

ENROLLED ORDINANCE 177-20

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MERTON AND THE TOWN OF MERTON ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 27, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (RZ96)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Merton Town Board on April 25, 2022; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 59.692 and 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Merton, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Merton Zoning Ordinance adopted on October 23, 2007, are hereby amended to rezone certain lands located in part of the NE ¼ of Section 27, T8N, R18E, Town of Merton, from the R-1 Residential to the A-1 Agricultural District, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ96.

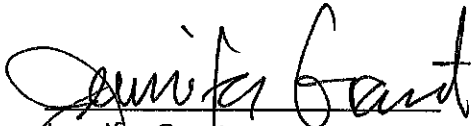
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Merton.

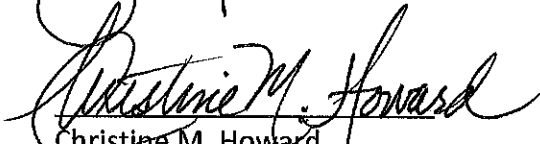
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

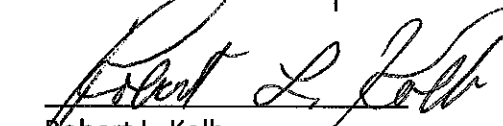
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE  
DISTRICT ZONING MAP OF THE TOWN OF MERTON AND THE TOWN OF MERTON ZONING  
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 27,  
T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL  
DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (RZ96)

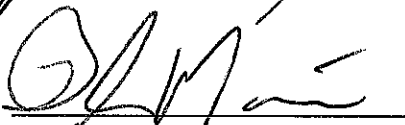
Presented by:  
Land Use, Parks, and Environment Committee

  
Thomas A. Michalski, Chair

  
Jennifer Grant

  
Christine M. Howard

  
Robert L. Kolb


  
Brian Meier

  
Chris Mommaerts

**Absent**

Ted Wysocki

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

Date: July 1, 2022,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

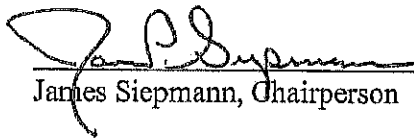
Date: 7/8/2022,   
Paul Farrow, County Executive

COMMISSION ACTION

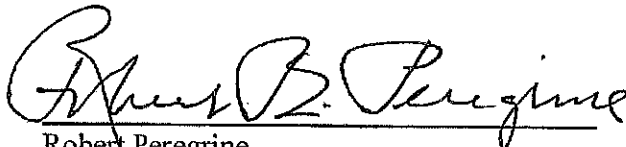
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (RZ96 **Beaumont Farm Legacy**) in accordance with the attached "Staff Report and Recommendation".

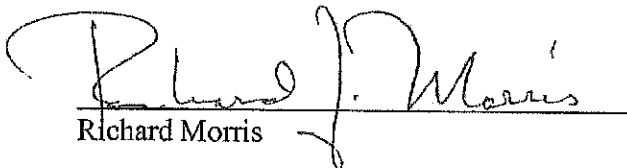
PARK AND PLANNING COMMISSION

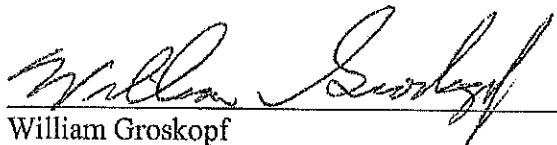
May 19, 2022

  
James Siepmann, Chairperson

  
Thomas Michalski, Vice Chairperson

  
Robert Peregrine

  
Richard Morris

  
William Groskopf

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

**DATE:** May 19, 2022

**FILE NO.:** RZ96

**OWNER:** Beaumont Farm Legacy, LLC  
243 Four Winds Court  
Hartland, WI 53029-8752

**TAX KEY NO.:** MRTT 0393.999

**LOCATION:**

The property is located in part of the NE ¼ of Section 27, T8N, R18E, Town of Merton. More specifically the property is located on Beaumont Lane containing approximately 104.5 acres.

**EXISTING ZONING:**

R-1 Residential District and C-1 Conservancy (wetland) Overlay District (County).  
R-1 Residential District and C-1 Conservancy (wetland) District (Town)  
\* There is mapped Environmental Corridor on the parcel. However, a 2014 delineation by SEWRPC determined there is no Environmental Corridor on the lot.

**PROPOSED ZONING:**

A-1 Agricultural District and C-1 Conservancy (wetland) Overlay District (County).  
A-1 Agricultural District and C-1 Conservancy (wetland) District (Town)

**EXISTING LAND USE:**

Agriculture and open space.

