

Enrolled Ordinance 171-091

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (3A - GARY HEATH, SECTION 2, T6N, R17E, TOWN OF OTTAWA)

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 23, 2017, 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 16, 2017, a summary of the Public Hearing, comments and Staff Recommendations 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 16, 2017, 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.

3. In the Town of Ottawa, the following request is being made:
 - A. **Gary Heath**, W350 S1951 Waterville Road, Oconomowoc, WI 53066, requests property located at W350 S1401 Waterville Road, in part of the NE 1/4 of Section 2, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1589.999), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural density]), to allow for a future single-family residence.

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

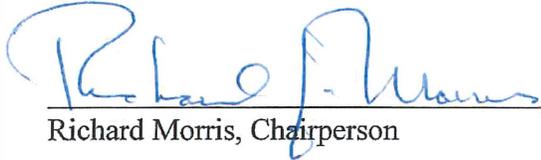
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Ottawa.

COMMISSION ACTION

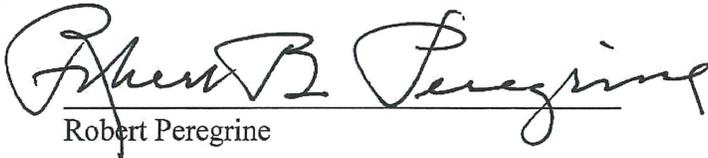
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2017 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3A – Gary Heath, Section 2, T6N, R17E, Town of Ottawa) hereby recommends **approval.**

PARK AND PLANNING COMMISSION

March 16, 2017


Richard Morris, Chairperson


William Mitchell


Robert Peregrine


James Siepmann


Keith Hammit


William Maslowski


Bonnie Morris

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A
YEAR 2017 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(3A GARY HEATH, TOWN OF OTTAWA)

DATE: March 16, 2017

PUBLIC HEARING DATE: February 23, 2017

A copy of the Public Hearing Minutes associated with the request is included herein as an attachment (see Exhibit "A").

REQUEST:

Year 2017 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

3. In the Town of Ottawa, the following request is being made:

- A. ***Gary Heath***, W350 S1951 Waterville Road, Oconomowoc, WI 53066, requests property located at W350 S1401 Waterville Road, in part of the NE ¼ of Section 2, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1589.999), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural Density]), to allow for a future single-family residence.

EXISTING LAND USE CATEGORY:

Governmental and Institutional, PEC, INRA, and Other Open Lands to be Preserved. Only the Governmental and Institutional category will be amended.

PROPOSED LAND USE CATEGORY:

Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural Density]).

PUBLIC REACTION: None.

TOWN PLAN COMMISSION ACTION:

On September 12, 2016, the Town of Ottawa Plan Commission unanimously approved the request.

TOWN BOARD ACTION:

On October 10, 2016, the Ottawa Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:

The petitioner recently purchased approximately thirty acres from Lad Lake to add to his existing holdings (see proposed Certified Survey Map [CSM] attached as Exhibit "B"). Approximately 11.7 acres of the thirty acres is proposed to be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category on the Comprehensive Development Plan map. As noted above, the PEC, INRA, and Other Open Lands to be Preserved land use designations on the remainder of the property will not be amended. The surrounding lands are

designated on the Comprehensive Development Plan as Government and Institutional and PEC to the north, Agricultural 10 Acre Density to the east, south, southeast, and PEC and INRA to the south, and PEC to the west and southwest.

Although the thirty acres of land has already been conveyed from Lad Lake to the petitioner, a condition of that conveyance at the town level was to follow through with the County's Comprehensive Development Plan amendment procedure, as well as a zoning change, and a Certified Survey Map. The petitioner may propose a future dwelling on parcel, but for now, he intends to keep the land in open space use. In addition to the PEC and INRA, the property contains wetland, 100-year floodplain, a pond, a small area of Scuppernong Creek frontage, steep slopes in excess of 12% and hydric soils. The petitioner's existing holdings immediately to the south consist of three eight-acre lots that are part of a four lot CSM approved in 1994.

