170th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
170-O-023	05/06/15 05/07/15	Judiciary Finance	ORD: Approve Revised 2nd Amendment To Old Health And Human Services Building Smokestack Cellular Tower Lease
170-O-024	05/06/15 05/07/15	Judiciary Finance	ORD: Approve Third Amendment To Nashotah Substation Cellular Tower Lease
170-O-025	06/01/15 06/04/15	Land Use	ORD: Adoption Of Town Of Genesee Zoning Code And Map To Replace General County Zoning In The Town Of Genesee (ZT-1728A)
170-O-026	06/01/15 06/04/15	Land Use	ORD: Amend The Text Of The Town Of Mukwonago Zoning Code To Modify Subsection 82-131(1) Relating To The Keeping Of Livestock In The A-1 Agricultural District (ZT-1808)
170-O-027	06/01/15 06/04/15	Land Use	ORD: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼, SW ¼ And NE ¼ Of Section 18, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The A-P Agricultural Land Preservation District To The A-1 Agricultural District (ZT-1809)
170-O-028	06/01/15 06/04/15	Land Use	ORD: Year 2015 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (1A – Oconomowoc Town Board), Section 23, T8N, R17E, Town Of Oconomowoc
170-O-029	06/01/15 06/04/15	Land Use Finance	ORD: Accept Site Assessment Grant From Wisconsin Economic Development Corporation And Amend 2015 Waukesha County Department Of Parks And Land Use Budget To Authorize Grant Expenditures
170-O-030	06/01/15 06/04/15	Executive Land Use	ORD: Amend The Waukesha County Code Of Ordinances By Repealing And Recreating Sec. 14-167(a) Park Rules Regarding Certain Flotation Devices
170-O-031	06/03/15 06/04/15	Executive Finance	ORD: Create A Two-County Federated Library System Consisting Of Waukesha County And Jefferson County And Amend The Code Of Ordinances, Chapter 11
170-A-011	06/01/15 06/04/15	Executive	APPT: Christine Howard To The Aging & Disability Resource Center (ADRC) Board
170-A-012	06/01/15 06/04/15	Executive	APPT: William Steele To The Aging & Disability Resource Center (ADRC) Board

ADOPTION OF TOWN OF GENESEE ZONING CODE AND MAP TO REPLACE GENERAL COUNTY ZONING IN THE TOWN OF GENESEE (ZT-1728A)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on March 23, 2015, 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the adoption of a zoning code and map, replacing general county zoning in the Town of Genesee, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1728A, is hereby approved.

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

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

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Referred on: 06/04/15	File Number: 170-O-025	Referred to: LU

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to adopt a Zoning Code and Map for the Town of Genesee hereby recommends **approval** of **ZT-1728A (Town of Genesee)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION **May 21, 2015**

James Siepmann, Chairperson

William Mitchell, Vice Chairperson

Robert Peregrine

Gary Goodchild

Keith Hammit

Richard Morris

William Maslowski

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

FILE NO:	ZT-1728A
TAX KEY NUMBER:	N/A
DATE:	May 21, 2015
NAME OF PETITIONER:	Town Board of Genesee Town of Genesee Hall S43 W31391 S.T.H. 83 Genesee Depot, WI 53127

NATURE OF REQUEST:
Consider approval of a new Town of Genesee Zoning Code and Map, which would replace General County Zoning within the Town of Genesee.

PUBLIC HEARING DATE:
March 23, 2015.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
At their meeting of March 23, 2015, the Town of Genesee Plan Commission unanimously recommended approval of the final draft Town of Genesee Zoning Code and map with minor recommended changes to the Town Board.

TOWN BOARD ACTION:
At their meeting of March 23, 2015, the Town of Genesee Board unanimously approved the proposed Town of Genesee Zoning Code and Zoning Map in accordance with the recommendation of the Town Plan Commission (see attached Exhibit "A", Town Ordinance).

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF GENESEE COMPREHENSIVE PLAN:
The proposed Town Zoning Code complies with the recommendations of the County Development Plan and the Town of Genesee Smart Growth Plan. For instance, the code provides sufficient protections for natural resources, addresses the suitability of poorly drained soils relative to basement protection, and provides for a wide range of housing choices.

BACKGROUND, SUMMARY AND ANALYSIS OF PROPOSED TOWN ZONING ORDINANCE AND MAP AND REPEAL OF COUNTY ZONING CODE WITHIN THE TOWN OF GENESEE:

In 2011, the Town of Genesee first requested Waukesha County approval of a new Town Zoning Code, which would repeal the Waukesha County Zoning Code relative to the Town of Genesee. The Town's request was submitted simultaneously along with parallel requests from the Towns of Vernon and Oconomowoc. County Parks and Land Use Staff conducted a thorough review of each of the three towns' codes and requested and received additional data from the three towns. In 2012, the Planning and Zoning Division Staff prepared a detailed staff report that recommended denial of each of the three proposed town codes based upon a number of identified technical deficiencies and policy concerns. The Town withdrew their request shortly after receipt of the County Staff Report and Recommendation and indicated that the Town wished to have time to review the staff report and address concerns prior to advancing a revised draft. Vernon and Oconomowoc similarly withdrew their requests upon receipt of similar County Staff Reports. At this time, the Town of Genesee is the only town requesting approval of its own zoning code.