**PROPOSED LAND USE:**

Construction of a single-family residence and accessory structures (some farm related) and to utilize the property for agricultural uses.

**PUBLIC HEARING DATE:**

On April 6, 2022, a joint public hearing was held by the Town of Merton Plan Commission, Town of Merton Town Board and a staff representative from the Waukesha County Department of Parks and Land Use.

**PUBLIC REACTION:**

David Van Slett (W305N6580 Beaver Lake Rd.) noted that there are existing drainage issues for many of nearby properties near Beaumont Lane.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

The Town Board approved the request on April 25, 2022 and recommended the same to Waukesha County. On April 25, 2022, the Town Board adopted Ordinance No. 17.41 (attached as Exhibit A) with an effective date of April 27, 2022.

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

The Comprehensive Land Use Plans for Waukesha County and the Town of Merton designate the property as Low Density Residential (20K to 1.4 ac/du)

The request to rezone lands to the A-1 Agricultural District is consistent with the CDP which recommends that lands be zoned as used. Since the development rights have been sold and/or eased and the land is to be used predominantly for agricultural and open space purposes, the proposal to rezone is consistent with plan recommendations.

**STAFF ANALYSIS:**

The subject 104-acre property is just northeast of Beaver Lake along the private Beaumont Lane. The lands are in agricultural use. Approximately 84 acres are located north of Beaumont Lane. Except for one remaining development right, Tall Pines Conservancy has purchased all development rights in perpetuity across the 84-acre portion. The remaining 20 acres south of Beaumont Lane have a 20-year conservation easement established. Upon sunset of the 20-year easement, a maximum of three development rights would become available on a limited portion of those 20 acres.

The owners are planning on constructing a single-family dwelling in addition to accessory buildings. Some of the accessory buildings would be for agricultural purposes. Per the County R-1 Residential District, accessory buildings can not exceed eighteen (18) feet in height, which is considered too low for typical farm buildings and is one of the primary reasons for this request to rezone from a residential district to an agricultural district.

Additional conceptual site plan details show a single-family residence, multiple accessory buildings, multiple driveways, and a proposed pond. The conceptual site plan is attached as Exhibit B. At the public hearing, the owner noted that they would like to commence home construction this summer and hope to put cover crops down this year. Per the Tall Pines easement agreement, they will be installing a perimeter trail along Beaver Lake Rd. and CTH E which will be open to the public. They also plan on planting a significant number of trees along Beaver Lake Road.

Before any permits can be issued for buildings, roads and a pond, a grading and drainage plan will be needed to assess the land altering impacts and to ensure that the project does not result in adverse drainage on nearby properties or roads.

**STAFF RECOMMENDATION:**

Based upon the above analysis, Planning and Zoning Division Staff recommends **approval** of the request.

The proposed rezone will allow the owner to construct agricultural buildings and utilize the property for agricultural purposes. In addition, the rezone to the A-1 Agricultural District accommodates the continued agricultural use of these lands, is consistent with plan recommendations to zone lands as used and meets the purpose and intent of the Ordinance.

Respectfully submitted,

*Benjamin Greenberg*

Ben Greenberg  
Senior Planner

Attachments: Exhibits A and B  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ96 Beaumont Farm Legacy Mrt.Doc

**EXHIBIT A**

RECEIVED  
04/28/2022  
DEPT OF  
PARKS & LAND  
USE

ORDINANCE NO. 17.41 Zoning Map

**AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODPLAN PROTECTION ORDINANCE AND TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN ZONING CODE FROM R-1 RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT AS THEY RELATE TO THE BEAUMONT FARM LEGACY, LLC PROPERTY, TAX PARCEL NO. MRTT 0393.999**

WHEREAS, Beaumont Farm Legacy, LLC, petitioned the Town of Merton to rezone Tax Parcel No. MRTT 0393.999 from R-1 Residential District and A-1 Agricultural District;

WHEREAS, the change in zoning was requested to allow the petitioner to construct a single-family residence and accessory structures and to utilize the property for agriculture uses;

WHEREAS, the Town of Merton Plan Commission, Town of Merton Town Board, and Waukesha County Department of Parks and Land Use held a Joint Public Hearing on the rezoning request on Wednesday, April 6, 2022; and

The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. The District Zoning Map of the Town of Merton, Wisconsin, dated April 9, 1974, as revised, and notations and references thereon, is hereby amended to zone the following described lands A-1 Agricultural District:

**See Exhibit A**

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

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon passage, posting and publication as required by law.