The subject parcel is zoned P-I Public and Institutional District, EC Environmental Corridor Overlay District (PEC/INRA), Conservancy Overlay District (wetland and floodplain), and HG High Groundwater District. The zoning in the surrounding area is a mix of different districts. As part of the ongoing zoning map modernization project, the County will advance a zoning change for the subject property to the A-T Agricultural Transition District, which will allow for the petitioner's future rural residential use.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Based on the above analysis, the approval of the request would serve to provide additional open space land for the petitioner along Waterville Road; a Wisconsin designated Rustic Road, while both allowing for future residential use and preserving the natural resources that contribute to the aesthetics of the rural landscape in this area of the Town of Ottawa. The land was surplus land that Lad Lake wanted to divest of, and the sale of the land will not adversely affect the overall operation.

The request complies with the objectives and standards contained in the Comprehensive Development Plan which includes the protection of both the rural character and quality of the environmental features of the Town of Ottawa. The amendment recognizes that institutional use of the property is not envisioned any longer.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachment: Exhibit "A" (Public Hearing Minutes)
Exhibit "B"
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2017\Staff Recommendation 3A Gary Heath T Ottawa.doc

EXHIBIT "A"

whether there are any unique problems in this area. Ms. Makovec, asked how many homes are being proposed? Mr. Fruth replied that it is important to remember that there was only a concept plan submitted along with the land use plan amendment application, Ms. Barrows replied that eight (8) lots are being proposed.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

3. In the Town of Ottawa, the following requests are being made:

- A. **Gary Heath**, W350 S1951 Waterville Road, Oconomowoc, WI 53066, requests property located at W350 S1401 Waterville Road, in part of the NE ¼ of Section 2, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1589.999), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural density]), to allow for a future single-family residence.

Ms. Barrows indicated that Lad Lake is a treatment facility for at risk youth and was interested in selling off some of their holdings. The petitioner, Mr. Heath recently purchased approximately 30 acres of land located on the southeast portion of the parcel. The west half of the acreage sold contains floodplain, wetland, primary environmental corridor and isolated natural resource area. The petitioner acquired the property to construct a new residence on the upland area of the site sometime in the future. Surrounding properties include Environmental Corridor, Isolated Natural Resource lands and Other Lands to be Preserved.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

- B. **Warren Mundschau, representing St. Bruno's Congregation**, 226 W. Ottawa Avenue, Dousman, WI 53118, requests property owned by E-R Acres LLC, c/o Anthony J. Igl, 140 North Prairie Drive, Oconomowoc, WI 53066, and located at W385 S2927 C.T.H. "Z", in part of the SW ¼ and SE ¼ of Section 8, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1614.997), be amended from the Farmland Preservation category (>35 acres of area per dwelling unit or greater) to the Governmental and Institutional category, to allow the conveyance of one (1) acre of land for cemetery use.

Ms. Barrows indicated the adjacent six (6) acre property, located to the east, is currently owned by St. Bruno's Congregation and is utilized for cemetery purposes. St. Bruno's is looking to acquire an additional acre of land from the property owner located to the southwest for future cemetery plots. The property to the southwest is approximately 55 acres in size and located in the Farmland Preservation category (one unit per 35 acres). The remnant parcel would comply with the density requirements.

Ms. Barrows explained that the Town of Ottawa action is pending and the County will defer action until it is approved by the Town. Ms. Scherer, Town Planner, said the Town Board would meet the second Monday in March. She cautioned that it would be up to the Town Attorney if the Town Board would be able to act on this matter at their March meeting.

Mr. Siepmann notified the Chairman that he would need to recuse himself from voting on this matter when it comes before the Park and Planning Commission in March due to a conflict of interest.