Since 2012, the Town has provided multiple drafts of code text and maps to the Planning and Zoning Division Staff and the Town Planner has met and communicated with County Planning and Zoning Division Staff on multiple occasions to work towards a revised final code and map that is acceptable to both the Town and County. The Town is now seeking County approval of the revised Town Zoning Code dated March 23, 2015 pursuant to Ch. 60.62(3) of the *Wisconsin Statutes*. Corporation Counsel Staff has advised that, pursuant to this statutory provision, the subject request is appropriate for the County to consider and act upon. Specifically, 60.62(3) requires the approval of the County Board to effectuate a Town Zoning Ordinance.

Since the time of the initial 2011 code submittal, State law was amended (2013 Wisconsin Act 287) which had the effect of providing Waukesha County with the continuing role of approving all Town zoning amendments (text and map) even if all towns in the County adopted their own zoning ordinances at some point in the future. Parks and Land Use Staff believes that this law change helps to ensure that the County Development Plan is preserved as a tool to guide future land use decisions and address issues of Countywide importance that may transcend municipal boundaries.

Proposed Code Provisions

The proposed code is generally modeled after the Waukesha County Zoning Code and most zoning districts carry the same name and basic regulations as that which exists within the County Code. The proposed code and map is available for viewing on the Town website at www.towngenesee.org under the "Zoning" tab. The Town has tailored specific language in certain sections to deal with specific issues in a new or slightly different way. Examples of such unique changes include a new parking requirements table, revised grading provisions, and different accessory building size limitations. While such changes are different from the County Code, there is often no one right answer for how to regulate the various specific zoning or use provisions within zoning codes. Instead, there is often a preference that is developed based upon practical experience and these preferences typically develop the framework for final code language. The Planning and Zoning Division Staff feel that the specific changes discussed above are appropriate and are in

keeping with the recommendations of the County Development Plan. In addition, the Town has brought in new provisions to deal with certain use trends such as portable storage units (PODs) and exterior heating devices and has provided an enhanced table of contents.

The above referenced 2012 staff report raised concerns about the previously proposed establishment of duplicative or less restrictive Town shoreland zoning provisions, zoning map deficiencies and increased minimum home sizes, amongst other issues. The now-proposed Town Code has addressed all such major issues of concern. Shoreland areas are no longer proposed to be zoned by the Town and related shoreland provisions have been removed from the Code. The Parks and Land Use Staff has shared the most current available natural resource inventory mapping and zoning data to assist the Town with assembling a zoning map that is up to date and addresses issues such as high groundwater soils. All minimum home sizes now match the existing Zoning Code. Town and County Staff have worked closely together to work through suggested edits and refinements to many other code sections to address other concerns or recent law changes. Of the many provisions and regulations within the proposed Code, there were only a couple of minor issues where there was ultimate agreement to disagree. One issue is the Town's proposed provision that would allow the replacement of a non-conforming structure in the same location if the size and orientation of the structure does not change. The County Planning and Zoning Staff feels that if a structure is, for example, one foot from a lot line, and the re-build is not a replacement of a home destroyed by natural disaster, that said replacement structure should be built in a conforming location or variances should be obtained. The Town's proposed provisions for this issue only require a special exception or variance if the structure will change in size or location. One other minor issue is the reference in Section 100 to "Exercise of County Board of Adjustment Powers". The Planning and Zoning Division Staff has advised the Town Planner that a reference to Village Powers may be more appropriate. A few other minor typographical or heading errors were also pointed out and the Town Planner will make technical edits to resolve those issues. Finally, the Planning and Zoning Division Staff identified a few mapping errors and needed legend changes in the final map and the Town has recently submitted a revised map to address said issues.

History and Applicability of the County Zoning Code

Waukesha County adopted it first general zoning ordinance on June 7, 1946. Five towns (Eagle, Genesee, Oconomowoc, Ottawa and Vernon) elected to participate in the countywide zoning ordinance and each adopted the code independently between 1946 and 1957. In 1959, a more comprehensive general zoning ordinance was adopted by Waukesha County and the same five Towns each adopted the new general county code within that same year. The other Towns within the County adopted their own zoning codes during the 1940s and 1950s. Six of those Towns adopted a model Town zoning ordinance that was prepared by Waukesha County Staff.

