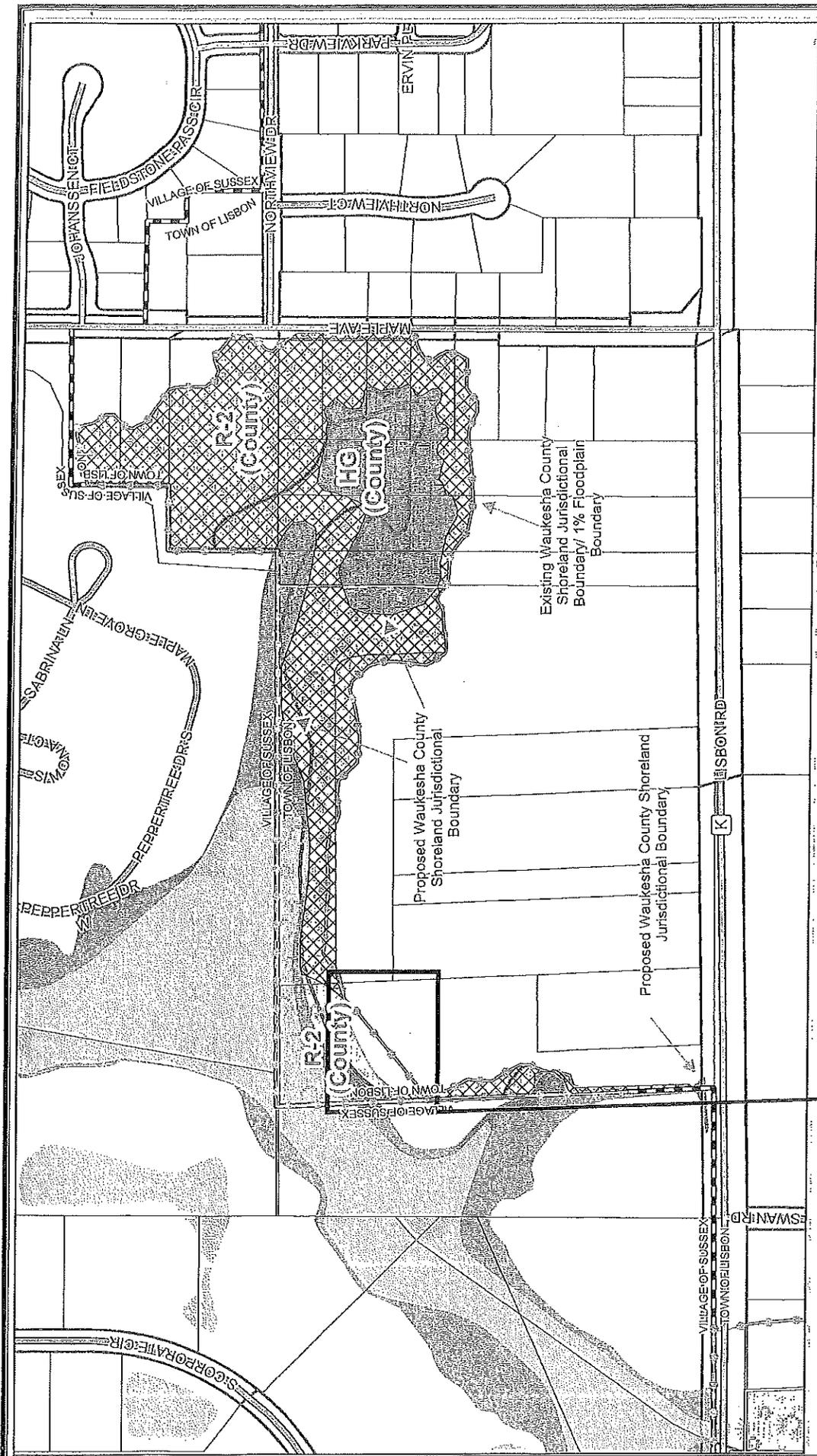


- PROPOSED DOWNTOWN OKAUCHEE DISTRICT (DOD)
- AMENDMENT FROM R-3 RESIDENTIAL DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT
- AMENDMENT FROM P-1 PUBLIC AND INSTITUTIONAL DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT
- AMENDMENT FROM B-2 BUSINESS DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT

\*Environmental Corridor (EC) Overlay and Conservancy (C-1) Overlay to remain  
 PETITIONER.....Waukesha County Park and Planning Commission  
 DATE OF PUBLIC HEARING ..... 02/21/19  
 AREA OF CHANGE.....approx. 83 ACRES

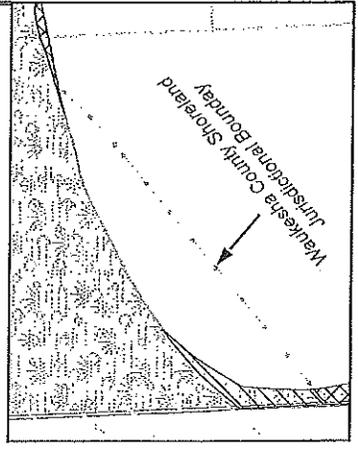


Prepared by the Waukesha County Department of Parks and Land Use



## PEWAUKEE RIVER FLOODPLAIN AMENDMENT SECTION 34 AND 35, TOWN OF LISBON

- Amendment to remove C-1 Conservancy Overlay District from R-2 Residential District
- Proposed Floodplain Hazard Zone
- 1%
- Floodway
- 1 inch = 400 feet
- Feet  
0 200 400
- Area to be removed from Waukesha County Shoreland Jurisdictional Boundary (20.77 AC)
- Environmental Corridor Overlay District to Remain
- Wetland Overlay District to Remain



Prepared by the Waukesha County Department of Parks and Land Use



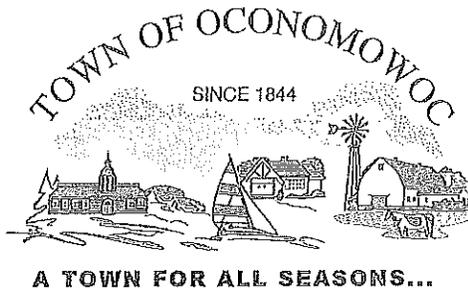


EXHIBIT "A"

W359 N6812 BROWN STREET OCONOMOWOC WI 53066 PHONE: (920) 474-4449 FAX: (920) 355-4091  
February 21, 2019

RECEIVED

FEB 25 2019

DEPT OF PARKS & LAND USE

Mr. Jason Fruth  
Planning and Zoning Manager  
Waukesha County Department of Parks and Land Use  
515 W. Moreland Boulevard  
Waukesha, WI 53188

RE: Proposed Amendments to Waukesha County Shoreland and Floodland Protection Ordinance.

Dear Mr. Fruth,

Unfortunately, I may not be able to attend the Public Hearing (RZ-31 – Text Amendments – Waukesha County Shoreland and Floodland Protection Ordinance) today to consider the adoption of the DOD Downtown Okauchee District (“DOD”) into the Shoreland and Floodland Protection Ordinance (SFPO).

On behalf of the Town of Oconomowoc, I am writing to let you know that the Town of Oconomowoc Plan Commission and Town Board have in open session rendered support of the proposed changes as they pertain to the DOD. The Town has received favorable comments from Okauchee committee members, business owners, residents and the general public on the proposed DOD. Waukesha County Staff should be commended on the great job they have done in assisting the Town of Oconomowoc in this monumental task. Hopefully, this is the first step in making the Okauchee Business Area a better place to work, live and recreate.

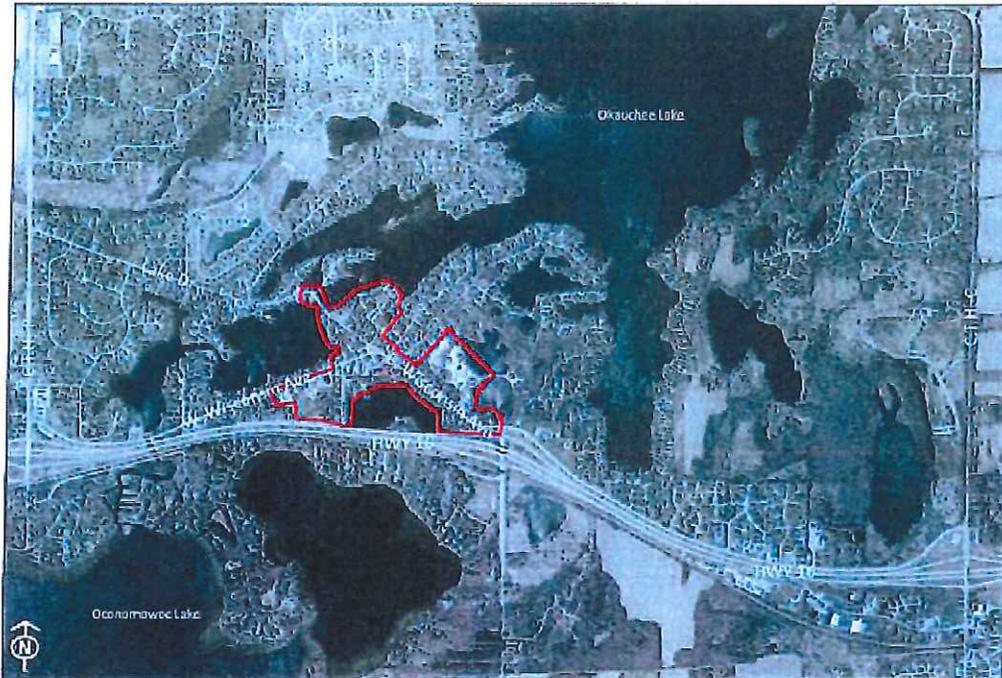
Again, thank you for all your hard work and effort putting this together. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Jeffrey C. Herrmann, AICP  
Administrator-Planner

cc: Town of Oconomowoc Clerk  
Town of Oconomowoc Board  
Town of Oconomowoc Plan Commission

## EXHIBIT "B"



# SUMMARY OF DOWNTOWN OKAUCHEE ADVISORY COMMITTEE RECOMMENDATIONS JANUARY, 2019

For more information & project materials go to: <https://www.waukeshacounty.gov/Okauchee/>

*Summary of DOAC Recommendations*

The Downtown Okauchee Advisory Committee (DOAC) was formed to assist in guiding the preparation of unique zoning ordinance provisions in order to promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee.

The DOAC members include:

<b>Name</b>	<b>Title/Role</b>
Jason Fruth	Planning & Zoning Manager, Project Chair
Amy Barrows	Senior Planner, Lead Staff
Jeff Herrmann	Town of Oconomowoc Planner/Administrator
Bob Hultquist	Town Chairman
Bob Peregrine	Town Plan Commission/Waukesha Co. Park & Planning Commission
Anthony Foss	Business Owner
Bill Groskopf	Business Owner
Hans Weissgerber	Business Owner
Tim Michelic	Business Property Owner & Resident
Caitlin Dennis	Resident
Lorna Mueller	Resident
Peter Puestow	Resident
Jim Siepmann	Commercial & Residential Developer, Waukesha Co. Park & Planning Commission

The DOAC met five times between April and June of 2018. A follow-up meeting took place in November of 2018. The discussion and recommendations of each meeting were captured in meeting minutes. This document is intended to summarize the recommendations of the DOAC in a single document.

County Staff will utilize this document to prepare ordinance text and will circulate draft ordinance language to the DOAC, DNR, and the Town of Oconomowoc for review ahead of advancing amendments to the County Board.

The priority topics that DOAC explored include:

- **Zoning/Use**
- **Setback/Offset**
- **Density/Building Footprint**
- **Building Height /# of Stories**
- **Parking**
- **Signage**
- **Design/Site Standards**
- **Miscellaneous Actions**

## Zoning/Use, Road Setback, & Offset

### Zoning/Use

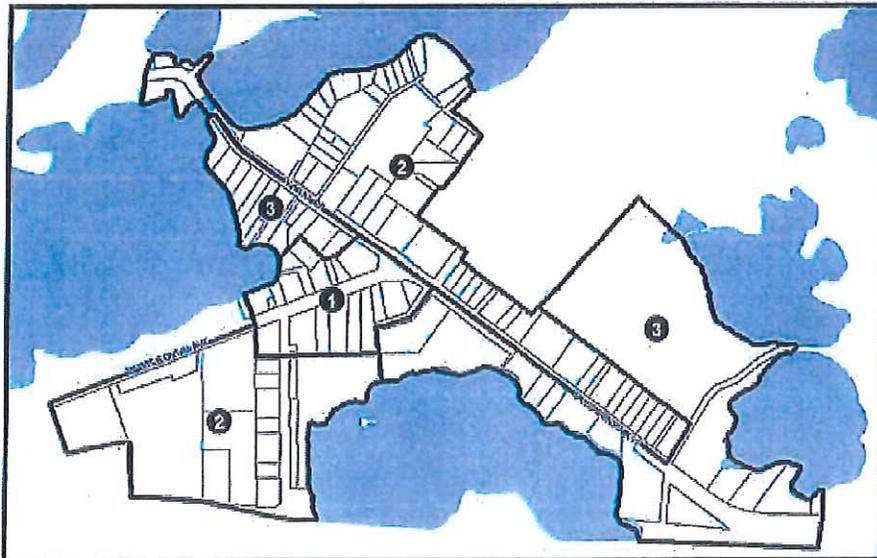
- See Use Zone Map and Use Table
- Multi-family uses in the rear of or above commercial uses shall be permitted by right in Zones 1, 2, 3, 4, and 5. All other multi-family uses in Zones 1 through 5 require a Conditional Use Permit.
- All multi-family uses require a Conditional Use Permit in Zones 6 and 8.
- Multi-family uses are permitted by right in Zone 7 for densities up to 10 units per acre. Densities that exceed 10 units per acre require a Conditional Use Permit.

### Road Setback

The committee made the following recommendations regarding *road setback*:

Road Setback Area (Areas are described on map below)	Minimum Road Setback	Maximum Road Setback
Area #1	0 ft.*	20 ft.
Area #2	10 ft.	20 ft.
Area #3	20 ft.	None

\*Structures abutting the round-a-bout require a 10 ft. road setback.



- In all commercial, multi-family residential, and mixed-use areas, landscaping is required between the building and the road (setback area), if there is sufficient space. The committee felt that curb appeal and beautification along the road are important.

### Summary of DOAC Recommendations

- Existing structures that are nonconforming to road setback are allowed to expand laterally and vertically provided the expansion does not extend closer to the minimum road setback than the existing structure.

#### Offset

- Require a 10 ft. offset by-right within the entire project area, but provide a special process to allow a zero side-yard offset within the Central Area only. *A new structure needs to be either zero ft. offset from an adjacent building or at least 10 ft. from the lot line for safety purposes.*
- The special process would require a heightened level of review by the Plan Commission and County Staff, with consideration given to neighborhood compatibility, building design, safety, and access.
- The zero offset reduction shall not be provided to a structure adjacent to a legal conforming single-family residence use.
- Existing structures that are nonconforming to offset are allowed to expand laterally and vertically provided the expansion does not extend closer to the lot line than the existing structure.
- The offset reduction table of the ordinance still applies.

## Density, Building Footprint, Height and Number of Stories

#### Multi-family Density

- Encourage 10 units/acre in all areas except in Zone 5, where 15 units/acre is encouraged.
- Maximum density will be influenced by neighborhood conditions and open space, dimensional, building height, and site requirements.

#### Building Footprint

- Maximum 50% building footprint, except areas designated for single-family residential use remain at 17.5%

Properties directly abutting a navigable waterway or located entirely within 300 ft. of a navigable waterway are subject to the following Impervious Surface regulations:

Use of property	Max. % without mitigation	Max. % with mitigation
Residential	30%	40%
Commercial	40%	60%

\*Existing impervious surfaces can be maintained, replaced, modified, and/or relocated.

#### Building Height

- Allow 42 ft. by right within all areas not designated primarily for single-family residential. Additional height up to 54 ft. could be approved through a special process which would consider performance/design standards such as:
  - architectural controls
  - heightened setbacks and offsets

### *Summary of DOAC Recommendations*

- neighborhood context
- shadowing concerns
- Principal structures that are located within areas designated for single-family residential and that are on lots less than 65 ft. in width or principal structures located within 75 ft. of a navigable waterway are limited to 35 ft. in overall height.

#### **# of Stories**

- Allow up to three stories by right throughout the project area.
- Provide a special process that would allow up to four stories with consideration of specific performance measures and neighborhood context. A fourth story should be designed into the roofline. Flat roofed four-story buildings would be precluded, unless necessary to accommodate roof top mechanicals.
- Require a minimum of 1 ½ story buildings throughout the project area, except allow new one-story buildings within the areas designated for single-family residential.

## **Parking**

#### **Parking Location**

- Parking should be to the rear and side of the parcels, with an exception process provided for special circumstances, such as topography, lot width, and protecting lakeside aesthetics.
- Performance measures should be established if parking is allowed on the roadside of buildings, such as landscaping, vegetative screening, and separation from sidewalks and outdoor seating.

#### **Parking Offset**

- 10 ft. if abutting a designated single-family residential area. In all other areas, the offset can be reduced to as little as 0 ft. with consideration given to snow removal and adjacent site conditions.

#### **Non-Residential Parking Quantity**

Non-residential parking shall be considered on a case-by-case basis:

- Consideration of typical and peak demand for use types (reliance upon ITE Parking Generation publication, ULI Shared Parking, similar guidance documents).
- Consideration of parking demand estimate provided by project sponsor.
- Public/shared parking availability within area (with consideration of peak demand variability).

\* Re-assess parking availability and rules every five years to ensure that parameters remain effective as area changes.

#### **Large-scale Residential (>4 units) Parking Quantity**

- Maintain status quo of 2 stalls/unit with an option for reduced parking at a ratio of 1.75 stalls/unit if the ratio of different sized units is appropriate.
- Visitor parking should be reviewed on a case by case basis.

*Summary of DOAC Recommendations*

**Small-scale Residential (<= 4 units) Parking**

- 2 stalls per unit shall be provided.

**Parking Dimensions**

- The following standards should be incorporated into the general parking standards, with flexibility provided if strict compliance is impractical per Town, County and fire department review. ADA compliance is required.

A. Stall dimensions

Parking Stall Type	Dimensions
Perpendicular	9x18
Angle	9x18 for 60 degree (angled)
Parallel	8x22
Compact	8.5x17 compact cars, but must be signed for compact cars
Tandem	9x36

B. Parking lot aisle dimensions

- Minimum 16 foot one way aisles
- Minimum 24 foot two way aisles

**Parking light poles**

- Light poles should be limited to 15 ft. with the ability to extend the height to 25 ft. with Zoning Administrator approval with consideration given to site and surrounding conditions.

**Signage**

**Signage in the Central Area**

➤ Primary wall/awning sign.

- Wall signs.
  - One wall or awning sign per road side of building if single tenant.
  - Two signs permissible if two tenants; three tenants or more requires master sign plan.
  - Maximum of 1 sq. ft. per lineal storefront not to exceed 50 sq. ft. per road side of building (if two tenants, allowable sign area divided by tenants)
  - Maximum 20 sq. ft. sign on parking side of building to provide for business/entry identification.
  - Additional signage may be allowed on sides/rear of building where deemed appropriate for visibility.

## Summary of DOAC Recommendations

- There should be a review process to provide for creative murals.
- Awning signs.
  - Lettering may cover no more than 40% of awning area and shall not exceed 25 square feet.
- \*Provide exception process for freestanding signs for unique circumstances, buildings that do not lend themselves to wall mounts or for buildings further setback from the road. If an exception is provided for a freestanding sign, the property cannot also have a projecting sign (see below).
  - Monument style, double post or freestanding bracket style.
  - Maximum sign face 35 square feet.
  - Maximum 10' height.
  - Minimum 10' setback from sidewalk.
  - Signs must not obstruct vision corners (drives/intersections).
- Accessory signs. In addition to the above primary signs, the following signs may be permitted:
  - Projecting sign (not allowed if freestanding sign authorized via exception process).
    - Minimum 8' of clearance above sidewalks.
    - Extend a minimum of 1' and maximum of 4' from building.
    - 20 square foot maximum.
  - Window signs. No more than 40% of storefront windows may contain signage/lettering.
  - Sandwich boards.
    - Maximum 8 sq. ft. by right w/ no-cost permit.
    - Maximum of 4' high.
    - Must not obstruct sidewalk.
    - Sandwich boards must be taken down at closing.

### Signage for non-residential properties- all other study sub-areas

Same rules as Central Area with the following differences:

- One freestanding sign permitted (in addition to other allowable sign types) for sites that contain a building set back 10' or more feet from the road ROW.
  - Maximum sign area of 35 square feet.
  - Monument style, double post or freestanding bracket style.
  - Maximum 10' height.
  - Minimum 10' setback from sidewalk.
  - Signs must not obstruct vision corners (drives/intersections).