DATED: 4/27/2022

TOWN OF MERTON  
By: Tim Klink  
Tim Klink, Chairman

ATTEST:  
Donna Hann  
Donna Hann, Clerk

Date Adopted: 4/25/2022  
Date Published: 4/25/2022  
Effective Date: 4/27/2022

## EXHIBIT A

### Legal Description of Property

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

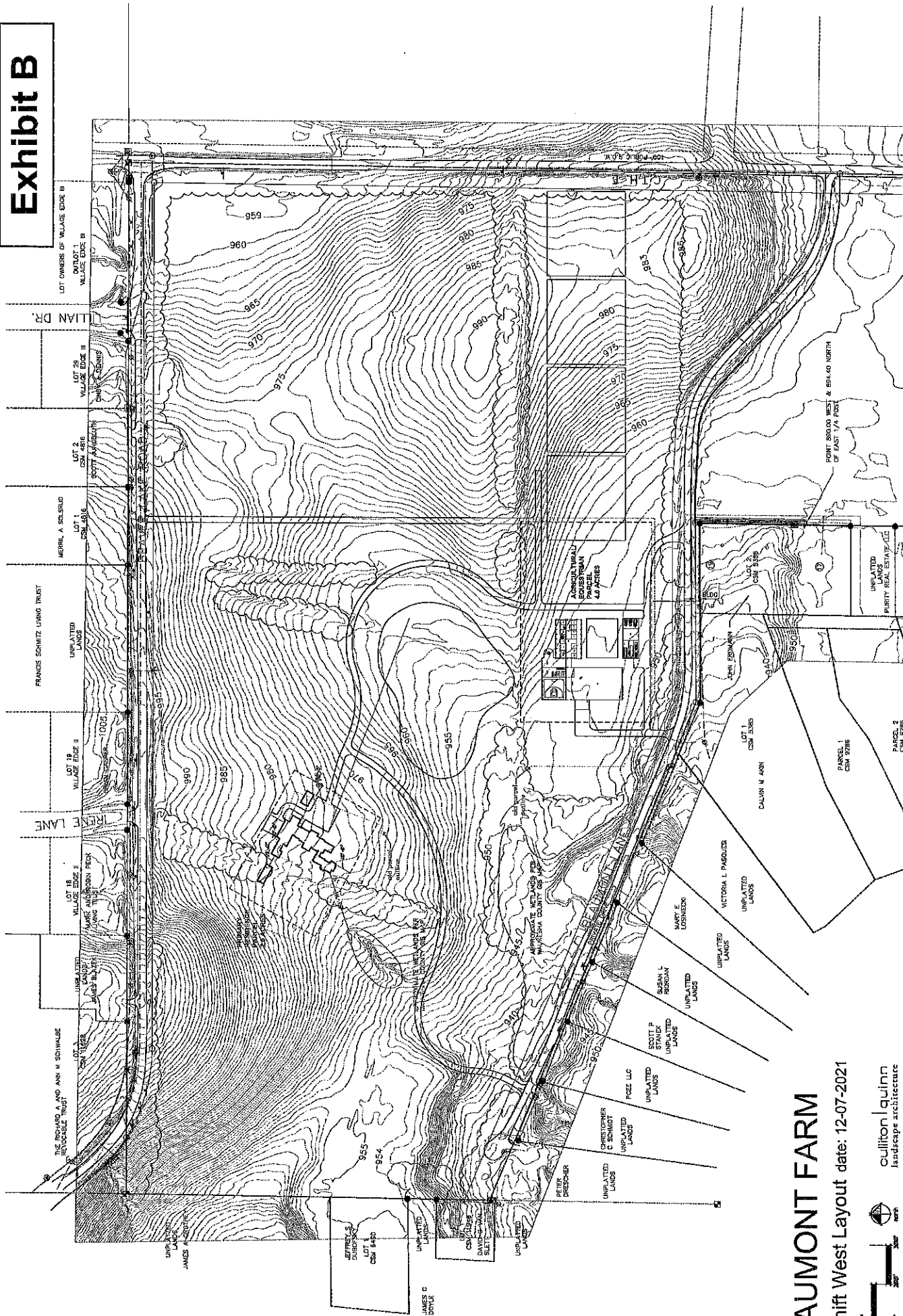
BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27, SAID POINT BEING NORTH OF AND 40.00 FEET DISTANT FROM THE EAST 1/4 CORNER OF SAID SECTION;