In 1990 and with the approval of Waukesha County, the Town of Eagle adopted its own zoning ordinance, closely modeled after Waukesha County's existing zoning ordinances, leaving Genesee, Oconomowoc, Ottawa and Vernon subject to county zoning. There are currently seven Towns within the County that are subject to town zoning ordinances. All shoreland areas (lands within 1,000' of a lake or pond, 300' of a stream or, if further, to the full extent of the associated floodplain) are subject to the County Shoreland and Floodland Protection Ordinance regardless of whether the Town is subject to a Town or County general zoning ordinance.

Shoreland Jurisdictional Areas

Currently, approximately 21% of the Town's acreage is located within shoreland areas and approximately 20% of parcels are partially or fully located within shoreland areas. The proposed Town Code references that said lands will continue to be subject to the Waukesha County Shoreland and Floodland Protection Ordinance.

An analysis of Waukesha County permitting activities over the eight-year span from 2006-2013 revealed that the number of permit applications and violations within Genesee were generally representative of the shoreland/non-shoreland split in acreage within the Town. For instance, of the approximately 27 violation complaints submitted to Waukesha County per year within Genesee during that time span, 77% were related to non-shoreland properties. Similarly, approximately 73% of Site Plan/Plan of Operation reviews during the same time period were non-shoreland.

New/expanded Town Responsibilities:

The Town has long had a role in administration of zoning. The Town has a Plan Commission and Town Planner and the existing County Zoning scheme called for joint public hearings conducted with the Town and required the recommendation of the Town for various planning matters (zoning amendments, conditional use requests, site plans). The Town will take on many additional tasks in proposing to exercise town zoning. The Town is designating the Town Planner and/or the Town Building Inspector to carry out many of the review and permitting tasks and services that the County Planning and Zoning Staff currently provide to the Town. The list below is reflective of service areas that the Town will need to expand or create if the subject request is approved.

- ***Town Board of Adjustment.*** The Town Code provides provisions for a Town Board of Appeals. The Town will need to appoint members and begin convening meetings that had previously been handled by the County Board of Adjustment. Because smaller, substandard lots of record are relatively uncommon in Genesee, it is expected that the Town would see relatively few variance requests in the future.

- ***Zoning maps.*** The Town will need to employ a consultant to prepare and update zoning maps or request that Waukesha County provide such service on an hourly charge back basis. In addition, the Town will need to decide whether it will seek to continue to make its zoning maps viewable via the County GIS system and will need to make accommodations for said information to be available.

- ***Zoning Violations.*** County Planning Staff currently pursues zoning violation enforcement in all parts of Genesee. Town Staff has been designated within the code as the entity that will pursue violation enforcement. Legal assistance will need to be obtained from the Town Attorney rather than the Waukesha County Corporation Counsel Office for those violations where Staff cannot resolve a dispute or obtain voluntary compliance with the code.

- ***Zoning Permit Administration.*** Town staff has been designated to review and issue all zoning permits. Town Staff will need to analyze basement elevations in conjunction with Land Resources and Environmental Health Staff with regards to high groundwater

conditions, review plat and CSM restrictions for individual lots and review natural resource inventories to ensure that permits are consistent with recorded documents and existing ordinances and that natural resources are protected. The Town has presented a preliminary fee schedule that matches the fee schedule currently administered by the County.

- ***Zoning Approvals.*** Town staff will need to prepare public hearing notices, submit requisite fees and notices to the local newspaper and disseminate mailings to nearby owners and other regulatory staff for conditional use, rezoning and variance requests. Town Staff will also now fully process variance, conditional use, rezoning and site plan applications and will be responsible for issuing requisite permits and decision sheets.

- ***Ordinance Amendments.*** It is expected that Town Staff would draft text amendments in consult with the Town Attorney.

- ***Records management.*** County Planning Staff currently maps the boundaries of Planning/Zoning applications and is in process of building a system that links file records to the GIS system. Historic zoning records dating to the origins of County Zoning are housed by Waukesha County. The Town will need to consider how best to archive, retrieve and display file contents going forward. County Parks and Land Use Staff would be willing to assist with such efforts.

- ***Agency coordination.*** County Planning Staff currently works closely with other County divisions and departments when reviewing zoning applications to ensure that septic, separation from groundwater, storm water and erosion control, highway access and parks acquisition issues are addressed relative to individual projects. The Town will need to consider how best to coordinate such review with these cooperating offices.

RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Genesee's request to adopt its own Zoning Code. The revised code complies with key recommendations of the County Development Plan and the previously identified issues of concern have been resolved. The Town's final code text appropriately omits shoreland zoning provisions and recent law changes ensure the County's ability to be able to effectively implement the recommendations of the County Development over time.