## Summary of DOAC Recommendations

### Signage illumination standards

- No digital message boards, internally illuminated signs, blinking or flashing lights. Legally existing signs may be grandfathered in.
- Signage shall only be illuminated with ground lighting or mounted arm lighting. Light shall be directed away from passersby and shall not cause glare to the pedestrian or motorist.
- Back-lit, halo-lit or reverse channel letters with illumination allowed.
- Illumination shall be turned off at 10:00 p.m. or at close, whichever is later.

### Signage landscaping standards

- Signage should, to the greatest extent practical, be surrounded by a minimum 5' wide landscaped area.

### Signage exceptions available for unique circumstances

- Exceptions to sign size or location standards may be authorized for unique sign design features, such as use of high quality or natural materials, artistic treatments or symbol shaped signs (i.e. saw blade denoting hardware store). Exceptions may also be considered for murals and for instances where business or site visibility is limited.

## Design and Site Requirements

- **Siting:** Proposed Development projects must be compatible and complimentary to the surrounding neighborhood. Architecture, landscaping and building siting must be designed to create an attractive and cohesive environment that contributes positively to the existing setting. Buildings adjacent to the roundabout shall be oriented toward the roundabout.
- **Building Form:** Urban scale architecture (minimum one and one half (1 ½) story Buildings) is required. Maximum permissible Building Height and massing must be complimentary to the neighborhood and are subject to the height provisions of the District. The committee asked that planning staff review the need for a provision that requires the 1<sup>st</sup> floor be taller than above floors.
- **Building materials:** Building designs shall utilize a variety of aesthetically compatible exterior building materials on all sides visible to the public. Aluminum and vinyl siding are prohibited, except for use on non-primary facades not highly visible from public roads, walkways, primary customer parking areas, and neighboring residential or public uses. Aluminum and vinyl soffits are permitted.
- **Windows:** Mixed-use or commercial buildings shall provide large store front windows that provide visibility and transparency at the pedestrian level. The windows shall make up at least 40% of the façade facing the primary street at the pedestrian level. Windows above the street level on any building shall be designed with an organized rhythm and spacing.

## Summary of DOAC Recommendations

- Building design: A variety of aesthetically compatible building styles and articulations are encouraged throughout the project area. Long, monotonous façades or roof designs shall not be permitted. Features such as awnings, windows, entry doors, projections, material changes, or other articulations are required to break up large masses.
- Roof structures: If the roof is flat, the termination of the flat roof shall be concealed with a parapet. Decorative cornices must reflect the time period of the building. HVAC units and other rooftop mechanicals/utilities are required to be screened from view.
- Building color: No neon or fluorescent colors are permitted. The exterior color palate of all buildings must be compatible with the surrounding neighborhood.
- Building entrances: An inviting entrance to buildings shall be located on the primary street side.
- Landscaping: Landscape treatments shall be provided to enhance architectural features, improve appearance, screen parking areas and structures, reduce impervious surface, provide shade and enhance the streetscape.
- Gathering/open spaces: Meaningful communal gathering and green spaces provided in accessible settings must be an integral part of any new Development. Examples include public or private courtyards, plazas, patios, terraces, community gardens, areas with planters and/or benches, and rain gardens. These spaces should have an urban quality and character that enliven the street, enhance the pedestrian experience, or provide gathering/recreational space for residents. The amount of communal gathering and green spaces shall be proportional to the lot size and intensity of the intended use and shall consider the level of anticipated adjacent pedestrian activity.
- Pedestrian facilities: Pedestrian facilities must connect buildings and uses within the proposed Development and must connect the Development to the surrounding neighborhood in order to provide safe and convenient access for patrons, residents, and pedestrians. Bicycle accommodations should be considered in the project design where practical. Sidewalks that will traverse predominantly retail or restaurant use areas shall be a minimum of five (5) feet in width, not including the area used for benches or café dining, to accommodate space for passing pedestrians. Certain designated sidewalks within retail areas should be further widened to allow for sidewalk café dining or outdoor retail display while still providing for pedestrian passage.
- Streets/neighborhoods: Where streets or neighborhoods are proposed, streets and pedestrian facilities shall contain appropriate streetscape amenities (street trees, street furniture such as benches, planters, trash receptacles, information kiosks, bike racks, appropriate scale lighting and way finding signage) and the Town Plan Commission and County Zoning Agency shall set forth the required streetscape elements. Terraces to separate pedestrians from vehicles shall be provided, where feasible. ADA compliant access and facilities shall be provided throughout the Development. The Town Plan Commission and Zoning Administrator may consider deck dining within public right-of-way areas provided sufficient parking is available, the proposed use is aesthetically pleasing and safe from vehicular/pedestrian traffic and emergency access is available.

## Summary of DOAC Recommendations

- **New internal streets:** Internal streets must be designed to adequately serve the users of the proposed Development and contain traffic calming measures (landscape bump outs, parallel or angle on-street parking, visually conspicuous crosswalks, narrow streets, etc.) while allowing for safe and efficient traffic circulation.
- **Sanitation/water supply:** Written documentation shall be submitted by the Town of Oconomowoc that sewer requisitions are available to accommodate any new development. All State well code and groundwater supply provisions shall be complied with.
- **Architect consultation:** The Zoning Administrator has the option and authority to consult with a licensed Architect for comments regarding building form and design to ensure aesthetically pleasing and compatible development that is consistent with the requirements of this subsection. The Zoning Administrator has the authority to charge the applicant for all expenses related to the consultant's review. The applicant will be notified of the estimated review time and expense prior to any action being taken.
- **Exceptions:** Any proposed modifications to the provisions of this subsection shall be reviewed and approved by the Town Plan Commission and County Zoning Agency. The applicant shall justify why the development cannot or should not comply with the provisions based on the purpose and intent of the District.

## Miscellaneous Actions

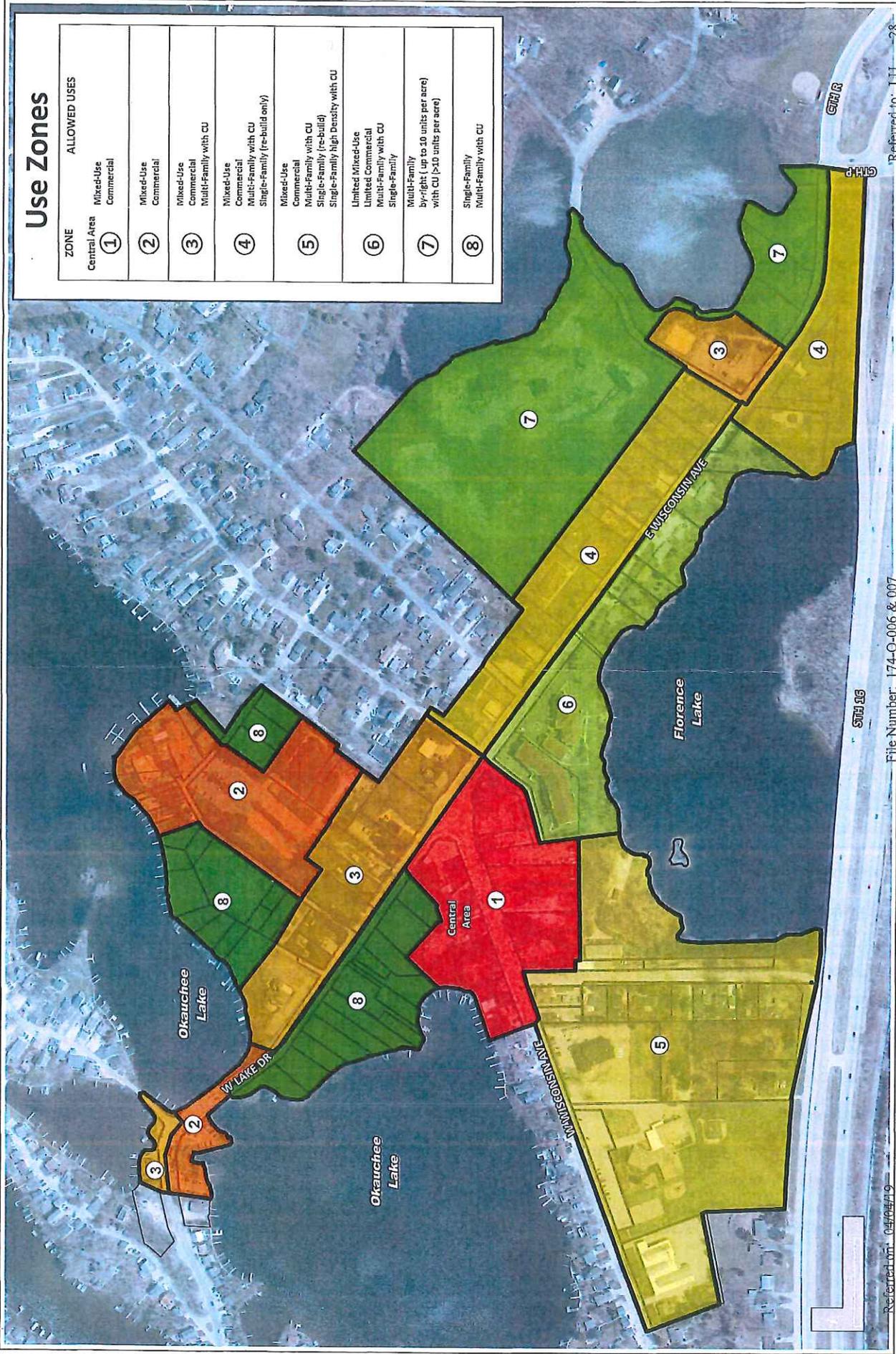
- The committee indicated that they would like the Town and County to explore possible opportunities for gathering/open spaces.
- The committee discussed the need for more municipal/shared parking and the importance that parking be dispersed throughout the area to serve all businesses. The committee discussed specific areas for desirable parking, including an area between Mission Lakes Road and Shady Lane and near Golden Mast Inn.
- The committee discussed the benefits of outdoor seating. Waukesha County Staff will develop standards that can be used as a set of guidelines when reviewing Site Plan/Plan of Operations in order to provide review consistency amongst operations.
- The committee discussed other topics for future collaboration, including:
  - Allocation of additional sewer requisitions
  - Design/architectural guidelines
  - The use of financial resources, such as Business Improvement Districts, Tax Incremental Finance Districts, and Historic Preservation Tax Credits
  - Additional efforts to schedule events/activities by the Okauchee Business Association
  - Town of Oconomowoc Recreation Plan Update

	Allowable Uses - Permitted or Conditional Use (CU) by Building Component			
	First Floor- Primary Street Frontage	First Floor- Rear	Upper Floors	Individual/Additional Building
<b>Zone 1 "Central Area"</b>				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	-	Permitted	Permitted	CU (commercial use required along W. Wisconsin Ave. frontage)
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	-
Single-family residential (only use) <sup>3</sup>	-	-	-	-
<b>Zone 2</b>				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	-	Permitted	Permitted	CU (existing commercial uses must remain)
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	-
Single-family residential (only use) <sup>3</sup>	-	-	-	-
<b>Zone 3</b>				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	-
Single-family residential (only use) <sup>3</sup>	-	-	-	-
<b>Zone 4</b>				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	-
Single-family residential (only use) <sup>3</sup>	-	-	-	Permitted (re-build/expand*)
<b>Zone 5</b>				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	-
Single-family residential (only use) <sup>3</sup>	-	-	-	Permitted (re-build/expand*)  CU (New high density residential)

	Allowable Uses - Permitted or Conditional Use (CU) by Building Component			
	First Floor- Primary Street Frontage	First Floor- Rear	Upper Floors	Individual/Additional Building
<b>Zone 6</b>				
Commercial (B-1/B-2 uses)	Permitted (professional office/studio only)	Permitted (professional office/studio only)	Permitted (professional office/studio only)	Permitted (professional office/studio only)
Multiple-family residential	CU	CU	CU	CU
Single-family residential unit (secondary use) <sup>2</sup>	-	Permitted	Permitted	Permitted
Single-family residential (only use) <sup>3</sup>	-	-	-	Permitted
<b>Zone 7</b>				
Commercial (B-1/B-2 uses)	CU	CU	CU	CU
Multiple-family residential	-	-	-	Permitted (up to 10 units per acre) ----- CU (greater than 10 units per acre)
Single-family residential unit (secondary use) <sup>2</sup>	-	-	-	-
Single-family residential (only use) <sup>3</sup>	-	-	-	-
<b>Zone 8</b>				
Commercial (B-1/B-2 uses)	-	-	-	-
Multiple-family residential	CU	CU	CU	CU
Single-family residential unit (secondary use) <sup>2</sup>	-	-	-	-
Single-family residential (only use) <sup>3</sup>	-	-	-	Permitted
<p><sup>1</sup> Single-family residence rebuild/expand means the replacement, relocation, restoration, remodeling, Maintenance, repair, vertical and lateral expansions, and reconstruction (including enlargement) of an existing single-family residence provided all dimensional and area requirements of this District are met.</p> <p><sup>2</sup> Single-family residential unit (secondary use) means that the residential use exists in conjunction with a commercial or public and institutional use.</p> <p><sup>3</sup> Single-family residential (only use) means that the single-family residence is the only use on the property.</p> <p>All commercial uses in Zone 7 and multiple-family residential uses that require a Conditional Use listed above are subject to Section 4(g)(22)F. DOD Downtown Okauchee District PUD.</p> <p>Section 4(g) <i>Conditional Uses permitted</i> identifies additional uses that may be permitted through the Conditional Use process.</p>				

# Use Zones

ZONE	ALLOWED USES
Central Area ①	Mixed-Use Commercial
②	Mixed-Use Commercial
③	Mixed-Use Commercial Multi-Family with CU
④	Mixed-Use Commercial Multi-Family with CU Single-Family (re-build only)
⑤	Mixed-Use Commercial Multi-Family with CU Single-Family (re-build) Single-Family High Density with CU
⑥	Limited Mixed-Use Limited Commercial Multi-Family with CU Single-Family
⑦	Multi-Family by-right (up to 10 units per acre) with CU (5-10 units per acre)
⑧	Single-Family Multi-Family with CU



**EXHIBIT "C"**

Proposed Shoreland & Floodland Protection Ordinance and General Zoning Code Modifications (excluding Downtown Okauchee District related standards) § 2.1.19

Proposed Ordinance Modification (excluding Downtown Okauchee District related standards)	Shoreland & Floodland Protection Ordinance	Ordinance Section	Page #	General Zoning Code	Code Section	Page #
Provide an exception from the min. living floor area provisions in order to accommodate max. 600 sq. ft. garage	X	3(j)1.B	75	X	3.11(1)(B)	70
Modify minimum living floor area requirements for single-family and two-family units that are part of a mixed-use development to match multi-family unit provisions	X	3(j)1.C	75	X	3.11(1)(C)	70
Remove a substandard lot provision that was also recently removed from State Statutes				X	3.11(3)	72
Repeal and re-create off-street parking section: modernize stall and aisle sizes, determine minimum # of non-residential parking spaces required on a case-by-case basis using parking demand estimates; professional guidance documents and other factors, and add accessible parking standards	X	3(k)	79-87	X	3.12	73-81
Modify nonconforming structure section & North Lake Overlay District per State Statutes, specifically allow modifications/reconstruction of existing nonconforming structures	X	3(p)3	90-94, 209-210	X (except North Lake Overlay District)	3.17(2)	83-88
Identify Stormwater Permit requirement for new boathouse construction, ensures erosion control oversight to protect lakes	X	3(s)9	98		NA	NA
Include long-term maintenance provisions in the Treated Impervious Surface standards	X	3(t)9.C.iv	101-102		NA	NA
Replace the term "Treated Impervious Surface" with "Stormwater BMP" within the mitigation standards to simplify terminology	X	3(u)3.C.xiv	109		NA	NA
Amend Conditional Use section to add references to substantial evidence, etc. to incorporate new statutory requirements. A more comprehensive update of this section is planned in the future.	X	4	114-116	X	3.08	33-35
Clarify applicability of reverse shore setback averaging provisions & remove building separation requirement that considers buildings on adjacent lots (requested change by Town of Delafield)	X	37(c) & (d)	246-247		NA	NA
Reference existing Board of Adjustment rules of procedures & slightly modify considerations for decision making to match statutory language	X	38(b)3 & 38(c)	248-250	X	19.02(3) & 19.03	166-167
Add 2 recent LOMR's to official floodplain maps (Pewaukee River & Rosenow Creek)	X	Table 6(b)1.B.i	270		NA	NA

1 AMEND THE TEXT OF THE WAUKESHA COUNTY ZONING CODE TO MODERNIZE  
2 AND UPDATE VARIOUS ZONING PROVISIONS TO PROVIDE CONSISTENCY  
3 WITH STATE STATUTES AND THE CONCURRENTLY PROPOSED  
4 WAUKESHA COUNTY SHORELAND AND FLOODLAND  
5 PROTECTION ORDINANCE TEXT AMENDMENTS (RZ30)  
6  
7

8 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning  
9 Code on February 26, 1959; and  
10

11 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such  
12 Ordinance pursuant to Section 59.69, Wisconsin Statutes; and  
13

14 WHEREAS, the Downtown Okauchee Advisory Committee guided the preparation of ordinance  
15 amendments to the Waukesha County Shoreland and Floodland Protection Ordinance and said  
16 amendments are concurrently pending final approval; and  
17

18 WHEREAS, substantially parallel amendments to various general provisions of the Waukesha  
19 County Zoning Code have been prepared to ensure consistency with recent state law changes and  
20 to ensure consistency between the Waukesha County Shoreland and Floodland Protection  
21 Ordinance and the Waukesha County Zoning Code; and  
22

23 WHEREAS, the proposed amendments have been the subject of a public hearing held on  
24 February 21, 2019, following the notice and procedures of Section 59.69 Wisconsin Statutes; and  
25

26 WHEREAS, none of the towns under county zoning authority have filed a resolution  
27 disapproving of the proposed amendments within the time required by Section 59.69, Wisconsin  
28 Statutes; and  
29

30 WHEREAS, the proposed amendments have been duly referred, considered and approved by the  
31 Waukesha County Park and Planning Commission at its meeting on March 21, 2019; and  
32

33 WHEREAS, the Waukesha County Park and Planning Commission forwarded the proposed  
34 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment  
35 Committee and to the Waukesha County Board of Supervisors with its recommendation that the  
36 proposed amendments be approved.  
37

38 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
39 that the Waukesha County Zoning Code is hereby amended to adopt the proposed text  
40 amendments. The amendments are available for viewing on the Waukesha County website at  
41 [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning), and are on file in the office of the Waukesha  
42 County Department of Parks and Land Use and are more specifically described in the "Staff  
43 Report and Recommendation" by reference RZ30, also on file in the office of the Waukesha  
44 County Department of Parks and Land Use, and made a part of this Ordinance.  
45

46 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and  
47 publication.

1 AMEND THE TEXT OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND  
2 SUBDIVISION CONTROL ORDINANCE TO INCORPORATE MINIMUM LOT SIZE AND  
3 WIDTH REQUIREMENTS FOR THE DOWNTOWN OKAUCHEE DISTRICT (RZ31)  
4  
5

6 WHEREAS, the Waukesha County Board of Supervisors, on June 23, 1970, passed and adopted  
7 the Waukesha County Shoreland and Floodland Subdivision Control Ordinance; and  
8

9 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such  
10 Ordinance pursuant to Section 236.45, Wisconsin Statutes; and  
11

12 WHEREAS, the proposed amendments were prepared in accordance with the recommendations  
13 of the Downtown Okauchee Zoning Advisory Committee and were the subject of a public  
14 hearing held on February 21, 2019; and  
15

16 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
17 Planning Commission, which recommended approval and reported that recommendation to the  
18 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the Ordinance amendments approved by the Land Use, Parks and Environment Committee  
22 and as set forth on the attached Table 1 entitled "Proposed Amendments to the Waukesha  
23 County Shoreland and Floodland Subdivision Control Ordinance" are hereby approved.  
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
26 this Ordinance with each of the town clerks within Waukesha County.  
27

28 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and  
29 approval.  
30

**COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, hereby recommends approval of **(RZ31 Waukesha County Park and Planning Commission - Text Amendments)** in accordance with the attached "Staff Report and Recommendation."

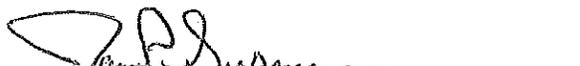
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENTS TO THE**  
**WAUKESHA COUNTY SHORELAND AND FLOODLAND**  
**SUBDIVISION CONTROL ORDINANCE**

**FILE NO.:** RZ31

**DATE:** March 21, 2019

**PETITIONER:** Waukesha County Park and Planning Commission

**REQUEST:**

Text amendments are proposed to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance to incorporate minimum lot size and width requirements for the newly proposed Downtown Okauchee District.