EXHIBIT "B"

Certified Survey Map

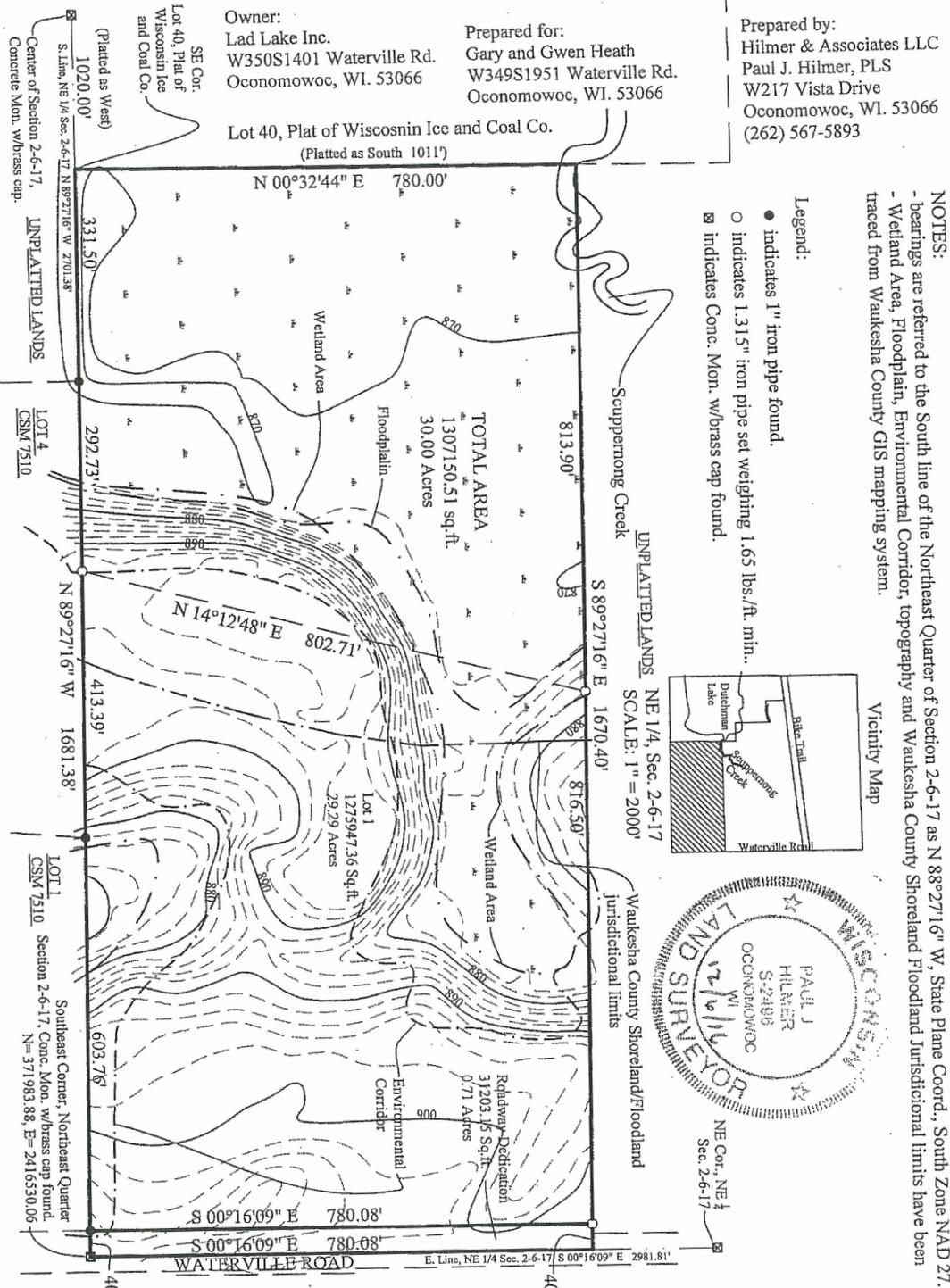
being a part of the Southwest Quarter and Southeast Quarter of the Northeast Quarter of Section 2, Town 6 North, Range 17 East, Town of Ottawa, Waukesha County, Wisconsin.