The Town and County Planning Staff worked together closely to ensure that the final presented code complies with applicable State Statutes and that the code will be an effective regulatory tool for the Town. County Planning Staff also believes that the proposal for the Town to administer more permits locally will provide additional efficiencies as individuals will be able to obtain both building and zoning permits locally at the Town Hall. The Town will also take some of the burden of zoning administration away from County Planning Staff for non-shoreland areas. For example, violation enforcement is an area that County Staff currently must devote much time to. With the

change in administration, it is expected that more time will be freed up for County Planning and Zoning Staff to work on more long range planning projects and the more complex shoreland zoning matters. With Town and County Planning Staff working together successfully to bring the proposed code to its final form, it is hoped that similar cooperation would continue in the future as the Town and County consider additional ways to improve ordinances, processes and land use tools.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit "A" (Town Ordinance No. 15-5)
Proposed Town of Genesee Zoning Code dated March 23, 2015 available for viewing at www.towngenesee.org- click "Zoning" tab.

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EXHIBIT "A"

STATE OF WISCONSIN TOWN OF GENESEE WAUKESHA COUNTY

ORDINANCE NO. 15-5

AN ORDINANCE TO ADOPT A ZONING CODE AND MAP FOR THE TOWN OF GENESEE

WHEREAS, the Town of Genesee Town Board has been authorized to exercise Village powers pursuant to Wisconsin Statutes Section 60.10(2)(c); and

WHEREAS, the Town of Genesee Town Board has received approval of the Town Meeting to exercise Town zoning authority, pursuant to Wisconsin Statutes Section 60.10(2)(h), and Wisconsin Statutes Section 60.62(2); and

WHEREAS, the Town Board may adopt zoning ordinances pursuant to Wisconsin Statutes Section 60.62(1), 61.35, and 62.23(7), and other applicable laws, and hereby intends to exercise such authority; and

WHEREAS, the Town Board's exercise of zoning authority is subject to approval of the Waukesha County Board pursuant to Wisconsin Statutes Section 60.62(3); and

WHEREAS, the Town Board for the Town of Genesee has initiated this purposed zoning ordinance and has referred to the matter to the Town Plan Commission pursuant to Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, following the formation of tentative recommendations a public hearing was held by the Town Board upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, the Town Board has received a recommendation from the Town Plan Commission in favor of adopting the ordinance to create a Zoning Code and Map for the Town of Genesee; and

WHEREAS, the Zoning Ordinance that is hereby adopted has been available for public inspection for not less than two weeks before its enactment, and shall be published as a code pursuant to Wisconsin Statutes Section 66.0103; and

WHEREAS, the Town Board of the Town of Genesee having carefully reviewed the recommendation of the Town Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied, having determined that the Zoning Ordinance and Map are consistent with the recommendations found in the Town of Genesee Comprehensive Plan, having given the matter due consideration, and having based its determination on the effect of the adoption of such Zoning Ordinance and Map on the health, safety and welfare of the community, and having given due consideration to such municipal issues as noise, dust, smoke and odor, and others, hereby determines that the Zoning Code and Map adoption will be a benefit to, and will not be contrary to, the public health, safety and general welfare of the Town of Genesee.

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: The Town of Genesee Zoning Code attached hereto and incorporated herein as Exhibit A, is adopted as the Zoning Code for the Town of Genesee, Waukesha County, Wisconsin.

SECTION 2: The Zoning Map of the Town of Genesee attached hereto and incorporated herein as Exhibit B, is adopted as the Zoning Map for the Town of Genesee, Waukesha County, Wisconsin

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 as to those terms that conflict.

SECTION 4: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as a Code of Ordinances pursuant to Wisconsin Statutes Section 66.0103, immediately upon the approval of the Waukesha County Board of Supervisors pursuant to Wisconsin Statutes Section 60.62(3).

Dated this 23rd day of March, 2015.

TOWN OF GENESEE

Sharon L. Leair

Sharon L. Leair, Town Chairman

ATTEST:

Barbara A. Whitmore

Barbara A. Whitmore, Town Clerk

Published and/or posted this 26th day of March, 2015.

RECEIVED

MAR 26 2015

DEPT OF PARKS & LAND USE

Referred on: 06/04/15 File Number: 170-O-025 Referred to: LU 10

AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE TO MODIFY SUBSECTION 82-131(1) RELATING TO THE KEEPING OF LIVESTOCK IN THE A-1 AGRICULTURAL DISTRICT (ZT-1808)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on April 1, 2015, 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to modify Subsection 82-131(1) relating to the keeping of livestock in the A-1 Agricultural District, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1808, is hereby approved.

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

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

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Referred on: 06/04/15	File Number: 170-O-026	Referred to: LU

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Ordinance hereby recommends **approval** of **ZT-1808 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION **May 21, 2015**

James Siepmann, Chairperson

William Mitchell, Vice Chairperson

Robert Peregrine

Gary Goodchild

Keith Hammit

Richard Morris

William Maslowski

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

FILE NO.: ZT-1808

DATE: May 21, 2015

PETITIONER: Jean Holtz Trust
Marital Trust Created Under the Holtz Trust Et AL
W335 S7907 C.T.H. "E"
Mukwonago, WI 53149

NATURE OF REQUEST:
Amend Subsection 82-131(1) of the Town of Mukwonago Zoning Code (Town Ordinance 2015-O-26) relating to the keeping of livestock in the A-1 Agricultural District.

