

ENROLLED ORDINANCE 180-36

AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 8, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN; FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (RZ160)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was recommended for approval by the Town of Ottawa Plan Commission on August 4, 2025; 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 Section 59.69 and 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Ottawa District Zoning Map of the Waukesha County Shoreland Protection Ordinance enacted on October 19, 2023 and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors on February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the NW ¼ and SW ¼ of Section 8, T6N, R17E, Town of Ottawa, Waukesha County, Wisconsin from the FLP Farmland Preservation District to the A-1 Agricultural District, as 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, is hereby approved, subject to the following conditions:

1. This rezoning authorizes two future dwelling units, one unit each for proposed Lot 3 and Lot 4 as depicted upon the attached Exhibit A.
2. The two proposed building lots shall be three acres in area.
3. The configuration of Lots 3 and 4 shall be substantially consistent with the layout attached as Exhibit A.
4. Proposed Lots 1 and 2 shall be labeled as outlots rather than lots.
5. A deed restriction shall be prepared, reviewed, and approved by the Town Planner and the Waukesha County Planning & Zoning Division staff prior to its recording in the Waukesha County Register of Deeds Office. The deed restriction shall state that two dwelling units are permissible (proposed Lots 3 and 4) and that there is no remaining density available on the subject 119 acres. The restriction shall further stipulate that Lots 1 and 2 can only be used for agricultural or natural resource purposes including agricultural outbuildings.

6. No buildings shall be allowed within the Primary Environmental Corridor.
7. The proposed lots not abutting a public road must be approved by the town and county and access easements must be provided so that all proposed parcels have access to a public road.
8. The lots and outlots shall not be deed restricted to tie lots and outlots together so that the outlot acreage can be conveyed separately for agricultural or natural resource use to other potential farmers or owners in the future. The outlots can contain agricultural buildings without benefit of a residence being located on the same parcel.

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

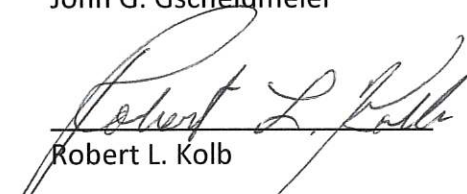
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Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair


Wayne Euclide

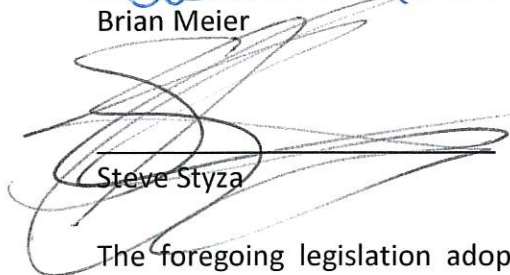

John G. Gscheidmeier


Robert L. Kolb

Absent

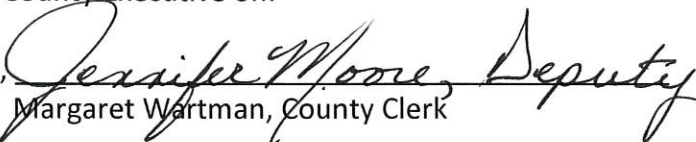
Johnny Koremenos


Brian Meier


Steve Styza

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

Date: 09-26-2025


Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 10/2/2025


Paul Farrow, County Executive

COMMISSION ACTION

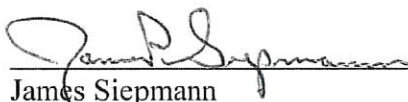
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends approval of **(RZ160 Igl)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

August 21, 2025



Robert Peregrine, Chairperson



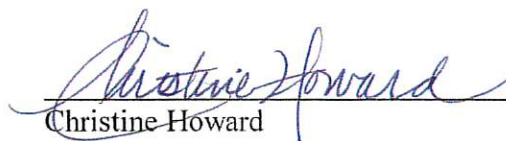
James Siepmann



William Groskopf



Gary Szpara



Christine Howard

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

DATE: August 21, 2025

FILE NO.: RZ160

OWNER: Marian C. Igl Living Trust
601 Bergum Road
Mount Horeb, WI 53572

APPLICANT: Attorney Matthew Jelenchick
N94 W17900 Appleton Avenue
Menomonee Falls, WI 53052-0444

TAX KEY NO: OTWT 1614.998.004

LOCATION:

Lot 2, Certified Survey Map No. 11448, part of the NW ¼ and SW ¼ of Section 8, T6N, R17E, Town of Ottawa. More specifically, the property is located at W382 S2728 County Road Z, containing approximately 119 acres. Six of the 119 acres are proposed to be rezoned.