Owner:
Lad Lake Inc.
W350S1401 Waterville Rd.
Oconomowoc, WI. 53066

Prepared for:
Gary and Gwen Heath
W349S1951 Waterville Rd.
Oconomowoc, WI. 53066

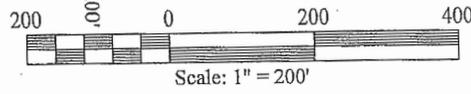
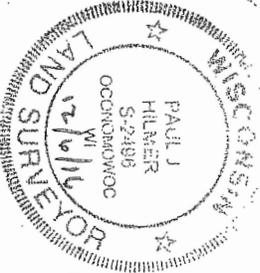
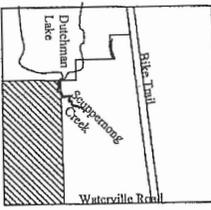
Prepared by:
Hilmer & Associates LLC
Paul J. Hilmer, PLS
W217 Vista Drive
Oconomowoc, WI. 53066
(262) 567-5893

Lot 40, Plat of Wisconsin Ice and Coal Co.
(Platted as South 1011)



- Legend:
- indicates 1" iron pipe found.
 - indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min.
 - ☒ indicates Conc. Mon. w/brass cap found.

NOTES:
- bearings are referred to the South line of the Northeast Quarter of Section 2-6-17 as N 89°27'16" W, State Plane Coord., South Zone NAD 27.
- Wetland Area, Floodplain, Environmental Corridor, topography and Waukesha County Shoreland Floodland Jurisdictional limits have been traced from Waukesha County GIS mapping system.

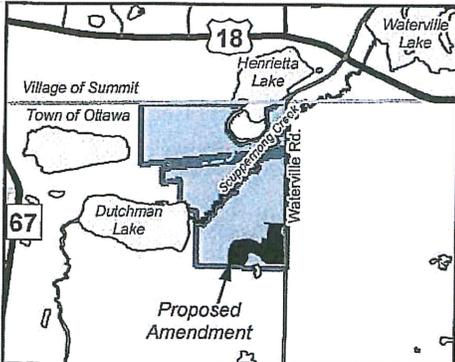
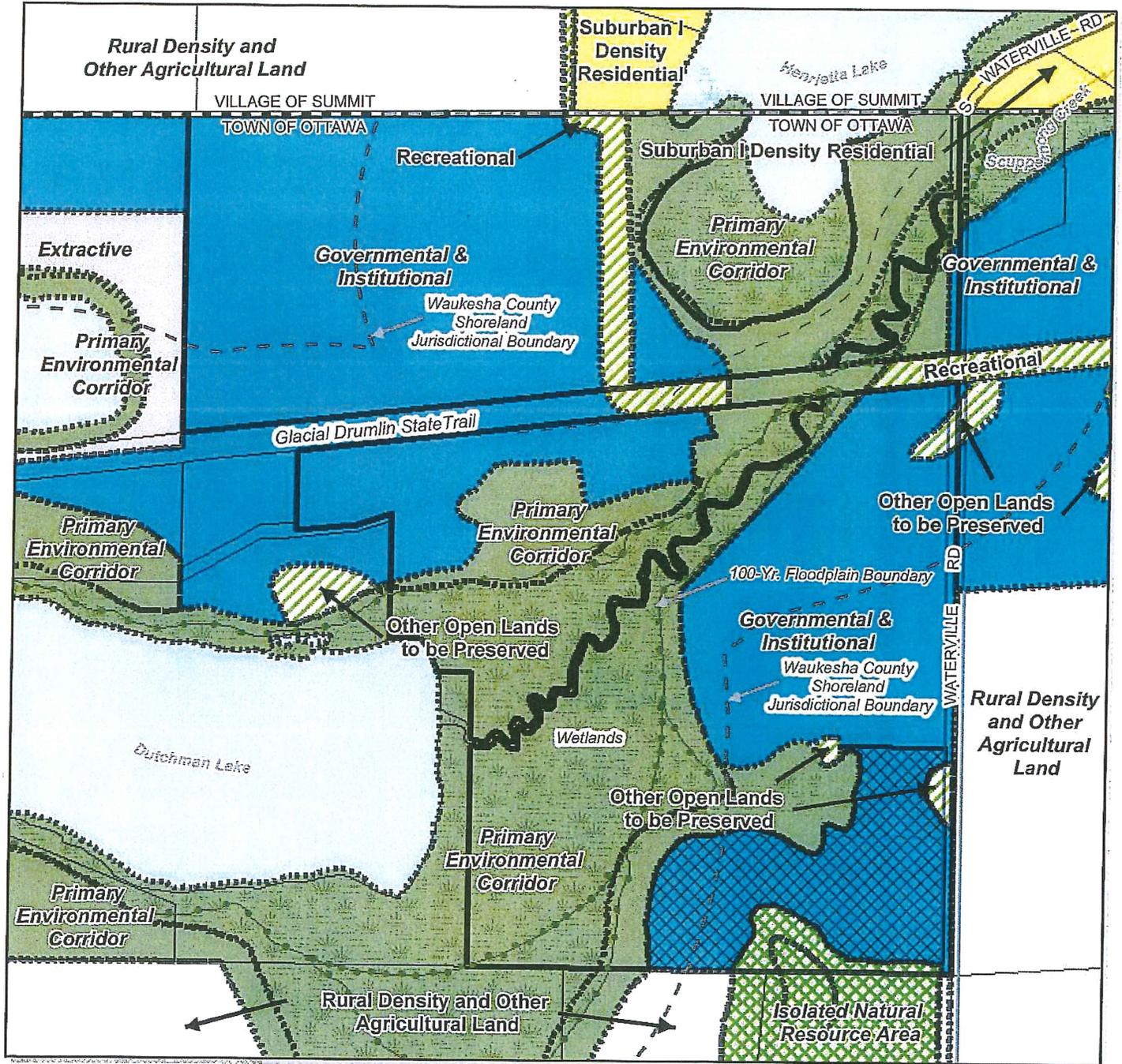