**PUBLIC HEARING DATE:**

February 21, 2019.

**PUBLIC COMMENT:**

None.

**STAFF ANALYSIS:**

As part of a concurrent text amendment (RZ29), a new Downtown Okauchee Zoning District is proposed. Minimum lot size and lot width standards need to be established for the creation of new lots. Recent state law changes prohibit the county from establishing variable lot size and width standards as part of the shoreland zoning ordinance. Therefore, in 2016, the county established a lot size and width table (Table 1) as part of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance. This amendment proposes to incorporate a minimum lot size of 14,000 sq. ft. and a minimum lot width of 84 ft. for lots within the Downtown Okauchee Zoning District. The proposed lot size and width are the same as the R-3 Residential District. The District further allows reductions to the proposed lot size and width requirements as part of a Conditional Use process in order to accommodate well designed mixed-use and multi-family developments, neo-traditional neighborhoods and residential cluster developments.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposal to incorporate the minimum lot size and width requirements for the newly proposed Downtown Okauchee District ensures that lot sizes within the new district are appropriately cross referenced within the land division control ordinance.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachment: Proposed Table 1 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance

**TABLE 1**  
**Proposed Amendments to the**  
**Waukesha County Shoreland and Floodland Subdivision Control Ordinance**

Modify Table 1 as follows (additions are in italics):

**Minimum Lot Area and Width Requirements**

	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>
A-B Agricultural Business District	Five (5) acres, unless the Town Plan Commission determines that an existing use on a smaller parcel is appropriate and consistent with Section 13(a) of the County Shoreland & Floodland Protection Ordinance.	Three hundred (300) feet.
A-1 Agricultural District	Three (3) acres.	Two hundred (200) feet.
A-2 Rural Home District	Three (3) acres.	Two hundred (200) feet.
A-3 Suburban Estate District	Two (2) acres.	One hundred seventy-five (175) feet.
A-4 Country Estate District	One and one-half (1 1/2) acres.	Two hundred (200) feet.
A-5 Mini-Farm District	Five (5) acres.	Three hundred (300) feet.
AD-10 Agricultural Density-10 District	One acre.	One hundred fifty (150) feet.
A-T Agricultural Transition District	Twenty (20) acres.	Three hundred (300) feet.
B-1 Restricted Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-2 Local Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-3 General Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-4 Community Business District	Sewered: Twenty thousand (20,000) square feet. Unsewered: Total site may not be less than ten (10) acres with outlots being created by a PUD.	One hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).
B-P Mixed Use Business Park District	<u>Sewered</u> : Twenty thousand (20,000) square feet. <u>Unsewered</u> : Forty thousand (40,000) square feet.	One hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).
C-1 Conservancy District and C-1 Conservancy Overlay District	There are no specific minimum lot area or width requirements although conservancy zoned lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, shall have a minimum area requirement of that non-conservancy district, as specified in this table.	
<i>DOD Downtown Okauchee District</i>	<i>Fourteen thousand (14,000) square feet.</i>	<i>Eighty-four (84) feet.</i>
EC Environmental Corridor District and E-C Environmental Corridor Overlay District	Two acres. Density parameters also apply pursuant to the Waukesha County Shoreland & Floodland Protection Ordinance.	None

(over)

	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>
EFD Existing Floodplain Development Overlay District	The lot area requirements of the base underlying zoning district shall apply. If no underlying use district has been established, the lot size provisions of the R-3 District shall apply.	The lot width requirements of the underlying zoning district shall apply. If no underlying use district has been established, the lot width provisions of the R-3 District shall apply.
FLC Farmland Conservancy District	Thirty-five (35) acres for agricultural parcels. New residences require rezoning to R-1 District and compliance with maximum parcel size standards of the Waukesha County Shoreland and Floodland Protection Ordinance.	None
FLP Farmland Preservation District	Thirty-five (35) acres for agricultural parcels. New residences require rezoning to R-1 District and compliance with maximum parcel size standards of the Waukesha County Shoreland and Floodland Protection Ordinance.	None
HG High Groundwater District	Five (5) acres, except that for HG lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, said parcel shall comply with the minimum (gross) parcel size requirement of that non HG district.	None
M-1 Limited Industrial District	One (1) acre.	One hundred fifty (150) feet.
M-2 General Industrial District	One (1) acre.	One hundred fifty (150) feet.
Q-1 Quarrying District	Three (3) acres.	Two hundred (200) feet.
R-1 Residential District*	One (1) acre. Note: Maximum parcel size requirements of the Waukesha County Shoreland & Floodland Protection Ordinance apply to lands rezoned R-1 from FLP or FLC Districts.	One hundred fifty (150) feet.
R-2 Residential District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
R-3 Residential District*	Twenty thousand (20,000) square feet.	One hundred twenty (120) feet.
RRD-5 Rural Residential Density District	One (1) acre.	One hundred and fifty (150) feet.
*Thirty percent (30%) reduction in lot area and width requirements available if property is served by public sewer.		
<b>Lot size and lot width requirements may be reduced pursuant to Conditional Use or other provisions of the Waukesha County Shoreland and Floodland Protection Ordinance.</b>		

N:\PRKANDLU\Planning and Zoning\SF Subdivision Control Ordinance red cover\Text and Amendment Information\2019\Exhibit Subdivision Ordinance Draft 3 11 19.doc

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING  
2 CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼  
3 OF SECTION 29, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY,  
4 WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT (TOWN)  
5 TO THE A-5 MINI FARM DISTRICT (TOWN) (RZ33)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Lisbon Town Board on February 25, 2019; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 60.62, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of  
18 Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District  
19 (Town) to the A-5 Mini Farm District (Town), certain lands located in part of the NE ¼ of  
20 Section 29, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically  
21 described in the "Staff Report and Recommendation" and map on file in the office of the  
22 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by  
23 reference RZ33, is hereby approved.  
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
26 this Ordinance with the Town Clerk of Lisbon.  
27

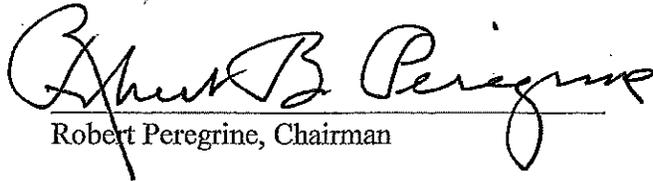
28 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
29 approval and publication.

**COMMISSION ACTION**

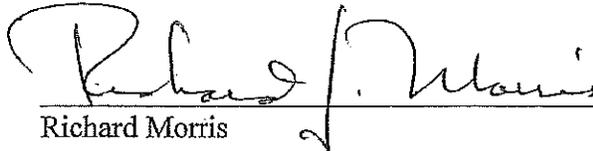
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code and Map hereby recommends **approval** of **RZ33 (John Matter)** in accordance with the attached "Staff Report and Recommendation".

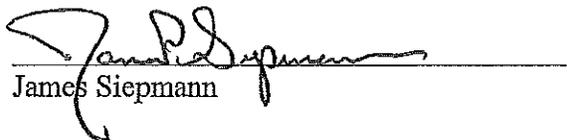
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

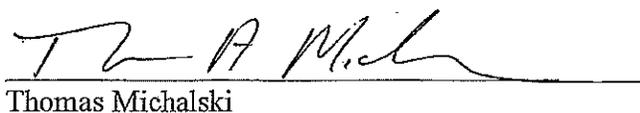
  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** March 21, 2019

**FILE NO.:** RZ33

**OWNER:** John Matter  
W263 N6314 Ridge Drive  
Lisbon, WI 53089-3432

**TAX KEY NO.:** LSBT 0257.995.001

**LOCATION:**

Certified Survey Map No. 2953, part of the NE ¼ of Section 29, T8N, R19E, Town of Lisbon. More specifically the property is located at the Ridge Drive address cited above, containing approximately 11.8 acres.

**EXISTING ZONING:**

A-10 Agricultural District (Town).

**PROPOSED ZONING:**

A-5 Mini-Farm District (Town).

**EXISTING USES:**

Single-family residential.

**REQUESTED USES:**

Single-family residential (change in zoning district to allow future land division).

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF LISBON COMPREHENSIVE LAND USE PLAN (LUP):**

Both the CDP and LUP designate the subject property in the Rural Density and Other Agricultural Lands Category (five (5) acres to 34.9 acres per dwelling unit). The parcel is also located within the Village of Sussex Extraterritorial Jurisdiction and Joint Planning Area and is designated as Rural Residential and Agricultural in the Village Land Use Plan for Future Extraterritorial Area. The parcel is not in an area designated for attachment to the Village and is not within the proposed extraterritorial sewer service area. The proposed rezoning would comply with all plans.

**PUBLIC HEARING DATE:**

February 14, 2019.

**PUBLIC COMMENT:**

- **John Spitz, W267 N6389 Top O Hill Drive, Sussex**

Explained in 2005 he put a road in to connect Ski Drive. The owners prior to Mr. Matter wanted him to extend their driveway beyond the right of way. Mr. Spitz worked with the owner but because he had a lot invested in the neighborhood, he asked for a first right of refusal for any changes that might occur on the property. He paved it to make it work but wanted first right of refusal with a backup buyer. Mr. Matter purchased the property and the

first right of refusal was agreed upon with the new owner as well. Mr. Matter had a conversation with Mr. Spitz about splitting the property and building one house on the new lot which Mr. Spitz agreed to as long as there was no negative impact and it was only one home. Mr. Spitz expressed concern about the A-5 zoning which he thought was less restrictive as to what could be done on that property. He wanted to make sure that a farm was not going to go on the property.

**TOWN PLAN COMMISSION ACTION:**

On February 14, 2019, the Town of Lisbon Plan Commission unanimously approved rezone Ordinance 04-19 (attached) and recommended approval of the same to the Town Board and Lisbon/Sussex Joint Planning Committee (JPC).

**TOWN OF LISBON/VILLAGE OF SUSSEX JOINT PLANNING COMMITTEE (JPC) ACTION:**

On February 21, 2019, the JPC unanimously approved rezone Ordinance 04-19 and recommended approval of the same to the Town Board.

**TOWN BOARD ACTION:**

On February 25, 2019, the Town Board of Supervisors unanimously approved rezone Ordinance 04-19.

**STAFF ANALYSIS:**

The subject property, located on Ridge Drive and slightly south of Hillview Drive, is nearly square, with an average lot width of approximately 756 feet and an average lot depth of nearly 646 feet, when the established right-of-way thirty-three (33) feet from the centerline of Ridge Drive is excluded. Topography ranges from moderate to steep, with the steeper slope areas located generally on the southern half of the property. A minor land division (two lot Certified Survey Map see Exhibit "A") has been approved by the Town Plan Commission, Town Board and JPC, on the subject property, which is prompting the zoning change request. The northernmost proposed lot would be 6.234 acres and would appear to have direct access to Ridge Drive. The proposed southern five (5) acre lot would contain the existing single-family residence and two accessory buildings. A copy of the conceptual land division is attached as Exhibit "A". As previously stated, the subject parcel is located within the Village of Sussex Extraterritorial Jurisdiction and Joint Planning Area (JPA). Any changes including rezones and land divisions within the JPA must be approved the Town/Village Joint Planning Committee (JPC).

The subject lot is surrounded on three sides by single-family uses with the Ausblick Ski Area, a private ski club, zoned in the PR Parks and Recreation District adjacent to the east. To the north is the Beacon Hills development, zoned in the R-2 Residential District, the area has lots ranging from 30,000 sq. ft. to over three (3) acres. The development to the south and west is the Ironwood East subdivision, which is zoned R-1 Residential District and has lots that are typically one-acre in size, with a few larger lots as big as 1.7 acres. The Ironwood Golf Course is located just west of the homes located on the west side of Ridge Drive.

There is no existing A-5 Mini-Farm District zoning on any lots adjacent to the subject property. This request seeks a zoning change to increase allowable densities from ten to five acres per dwelling unit, which is more in line with the surrounding residential zoning districts (than the current A-10 District) and complies with current Town and County Plan recommendations.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (04-19) approving the same. The proposed zoning change complies with local adopted plans and the County Development Plan. The rezone will allow the owner to pursue the creation of an additional lot, consistent with Plan recommendations.

Respectfully submitted,

*Benjamin Greenberg*

Benjamin Greenberg  
Senior Land Use Specialist

Attachments: Exhibit "A"  
Town Ordinance 04-19  
Rezone Map

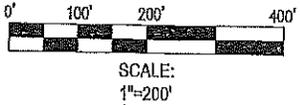
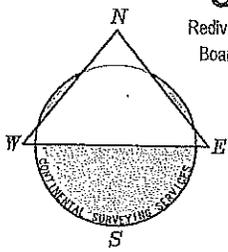
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**EXHIBIT "A"**

**RECEIVED**  
By Department of Parks & Land Use at 10:17 am, Feb 27, 2019

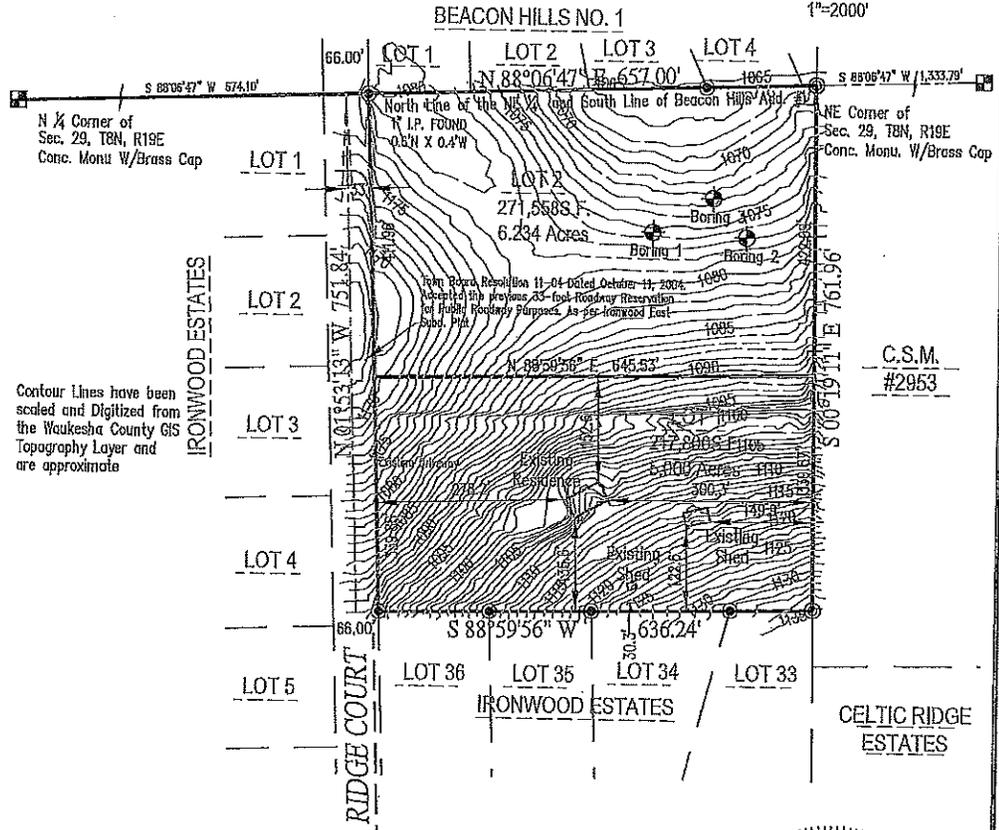
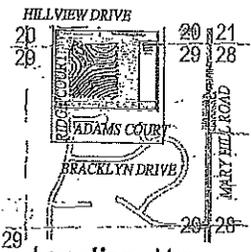
**Certified Survey Map**

Redivision of Certified Survey Map NO. 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the NE ¼ of Section 29, Township 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin



**LEGEND**

- ⊙ 1" Iron Pipe Found
- ⊙ 20" x 3/4" Re-Bar Set (1.13 lb/foot)



Contour Lines have been scaled and Digitized from the Waukesha County GIS Topography Layer and are approximate

**CONTINENTAL SURVEYING SERVICES LLC**

Main Office:  
2059 Hwy 175, Suite "A"  
Richfield WI. 53076

Phone: (262) 389-9200  
Website: www.csssurveys.com  
Email: survey@csssurveys.com

**OWNER**  
John and Michelle Matter  
W263N6314 Ridge Dr.  
Lisbon, WI. 53089  
TKN: LSBT0257995001

**WISCONSIN LAND SURVEYOR**  
RICK R. HILLMANN  
S-3005  
RICHFIELD, WI.

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the NE ¼ of Section 29, Township 8 North, Range 19 East bears N 88°06'47" E.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this XXx day of MONTH, 2018 Sheet 1 of 4



Project No.: 20181114\_CSM0001

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 04-19

---

**ORDINANCE REZONING LSBT 0257.995.001, FROM A-10  
AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT IN THE TOWN OF  
LISBON, WAUKESHA COUNTY, WISCONSIN**

---

**WHEREAS**, Property owner John Matter petitioned the Town of Lisbon to rezone property from A-10 Agricultural District to A-5 Mini Farm District; and

**WHEREAS**, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

**WHEREAS**, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, February 14, 2019.

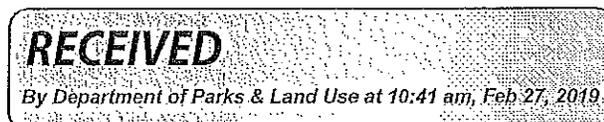
**NOW, THEREFORE**, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** The following described property is rezoned from A-10 Agricultural District to A-5 Mini Farm District:

CERT SURV 2953 PT NE1/4 SEC 29 T8N R19E  
ALSO KNOWN AS LSBT 0257.995.001

**SECTION 2:** All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

**SECTION 3:** This ordinance shall take effect upon passage and posting as provided by law.



**PASSED AND ADOPTED** by the Town Board of the Town of Lisbon, Waukesha County,  
Wisconsin this 25<sup>th</sup> day of February, 2019.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]  
JOSEPH OSTERMAN, Chairman

BY: [Signature]  
TEDIA GAMINO, Supervisor

BY: [Signature]  
MARC MOONEN, Supervisor

BY: [Signature]  
LINDA BEAL, Supervisor

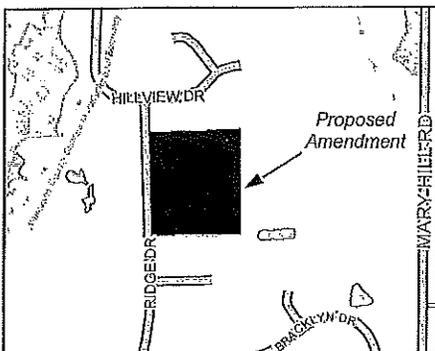
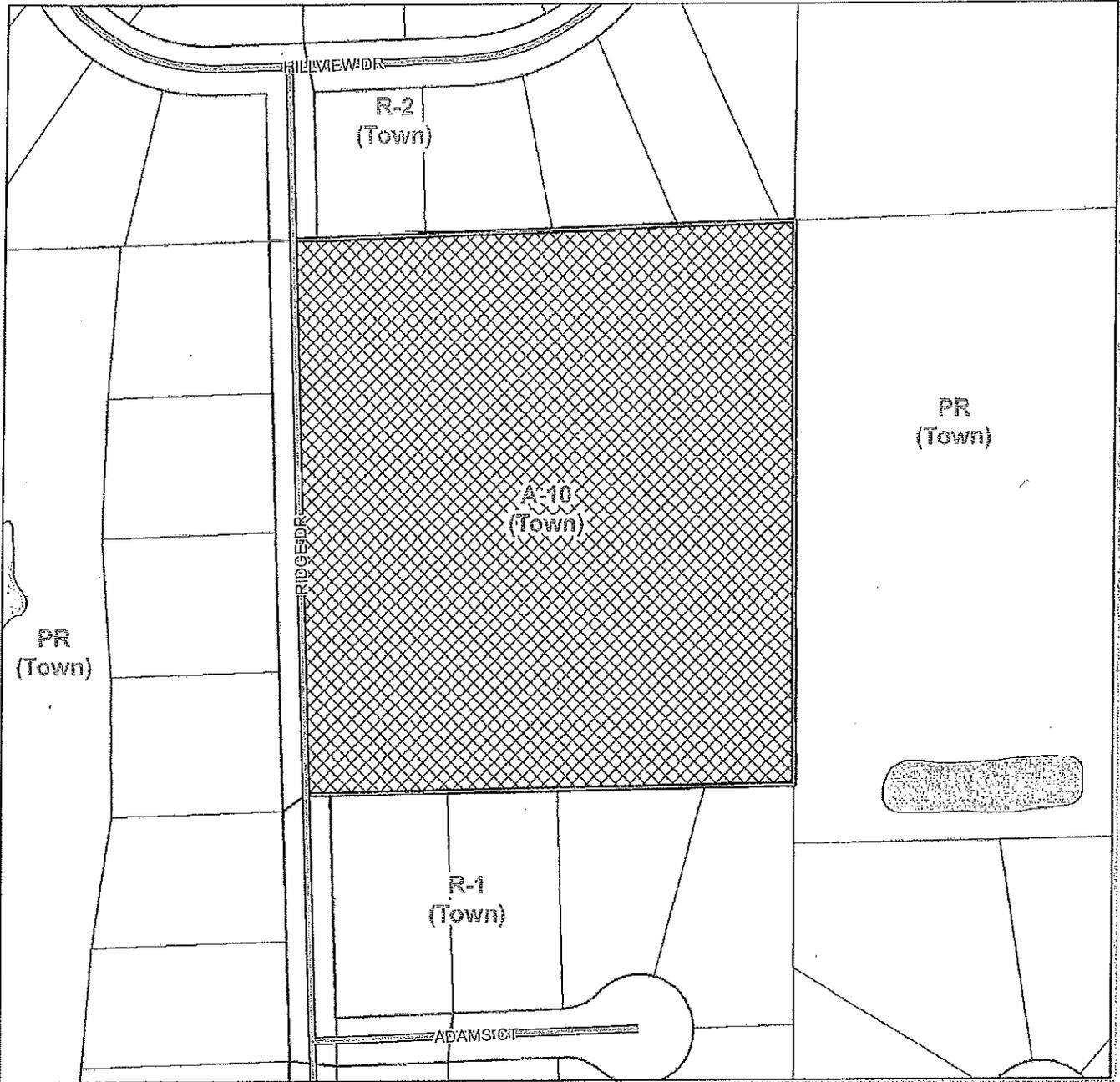
BY: [Signature]  
REBECCA PLOTECHER, Supervisor