EXISTING USE(S):

Vacant land that has been farmed in the past, wetlands.

REQUESTED USE:

Rezone two, three-acre portions of the property for lots for single family residences, while retaining most of the subject parcel in Farmland Preservation.

EXISTING ZONING DISTRICT CLASSIFICATION(S):

The southwest area of the property is zoned FLP Farmland Preservation District, C-1 (Wetland) Conservancy Overlay District, and EC Environmental Corridor Overlay District under the Waukesha County Zoning Code and the northwest area of the property is zoned FLC Farmland Conservancy, C-1 Conservancy, EC Environmental Corridor, and FF Flood Fringe District under the Waukesha County Shoreland and Floodland Protection Ordinances.

PROPOSED ZONING DISTRICT CLASSIFICATION(S):

Rezone two proposed residential parcels (3-acres each) from the Farmland Preservation District to the A-1 Agricultural District which requires a minimum lot size of three (3) acres and a minimum average width of 200 feet. The remaining lands will not be rezoned.

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

The Town CDP designates the subject parcel as Prime Agricultural (35+ acres/dwelling unit), Agricultural 10 Acre Density, Primary Environmental Corridor, and a small sliver of Recreational. The County's CDP designates the property as Farmland Preservation and Farmland Preservation with EC Overlay, which are 35-acre density categories. The FLP District allows for the rezoning of parcels between one and three acres in size (minimum average width of 150 feet) to the R-1 category with adherence to lot siting standards. The proposal is to alternatively rezone to a category that does not require the same lot siting standard compliance. Per ATCP 49, the Department of Agriculture, Trade, and Consumer Protection (DATCP) does permit a parcel in FLP to be rezoned to a district other than R-1 so long as the following requirement is met:

- Within the town, there needs to be 80% consistency between lands that are planned FLP and lands that are zoned FLP (80% of the lands planned FLP need to be zoned FLP).

The proposed density of two dwelling units complies with plan recommendations, but the town and county will need to determine if the proposed configuration of the proposed lots aligns with plan recommendations.

PUBLIC HEARING DATE: August 4, 2025

PUBLIC COMMENT :

Two nearby property owners asked questions. One speaker expressed concerns about the potential for additional lots in the future. Another person asked why the westerly natural resource lands are part of farmland preservation zoning. Town and County staff explained that the property has only two dwelling unit rights remaining, therefore, there would be no additional residential lots available in the future. Staff explained that state rules allow for the entirety of a farm to be eligible for agricultural tax credits, even for wooded, wetland or uncultivated portions of farms, so long as the lands are zoned to a farmland preservation zoning category. A plan commissioner asked about whether the town can approve the two parcels that are proposed to not directly abut a road. Staff advised that the town and county would need to approve any such lots and noted that, in farmland preservation areas, parcels may more commonly be located without direct frontage in order to balance preserving the majority of the farm's land in the larger preservation parcels.

TOWN PLAN COMMISSION:

On August 4, 2025, the Town of Ottawa Plan Commission unanimously recommended approval of the zoning amendment request subject to the Town Planner's report and conditions (see conditions 1-6 of the staff recommendation).

STAFF ANALYSIS:

The property owner is requesting to rezone six (6) acres of the subject 119-acre farm on the north side of CTH Z to be able to create two 3-acre parcels (Lots 3 and 4- see Exhibit A). The parent parcel is a fairly unorthodox configuration with a little under 400' of frontage on CTH Z and the bulk of the acreage extending to the north and west. Approximately one-half of the subject parcel is dominated by natural resources (wetlands, floodplain and Primary Environmental Corridor). The formerly cultivated part of the lands contains prime agricultural soils that are on the higher ground that is fairly level. As noted above, the entire property is planned for Farmland Preservation on the County Farmland Preservation Plan and a good portion of the property is similarly designated for preservation on the town plan. The farmland preservation designation allows for a maximum density of one dwelling unit per 35 acres. The subject 119-acre parcel is part of a farm tracking unit that includes an adjacent home on 10 acres to the southwest. Therefore, the subject farm has two density rights remaining. The proposed creation of two residential parcels would be acceptable per the state administrative rules for farmland preservation (ATCP 49), as described above.

The property abuts state owned lands to the west and there are surrounding agricultural and rural residential uses. With the exception of the residential parcels to the south, which are designated as Suburban II Density Residential on the CDP, the subject parcels are bordered by Farmland Preservation/Prime Agricultural, Recreational, and Agricultural 10 Acre Density plan designations.