PUBLIC HEARING DATE:
April 1, 2015.

PUBLIC REACTION:
Two of the petitioners spoke in support of the amendment.

TOWN PLAN COMMISSION:
On April 1, 2015, the Town of Mukwonago Plan Commission recommended adoption of the proposed ordinance by a vote of 4 to 2.

TOWN BOARD ACTION:
On April 1, 2015, the Town of Mukwonago Board approved the Zoning Ordinance Amendments as recommended by the Town Plan Commission by a vote of 4 to 1.

OTHER CONSIDERATIONS:
The Town of Mukwonago recently received a request from a property owner to amend its zoning code to allow for leased lands to be taken into account in arriving at the number of permissible livestock on properties within the Town's A-1 Agricultural District. The A-1 District allows for parcels as small as three acres. At present, the Town Code allows for one horse or head of livestock per acre if a parcel has at least three acres with at least one acre being "open". The proposal would allow for adjacent lands owned by the same owner to be utilized in calculating the number of permissible livestock and provides individuals with the ability to petition the Town Plan Commission to increase the number of available animals if a lease of adjacent lands is secured and such lands are zoned C-1, EC, A-1, AE or AP.

The Town Planner indicated in his report that the Town modeled similar lease language within the County Shoreland & Floodland Protection Ordinance in drafting the proposed amendment. The Town Planner also inquired of our office as to whether such provisions have caused any particular problems over time. I advised that we had not had many issues with the provision and advised that the language allows for a fairly informal process whereby some documentation of a given lease is requested to demonstrate compliance with the ordinance.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that the proposed text amendments be **approved.** The proposed amendment is very minor and will provide more flexibility to rural residents for keeping animals.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance 2015-O-26

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STATE OF WISCONSIN TOWN OF MUKWONAGO WAUKESHA COUNTY

ORDINANCE 2015-O-26

AN ORDINANCE TO AMEND SUBSECTION 82-131(1) OF THE TOWN OF MUKWONAGO MUNICIPAL CODE RELATED TO KEEPING OF LIVESTOCK IN THE A-1 AGRICULTURAL DISTRICT

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 82 of the Town of Mukwonago Municipal Code, titled "Zoning;" and

WHEREAS, the Jean Holtz Trust owns property in the Town of Mukwonago and has submitted a petition to amend Subsection 82-131(1) of the Town of Mukwonago municipal code which relates to private stables, among other things; and

WHEREAS, the Town Clerk for the Town of Mukwonago has properly referred the matter to the Plan Commission and to the Waukesha County Park and Planning Commission, pursuant to Section 82-265(c) of the Town of Mukwonago Zoning Code; and

WHEREAS, the Town Board has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board, pursuant to Section 82-265(c)(2) of the Town of Mukwonago Zoning Code; and

WHEREAS, upon due notice as required by Section 82-267(a), the Plan Commission and Town Board held a joint public hearing on April 1, 2015 pursuant to Section 82-265(d) of the Town of Mukwonago Zoning Code; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

SECTION 1. Subsection 82-131(1) of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

(1) Any use as permitted in the A-E exclusive agricultural conservancy district subject to the following:

a. Private stables on parcels of less than 20 acres subject to a written refuse disposal plan being submitted to and approved by the plan commission if requested by the town, provided that not more than one horse or other head of livestock are kept for each full open acre over two acres of lot area and provided that the keeping of hogs, pigs of any type (except potbellied pigs as defined in this chapter for which a hobby kennel use permit has been issued), male goats or fur-bearing animals shall not be permitted on less than 20 acres.

b. Private stables on parcels 20 acres or greater in size subject to a written refuse disposal plan being submitted to and approved by the plan commission if requested by the town.

c. Commercial stables on parcels 20 acres or greater in size subject to a written refuse disposal plan being submitted to and approved by the plan commission if requested by the town.

d. Commercial stables on parcels of less than 20 acres are not permitted but may be allowed as conditional uses pursuant to section 82-21(d)(11) and provided that the keeping of hogs, pigs of any type (except potbellied pigs as defined in this chapter for which a hobby kennel use permit has been issued), male goats or fur-bearing animals shall not be permitted on less than 20 acres.

e. Poultry raising is permitted but not more than 20 fowl may be kept for each full open acre over two acres of lot area.

f. All lands to be utilized for the keeping of livestock must be under the same ownership, except the plan commission may upon petition allow leased lands to increase the maximum permitted livestock provided the leased lands are contiguous to the owner's property and such lands are zoned C-1, EC, A-1, AE, or AP.