ATTEST:  
BY: [Signature]  
Dan Green, WCMC  
Town Clerk



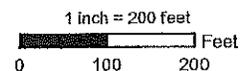
# ZONING AMENDMENT

PART OF THE NE 1/4 SECTION 29,  
TOWN OF LISBON



 TOWN ZONING AMENDMENT CHANGE FROM A-10 AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT (11.8 AC)

FILE.....RZ33  
 DATE OF PLAN COMMISSION.....03/21/19  
 AREA OF CHANGE.....11.8 ACRES  
 TAX KEY NUMBER.....LSBT 0257.995.001



Prepared by the Waukesha County Department of Parks and Land Use

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR  
WAUKESHA COUNTY (3A – WAUKESHA COUNTY PARK AND PLANNING  
COMMISSION/LEVERENCE, SECTION 36, T8N, R18E, TOWN OF MERTON)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
3

4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual  
5 update and amendment procedures; and  
6

7 WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a  
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
9 Plan for Waukesha County; and  
10

11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 21,  
12 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
13 change to the Comprehensive Development Plan for Waukesha County; and  
14

15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
16 County Park and Planning Commission on March 21, 2019, and a recommendation was reported  
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the following amendment is hereby **conditionally approved** to the Year 2035  
22 Comprehensive Development Plan for Waukesha County.  
23

24 3. In the Town of Merton, the following request is being made:  
25

- 26 A. *The Waukesha County Park and Planning Commission*, 515 West Moreland  
27 Blvd., Waukesha, WI 53188, requests property owned by Patricia Leverage, N48  
28 W28320 Lynndale Road, located in part of the SE ¼ of Section 36, T8N, R18E,  
29 Town of Merton (Tax Key No. MRTT 0432.998.004), be amended from the Low  
30 Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit)  
31 to the Mixed Use category.  
32

33 The request is approved subject to the following conditions:  
34

- 35 1. Allowable mixed uses are limited to residential, office and retail uses.  
36  
37 2. The maximum area of land disturbance on the property shall be no greater than 15% of  
38 the lot area.  
39

40 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
41 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
42

43 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
44 this Ordinance with the Town Clerk of Merton.

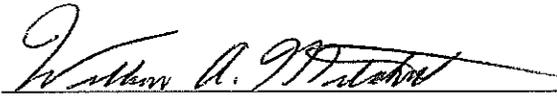
**COMMISSION ACTION**

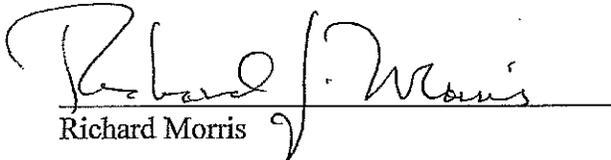
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (3A – Waukesha County Park and Planning Commission/Leverence, Section 36, T8N, R18E, Town of Merton) hereby recommends **conditional approval**.

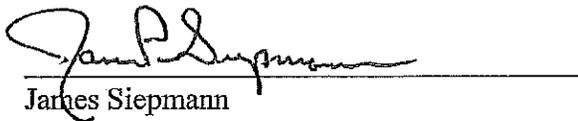
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE**  
**COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(3A – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),**  
**TOWN OF MERTON**

**DATE:** March 21, 2019

**PUBLIC HEARING DATE:**  
Thursday, February 21, 2019, 1:00 p.m.

**REQUEST:**  
3 (A) Year 2019 amendment to the Comprehensive Development Plan.

*The Waukesha County Park and Planning Commission, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by Patricia Leverence, N48 W28320 Lynndale Road, located in part of the SE ¼ of Section 36, T8N, R18E, Town of Merton (Tax Key No. MRTT 0432.998.004), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Mixed Use category.*

**EXISTING LAND USE CATEGORY**  
Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit).

**PROPOSED LAND USE CATEGORY**  
Mixed Use.

**PUBLIC REACTION**  
None.

**TOWN PLAN COMMISSION ACTION**  
At their December 5, 2018, meeting, the Town of Merton Plan Commission recommended approval of a parallel request to the Town's Land Use Plan.

**TOWN BOARD ACTION**  
The Town of Merton Board approved the related Town Land Use Plan amendment at their February 11, 2019 meeting (Resolution 121018B).

**STAFF ANALYSIS:**  
The subject property is located immediately north of the Delafield/Merton town line. The property owner holds property on both sides of the town line. The property to the south of the subject property contains the Lynndale Farms gift shops. The shops operate out of converted agricultural buildings. The subject property contains a residence and a garage that is accessed via the same driveway that serves the shops. Aside from the home and garage area, the property is heavily wooded and steep. The owner approached the Town to pursue a plan amendment to bring her Merton property into the Mixed Use category to match the existing designation of her lands in Delafield. The Town Planner explained that the change in designation might allow for a small-scale office or commercial use to operate from the residence on the property at some point in the future.

The property is located near the Highway 16/C.T.H. "KE" interchange. The acreage to be amended abuts C.T.H. "JK" on the west and is just south of the Maes Walke subdivision. There is a commercial use opposite C.T.H. "JK" to the south.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. Allowable mixed uses are limited to residential, office and retail uses.
2. The maximum area of land disturbance on the property shall be no greater than 15% of the lot area.

The change to the Mixed Use category brings consistency to the owner's adjacent holdings and allows for a possible limited expansion of commercial or office use in the future.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Town Resolution No. 121018B  
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2019\3A WC Park and Planning Commission mrt.doc

RESOLUTION NO. 121018 B

TOWN OF MERTON PLAN COMMISSION RESOLUTION TO AMEND  
THE TOWN OF MERTON COMPREHENSIVE LAND USE PLAN-2035

WHEREAS, the Town of Merton Town Board has created a Plan Commission pursuant to §62.23(1), Wis. Stats.; and

WHEREAS, it is the function and duty of the Town Plan Commission pursuant to §62.23(2), Wis. Stats., to prepare and adopt a Master Plan as a whole or as parts thereof, and such plans are to aid the Plan Commission and Town Board in making day-to-day development decisions; and

WHEREAS, the Town of Merton Plan Commission recommended the adoption of a Master Plan, and the Town of Merton Town Board adopted a Comprehensive Land Use Plan-2035 by ordinance on May 12, 2009; and

WHEREAS, Chapter 8, the Land Use Element of the Comprehensive Land Use Plan-2035, and accompanying map, the Town of Merton Land Use Plan Map, identify the Leverence property as Low Density Residential; and

WHEREAS, an application has been made by Patricia Leverence, N48W28320 Lynndale Road, Pewaukee, Wisconsin, to amend the Town of Merton Comprehensive Land Use Plan-2035 and map to change the land use designations, from Low Density Residential to Mixed Use; and

WHEREAS, the purpose of amending the Land Use Plan and map from Low Density Residential to Mixed Use for the aforementioned properties is to conform to the current use of said properties and to be consistent with the land use designation of neighboring properties.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Plan Commission of the Town of Merton recommends that the Town Board of the Town of Merton adopt an ordinance amending the Comprehensive Land Use Plan-2035 by amending the land use of lands described on the attached exhibit (the Patricia Leverence property) from Residential to Mixed Use.

BE IT FURTHER RESOLVED that this resolution was adopted by a majority vote of the entire Plan Commission as required by §66.1001(4)(b), Wis. Stats., and that the vote be recorded in the official minutes of the Plan Commission.

DATED: 12-10-2018

TOWN OF MERTON PLAN COMMISSION

By: Tim Klink  
Tim Klink, Chairman

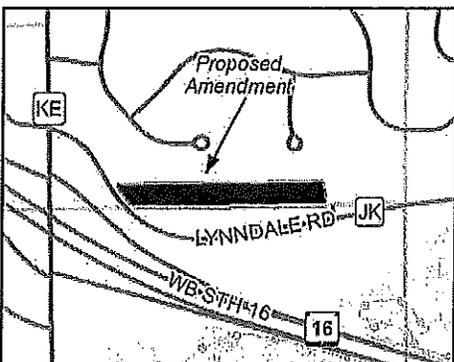
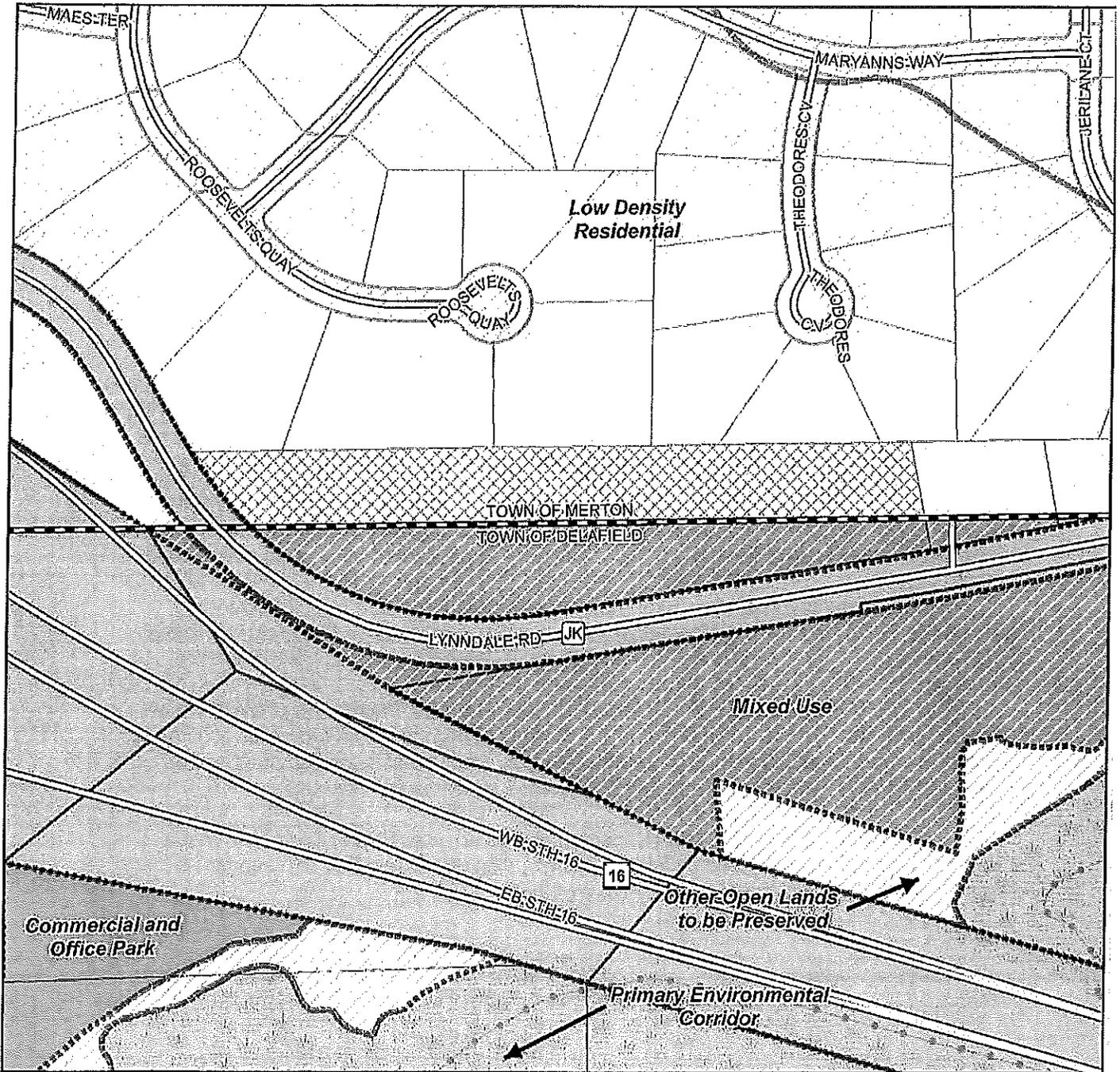
RECEIVED

NOV 05 2018

DEPT OF PARKS & LAND USE

# DEVELOPMENT PLAN AMENDMENT

PART OF THE SE 1/4 OF SECTION 36  
TOWN OF MERTON

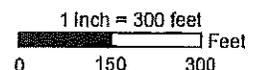


Referred on: 04/04/19



COUNTY DEVELOPMENT PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL CATEGORY TO MIXED USE CATEGORY

PETITIONER.....3A Waukesha County Park and Planning Commission  
 DATE OF PARK & PLANNING COMMISSION MEETING..... 03/21/19  
 AREA OF CHANGE.....5.3 ACRES  
 TAX KEY NUMBER.....MRTT 0432.998.004



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 174-O-010

Referred to: LU 6

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR  
WAUKESHA COUNTY (4A – WAUKESHA COUNTY PARK AND PLANNING  
COMMISSION/DOWNTOWN OKAUCHEE, SECTION 35, T8N, R20E AND  
SECTION 36, T8N, R17E, TOWN OF OCONOMOWOC)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

3  
4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual  
5 update and amendment procedures; and

6  
7 WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a  
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
9 Plan for Waukesha County; and

10  
11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 21,  
12 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
13 change to the Comprehensive Development Plan for Waukesha County; and

14  
15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
16 County Park and Planning Commission on March 21, 2019, and a recommendation was reported  
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.

19  
20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the following amendment is hereby **conditionally approved** to the Year 2035  
22 Comprehensive Development Plan for Waukesha County.

23  
24 4. In the Town of Oconomowoc, the following request is being made:

- 25  
26 A. *The Waukesha County Park and Planning Commission*, 515 West Moreland  
27 Blvd., Waukesha, WI 53188, requests a comprehensive amendment for the  
28 Downtown Okauchee area within the Town of Oconomowoc. Approximately 83  
29 acres of land in the downtown area are proposed for designation as a Downtown  
30 Okauchee special planning area with an underlying Mixed Use designation.  
31 Approximately 29.2 acres of land within the project area are proposed to be  
32 amended from the Medium Density Residential (6,000 to 19,999 sq. ft. of area per  
33 dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per  
34 dwelling unit), Governmental and Institutional, Commercial and Office Park  
35 categories to the Mixed Use category. Other lands within the project area already  
36 planned for Mixed Use will remain in that category with special provisions  
37 applying to the entirety of the area. The Environmental Corridor and Isolated  
38 Natural Resource Areas will remain the same. The amendment is being requested  
39 to create a more detailed plan to help invigorate the downtown area.

40  
41 The request is approved subject to the following condition:

**COMMISSION ACTION**

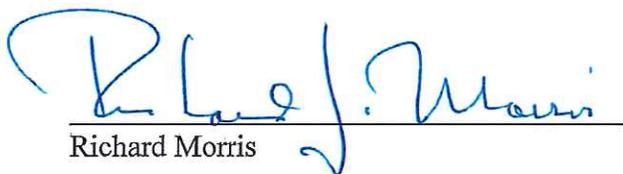
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (4A – Waukesha County Park and Planning Commission/Downtown Okauchee District, Section 35, T8N, R20E and Section 36, T8N, R17E, Town of Oconomowoc) hereby recommends **conditional approval**.

**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE  
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE  
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY  
(4A – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),  
TOWN OF OCONOMOWOC

DATE: March 21, 2019

PUBLIC HEARING DATE:  
Thursday, February 21, 2019, 1:00 p.m.

REQUEST:  
4 (A) Year 2019 amendment to the Comprehensive Development Plan.

*The Waukesha County Park and Planning Commission, 515 West Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment for the Downtown Okauchee area within the Town of Oconomowoc. Approximately 83 acres of land in the downtown area are proposed for designation as a Downtown Okauchee Special Planning Area with an underlying Mixed Use designation. Approximately 29.2 acres of land within the project area are proposed to be amended from the Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, and Commercial and Office Park categories to the Mixed Use category. Other lands within the project area already planned for Mixed Use will remain in that category. Special provisions will apply to the entirety of the area. The Environmental Corridor and Isolated Natural Resource Areas will remain the same. The amendment is being requested to create a more detailed plan to help invigorate the downtown area.*

EXISTING LAND USE CATEGORY

Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, Commercial and Office Park, and Mixed Use.

PROPOSED LAND USE CATEGORY

Downtown Special Planning Area with an underlying Mixed Use designation.

PUBLIC REACTION

The following comments and concerns were provided during the land use plan amendment and/or zoning amendment public hearings related to the downtown Okauchee area. Additional comments based on the Public Open House are included in the Staff Report and Recommendation for the zoning amendment to create the Downtown Okauchee District (RZ29).

- Peter Puestow, a Downtown Okauchee Advisory Committee member, stated that he has been a resident of the area for 65 years and many residents in the area are in favor of the change to initiate more business in the area.

➤ Three other citizens provided the following comments:

- *Could additional properties on the north side of W. Wisconsin Ave. between the project area and the existing bar/restaurant at N50 W35124 Wisconsin Ave. be included in the project area?*

Response: The area was part of discussions, but because the area is planned, zoned, and primarily used for residential, it was not included. The DOD zoned area could be expanded at some point in time as part of a future rezone amendment. It would not be appropriate to include the area at this time without appropriate public notice or analysis.

- *Many of the properties located on Road B are served by point wells. New wells should not be allowed that will result in drying up the point wells. Who will be responsible when the wells no longer function properly?*

The site design requirements of the Downtown Okauchee District require that all state well code and groundwater supply provisions be complied with. Larger development projects generally require the construction of a high capacity well system, which requires prior approval by the Department of Natural Resources. The existing high capacity well system that serves Mission Lakes Condominiums consists of two wells, 298 ft. and 551 ft. deep, which terminate in a sandstone aquifer. A review of several well construction reports from nearby residential properties indicate that the wells serving these residences tend to be between 50 ft. to 100 ft. deep and terminate in a sand and gravel aquifer. Driven point wells are even shallower. Since the shallow wells and high capacity wells do not terminate within the same aquifer, they do not have an impact on each other.

- *Residents were not fairly represented on the committee. The residents on the committee are largely in the real estate business and have a special interest in development.*

Response: The committee included a mixed representation of business owners, developers, and residents. The residents represented different areas of the project area and consisted of different demographics. The committee was limited in size due to the highly technical nature of the proposed code amendments. The recommendations of the committee were brought forth to the public through the public open house and public hearing process, as well as a dedicated county webpage.

- *The amendments affect an area greater than the downtown Okauchee area.*

Response: Yes, the related zoning amendments affect the county's overall zoning jurisdictional area. These amendments were noticed in the paper and were part of the zoning amendment public hearing, but were not part of the public open house. The public open house was specific to the new Downtown Okauchee District standards. The proposed land use plan amendment is also specific to the downtown Okauchee area.

- *The amendments are more restrictive than current standards for all lake residents. Many of the amendments refer to nonconforming properties.*

Response: The proposed amendments to nonconforming structure rules required by state statute are not material to the proposed land use plan amendment.

- *About 10 years ago, sewers, sidewalks, and a new bridge were constructed, which was supposed to revitalize the downtown area. There are currently eight or nine businesses vacant, so it was ineffective. Okauchee is too small to become a downtown Delafield. Residents have to deal with traffic, narrow roads, and sidewalks that limit the area for snow storage. Therefore, there is no purpose for the proposed change.*

Response: The goal of the Downtown Okauchee Special Planning Area is to accommodate economic growth with diverse uses that are compatible with existing uses. The hope is that business vacancies are reduced as the local setting becomes more active. New residential uses within walking distance of a downtown bring more customers to businesses. Multi-family is also a recommended use by the regional planning commission in urbanized areas that are within walking distance of a business center. A modernized land use plan and zoning scheme is just one element of strengthening a downtown.