The petitioners have been marketing the lands for the past couple of years without success, consistent with the Farmland Preservation District lot siting standards that call for clustering of residences, locating lots near roadways and other homes, and siting lots off of uncultivated lands. The petitioners feel that buyers do not want two homes near the highway or in the narrow part of the road frontage. Rather than clustering the two lots, they are seeking a change to the A-1 Agricultural District category, as the A-1 District does not contain lot siting requirements and allows for lots of a minimum of three acres and 200' in width. The proposal is that the lands would still be developed in conformance with the Farmland Preservation density requirements which yields two development rights on the subject parcel. The remaining 113 acres would be

placed in outlots to allow for the remaining acreage to be owned by one or both of the two future 3-acre lot owners, another adjacent owner, or someone interested in its farmland value. Agricultural outbuildings could be sited on the outlots if authorized via the rezoning conditions. Lots 3 and 4 would each be approximately three acres in area and 250 feet in width and would be available for single-family use. The balance of the acreage would be configured into two (2) parcels, one (1) approximately 35 acres in size and one (1) approximately 78 acres in size (Lots 1 and 2). There is a USDA Wetland Reserve Program Conservation Area Easement on a small portion of proposed Lot 1 which is intended to restore, protect, manage, maintain, and enhance the functional values of the wetlands and other lands. Per the easement agreement, the landowner has the opportunity to participate in the restoration and management activities on the easement area.

Lots 3 and 4 would not directly abut a public road. Easements would need to be prepared to ensure access for all parcels. The town and county would need to review and consider a certified survey map to divide the lands and the petitioner would also need to obtain lot not abutting a public road authorization for any such parcels. A shared access drive is proposed from CTH Z for both parcels to utilize and each residential parcel will have their own driveway off of the access drive.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning staff recommends **conditional approval** of the rezoning request subject to the following conditions:

1. This rezoning authorizes two future dwelling units, one unit each for proposed Lot 3 and Lot 4 as depicted upon the attached Exhibit A.
2. The two proposed building lots shall be three acres in area.
3. The configuration of Lots 3 and 4 shall be substantially consistent with the layout attached as Exhibit A.
4. Proposed Lots 1 and 2 shall be labeled as outlots rather than lots.
5. A deed restriction shall be prepared, reviewed, and approved by the Town Planner and the Waukesha County Planning & Zoning Division staff prior to its recording in the Waukesha County Register of Deeds Office. The deed restriction shall state that two dwelling units are permissible (proposed Lots 3 and 4) and that there is no remaining density available on the subject 119 acres. The restriction shall further stipulate that Lots 1 and 2 can only be used for agricultural or natural resource purposes including agricultural outbuildings.
6. No buildings shall be allowed within the Primary Environmental Corridor.
7. The proposed lots not abutting a public road must be approved by the town and county and access easements must be provided so that all proposed parcels have access to a public road.
8. The lots and outlots shall not be deed restricted to tie lots and outlots together so that the outlot acreage can be conveyed separately for agricultural or natural resource use to other potential farmers or owners in the future. The outlots can contain agricultural buildings without benefit of a residence being located on the same parcel.

As conditioned, the proposal is consistent with the density parameters of the Town and County Comprehensive Development Plans and the County Farmland Preservation Plan, and the proposed rezoning will allow for the lands to be more broadly marketed as having the potential for two three-acre building sites with substantial preserved farmland and natural resource land. The proposed layout will keep the environmental corridor free from buildings while retaining the vast majority of the farm in farmland preservation zoning, consistent with the 35 acre farmland plan density requirement. As conditioned, the deed restriction will disclose to future owners that the creation of the two proposed building lots utilizes the