THENCE SOUTH 89° 13' WEST, PARALLEL TO AND 40 FEET DISTANT FROM THE EAST 1/4 LINE OF SAID SECTION, 898.53 FEET; THENCE NORTH, PARALLEL TO THE AFORESAID EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27, 1145.46 FEET TO THE SOUTH LINE OF BEAUMONT LANE; THENCE ALONG SAID SOUTH LINE THE FOLLOWING COURSES: 89.25 FEET ALONG THE ARC OF A CURVE, RADIUS OF 1704.35 FEET; CENTER OF WHICH LIES TO THE SOUTH AND A CHORD BEARING SOUTH 89° 17' EAST, 89.24 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 87° 47' EAST, 143.00 FEET TO THE P.C. OF A CURVE; THENCE 124.36 FEET ALONG THE ARC OF SAID CURVE, RADIUS OF 177.04 FEET, CENTER OF WHICH LIES TO THE SOUTHWEST AND A CHORD BEARING SOUTH 67° 39' 30" EAST, 121.83 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 47° 32' EAST, 297.35 FEET TO THE P.C. OF A CURVE; THENCE 312.10 FEET, ALONG THE ARC OF SAID CURVE, RADIUS OF 421.09 FEET, CENTER OF WHICH LIES TO THE NORTHEAST AND A CHORD BEARING SOUTH 68° 46' EAST, 305.01 FEET TO THE P.T. OF SAID CURVE; THENCE EAST, PERPENDICULAR TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27, 50.00 FEET TO SAID EAST LINE; THENCE SOUTH, ALONG SAID EAST LINE, 769.00 FEET TO THE PLACE OF BEGINNING.

AND

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SECTION 27; THENCE SOUTH 89° 28' WEST, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 2636.70 FEET TO THE NORTH 1/4 CORNER OF SECTION 27; THENCE SOUTH 00° 07' WEST, ALONG THE NORTH 1/4 LINE OF SAID SECTION, 936.50 FEET TO THE SOUTH LINE OF BEAUMONT LANE; THENCE ALONG SAID SOUTH LINE THE FOLLOWING COURSES: SOUTH 67° 53' EAST, 1238.33 FEET; THENCE SOUTH 68° 48' EAST, 142.54 FEET; THENCE NORTH 89° 13' EAST, 460.00 FEET TO THE P.C. OF A CURVE; THENCE 89.25 FEET ALONG THE ARC OF SAID CURVE, RADIUS OF 1704.35 FEET; CENTER OF WHICH LIES TO THE SOUTH AND A CHORD BEARING SOUTH 89° 17' EAST, 89.24 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 87° 47' EAST, 143.00 FEET TO THE P.C. OF A CURVE; THENCE 124.36 FEET ALONG THE ARC OF SAID CURVE, RADIUS OF 177.04 FEET, CENTER OF WHICH LIES TO THE SOUTHWEST AND A CHORD BEARING SOUTH 67° 39' 30" EAST, 121.83 FEET TO THE P.T. OF SAID CURVE; THENCE SOUTH 47° 32' EAST, 297.35 FEET TO THE P.C. OF A CURVE; THENCE 312.10 FEET ALONG THE ARC OF SAID CURVE, RADIUS OF 421.09 FEET, CENTER OF WHICH LIES TO THE NORTHEAST AND A CHORD BEARING SOUTH 68° 46' EAST, 305.01 FEET TO THE P.T. OF SAID CURVE; THENCE EAST, PERPENDICULAR TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 27, 50.00 FEET TO SAID EAST LINE; THENCE NORTH, ALONG SAID EAST LINE, 1838.10 FEET TO THE PLACE OF BEGINNING.

# Exhibit B



**BEAUMONT FARM**  
55' Shift West Layout date: 12-07-2021

scale: 1" = 100'-0"  
0' 50' 100' 200'