#### **TOWN RECOMMENDATION**

On February 25, 2019, the Town of Oconomowoc Plan Commission and Board submitted their support in writing. The Town has received favorable comments from Okauchee committee members, business owners, residents, and the general public on the proposed amendments. See attached Exhibit A.

#### **STAFF ANALYSIS:**

The Downtown Okauchee area, which is the subject of this amendment, is proposed to be designated as a Special Planning Area with an underlying Mixed-Use designation. The special planning area is proposed to promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee. The mixed-use category provides for a combination of residential, business, and public and institutional uses. The mixed-use category is recommended in urban areas. The Town's plan recommends that existing urban areas be renewed and redeveloped.

Much of the 83 acre special planning area is already designated Mixed Use. This amendment extends the Mixed Use category to 29 additional acres (see map). A new Downtown Okauchee Zoning District is proposed to help execute the vision of the proposed special planning area. The new district specifically identifies what uses are allowed within specific use zones, such as mixed-use, multi-family, commercial, and/or single-family residential.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following condition:

1. Land uses within the Downtown Okauchee Special Planning Area shall be consistent with the use requirements of the Downtown Okauchee District, as specified within the Waukesha County Shoreland and Floodland Protection Ordinance.

The proposed Downtown Okauchee Special Planning Area and Mixed Use designation, in harmony with the Downtown Okauchee District, provide a more detailed vision for Downtown Okauchee. The new zoning district that accompanies the land use plan amendment has been tailored to make improvement of properties within Okauchee more feasible, thus promoting economic growth. The advisory committee that guided the Okauchee project and the Town of Oconomowoc have been enthusiastic in their support of these amendments.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachment: Exhibit A  
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2019\4A WC Park and Planning Commission oct.doc



**EXHIBIT "A"**

**W359 N6812 BROWN STREET OCONOMOWOC WI 53066 PHONE: (920) 474-4449 FAX: (920) 355-4091**  
February 21, 2019

**RECEIVED**

**FEB 25 2019**

**DEPT OF PARKS & LAND USE**

Mr. Jason Fruth  
Planning and Zoning Manager  
Waukesha County Department of Parks and Land Use  
515 W. Moreland Boulevard  
Waukesha, WI 53188

RE: Proposed Amendments to Waukesha County Shoreland and Floodland Protection Ordinance.

Dear Mr. Fruth,

Unfortunately, I may not be able to attend the Public Hearing (RZ-31 – Text Amendments – Waukesha County Shoreland and Floodland Protection Ordinance) today to consider the adoption of the DOD Downtown Okauchee District (“DOD”) into the Shoreland and Floodland Protection Ordinance (SFPO).

On behalf of the Town of Oconomowoc, I am writing to let you know that the Town of Oconomowoc Plan Commission and Town Board have in open session rendered support of the proposed changes as they pertain to the DOD. The Town has received favorable comments from Okauchee committee members, business owners, residents and the general public on the proposed DOD. Waukesha County Staff should be commended on the great job they have done in assisting the Town of Oconomowoc in this monumental task. Hopefully, this is the first step in making the Okauchee Business Area a better place to work, live and recreate.

Again, thank you for all your hard work and effort putting this together. If you have any questions or concerns, please do not hesitate to contact me directly.

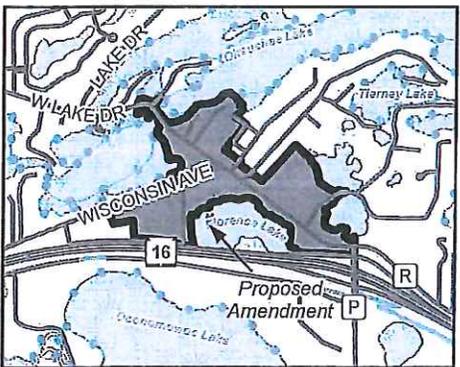
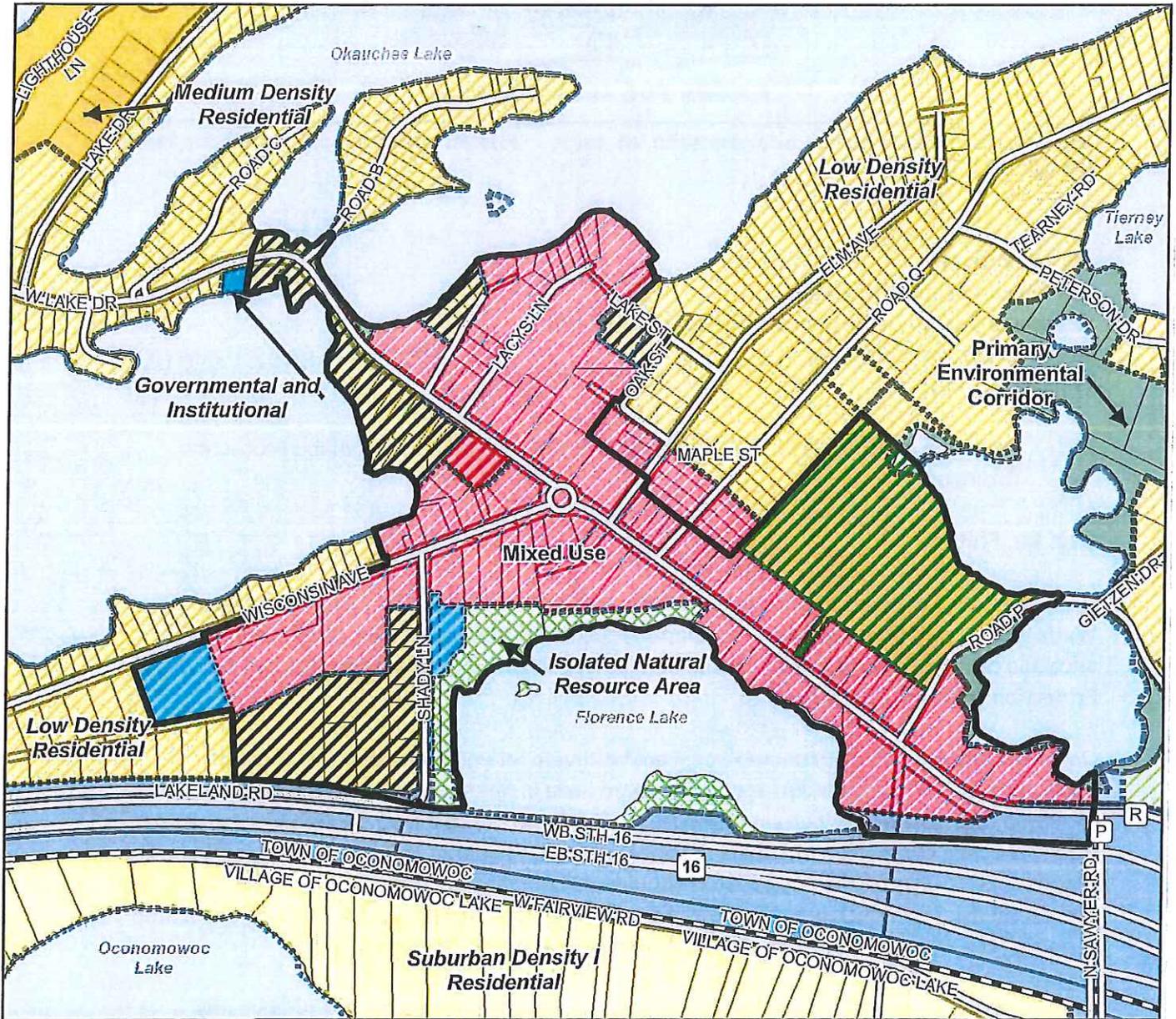
Sincerely,

Jeffrey C. Herrmann, AICP  
Administrator-Planner

cc: Town of Oconomowoc Clerk  
Town of Oconomowoc Board  
Town of Oconomowoc Plan Commission

# DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 35 AND SECTION 36  
TOWN OF OCONOMOWOC



	PROPOSED DOWNTOWN OKAUCHEE SPECIAL PLANNING AREA
	AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE
	AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO MIXED USE
	AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MIXED USE
	AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MIXED USE

PETITIONER .....4A Waukesha County Park and Planning Commission  
 DATE OF PARK & PLANNING COMMISSION MEETING..... 03/21/19  
 AREA OF CHANGE..... 83 ACRES

1 inch = 600 feet  
 0 300 600 Feet

Prepared by the Waukesha County Department of Parks and Land Use

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR  
WAUKESHA COUNTY (5A – WAUKESHA COUNTY PARK AND PLANNING  
COMMISSION/BRAHM, SECTION 11, T6N, R17E, TOWN OF OTTAWA)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
3

4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual  
5 update and amendment procedures; and  
6

7 WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a  
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
9 Plan for Waukesha County; and  
10

11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 21,  
12 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
13 change to the Comprehensive Development Plan for Waukesha County; and  
14

15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
16 County Park and Planning Commission on March 21, 2019, and a recommendation was reported  
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the following amendment is hereby **approved** to the Year 2035 Comprehensive  
22 Development Plan for Waukesha County.  
23

24 5. In the Town of Ottawa, the following request is being made:  
25

- 26 A. *The Waukesha County Park & Planning Commission, 515 West Moreland*  
27 *Blvd, Waukesha, WI 53188*, requests property owned by James and Joyce Brahm,  
28 W358 S2488 Hunters Lake Road, Dousman, WI 53118, located in part of the NW  
29 ¼ of Section 11, T6N, R17E, Lot 1, Upper Hunters Lake, Town of Ottawa (Tax  
30 Key No. OTWT 1626.001), be amended from the Suburban II Density Residential  
31 category (3.0 to 4.9 acres of area per dwelling unit) to the Medium Density  
32 Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit), to allow  
33 the County Development Plan designation for Lot 1 to be consistent with other  
34 surrounding properties.  
35

36 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned  
37 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.  
38

39 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
40 this Ordinance with the Town Clerk of Ottawa.

**COMMISSION ACTION**

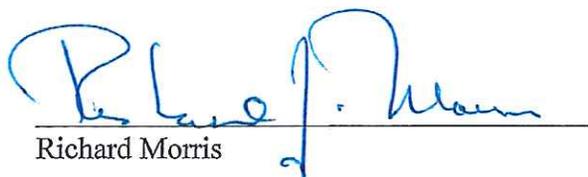
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (5A – Waukesha County Park and Planning Commission/Brahm, Section 11, T6N, R17E, Town of Ottawa) hereby recommends **approval**.

**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE**  
**COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(5A – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),**  
**TOWN OF OTTAWA**

**DATE:** March 21, 2019

**PUBLIC HEARING DATE:**  
Thursday, February 21, 2019, 1:00 p.m.

**REQUEST:**  
5 (A) Year 2019 amendment to the Comprehensive Development Plan.

*The Waukesha County Park & Planning Commission, 515 West Moreland Blvd, Waukesha, WI 53188, requests property owned by James and Joyce Brahm, W358 S2488 Hunters Lake Road, Dousman, WI 53118, located in part of the NW ¼ of Section 11, T6N, R17E, Lot 1, Upper Hunters Lake, Town of Ottawa (Tax Key No. OTWT 1626.001), be amended from the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit) to the Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit), to allow the County Development Plan designation for Lot 1 to be consistent with other surrounding properties.*

**EXISTING LAND USE CATEGORY**  
Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit).

**PROPOSED LAND USE CATEGORY**  
Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit).

**PUBLIC REACTION**  
None.

**TOWN PLAN COMMISSION ACTION**  
At their January 7, 2019, meeting, the Town of Ottawa Plan Commission approved the related Town plan amendment.

**TOWN BOARD ACTION**  
The Town of Ottawa Board approved the related Town plan amendment at their February 11, 2019 meeting (Town Ordinance No. 2-19).

**STAFF ANALYSIS:**  
The subject property is the northerly most lot in the Upper Hunters Lake Subdivision located on the west side of Hunters Lake. In recently working with the owners of the developed lakefront property, the Town Planner noticed that the land use plan designation for the subject property was different from the designation of the rest of the subdivision even though its size and configuration is quite similar to the other lots in the subdivision. Other larger acreage properties to the north and west are planned in the SDRII category. The property is approximately 1/3 of an acre, which falls within the Medium Density range that is being proposed. The Town initiated a local plan amendment request and the County initiated this request to seek a category change.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The amendment will bring the property into a category that is consistent with the parcel's size and with the other lots in the subdivision.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Town Ordinance No. 2-19  
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2019\3A WC Park and Planning Commission mrt.doc

STATE OF WISCONSIN: TOWN OF OTTAWA: WAUKESHA COUNTY

ENROLLED ORDINANCE NO. 2-19

ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN MAP  
AMENDMENT (RECOMMENDED LAND USE PLAN MAP FOR THE TOWN OF  
OTTAWA – 2035) PURSUANT TO SECTION 66.1001 OF THE WISCONSIN  
STATUTES

---

WHEREAS the Town of Ottawa has adopted Village powers, including City planning powers as set forth in Section 62.23, Wis. Stats., and

WHEREAS the Town of Ottawa has, by ordinance, established a Plan Commission for the Town of Ottawa empowered to make and adopt a Comprehensive Plan (master plan) for the physical development of the Town pursuant to Section 62.23 (1), (2), and (3), and Section 66.1001 Wis. Stats., and WHEREAS Section 62.23 (2) and (3) of the Wis. Stats., provide that it is the duty of the Plan Commission to adopt, and amend as appropriate, a master plan for the physical development of the Town which, together with the accompanying maps, appendices, tables, figures and descriptive and explanatory matter, shall show the Plan Commission's recommendations for such physical development, and

WHEREAS Section 62.23 (3)(a) of the Wis. Stats., provides that the master plan shall be made "with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development", and

WHEREAS in 1999, the Wisconsin State Legislature enacted Section 66.1001, Wis. Stats., also known as the Comprehensive Planning (Smart Growth) Law, which requires that Comprehensive Plans (master plans) be completed and adopted by local governing bodies by January 1, 2010 in order for counties, cities, villages or towns to enforce land use regulatory ordinances such as zoning, subdivision, or official mapping ordinances, and

WHEREAS Section 66.1001(2), Wis. Stats., sets forth specific requirements affecting the contents and procedures for adoption of a Comprehensive Plan (master plan) under Section 62.23 (2) or (3) of the Wis. Stats., and

WHEREAS as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wis. Stats., require towns engaging in any of the following actions to take such actions in accordance with their adopted Comprehensive Plan (master plan):

- Official mapping established or amended under Section 62.23(6) of the Wis. Stats.;
- Local subdivision regulation under Section 236.45 or 236.46 of the Wis. Stats.;
- Zoning Ordinances enacted or amended under Section 62.23(7) of the Wis. Stats.;
- and/or
- Zoning of shorelands or wetlands in shorelands under Section 61.351 of the Wis. Stats., and

WHEREAS the Town of Ottawa intends to continue to engage in the foregoing activities, and

WHEREAS the Town of Ottawa actively participated in a joint Comprehensive Development Plan update process endorsed by the State of Wisconsin Department of Administration to analyze and consider amendments to the original 1996 Waukesha County Development Plan through cooperative agreements signed by 28 municipalities in Waukesha County, including the Town of Ottawa, to be compliant with the aforementioned Smart Growth Law of 1999, and

WHEREAS a Comprehensive Advisory Committee was established, consisting of one designee from each of the 28 participating communities, as well as a member of the Waukesha County Park and Planning Commission and a member of the Southeastern Wisconsin Regional Planning Commission, along with a series of subcommittees with expanded membership focusing on Plan topic areas (elements), and

WHEREAS, the joint planning effort utilized the professional planning resources of Southeastern Wisconsin Regional Planning Commission, the University of Wisconsin-Extension and the Waukesha County Department of Parks and Land Use; and

WHEREAS Section 66.1001 requires that the governing body of a local governmental unit adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, distribution of the plan, and public meetings for which advance notice has been provided, and which provided an opportunity for public comment, during the preparation of a comprehensive plan, and

WHEREAS on July 11, 2005, the Town of Ottawa Plan Commission adopted a Public Participation Plan by Resolution, and

WHEREAS, a citizen survey was conducted by UW-River Falls, with the results made part of the Plan; and

WHEREAS a Comprehensive Development Plan for Waukesha County – 2035 was completed and adopted by the Waukesha County Board of Supervisors on February 24, 2009, and is the plan upon which the Town Plan Commission based the Town of Ottawa's plan, the Town Plan Commission has determined that the Comprehensive Development Plan for the Town of Ottawa – 2035 complies with the goals, standards and objectives of all nine elements of said Smart Growth Law, and Sections 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS copies of the plan have been provided to the public and the governmental bodies of Waukesha County, the Department of Administration and the Southeastern Wisconsin Regional Planning Commission, adjoining municipalities, public libraries serving the town, and other entities as required by law, and are also available electronically on the Waukesha County website at [www.waukeshacounty.gov](http://www.waukeshacounty.gov) and the Town of Ottawa website at [www.townofottawa.com](http://www.townofottawa.com), and

WHEREAS the Plan Commission of the Town of Ottawa, pursuant to Section 66.1001(4)(b) of the Wis. Stats., recommended to the Town Board the adoption of the

Comprehensive Development Plan for the Town of Ottawa - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Ottawa - 2035 for the Town of Ottawa that is based upon the Comprehensive Development Plan for Waukesha County - 2035, and that fully complies with Section 62.23 and 66.1001 of the Wis. Stats., by Resolution passed by a majority vote of the Plan Commission, and

WHEREAS the Town of Ottawa may, on occasion, make amendments to the Comprehensive Development Plan for the Town of Ottawa - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Ottawa - 2035 in accordance with Section 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Town of Ottawa Plan Commission conducted a public hearing regarding a recommended comprehensive development plan amendment on **January 7, 2019**, upon due notice in compliance with the requirements of Section 66.001 of the Wis. Stats., and

WHEREAS the Town Board has reviewed the recommended amendment, and

WHEREAS the Town Board of the Town of Ottawa, having carefully reviewed the recommendation of the Plan Commission for the Town of Ottawa, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, have determined that the comprehensive development plan amendment will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Ottawa which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Ottawa, Waukesha County, Wisconsin, ORDAINS AS FOLLOWS:

**SECTION 1. ADOPTION OF MAP AMENDMENT EXHIBIT A (Brahm)**

The Comprehensive Development Plan Map Amendment entitled "Exhibit A" as attached to this Ordinance and incorporated herein is hereby adopted.

**SECTION 2. DISTRIBUTION OF THE ADOPTED AMENDMENT**

The Town Clerk shall forward a copy of the adopted comprehensive development plan amendment to all of the following entities:

- a. Every Governmental body that is located in whole or in part within the boundaries of the Town of Ottawa;
- b. The Clerk of every local government unit that is adjacent to the Town of Ottawa;
- c. The State of Wisconsin Department of Administration;
- d. The Southeastern Wisconsin Regional Planning Commission; and
- e. The public libraries that serve the Town of Ottawa.

**SECTION 3. SEVERABILITY**

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid,

unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed to those terms that conflict.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted this 11th day of February, 2019, by a majority vote of the members-elect of the Town of Ottawa Town Board.

TOWN OF OTTAWA  
WAUKESHA COUNTY, WISCONSIN

BY: Cheryl D. Rupp  
Cheryl D. Rupp, Town Chairperson

ATTEST:

BY: Melissa Klein  
MELISSA KLEIN, Town Clerk

Published and posted this 20th day of February, 2019.

