

ENROLLED ORDINANCE 174-014

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)

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

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

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

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

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

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


6. ***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.

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

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)


Presented by:  
Land Use, Parks, and Environment Committee

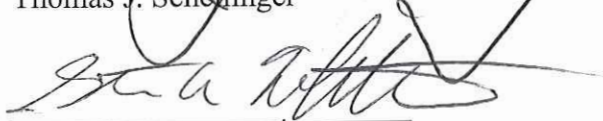
  
David D. Zimmermann, Chair

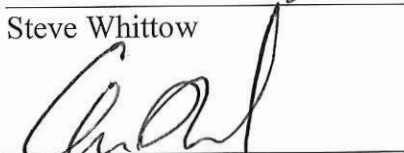
  
Kathleen M. Cummings

  
Keith Hammitt

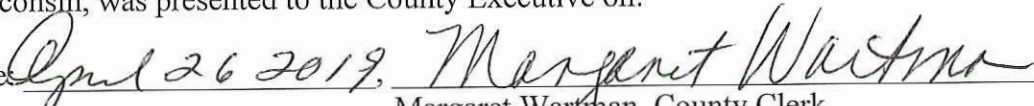
  
William A. Mitchell

  
Thomas J. Schellinger

  
Steve Whittow

  
Chuck Wood

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

Date: April 26 2019,   
Margaret Wartman, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 4/29/19

  
Paul Farrow, County Executive

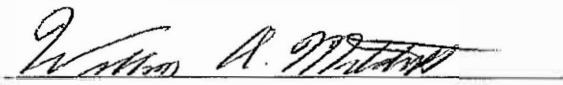
**COMMISSION ACTION**

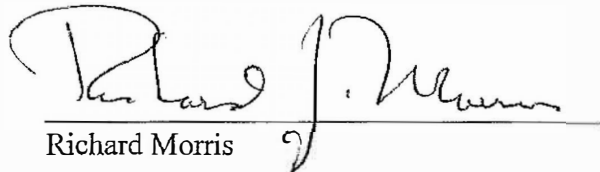
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (6 – Waukesha County Park and Planning Commission/Chapter 9 Revisions Regarding Mailing of Public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

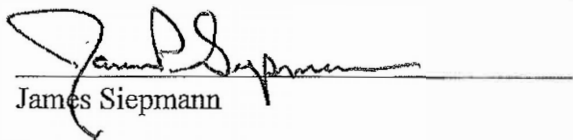
**PARK AND PLANNING COMMISSION**

**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



# Voting Results for Ordinance 174-O-013

Year 2019 Amended to: The Comprehensive Development Plan for Waukesha County (9 - Waukesha County Park And Planning Commission/Resonant to Chapter 9 Relating to Making Requirements for Park Administration Public Hearing Notice)

Passed By Majority Vote

**AYE: 22** **NAY: 3**

**0** **ABSENT: 3**

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris		AYE
D4 - Batzko		AYE
D5 - Dondlinger		AYE
D6 - Walz		AYE
D7 - Grant		AYE
D8 - Michalski		AYE
D9 - Heinrich		AYE
D10 - Swan		AYE
D11 - Howard		ABSENT
D12 - Wolff		ABSENT
D13 - Decker		AYE

D14 - Wood		AYE
D15 - Mitchell	Second	AYE
D16 - Crowley		AYE
D17 - Paulson		AYE
D18 - Nelson		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		ABSENT
D25 - Johnson		AYE