SECTION 2. SUBMITTAL TO WAUKESHA COUNTY. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

SECTION 3. SEVERABILITY. Several sections of this ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the 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 which shall remain. The remainder of the ordinance shall remain in full force and effect and any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as 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 following approval by the Waukesha County Board of Supervisors.

Adopted this 1st day of April 2015

TOWN OF MUKWONAGO

David Dubey, Town Chairman

ATTEST:

Kathy Karalewitz, Town Administrator/Clerk

Published and posted this 20 day of April 2015

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼, SW ¼ AND NE ¼ OF SECTION 18, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (ZT-1809)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on April 1, 2015, 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to conditionally rezone from the A-P Agricultural Land Preservation District to the A-1 Agricultural District, certain lands located in part of the NW ¼ , SW ¼ and NE ¼ of Section 18, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, 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 ZT-1809, is hereby approved, subject to the following conditions:

1. The Waukesha County Park and Planning Commission approves the petitioner's request to not include the remnant parcel in the proposed two-lot certified survey map.

2. The Waukesha County Board approves the rezoning.

3. The petitioner submits a certified survey map for the two lots and obtains all required approvals of the same.

4. The petitioner records the approved certified survey map with the Waukesha County Register of Deeds office.

5. If there are any conversion penalties for this rezoning for which the Town is responsible, the property owner shall reimburse the Town for such costs.

6. The property owner is responsible for any conversion penalties resulting from this rezoning.

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

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

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Ordinance hereby recommends **approval** of **ZT-1809 (Jean Holtz Trust)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION **May 21, 2015**

James Siepmann, Chairperson

William Mitchell, Vice Chairperson

Robert Peregrine

Gary Goodchild

Keith Hammit

Richard Morris

William Maslowski

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

DATE: May 21, 2015

FILE NO.: ZT-1809

PETITIONER: Jean Holtz Trust
Marital Trust Created Under the Holtz Trust Et Al.
W335 S7907 C.T.H. "E"
Mukwonago, WI 53149

TAX KEY NO.: MUKT 1942.999

LOCATION:
Part of the NW ¼, SW ¼ and NE ¼ of Section 18, T5N, R18E, Town of Mukwonago. More specifically, the property is located at the C.T.H. "E" address cited above. Approximately 6.6 acres of the 180 acre property is being requested to be rezoned.

EXISTING ZONING:
A-P Agricultural Land Preservation District, requiring a minimum lot area of 35 acres.

EXISTING LAND USE:
Residential/agricultural.

PROPOSED ZONING:
A-1 Agricultural District, requiring a minimum lot area of three (3) acres.

PROPOSED LAND USE:
Residential/agricultural. A two (2) lot Certified Survey Map is proposed to settle an estate.

PUBLIC HEARING DATE:
March 4, 2015 with a continuation to April 1, 2015.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Mukwonago Plan Commission, at their meeting of April 1, 2015, recommended approval of the request to the Town Board.

TOWN BOARD ACTION
On April 1, 2015, the Town of Mukwonago Board unanimously approved the rezoning request, subject to a number of conditions (see attached Town Ordinance).

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF MUKWONAGO LAND USE PLAN:

The Waukesha County Comprehensive Development Plan and the Town of Mukwonago Land Use Plan designate the lands in the Suburban II Density Residential category (3 acre minimum density) and the Rural Density and Other Agricultural Land category (5 acre minimum density). The proposal does not create any additional density, as there are already two homes on the subject land. The acreage is simply being divided to settle an estate.

STAFF ANALYSIS:

The lands proposed to be rezoned are located in the northeast corner of the subject farm that is located to the west of C.T.H. "E" in the Town of Mukwonago. The petitioner received a remnant parcel waiver from the Waukesha County Park and Planning Commission in March to allow for two lots to be divided from the farm. The existing large farm parcel (approximately 140 acres-west side of C.T.H. "E") that the lots would be divided from currently contains two houses and numerous agricultural outbuildings. The related proposed land division would create two, 3.3 acre parcels, leaving the vast majority of the acreage as "unplatted lands." Each parcel would contain one residence. The AP district requires a minimum 35 acre minimum parcel size. The proposed A-1 zoning designation allows for minimum three acre lots. Therefore, each resultant lot would be conforming.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning is consistent with plan designations and will allow for two existing residences and respective outbuildings to be located on two individual lots.