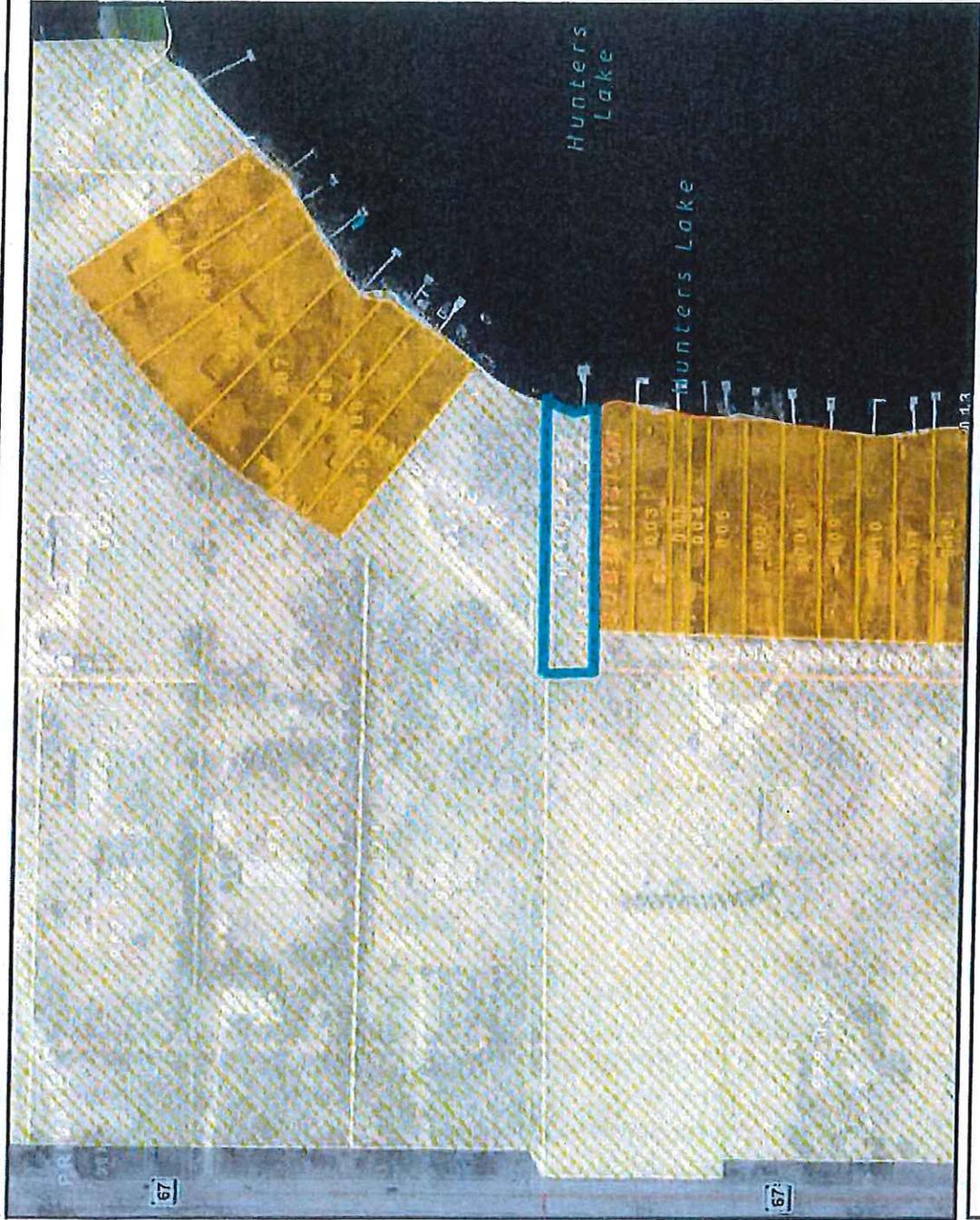
**EXHIBIT A**

**Brahm** amendment to the Comprehensive Development Plan Map (Recommended Land Use Plan map for the Town of Ottawa – 2035), originally dated April 13, 2009, on file in the office of the Town Clerk, which is subject to the jurisdictional authority of the Town of Ottawa, is incorporated herein by reference.



LAND INFORMATION SYSTEMS DIVISION

# Town and County CDP Map Exhibit A



**Legend**

	Parcels
	Plats
	Retired Parcels
	Retired Plats
	County Development Plar
	HDR (<=5,000 sf/dw)
	MDR (5,000 - 19,000 sf/dw)
	LDR (20,000 sf - 1.4 ac/dw)
	SDR I (1.5 - 2.9 ac/dw)
	SDR II (3.0 - 4.9 ac/dw)
	Rural density and Other Ag*
	Other Open Lands to be Pre
	Farmland Pres w/E C Ovahg
	Farmland Pres (> 35 ac/dw)
	Primary Environmental Corri
	Secondary Environmental Ci
	Isolated Natural Resource A
	Recreational
	Commercial and Office Park
	Governmental land/institution
	Mixed Use
	Industrial
	Transportation, Communicat
	Highway and Railway Rights
	Extractive
	Landfill
	Surface water
	Municipal Boundaries
	Waterbodies_2K_Labels
	Waterlines_2K_Labels
	Facility Sites_2K_Labels
	Lots_2K
	Lot
	Outlet
	Simultaneous Conveyance
	Assessor Plat
	CSM
	Condominium
	Subdivision
	Cartoline_2K

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

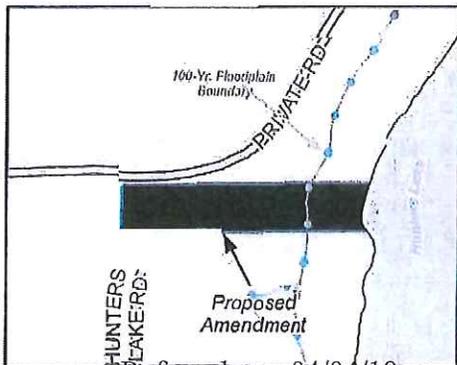
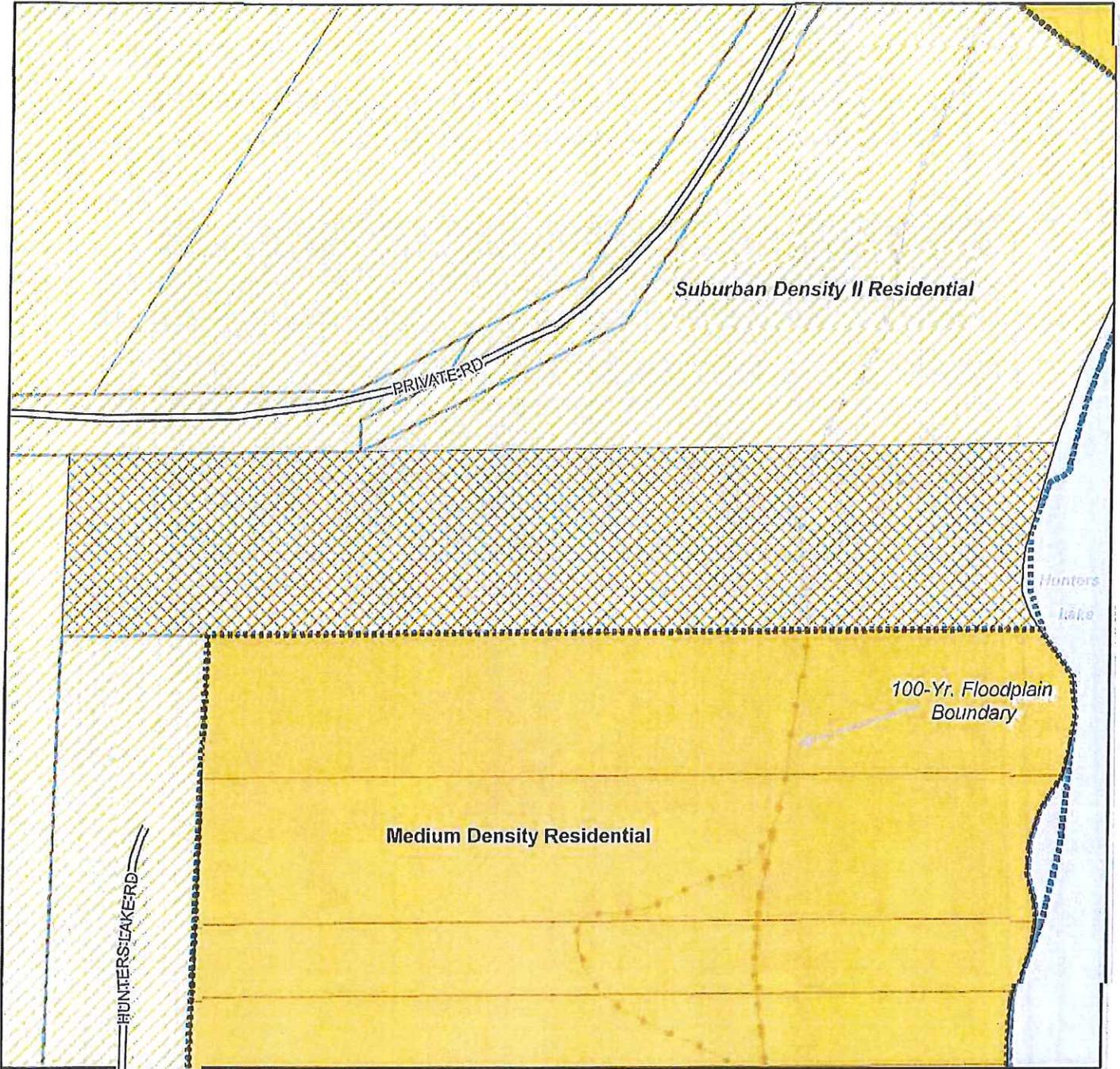
0 200.00 Feet

**Notes:**

Printed: 11/7/2018

# DEVELOPMENT PLAN AMENDMENT

PART OF THE NW 1/4 OF SECTION 11  
TOWN OF OTTAWA



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM SUBURBAN II DENSITY RESIDENTIAL CATEGORY TO MEDIUM DENSITY RESIDENTIAL CATEGORY

PETITIONER.....5A Waukesha County Park and Planning Commission

DATE OF PARK & PLANNING COMMISSION MEETING..... 03/21/19

AREA OF CHANGE..... .48 ACRES

TAX KEY NUMBER.....OTWT 1626.001



1 inch = 50 feet



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 174-O-012

Referred to: LU

10

Referred on: 04/04/19

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN  
FOR WAUKESHA COUNTY (6 – WAUKESHA COUNTY PARK AND PLANNING  
COMMISSION/REVISIONS TO CHAPTER 9 RELATING TO MAILING  
REQUIREMENTS FOR PLAN AMENDMENT PUBLIC HEARING NOTICES)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled  
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and  
3

4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual  
5 update and amendment procedures; and  
6

7 WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a  
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development  
9 Plan for Waukesha County; and  
10

11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 21,  
12 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed  
13 change to the Comprehensive Development Plan for Waukesha County; and  
14

15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha  
16 County Park and Planning Commission on March 21, 2019, and a recommendation was reported  
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of  
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the following amendment is hereby **approved** to the Year 2035 Comprehensive  
22 Development Plan for Waukesha County.  
23

- 24 6. *The Waukesha County Park and Planning Commission*, 515 W. Moreland Blvd.,  
25 Waukesha, WI 53188, requests revisions to the language in Chapter 9 of the Waukesha  
26 County Comprehensive Development Plan regarding mailing of public hearing notices  
27 for plan amendments. The proposed amendment would change mailing requirements for  
28 properties owned in common, such as outlots. Notices for such properties would be  
29 mailed to the property contact on the tax listing. If no address is available, the notice will  
30 be mailed to the homeowner’s association contact or similar property representative.  
31

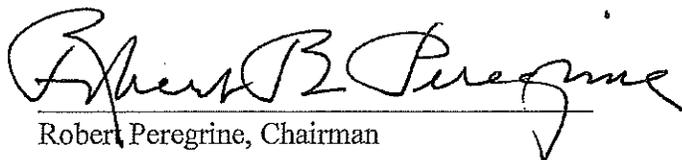
32 BE IT FURTHER ORDAINED that a more detailed description of the aforementioned  
33 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

**COMMISSION ACTION**

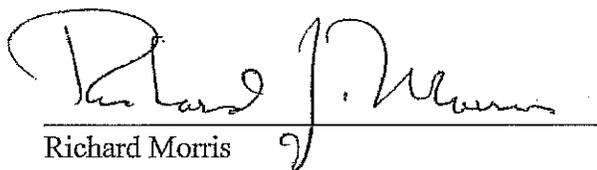
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (6 – Waukesha County Park and Planning Commission/Chapter 9 Revisions Regarding Mailing of Public Hearing Notices) hereby recommends **approval**.

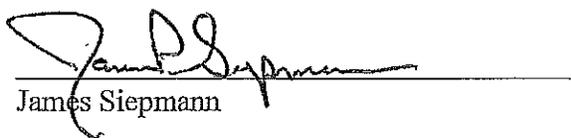
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2019 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(6 – WAUKESHA COUNTY PARK AND PLANNING COMMISSION)**

**DATE:** March 21, 2019

**PUBLIC HEARING DATE:**

Thursday, February 21, 2019, 1:00 p.m.

**REQUEST:**

6. Year 2019 amendment to the Comprehensive Development Plan.

*The Waukesha County Park and Planning Commission*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests revisions to the language in Chapter 9 of the Waukesha County Comprehensive Development Plan regarding mailing of public hearing notices for plan amendments. The proposed amendment would change mailing requirements for properties owned in common, such as outlots. Notices for such properties would be mailed to the property contact on the tax listing. If no address is available, the notice will be mailed to the homeowner's association contact or similar property representative.

**PUBLIC REACTION**

Two citizens expressed opposition to the amendment expressing concerns that the homeowners association would be solely responsible for notifying subdivision lot owners of Comprehensive Development Plan Amendments.

**STAFF ANALYSIS:**

The Waukesha County Comprehensive Plan calls for a process for annual plan amendment requests. The language of the plan indicates that amendments will be noticed and advertised according to statutory procedures. Law requires that a Class 1 notice be published in the local newspaper 30 days prior to a hearing. Although law does not require notice to neighboring property owners, current plan language states that notice will be provided to property owners within 300' of the property subject to an amendment request.

Most newer subdivision plats contain commonly owned outlots that are owned on a fractional basis by all lot owners within a subdivision. As staff creates the mailing list, this means that if 100 subdivision lot owners each hold a 1/100<sup>th</sup> fraction of an outlot, the County must mail notices to all 100 owners, which is a substantial expense for the County. The proposed amendment would amend the procedure for mailing to the owners of commonly held outlots and parcels and would allow for the notice to be conveyed to the person listed on the tax listing. If no individual is listed on the tax listing, Staff would attempt to locate the homeowner's association contact to provide notice to said individual.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed minor modification to mailing requirements will save the County significant mailing expense over time. The continued publication of hearing notices in the local paper and mailing to homeowner's association contacts for commonly held outlots will ensure that adequate notice is provided.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager



WAUKESHA COUNTY  
OFFICE OF THE COUNTY EXECUTIVE

## MEMO

---

To: Chairman Paul Decker  
From: County Executive Paul Farrow  
Subject: Appointment of Director of Administration  
Date: March 18, 2019

I am pleased to submit to the County Board for your consideration the appointment of Mr. Andrew Thelke as the County's new Director of Administration effective May 1, 2019. He replaces Mr. Norm Cummings who will retire during the month of June.

Mr. Thelke is a long time resident of Waukesha County and lives in the City of Waukesha with his wife Anne and two daughters. He received his Masters of Public Administration from UW-Milwaukee and began his career working in municipal management and for the State of Wisconsin before joining the County in 1997. He has served in areas of financial and operations management over his 20-year career with the County. For the past seven years Andrew has been the Department of Administration Business Services and Collections Manager.

Thank you in advance for your consideration.

cc: Waukesha County Clerk Meg Wartman



WAUKESHA COUNTY  
OFFICE OF THE COUNTY EXECUTIVE

**MEMO:**

---

DATE: April 3, 2019  
TO: Chairman Paul Decker  
FROM: Paul Farrow  
RE: Reappointment of County Board Supervisor to the Community Development  
Block Grant Board

I am pleased to submit to the County Board for your consideration, the reappointment of Supervisor Larry Nelson to the Community Development Block Grant Board. If reappointed, Supervisor Nelson's term will expire in May of 2022.

Thank you for your swift consideration.

PF:kb

cc: Meg Wartman  
Kristin Silva



WAUKESHA COUNTY  
OFFICE OF THE COUNTY EXECUTIVE

**MEMO:**

---

DATE: April 3, 2019  
TO: Chairman Paul Decker  
FROM: Paul Farrow  
RE: Reappointment of County Representative to the Community Development Block Grant Board

I am pleased to submit to the County Board for your consideration, the reappointment of Mr. Frank Muenkel to the Community Development Block Grant Board. If reappointed, Mr. Muenkel's term will expire in May of 2022.

Thank you for your swift consideration.

PF:kb

cc: Meg Wartman  
Kristin Silva

1           MODIFY CAPITAL PROJECT 201615 SECURITY SYSTEM RECORDING AND  
2           DISPLAY EQUIPMENT REPLACEMENT TO ALLOCATE FUNDS FOR  
3           SYSTEM DESIGN AND INTEGRATION WITH OTHER COMPONENTS  
4           OF THE SECURITY ELECTRONICS SYSTEM  
5  
6

7   WHEREAS, the current security electronics system in the Waukesha County Jail is an analog  
8   system that is planned to be replaced with a digital system in the 2019 capital budget; and  
9

10   WHEREAS, there was a study performed in 2016 to provide guidance regarding options for the  
11   replacement of the analog system and the Department used that guidance to develop a  
12   replacement strategy; and  
13

14   WHEREAS, project management believes that obtaining additional consulting work for  
15   designing detailed system specifications would generate more accurate cost estimates and help  
16   promote a competitive purchasing process by allowing the county to bid out identical system  
17   solutions where price comparisons can be made; and  
18

19   WHEREAS, staff anticipate that it will cost \$75,000 to hire a consultant to draft system  
20   specifications to allow for staff to bid out the security electronics system; and  
21

22   WHEREAS, the scope of the security electronics system originally did not include the  
23   replacement of the technology utilized to control jail door operations; and  
24

25   WHEREAS, the current security electronics vendor recommends that the system be included in  
26   the scope of the project due to the fact that the system is operating on a platform that will be de-  
27   supported at the end of 2019 and because the technology needs to be reprogrammed to operate  
28   on a digital system; and  
29

30   WHEREAS, staff anticipate that it will costs approximately \$80,000 to upgrade the technology  
31   to operate the doors so it is on a supported platform and works with the digital system; and  
32

33   WHEREAS, the capital project scope will need to be modified in order to carryout these tasks  
34   during 2019; and  
35

36   WHEREAS, existing 2019 Capital Project appropriations will be used to fund these tasks, but it  
37   may be necessary to update the funding associated with Capital Project 201615 during the 2020-  
38   2024 capital planning process, once better cost estimates are known.  
39

40   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
41   that the scope of Capital Project 201615 be modified to allow for additional consultant work for  
42   system design and to upgrade technology used to operate jail doors.

<b>Project Title:</b>	Security System Recording & Display Equipment Replacement	<b>Project #:</b>	201615
<b>Department:</b>	Sheriff's Department	<b>Project Type:</b>	Equipment Replacement
<b>Phase:</b>	Design	<b>Sponsor:</b>	Sheriff's Department
<b>Budget Action:</b>	C - Scope	<b>Manager:</b>	Donn Hoffmann/John Gorski, IT
<b>Date:</b>	March 29, 2019		

CAPITAL BUDGET SUMMARY						
Year	2016	2017	2018	2019	2020	Total Project
Project Phase	Design/Analysis		Implementation			
Expenditure Budget	\$55,000	\$0	\$0	\$755,000	\$0	\$810,000
Revenue Budget	\$55,000	\$0	\$0	\$755,000	\$0	\$810,000
Net Cost After Revenues Applied	\$0	\$0	\$0	\$0	\$0	\$0
<b>COST DOCUMENTATION</b>		<b>REVENUE</b>				
Hardware*	\$272,000	Jail Assessment Fund Balance Reserves				\$810,000
Installation*	\$205,000					
Licenses	\$64,000					
Upgrade Jail Door Technology	\$80,000					
2019 Specifications Consultant	\$75,000					
2016 Consultant Study	\$39,000					
Contingency	\$75,000					
Total Project Cost	\$810,000	Total Revenue				\$810,000
<b>EXPENDITURE BUDGET</b>	\$810,000	<b>REVENUE BUDGET</b>				\$810,000
* Appropriation to be reviewed for 2020 Capital Project budget.						

#### **Project Scope & Description**

The Waukesha County Jail has a security electronics system that includes:

- Approximately 320 analog cameras which, send camera images through coaxial cable to master control and other staff monitoring stations.
- 20 DVRs (digital video recorders) that record and store camera images for approximately 30 days so that staff can access video following an event.
- 1 virtual matrix which connects all of these devices so that they can be utilized by staff to monitor the jail.

The security electronics system was installed in 2005 when the jail was constructed. Portions of the system have been replaced as they have failed including:

- the DVR equipment in 2013,
- the analog matrix switcher was replaced in 2015 to convert the analog matrix to a virtual matrix, and
- analog camera replacements which are funded through the jail equipment replacement plan.

The project scope is modified to allocate existing project funding for the following items in 2019: \$75,000 for additional consulting services to develop detailed system specifications to allow for a competitive purchasing process, and \$80,000 for an upgrade of the security electronics system that is used to control jail doors, due to that system being de-supported at the end of 2019. There may be a request for additional funding in the 2020, through the 2020-2024 capital planning process, after more accurate cost estimates from the detailed system specifications are available.

The system is utilized 24 hours a day and is a vital component of the jail's safety and security monitoring ability. It is clear the system has a defined life span, so the Sheriff's Department is requesting that the system be replaced prior to failure.