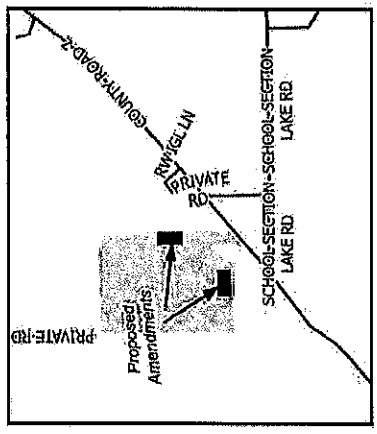
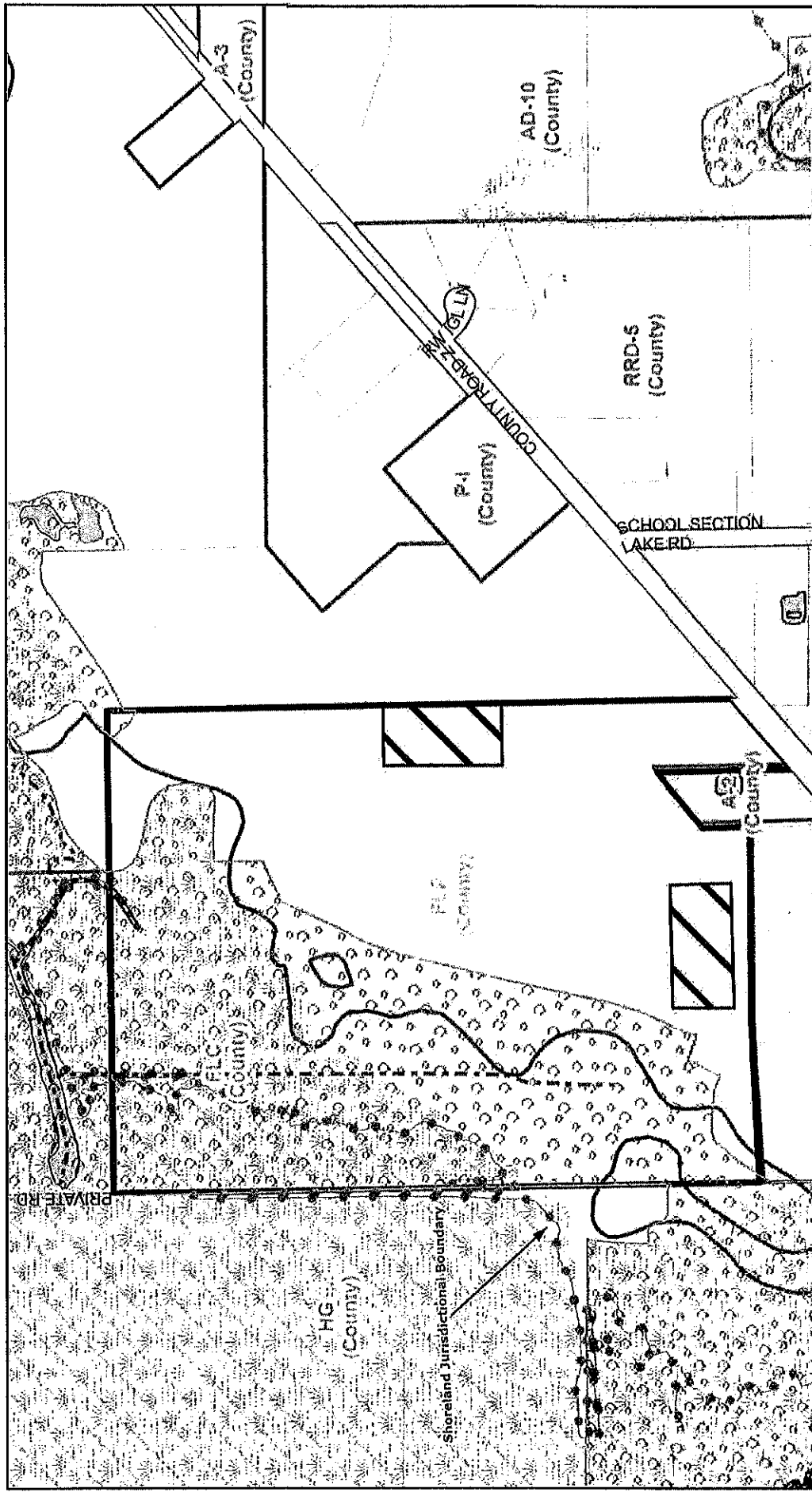
remaining density for this property. The deed restriction will ensure that the acreage encompassing Lots 1 and 2 will be limited to agricultural, open space, and agricultural outbuilding uses. The town and county will have further review authority in considering a subsequent CSM for the lands.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K Slotty'.