Respectfully submitted,

Jason Fruth

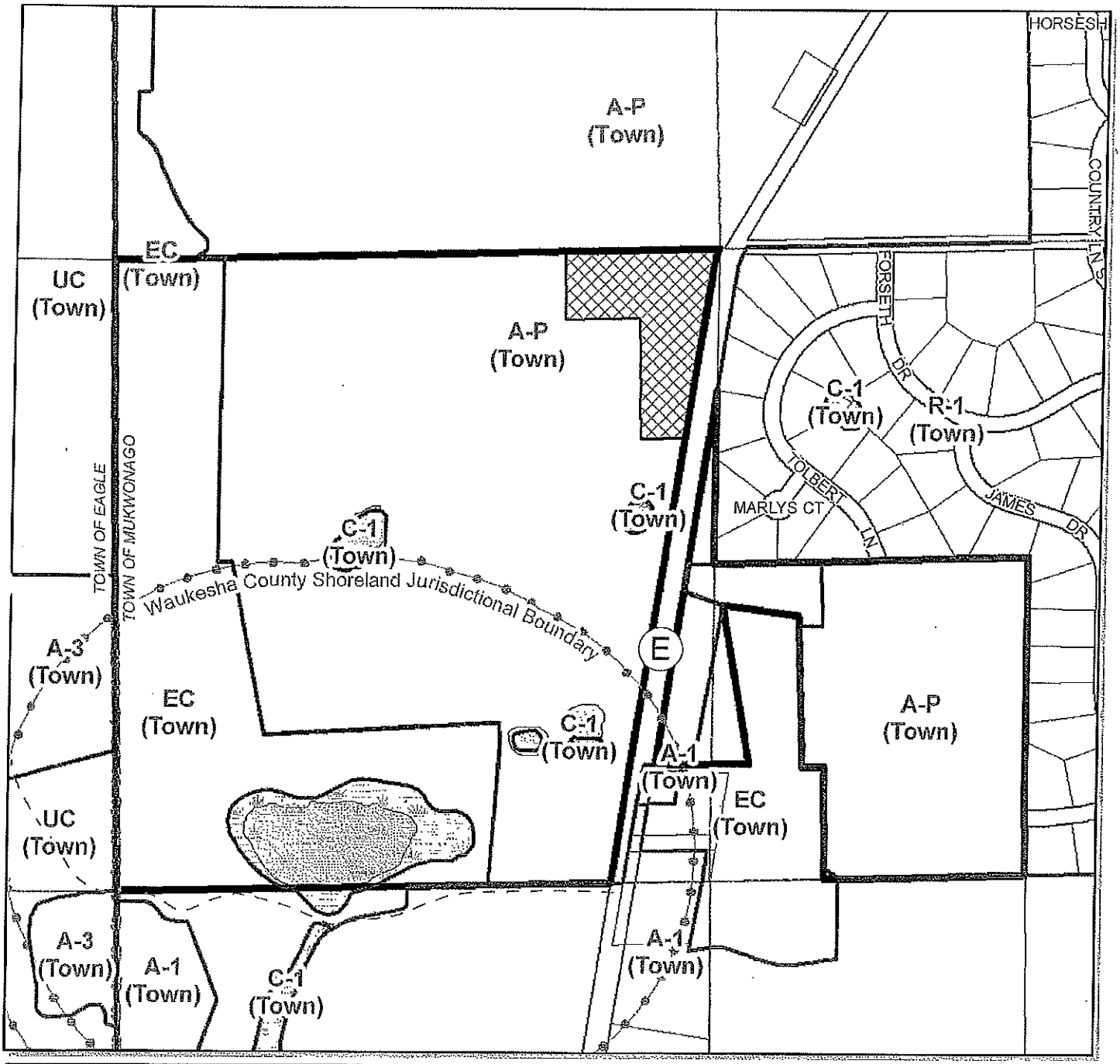
Jason Fruth
Planning and Zoning Manager

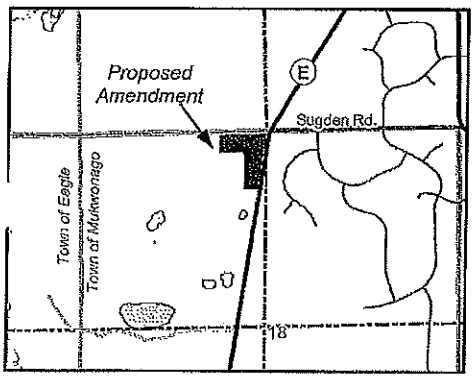
Attachments: Map and Town Ordinance (2015-O-027)

N:\PRKANDLU\Planning and Zoning\Rezones\Staff Reports\1809 Jean Holtz Trust mkt.doc

ZONING AMENDMENT

PART OF THE NW 1/4, NE 1/4, & SW 1/4 OF SECTION 18
TOWN OF MUKWONAGO





TOWN ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO A-1 AGRICULTURAL DISTRICT

FILE NUMBER.....ZT-1809
DATE OF PLAN COMM. CONSIDERATION.....05/21/15
AREA OF CHANGE.....6.64 ACRES
TAX KEY NUMBER.....MUKT 1942.999

1 inch = 600 feet
Feet
0 300 600

Prepared by the Waukesha County Department of Parks and Land Use

STATE OF WISCONSIN TOWN OF MUKWONAGO WAUKESHA COUNTY

ORDINANCE NO. 2015-O-27

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY IN SECTION 18, T5N, R18E, IN THE TOWN OF MUKWONAGO AND TO AMEND THE ZONING MAP OF THE TOWN OF MUKWONAGO PURSUANT TO SEC. 82-51 OF THE ZONING ORDINANCE FOR THE TOWN OF MUKWONAGO