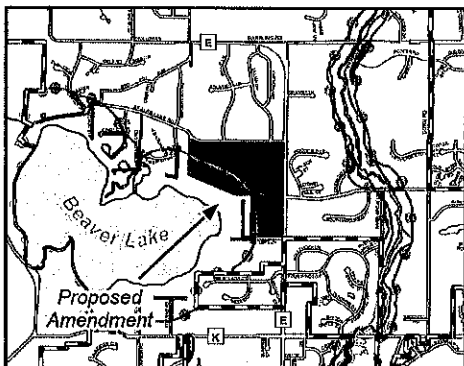
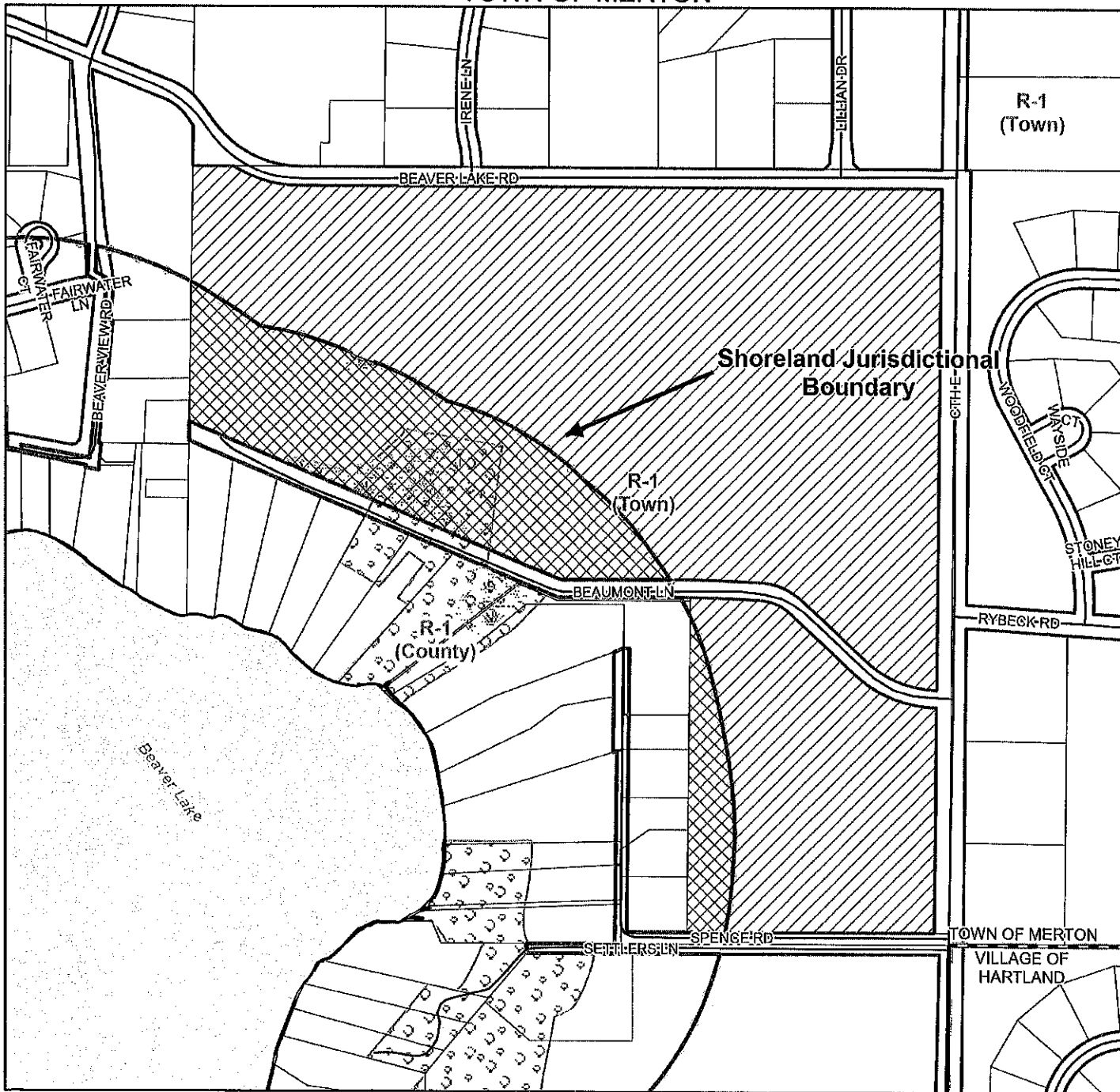
Referenced to: 06/09/22





culleton | quinn  
landscape architecture



# ZONING AMENDMENT

PT OF THE NE 1/4 OF SECTION 27,  
TOWN OF MERTON



-  COUNTY ZONING AMENDMENT FROM R-1 RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT (21 AC)
-  TOWN ZONING AMENDMENT FROM R-1 RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT (83 AC)
-  CONSERVANCY (C-1) OVERLAY DISTRICT
-  ENVIRONMENTAL CORRIDOR (EC) OVERLAY DISTRICT

FILE.....RZ96  
 DATE OF PLAN COMMISSION.....5/19/22  
 AREA OF CHANGE.....104 ACRES  
 TAX KEY NUMBER.....MRTT0393999

Prepared by the Waukesha County Department of Parks and Land Use