Kassie Slotty
Senior Land Use Specialist

Attachment: Rezone Map
Exhibit A



COUNTY ZONING CHANGE FROM FARMLAND PRESERVATION DISTRICT TO A-1 AGRICULTURAL DISTRICT

EC Environmental Corridor Overlay

C-1 Conservancy Overlay

Flood Fringe District

FILE.....RZ160

DATE OF PLAN COMMISSION.....08/21/25

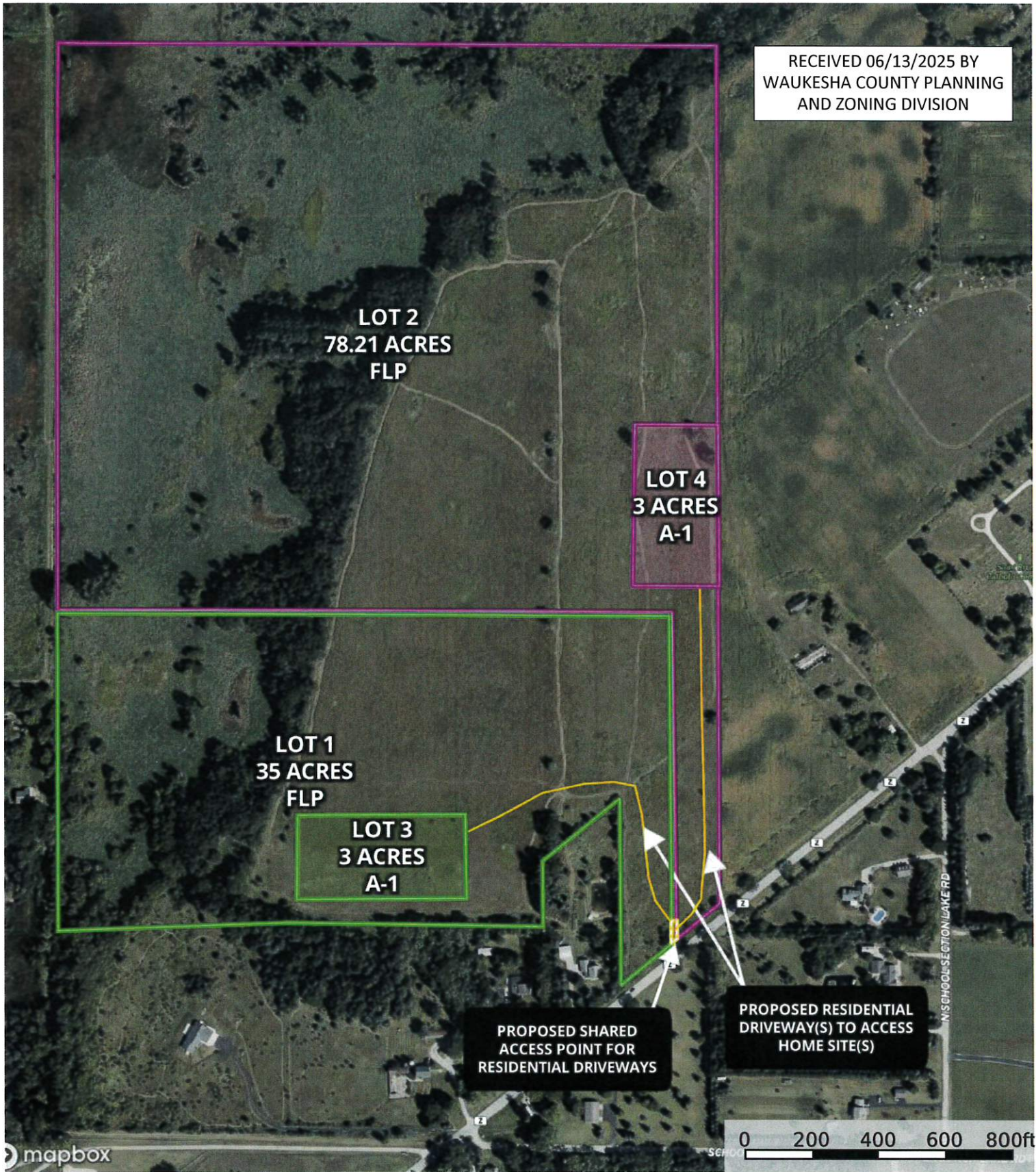
AREA OF CHANGE.....TWO 3.0 ACRE PARCELS

TAX KEY NUMBER.....OTWT1614998004

ZONING AMENDMENT

PART OF NW1/4, SW1/4,
TOWN OF OTTAWA

0 500 1,000 Feet



VOTE RESULTS

Consent Agenda

22 AYE 0 NAY 0 ABSTAIN 3 ABSENT

Majority Vote of Members Present

Passed

D1 - Styza	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	S AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	M AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	ABSENT
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

09 23 2025 County Board Mtg (ID 3091)

September 23, 2025 07:26:43 PM



Walworth County Board of Supervisors



1 AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA
2 COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY
3 ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN
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7 (RZ160)
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