The Sheriff's Department is requesting to replace the current security electronics system with a digital security electronics system. This is a change in scope from the originally proposed DVR recording replacement project due to the recommendation from a study completed in 2016 from a security electronics consultant. The Sheriff's Department hired a consultant to review the existing security electronics system and recommend a process to replace the existing analog system with a digital system. The goals of the study included but are not limited to: ability to safely and securely monitor jail activities; ability to record up to 30 days of video; the installation of a system that would be supported for a minimum of seven years; and the ability of nonprofessional IT staff to perform the day-to-day administrative functions on the system. The consultant reviewed the replacement of the system in a "piecemeal" approach as well as a complete "rip and replace" of the current analog system with a fully digital system. Based on the goals of the study and the need for a fully operational security system 24-hours a day, the consultant recommended the complete replacement of the analog security electronics system with digital system, which is the basis for the scope and cost update of this project.

<b>Project Title:</b>	Security System Recording & Display Equipment Replacement	<b>Project #:</b>	201615
<b>Department:</b>	Sheriff's Department	<b>Project Type:</b>	Equipment Replacement
<b>Phase:</b>	Design	<b>Sponsor:</b>	Sheriff's Department
<b>Budget Action:</b>	C - Scope	<b>Manager:</b>	Donn Hoffmann/John Gorski, IT
<b>Date:</b>	March 29, 2019		

The cost estimate provided by the consultant included the re-cabling of the jail from coaxial cable to Cat5/Cat6 cable, the replacement of the analog cameras with digital cameras, the replacement of the DVR equipment which record video with a server based recording system, software licenses for management of the security system; backup power supply, replacement work stations, and built in system redundancy for device failures.

While the upfront costs of the upgrade would be higher, the consultant noted that it would be less changing to manage a fully digital system than a hybrid system. The consultant further noted that the higher upfront costs would result in lower long-term costs, easy system expandability with minimal cost, a system that supports future technology, superior camera quality, and a more secure video system.

This project also includes \$30,000 to complete a study to review available alternatives for the replacement of the current video visitation system. The current video visitation equipment is thirteen years old. The vendor that maintains the equipment indicates that, due to the age of the equipment, that it is nearing its useful life and that the Sheriff's Department should begin the process to plan its replacement. Since there are number of different replacement options that the Department could consider, funds to complete a study to identify replacement options, with the best return on investment, are included. Following the study, video visitation replacement is funded in a separate capital project (#201702).

**Location**

Waukesha County Jail

**Analysis of Need**

The security electronics system is vital to the daily operations of the jail. Without the security electronics system, additional staff would be required to monitor movement into, out of, and throughout the jail in order to ensure that only authorized individuals are in the facility. This would result in significant additional personnel costs to provide necessary levels of operational and facility security.

**Alternatives**

The security electronics system is critical to the operation of the jail. As previously noted there are over 320 cameras in the jail to monitor doors, elevators, halls, pods, medical services, kitchen, laundry, program areas, etc.

**Maintain the Existing Analog Cameras and Use Hybrid DVRs.** This option was analyzed by the security electronics consultant as an option but was not their recommendation. This option involves the replacement of the recording equipment and associated management hardware while leaving the existing cameras in place and only replacing those cameras when necessary. The upfront cost of this option is less expensive at \$344,500. However, the option involves utilizing the legacy cabling and infrastructure which the consultant noted would become more difficult to manage and maintain as the system continues to age. The legacy system also has limited expansion ability and relies on technology that is outdated and may become unsupported. This option also lacks in security, scalability and overall system management.

**Utilize overtime to monitor the building.** The camera system is so vital to the daily operation of the jail that when portions of the system are down, additional staff are brought in on overtime to provide the monitoring ability that the cameras provide until the system is operational. Monitoring using personnel is extremely cost prohibitive. A correctional officer currently costs about \$47.50 per hour of overtime on average (including WRS and Social Security) so the money budgeted for this project would purchase about 15,900 hours of overtime.

**Ongoing Operating Costs**

The on-going costs of the security electronics system will be dependent on the system selected and the maintenance support required by the vendor. However, the consultant noted that 10% of the total cost of the system is an approximate on-going cost of a video system or approximately \$75,000 per year.

**Previous Action**

Approved as a new project in the 2016-2020 capital plan. Approved as planned in the 2017-2021 capital plan. Approved with a scope and cost update in the 2018-2022 capital plan. Approved as planned in the 2019-2023 capital plan.

FISCAL NOTE

MODIFY CAPITAL PROJECT 201615 SECURITY SYSTEM RECORDING  
AND DISPLAY EQUIPMENT REPLACEMENT TO ALLOCATE FUNDS FOR  
SYSTEM DESIGN AND INTEGRATION WITH OTHER COMPONENTS OF THE  
SECURITY ELECTRONICS SYSTEM

This ordinance modifies the scope for capital project 201615 Security System Recording and Display Equipment Replacement to allow for two additional items: (1) Additional consulting services to develop detailed system specifications to allow for a competitive purchasing process, estimated to cost \$75,000, and (2) An upgrade of the security electronics system that is used to control jail doors, estimated to cost \$80,000.

These additional items will be funded within the existing project budget in 2019. There may be a request for additional funding in the 2020 budget, through the 2020-2024 capital planning process, after more accurate cost estimates from the detailed system specifications are available.

*Linda Witkowski*

Linda Witkowski

Budget Manager

4/2/2019

BPD

1                   AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO  
2                   CONTRACT WITH THE ARROWHEAD SCHOOL DISTRICT TO  
3                   PROVIDE SCHOOL RESOURCE OFFICER SERVICES  
4  
5

6   WHEREAS the Waukesha County Sheriff's Department provides school resource officer  
7   services to the Arrowhead School District; and  
8

9   WHEREAS the Arrowhead School District and the Waukesha County Sheriff's Department have  
10  arrived at a contractual agreement for the Sheriff's Department to continue to provide school  
11  resource officer services to the Arrowhead School District; and  
12

13  WHEREAS the length of the proposed contract encompasses three school years from 2019/2020  
14  through 2021/2022 and requires the Sheriff's Department to provide one deputy to the school  
15  district on student contact days and teacher in-service days when requested; and  
16

17  WHEREAS the proposed contract increases the percentage of a deputy cost which is recovered  
18  each school year from 70% currently captured in the 2018/2019 school year to 82% in the  
19  2021/2022 school year; and  
20

21  WHEREAS the proposed contract includes a provision to capture costs associated with providing  
22  summer school should it be requested by the District.  
23

24  THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
25  that the contract for services on file with the Waukesha County Sheriff's Department to provide  
26  a school resource officer to the Arrowhead School District, beginning July 1, 2019 and ending  
27  July 31, 2022, is hereby approved and the Waukesha County Sheriff is authorized to execute the  
28  contract.

Fiscal Note

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT WITH THE ARROWHEAD SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES

This ordinance authorizes the Waukesha County Sheriff's Department to continue to provide school resource officer services to the Arrowhead School District under a cost reimbursement contract. The contract will require the County to provide one deputy to the school district on student contact days and requested teacher in-service days. The Arrowhead School District does not currently hold summer school but the contract allows for separate charge for summer school should the district request school resource officer coverage.

The Arrowhead School District will pay the County for the service provided in April, as it has provided in the past. Charges will be adjusted annually for an increasing cost share over the term of the contract for estimated average cost of a deputy and mileage as seen below.

Arrowhead High School				
Description	Current Year (2018-2019) Charges	2019-2020 School Year	2020-2021 School Year	2021-2022 School Year
Reimbursement Percentage	70%	75%	80%	82%
School Resource Officer Reimbursement	\$66,510	\$72,680	\$79,080	\$82,790
Mileage Expense Reimbursement	\$1,430	\$1,460	\$1,490	\$1,520
<b>Total School Year Revenue</b>	<b>\$67,940</b>	<b>\$74,140</b>	<b>\$80,570</b>	<b>\$84,310</b>

The contract term will be from July 1, 2019 through July 31, 2022.

The 2019 Budget for the Sheriff's Department Budget includes both expenditures and revenues for the 2019 contract. The revenue and required expenditures will be built into subsequent budgets for the term of the contract.

*Linda Witkowski*  
 Linda Witkowski  
 Budget Manager  
 4/2/2019  
 MY

1                   AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO  
2                   CONTRACT WITH THE SUSSEX HAMILTON SCHOOL DISTRICT TO  
3                   PROVIDE SCHOOL RESOURCE OFFICER SERVICES  
4  
5

6   WHEREAS the Waukesha County Sheriff's Department provides school resource officer  
7   services to the Sussex Hamilton School District; and  
8

9   WHEREAS the Sussex Hamilton School District and the Waukesha County Sheriff's  
10   Department have arrived at a contractual agreement for the Sheriff's Department to continue to  
11   provide school resource officer services to the Sussex Hamilton School District; and  
12

13   WHEREAS the length of the proposed contract encompasses three school years from 2019/2020  
14   through 2021/2022 and requires the Sheriff's Department to provide one deputy to the school  
15   district on student contact days and teacher in-service days when requested; and  
16

17   WHEREAS the proposed contract increases the percentage of a deputy cost which is recovered  
18   each school year from 70% currently captured in the 2018/2019 school year to 83.5% in the  
19   2021/2022 school year; and  
20

21   WHEREAS the proposed contract includes a provision to capture costs associated with providing  
22   summer school should it be requested by the District.  
23

24   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
25   that the contract for services on file with the Waukesha County Sheriff's Department to provide  
26   a school resource officer to the Sussex Hamilton School District, beginning July 1, 2019 and  
27   ending July 31, 2022, is hereby approved and the Waukesha County Sheriff is authorized to  
28   execute the contract.

Fiscal Note

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT WITH THE SUSSEX HAMILTON SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES

This ordinance authorizes the Waukesha County Sheriff's Department to continue to provide school resource officer (SRO) services to the Sussex Hamilton School District under a cost reimbursement contract. The contract will require the County to provide one deputy to the school district on student contact days and requested teacher in-service days. In addition, the contract allows for a separate charge for summer school should the district request school resource officer coverage.

The Sussex Hamilton School District will pay the County for the service provided in April, as it has provided in the past. Charges will be adjusted annually for an increasing cost share over the term of the contract for the estimated average cost of a deputy and mileage as seen below.

Sussex Hamilton High School				
Description	Current Year (2018-2019) Charges	2019-2020 School Year	2020-2021 School Year	2021-2022 School Year
Reimbursement Percentage	70%	75%	80%	83.5%
School Resource Officer Reimbursement	\$66,510	\$72,680	\$79,080	\$84,190
Mileage Reimbursement	\$540	\$550	\$560	\$570
<b>Total School Year Revenue</b>	<b>\$67,050</b>	<b>\$73,230</b>	<b>\$79,640</b>	<b>\$84,760</b>
Summer School SRO		\$4,100	\$4,180	\$4,260
Summer School Mileage		\$100	\$100	\$100
<b>Summer School Total</b>		<b>\$4,200</b>	<b>\$4,280</b>	<b>\$4,360</b>
<b>Total Revenue</b>	<b>\$67,050</b>	<b>\$77,430</b>	<b>\$83,920</b>	<b>\$89,120</b>

The contract term will be from July 1, 2019 through July 31, 2022.

The 2019 Budget for the Sheriff's Department includes both expenditures and revenues for the 2019 contract. The revenue and required expenditures will be built into subsequent budgets for the term of the contract.

*Linda Witkowski*

Linda Witkowski  
Budget Manager

29 4/2/2019

1                   AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO  
2                   CONTRACT WITH THE KETTLE MORAINES SCHOOL DISTRICT TO  
3                   PROVIDE SCHOOL RESOURCE OFFICER SERVICES  
4  
5

6   WHEREAS the Waukesha County Sheriff's Department provides school resource officer  
7   services to the Kettle Moraine School District; and  
8

9   WHEREAS the Kettle Moraine School District and the Waukesha County Sheriff's Department  
10   have arrived at a contractual agreement for the Sheriff's Department to continue to provide  
11   school resource officer services to the Kettle Moraine School District; and  
12

13   WHEREAS the length of the proposed contract encompasses five school years from 2019/2020  
14   through 2023/2024 and requires the Sheriff's Department to provide one deputy to the school  
15   district on student contact days and teacher in-service days when requested; and  
16

17   WHEREAS the proposed contract increases the percentage of a deputy cost which is recovered  
18   each school year from 70% currently captured in the 2018/2019 school year to 82.6% in the  
19   2021/2022 school year and stays at that percentage captured until the end of the contract; and  
20

21   WHEREAS the proposed contract includes a provision to capture costs associated with providing  
22   summer school should it be requested by the District.  
23

24   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
25   that the contract for services on file with the Waukesha County Sheriff's Department to provide  
26   a school resource officer to the Kettle Moraine School District, beginning July 1, 2019 and  
27   ending July 31, 2024, is hereby approved and the Waukesha County Sheriff is authorized to  
28   execute the contract.

Fiscal Note

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT WITH THE KETTLE MORAINÉ SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES

This ordinance authorizes the Waukesha County Sheriff's Department to continue to provide school resource officer (SRO) services to the Kettle Moraine School District under a cost reimbursement contract. The contract will require the County to provide one deputy to the school district on student contact days and requested teacher in-service days. In addition, the contract allows for a separate charge for summer school should the district request school resource officer coverage.

The Kettle Moraine School District will pay the County for the service provided in April, as it has provided in the past. Charges will be adjusted annually for an increasing cost share over the term of the contract for the estimated average cost of a deputy and mileage as seen below.

Kettle Moraine High School						
Description	Current Year (2018-2019) Charges	2019-2020 School Year	2020-2021 School Year	2021-2022 School Year	2022-2023 School Year	2023-2024 School Year
Reimbursement Percentage	70%	75%	80%	82.6%	82.6%	82.6%
School Resource Officer Reimbursement	\$66,510	\$72,680	\$79,080	\$83,280	\$84,950	\$86,640
Mileage Reimbursement	\$2,130	\$2,170	\$2,210	\$2,250	\$2,300	\$2,350
<b>Total School Year Revenue</b>	<b>\$68,640</b>	<b>\$74,850</b>	<b>\$81,290</b>	<b>\$85,530</b>	<b>\$87,250</b>	<b>\$88,990</b>
Summer School SRO		\$6,520	\$6,650	\$6,780	\$6,920	\$7,060
Summer School Mileage		\$340	\$350	\$360	\$370	\$380
Summer School Total		\$6,860	\$7,000	\$7,140	\$7,290	\$7,440
<b>Total Revenue</b>	<b>\$68,640</b>	<b>\$81,710</b>	<b>\$88,290</b>	<b>\$92,670</b>	<b>\$94,540</b>	<b>\$96,430</b>

The contract term will be from July 1, 2019 through July 31, 2024.

The 2019 Budget for the Sheriff's Department includes both expenditures and revenues for the 2019 contract. The revenue and required expenditures will be built into subsequent budgets for the term of the contract.

*Linda Witkowski*  
 Linda Witkowski  
 Budget Manager  
 4/2/2019

1 EXPENDITURE OF SEIZED FUNDS – AMEND THE 2019 SHERIFF’S  
2 DEPARTMENT BUDGET FOR MULTIPLE PURCHASES  
3  
4

5 WHEREAS, Enrolled Ordinance 141-41 authorizes the Sheriff’s Department “...to participate  
6 in the program to transfer federally seized property to local enforcement agencies;” and  
7

8 WHEREAS, the Sheriff’s Department has such assets that were not allocated during the 2019  
9 budget development process as the need for the items was not anticipated when the budget was  
10 developed; and  
11

12 WHEREAS, the Department has identified expenditures to enhance law enforcement in  
13 Waukesha County as required by federal seized asset guidelines; and  
14

15 WHEREAS, the costs for the enhancements could vary.  
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
18 that the Waukesha County Sheriff’s Department 2019 Budget be modified by appropriating  
19 seized fund revenue received and reserved in general fund balance by an amount not to exceed  
20 \$40,300 and authorizing the appropriation of an identical amount by increasing the operating  
21 appropriation unit to fund expenses listed in the fiscal note to this ordinance, which is on file  
22 with the Waukesha County Clerk.  
23

24 BE IT FURTHER ORDAINED that the modifications to the 2019 budget appropriations  
25 authorized by this ordinance be adjusted to the exact expenses once those expenses are known,  
26 but not to exceed a total of \$40,300.

FISCAL NOTE

EXPENDITURE OF SEIZED FUNDS  
AMEND THE 2019 SHERIFF'S DEPARTMENT BUDGET  
FOR MULTIPLE PURCHASES

Enrolled ordinance 141-41 (1986) authorized the Sheriff's Department to participate in a federal program, which transfers forfeited assets (seized funds) to those state and local agencies that contributed directly to the seizure of that property. Federal guidelines require that these seized funds must be used to enhance law enforcement activities, not to supplant existing adopted budget appropriations.

According to the County's accounting records, the Sheriff's Department currently has a balance of undesignated seized funds available totaling \$218,100. The Sheriff's Department is requesting to use up to a maximum of \$40,300 of seized funds expenditure authority to purchase the following items:

Item	Description	Amount
Rifles	Allows deputies to utilize training rifles instead of retro-fitting duty rifles for training purposes.	\$3,800
Fitness Room Equipment	Purchase of fitness equipment.	\$10,000
Range Improvement	Range improvements at the Menomonee Falls Range	\$2,500
Magazine Loaders	AR-15 magazine loaders	\$1,500
Lexipol	Assistance to ensure policies are in line with legislative changes	\$22,500
<b>Total</b>		<b>\$40,300</b>

Department management estimates the on-going operating and maintenance costs for equipment items will be minimal and will be the responsibility of the Sheriff's Department. On-going costs for Lexipol are anticipated to be shared between Risk Management, WMMIC, and the Sheriff's Department asset forfeiture account.

This ordinance results in no additional direct tax levy impact in 2019.

*Linda Witkowski*

Linda Witkowski  
Budget Manager  
4/2/2019  
MY  
BA#: 2019-00002925

1 AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO AMEND THE  
2 2015-2019 POLICE SERVICES CONTRACT WITH THE CITY OF PEWAUKEE TO  
3 PROVIDE 1.00 FTE DEPUTY TO THE METRO DRUG ENFORCEMENT UNIT  
4 FUNDED BY THE CITY OF PEWAUKEE BEGINNING JUNE 1, 2019 AND  
5 AMEND THE 2019 SHERIFF'S DEPARTMENT BUDGET ACCORDINGLY  
6  
7

8 WHEREAS, the Waukesha County Sheriff's Department has provided municipal patrol coverage  
9 to the City of Pewaukee since 2010; and  
10

11 WHEREAS, the term of the current police services contract is from January 1, 2015 through  
12 December 31, 2019; and  
13

14 WHEREAS, in response to the opioid epidemic in Waukesha County, the City Council of the  
15 City of Pewaukee requested the Waukesha County Sheriff's Department develop a plan to  
16 allocate resources to proactively address opioids; and  
17

18 WHEREAS, the plan that was developed included the allocation of an additional 1.00 FTE  
19 deputy sheriff position to the Waukesha County Metro Drug Enforcement Unit to provide  
20 additional resources for case investigation and development for opioid investigations in the City  
21 of Pewaukee and the greater Waukesha County area; and  
22

23 WHEREAS, the City Council of the City of Pewaukee requested that the existing contract with  
24 the Waukesha County Sheriff's Department be amended to add and fund, 1.00 FTE deputy  
25 sheriff and all necessary equipment beginning on June 1, 2019; and  
26

27 WHEREAS, the proposed contract amendment is a full cost recovery contract amendment with a  
28 2019 cost of \$81,816 for the additional position and other related costs beginning on June 1,  
29 2019.  
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
32 that one regular full-time position of deputy sheriff, WPA Range 01 (\$25.69 per hour minimum,  
33 \$34.62 per hour maximum) be created within the Waukesha County Sheriff's Department with a  
34 sunset should the City of Pewaukee choose not to fund the position in the future.  
35

36 BE IT FURTHER ORDAINED that the Waukesha County Sheriff's Department 2019 budget be  
37 modified by increasing charges for services revenues by \$71,505, and increasing the personnel  
38 cost appropriation unit by \$57,920, the operating expense appropriation unit by \$10,685, and the  
39 interdepartmental charge appropriation unit by \$2,900 to fund the position and the costs  
40 associated with the contract expansion.  
41

42 BE IT FURTHER ORDAINED that the contract for services on file with the Waukesha County  
43 Sheriff's Department to provide police services to the City of Pewaukee be amended to reflect  
44 the desired expansion in patrol contract and the Waukesha County Sheriff is authorized to  
45 execute the amendment.