This instrument drafted by Paul J. Hilmer

Sheet 1 of 4 sheets.

DEVELOPMENT PLAN AMENDMENT

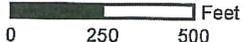
PART OF THE NE 1/4 OF SECTION 2
TOWN OF OTTAWA



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM GOVERNMENTAL AND INSTITUTIONAL TO RURAL DENSITY AND OTHER AGRICULTURAL LAND

PETITIONER.....LAD LAKE, INC (3A)
 DATE OF PLAN COMM. CONSIDERATION.....02/23/17
 AREA OF CHANGE.....11.11 ACRES
 TAX KEY NUMBER.....OTWT 1589.999

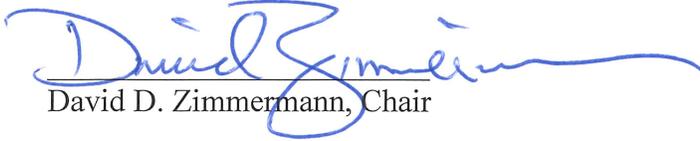


1 inch = 500 feet


Prepared by the Waukesha County Department of Parks and Land Use

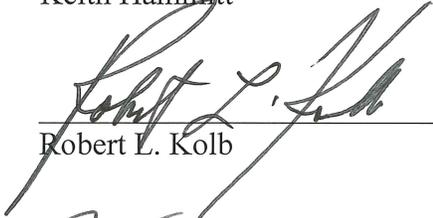
YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT
PLAN FOR WAUKESHA COUNTY (3A – GARY HEATH, SECTION 2,
T6N, R17E, TOWN OF OTTAWA)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

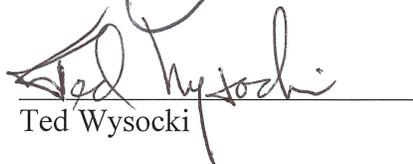

Kathleen M. Cummings

(ABSENT)
Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 4/25/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 5/4/17, 
Paul Farrow, County Executive

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options
D1 - Kolb			AYE			
D2 - Zimmermann			(M) 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			AYE			
D12 - Wolff			AYE			
D13 - Decker			AYE			
D14 - Wood						AYE
D15 - Mitchell						AYE
D16 - Crowley						AYE
D17 - Paulson						(2) AYE
D18 - Nelson						AYE
D19 - Cummings						AYE
D20 - Schellinger						AYE
D21 - Zaborowski						AYE
D22 - Wysocki						AYE
D23 - Hammitt						AYE
D24 - Whittow						AYE
D25 - Johnson						AYE

171-0-092

Passed (25 Y - 0 N - 0 Absent)

Majority Vote