FISCAL NOTE

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO AMEND THE  
2015-2019 POLICE SERVICES CONTRACT WITH THE CITY OF PEWAUKEE TO  
PROVIDE 1.00 FTE DEPUTY TO THE METRO DRUG ENFORCEMENT UNIT FUNDED  
BY THE CITY OF PEWAUKEE BEGINNING JUNE 1, 2019 AND  
AMEND THE 2019 SHERIFF'S DEPARTMENT BUDGET ACCORDINGLY

This ordinance modifies the existing municipal police patrol services contract with the city of Pewaukee, and creates one regular, full-time (1.00 FTE) deputy sheriff position (salary range \$53,435 - \$72,010) in the Sheriff's Department's Metro Drug Enforcement Unit in order to provide additional resources for case investigation and development for opioid investigations in the city. This position and related costs would be funded entirely by the city. The position would be authorized to begin on June 1, 2019, and the term of the existing contract ends on December 31, 2019. If the city chooses not to continue funding this position in future, the position will sunset.

This ordinance also modifies the 2019 Sheriff's Department budget by increasing expenditure authority and municipal revenue charges by \$71,505 to cover the costs associated with this contract amendment, as detailed in the table below. It is expected that there will be an additional \$10,311 of municipal revenue from the city which is not included in this ordinance because it is for items already in the 2019 budget (e.g., staff time).

Costs and Revenues Associated with Contract Amendment

<u>Appropriation Unit</u>	<u>Description</u>	<u>\$ Amount</u>
Personnel Costs	New Regular, Full-Time Deputy Sheriff Position	\$ 57,920
Operating	Ammunition, Drug-Buy Money, Equipment, Etc.	\$ 10,685
Interdepartmental	Vehicle Costs (e.g., Fuel, Rep/Maint)	\$ 2,900
<b>Additional Appropriations in This Ordinance</b>		<b>\$ 71,505</b>
<b>Items Already in Budget</b>	Supervisor Staff Time, Dept Admin, County Indirect Costs	<b>\$ 10,311</b>
<b>Total Costs and Municipal Revenues Associated with This Ordinance</b>		<b>\$ 81,816</b>

The expenditures and revenues shown in the table above reflect a partial year (seven months) because the position will start in June. The estimated full-year impact would be approximately \$140,000 (including about \$100,000 for the deputy sheriff position, including potential overtime). Full year expenditures and offsetting revenues will be included in future budgets. Per the existing contract April 1<sup>st</sup> deadline, Pewaukee has indicated they will be renewing the contract and are in discussion regarding service expansion options.

*Linda Witkowski*  
 Linda Witkowski  
 Budget Manager  
 4/2/2019  
 JE# 2019-00003296  
 BPD

1                                    AUTHORIZING THE SALE OF \$17,500,000 GENERAL  
2                                    OBLIGATION PROMISSORY NOTES, SERIES 2019A  
3  
4

5 WHEREAS on March 26, 2019, the County Board of Supervisors of Waukesha County,  
6 Wisconsin (the "County") adopted an ordinance authorizing the issuance of general obligation  
7 promissory notes pursuant to Ch. 67, Wis. Stats., in an amount not to exceed \$17,500,000 for the  
8 public purpose of paying the cost of capital projects included in the County's 2019 Capital  
9 Projects Expenditure Plan consisting of justice and law enforcement projects; public works  
10 projects; and parks, environment and education projects; and  
11

12 WHEREAS the County Board of Supervisors deems it necessary and in the best interest of the  
13 County that the general obligation promissory notes authorized by such ordinance now be issued,  
14 upon the terms and conditions hereinafter provided; and  
15

16 WHEREAS the County has duly received bids for its proposed issue of General Obligation  
17 Promissory Notes, Series 2019A (the "Notes"); and  
18

19 WHEREAS it has been determined that the best bid received was that submitted by  
20 \_\_\_\_\_ (the "Purchaser");  
21

22 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
23 that:  
24

25 Section 1. Award. The bid of the Purchaser for the purchase price of \$ \_\_\_\_\_ be  
26 and it hereby is accepted and the Chairperson and County Clerk are authorized and directed to  
27 execute an acceptance of the offer of the Purchaser on behalf of the County. The good faith  
28 deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note  
29 issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned.  
30

31 Section 2. The Notes. The Chairperson and County Clerk shall make, execute and deliver the  
32 Notes to the Purchaser, for and on behalf of the County. The Notes shall be negotiable, general  
33 obligation promissory notes of the County, registered as to both principal and interest, in the  
34 denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered  
35 from R-1 upward and dated their date of issuance. The Notes shall mature on April 1 of each of  
36 the years and shall bear interest at the rates per annum as follows:  
37

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2020	\$ 900,000	_____%
2021	1,000,000	_____
2022	1,200,000	_____
2023	1,400,000	_____
2024	2,200,000	_____

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
-------------	---------------	----------------------

49	2025	\$2,300,000	_____%
50	2026	2,300,000	_____
51	2027	2,200,000	_____
52	2028	2,100,000	_____
53	2029	1,900,000	_____

54  
55 Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing  
56 October 1, 2019.

57  
58 At the option of the County, the Notes maturing on April 1, 2027 and thereafter shall be subject  
59 to redemption prior to maturity on April 1, 2026 or on any date thereafter. Said Notes shall be  
60 redeemable as a whole or in part, and if in part, from maturities selected by the County and  
61 within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of  
62 redemption.

63  
64 The Notes due on April 1, \_\_\_\_\_ and \_\_\_\_\_ (the "Term Bonds") are subject to mandatory  
65 redemption prior to maturity by lot (as selected by The Depository Trust Company) at a  
66 redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed  
67 plus accrued interest to the date of redemption, from debt service fund deposits which are  
68 required to be made in amounts sufficient to redeem on April 1 of each year the respective  
69 amount of Term Bonds specified below:

70 For the Term Bonds Maturing on April 1, \_\_\_\_\_

71	Redemption	
72	<u>Date</u>	<u>Amount</u>
73	_____	\$ _____
74	_____	_____
75	_____	_____ (maturity)

76 For the Term Bonds Maturing on April 1, \_\_\_\_\_

77	Redemption	
78	<u>Date</u>	<u>Amount</u>
79	_____	\$ _____
80	_____	_____
81	_____	_____ (maturity)

82  
83 Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal  
84 amount of such Notes so redeemed shall be credited against the mandatory redemption payments  
85 established above in such manner as the County shall direct.

86  
87 Section 3. Form of Notes. The Notes shall be in substantially the form on file in the County  
88 Clerk's office.

89  
90 Section 4. Tax Provisions.

(a) *Direct, Annual Irrepealable Tax.* For the purpose of paying the principal of and interest on the Notes as the same become due, the full faith, credit and resources of the County are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the County a direct, annual, irrepealable tax in an amount and at the times sufficient for said purpose; such tax is levied in the following years and in the following minimum amounts:

	<u>Year of Levy</u>	<u>Amount</u>
100	2019	\$ _____
101	2020	_____
102	2021	_____
103	2022	_____
104	2023	_____
105	2024	_____
106	2025	_____
107	2026	_____
108	2027	_____
109	2028	_____

(b) *Tax Collection.* The County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried into the tax rolls of the County and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(c) *Additional Funds.* If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

(d) *Appropriation.* There be and there hereby is appropriated from the premium received by the County with respect to the Notes or other funds of the County on hand the sum of \$ \_\_\_\_\_ to be deposited in the Debt Service Account which amount will be used to meet payments with respect to debt service due on October 1, 2019.

Section 5. Debt Service Fund and Account.

(a) *Creation and Deposits.* Within the debt service fund previously established in the treasury of the County, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for \$17,500,000 General Obligation Promissory Notes, Series 2019A" (the "Debt Service Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in such

138 Debt Service Account (i) all accrued interest received by the County at the time of  
139 delivery of and payment for the Notes; (ii) the taxes herein levied for the specific  
140 purpose of meeting principal of and interest on the Notes when due; (iii) such  
141 other sums as may be necessary at any time to pay principal of and interest on the  
142 Notes when due; (iv) any premium which may be received by the County above  
143 the par value of the Notes and accrued interest thereon; (v) surplus monies in the  
144 Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further  
145 deposits as may be required by Sec. 67.11, Wis. Stats.

146  
147 (b) *Use and Investment.* No money shall be withdrawn from the Debt Service  
148 Account and appropriated for any purpose other than the payment of principal of  
149 and interest on the Notes until all such principal and interest has been paid in full  
150 and canceled; provided (i) the funds to provide for each payment of principal of  
151 and interest on the Notes prior to the scheduled receipt of taxes from the next  
152 succeeding tax collection may be invested in direct obligations of the United  
153 States of America maturing in time to make such payments when they are due or  
154 in other investments permitted by law; and (ii) any funds over and above the  
155 amount of such principal and interest payments on the Notes may be used to  
156 reduce the next succeeding tax levy, or may, at the option of the County, be  
157 invested by purchasing the Notes as permitted by and subject to Section  
158 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of  
159 America, in other obligations of the County or in other investments permitted by  
160 law, which investments shall continue to be a part of the Debt Service Account.

161  
162 (c) *Remaining Monies.* When all of the Notes have been paid in full and  
163 canceled, and all permitted investments disposed of, any money remaining in the  
164 Debt Service Account shall be deposited in the general fund of the County, unless  
165 the County Board of Supervisors directs otherwise.  
166

167 Section 6. Proceeds of the Notes. All monies received by the County upon the delivery of the  
168 Notes to the Purchaser, except for any premium and accrued interest, shall be deposited by the  
169 County Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained  
170 separate and distinct from all other funds of the County and shall be used for no purpose other  
171 than the purposes for which the Notes are issued. In no event shall monies in the Borrowed  
172 Money Fund be used to fund operating expenses of the general fund of the County or of any  
173 special revenue fund of the County that is supported by property taxes. Monies in the Borrowed  
174 Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any  
175 monies, including any income from permitted investments, remaining in the Borrowed Money  
176 Fund after the purposes for which the Notes have been issued have been accomplished, and, at  
177 any time, any monies as are not needed and which obviously thereafter cannot be needed for  
178 such purposes shall be deposited in the Debt Service Account.

179  
180 Section 7. No Arbitrage. All investments permitted by this resolution shall be legal investments,  
181 but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage  
182 bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended  
183 (the "Code"), or the Regulations of the Commissioner of Internal Revenue thereunder (the  
184 "Regulations"); and an officer of the County, charged with the responsibility for issuing the

185 Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence  
186 on the date of closing which will permit the conclusion that the Notes are not "arbitrage bonds,"  
187 within the meaning of the Code or Regulations.

188  
189 Section 8. Payment of the Notes. The principal of and interest on the Notes shall be paid by the  
190 County Treasurer.

191  
192 Section 9. Persons Treated as Owners; Transfer of Notes. The County Clerk shall keep books  
193 for the registration and for the transfer of the Notes. The person in whose name any Note shall  
194 be registered shall be deemed and regarded as the absolute owner thereof for all purposes and  
195 payment of either principal or interest on any Note shall be made only to the registered owner  
196 thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon  
197 such Note to the extent of the sum or sums so paid.

198  
199 Any Note may be transferred by the registered owner thereof by surrender of the Note at the  
200 office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly  
201 executed by the registered owner or his attorney duly authorized in writing. Upon such transfer,  
202 the Chairperson and County Clerk shall execute and deliver in the name of the transferee or  
203 transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and  
204 the County Clerk shall record the name of each transferee in the registration book. No  
205 registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for  
206 transfer.

207  
208 The County shall cooperate in any such transfer, and the Chairperson and County Clerk are  
209 authorized to execute any new Note or Notes necessary to effect any such transfer.  
210 The fifteenth day of each calendar month next preceding each interest payment date shall be the  
211 record dates for the Notes. Payment of interest on the Notes on any interest payment date shall  
212 be made to the registered owners of the Notes as they appear on the registration book of the  
213 County at the close of business on the corresponding record date.

214  
215 Section 10. Compliance with Federal Tax Laws.  
216 (a) The County represents and covenants that the projects financed by the Notes and the  
217 ownership, management and use of the projects will not cause the Notes to be "private  
218 activity bonds" within the meaning of Section 141 of the Code. The County further  
219 covenants that it shall comply with the provisions of the Code to the extent necessary to  
220 maintain the tax-exempt status of the interest on the Notes including, if applicable, the  
221 rebate requirements of Section 148(f) of the Code. The County further covenants that it  
222 will not take any action, omit to take any action or permit the taking or omission of any  
223 action within its control (including, without limitation, making or permitting any use of  
224 the proceeds of the Notes) if taking, permitting or omitting to take such action would  
225 cause any of the Notes to be an arbitrage bond or a private activity bond within the  
226 meaning of the Code or would otherwise cause interest on the Notes to be included in the  
227 gross income of the recipients thereof for federal income tax purposes. The County Clerk  
228 or other officer of the County charged with the responsibility of issuing the Notes shall  
229 provide an appropriate certificate of the County certifying that the County can and  
230 covenanting that it will comply with the provisions of the Code and Regulations.  
231

232 (b) The County also covenants to use its best efforts to meet the requirements and  
233 restrictions of any different or additional federal legislation which may be made  
234 applicable to the Notes provided that in meeting such requirements the County will do so  
235 only to the extent consistent with the proceedings authorizing the Notes and the laws of  
236 Wisconsin and to the extent that there is a reasonable period of time in which to comply.  
237

238 Section 11. Utilization of The Depository Trust Company Book-Entry-Only System. In order to  
239 make the Notes eligible for the services provided by The Depository Trust Company, New York,  
240 New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer  
241 Letter of Representations, which the County Clerk or other authorized representative of the  
242 County is authorized and directed to execute and deliver to DTC on behalf of the County to the  
243 extent an effective Blanket Issuer Letter of Representations is not presently on file in the County  
244 Clerk's office.  
245

246 Section 12. Ratification and Approval of Official Terms of Offering and Official Statement.

247 (a) The Official Terms of Offering with respect to the Notes, which are on file in the  
248 County Clerk's office, are ratified and approved. In addition, all actions taken by any  
249 committee of the County Board, by the officers and employees of the County and by the  
250 County's municipal advisor, Baker Tilly Municipal Advisors, LLC (formerly Springsted  
251 Incorporated), in connection with the offering and sale of the Notes are ratified and  
252 approved.  
253

254 (b) The County Board of Supervisors hereby approves the Preliminary Official  
255 Statement with respect to the Notes and deems the Preliminary Official Statement as  
256 "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and  
257 Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule").  
258 All actions taken by officers of the County in connection with the preparation of such  
259 Preliminary Official Statement and any addenda to it or Final Official Statement are  
260 hereby ratified and approved. In connection with the Closing, the appropriate County  
261 official shall certify the Preliminary Official Statement and any addenda or Final Official  
262 Statement. The County Clerk shall cause copies of the Preliminary Official Statement  
263 and any addenda or Final Official Statement to be distributed to the Purchaser.  
264

265 Section 13. Undertaking to Provide Continuing Disclosure. The County covenants and agrees,  
266 for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking")  
267 if required by the Rule to provide continuing disclosure of certain financial information and  
268 operating data and timely notices of the occurrence of certain events in accordance with the Rule.  
269 The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s)  
270 of the Notes on behalf of such holders (provided that the rights of the holders and the  
271 purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance  
272 of the obligations thereunder and any failure by the County to comply with the provisions of the  
273 Undertaking shall not be an event of default with respect to the Notes).  
274

275 The County Clerk, or other officer of the County charged with the responsibility for issuing the  
276 Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of  
277 proceedings, setting forth the details and terms of the County's Undertaking.  
278

279 Section 14. Records. The County Clerk shall provide and keep a separate record book and shall  
280 record a full and correct statement of every step or proceeding had or taken in the course of  
281 authorizing and issuing these Notes.  
282

283 Section 15. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in  
284 printed form, executed on behalf of the County by the manual or facsimile signatures of the  
285 Chairperson and County Clerk, authenticated, if required, sealed with its official or corporate  
286 seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of  
287 the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The  
288 facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in  
289 lieu of the manual signature of the officer but, unless the County has contracted with a fiscal  
290 agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a  
291 manual signature. In the event that either of the officers whose signatures appear on the Notes  
292 shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid  
293 and sufficient for all purposes to the same extent as if they had remained in office until the  
294 Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and  
295 deliver the Notes and all such documents, certificates and acknowledgements as may be  
296 necessary and convenient to effectuate the Closing. The County hereby authorizes the officers  
297 and agents of the County to enter into, on its behalf, agreements and contracts in conjunction  
298 with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal  
299 agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract  
300 heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and  
301 approved in all respects.  
302

303 Section 16. Effect of Ordinance. This action by the County Board of Supervisors is taken  
304 pursuant to Section 67.12(12), Wis. Stats., and is intended to constitute a "resolution" for  
305 purposes of that section.

1           MODIFY THE 2019 HEALTH AND HUMAN SERVICES BUDGET TO INCREASE  
2           EXPENDITURES FOR A PORTION OF ONE TIME START UP REMODELING COSTS  
3           ASSOCIATED WITH A NEW RESIDENTIAL CARE FACILITY CONTRACT  
4  
5

6           WHEREAS, the Waukesha County Department of Health and Human Services provides services  
7           consistent with Wisconsin State Statute Chapter 75.11 and 75.14, including the placement of  
8           clients in Medical Monitored and Transitional Residential Care facilities, and  
9

10          WHEREAS, Medical Monitored Residential Care facilities provide 24-hour per day behavioral  
11          monitoring for individuals with substance abuse to break the addiction/denial cycle of  
12          dependency; and  
13

14          WHEREAS, Transitional Residential Care facilities provide support for those individuals who  
15          need interim, chemically-free living environments prior to returning to independent living; and  
16

17          WHEREAS, these facilities provide a lower-cost option to inpatient care, the least restrictive  
18          approach to service delivery, and residential treatment for both male and female clients; and  
19

20          WHEREAS, Waukesha County Department of Health and Human Services issued a Request for  
21          Proposal for a residential care facility to be located in the geographic area of Waukesha County,  
22          as there is currently no facility in the County serving women; and  
23

24          WHEREAS, a residential facility located in Waukesha County allows for more favorable  
25          outcomes due to proximity to family, HHS services, group therapy, and community resources,  
26          and  
27

28          WHEREAS, in order to meet this requirement, a vendor needed to secure and modify a suitable  
29          facility creating a need for startup costs, and  
30

31          WHEREAS, a vendor has been selected through an RFP process and terms have been negotiated  
32          to include a startup payment to the vendor of \$355,000 for facility remodeling, a fixed rate for  
33          client care for five years, and revenue compliant processes; and  
34

35          WHEREAS, if funding is approved by the County Board, the receipt of funds by the selected  
36          applicant shall be contingent on the selected applicant being qualified and able to negotiate the  
37          necessary contract with Department of Health and Human Services through the legal assistance  
38          of the Corporation Counsel Office.  
39

40          THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
41          that the Department of Health and Human Services 2019 budget be modified by appropriating  
42          \$355,000 of operating expense expenditures and increasing other revenues \$355,000 of General  
43          Fund Balance to fund a portion of the one-time facility remodeling startup cost associated with  
44          the residential care contract with the selected vendor.

FISCAL NOTE

MODIFY THE 2019 HEALTH AND HUMAN SERVICES BUDGET TO INCREASE EXPENDITURES FOR A PORTION OF ONE TIME START UP REMODELING COSTS ASSOCIATED WITH A NEW RESIDENTIAL CARE FACILITY CONTRACT

This ordinance modifies the Department of Health and Human Services (HHS) 2019 budget to increase expenditures \$355,000, using general fund balance, for one-time startup and remodeling of a new medical monitored and transitional residential care facility in Waukesha County.

Department management is estimating to utilize up to 3,000 bed days per year for Waukesha County clients at this facility, at an annual cost of approximately \$414,000. HHS manages these client treatment costs in its operating budget. The contract requires the vendor to be certified under the Comprehensive Community Services (CCS) program after one year to be eligible for revenue reimbursement for treatment services estimated at \$122,100 annually. In addition, under the terms of the proposed contract, client room, board, and treatment rates will be frozen for five years.

The start-up cost contribution of \$355,000 is expected to be recovered over the first five years of the contract with the enhanced revenue and fixed rates. See chart below. The proposed contract requires a payback requirement of \$60,000 for each year the vendor would default in the first five years. This would reimburse the County for the return on investment not achieved in the five-year period in the projected analysis.

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Five Year Return</u>
Total Savings for Both Programs	\$0	\$122,100	\$122,100	\$122,100	\$122,100	\$488,400
Capital Contribution(a)	(\$355,000)	(\$10,650)	(\$10,970)	(\$11,299)	(\$11,638)	(\$399,556)
Net Savings After Capital	(\$355,000)	\$111,450	\$111,131	\$110,801	\$110,462	\$88,844

(a) Assumes cost of capital of 3% annually

*Linda Witkowski*

Linda Witkowski  
Budget Manager  
4/3/2019

ST  
BAJ #2019-00003441