WHEREAS, the Jean Holtz Trust (herein referred to as "property owner") owns a parcel of land off of CTH E in Section 18, T5N, R18E, designated as Tax Key MUKT1942999 (herein referred to as "subject property"); and

WHEREAS, the property owner has submitted a petition to the Town for a two-lot certified survey map; and

WHEREAS, the property owner has submitted a petition to the Town to rezone the area in those two lots from AP to A-1:

WHEREAS, the rezoning petition has been submitted to the Town of Mukwonago Plan Commission for report and recommendation; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town's zoning code; and

WHEREAS, the Town of Mukwonago Town Board and the Town of Mukwonago Plan Commission conducted a joint public hearing on March 4, 2015; and

WHEREAS, the Town of Mukwonago Plan Commission has recommended to the Town of Mukwonago Town Board that said rezoning change be made under certain conditions; and

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

WHEREAS, the Town of Mukwonago Town Board, after careful review and upon consideration of the recommendation of the Town of Mukwonago 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 Mukwonago, will not be contrary to the public health, safety or general welfare of the Town of Mukwonago, 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 as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

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

SECTION 1: ZONING MAP CHANGE
That portion of the subject property set forth in the legal description above is conditionally rezoned to A-1 and the zoning map is hereby conditionally amended to incorporate such change.

SECTION 2: CONDITIONS OF REZONING
The rezoning of the subject property as specified herein and the amendment of the zoning map of the Town of Mukwonago are conditioned on the following:

1. The Waukesha County Park and Planning Commission approves the petitioner's request to not include the remnant parcel in the proposed two-lot certified survey map.
2. The Waukesha County Board approves the rezoning.
3. The petitioner submits a certified survey map for the two lots and obtains all required approvals of the same.
4. The petitioner records the approved certified survey map with the Waukesha County Register of Deeds office.
5. If there are any conversion penalties for this rezoning for which the Town is responsible, the property owner shall reimburse the Town for such costs.
6. The property owner is responsible for any conversion penalties resulting from this rezoning.

SECTION 3: 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 Mukwonago zoning map as indicated herein.

SECTION 4: 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 5: 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 1st day of April, 2015

TOWN OF MUKWONAGO TOWN BOARD

Dave Dubey, Town Chairman

ATTEST:

Kathy Karalewitz, Town Clerk

Published and posted this 20 day of April, 2015

YEAR 2015 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1A – OCONOMOWOC TOWN BOARD), SECTION 23, T8N, R17E, TOWN OF OCONOMOWOC

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 May 21, 2015, 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 May 21, 2015, 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 May 21, 2015, 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 and as set forth in the attached "Chart of Actions"

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.

1. In the Town of Oconomowoc, the following request is being made:

   A. ***The Oconomowoc Town Board***, W359 N6812 Brown Street, Oconomowoc, WI 53066, requests that property located in part of the SW ¼ of Section 23, T8N, R17E, Outlot 4, Town of Oconomowoc (Tax Key No. OCOT 0523.058), be amended from the Commercial and Office Park category to the Governmental and Institutional category to accommodate a proposed municipal salt shed and other future Town facilities.

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 Oconomowoc.

Referred on: 06/04/15	File Number: 170-O-028	Referred to: LU

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2015 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Oconomowoc Town Board), Section 23, Town of Oconomowoc, hereby recommends **approval** in concurrence with the attached chart entitled "Year 2015 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission.)

PARK AND PLANNING COMMISSION **May 21, 2015**

James Siepmann, Chairperson

William Mitchell, Vice Chairperson

Robert Peregrine

Gary Goodchild

Keith Hammit

Richard Morris

William Maslowski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A
YEAR 2015 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: May 21, 2015

PUBLIC HEARING DATE:
Thursday, May 21, 2015, 1:05 p.m.

REQUEST:
Year 2015 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

1. In the Town of Oconomowoc, the following request is being made:

   A. ***The Oconomowoc Town Board,*** W359 N6812 Brown Street, Oconomowoc, WI 53066, requests that property located in part of the SW ¼ of Section 23, T8N, R17E, Outlot 4, Town of Oconomowoc (Tax Key No. OCOT 0523.058), be amended from the Commercial and Office Park category to the Governmental and Institutional category to accommodate a proposed municipal salt shed and other future Town facilities.

EXISTING USE
Vacant land.

PROPOSED USE
Governmental and Institutional.

PUBLIC REACTION
Public testimony will be taken at the May 21, 2015 public hearing. A written comment was received from a lot owner in the Woodside Farms subdivision. The lot owners' comments expressed a preference for a thorough study to ensure water table and water quality are not affected by future development on the site. The submitted comments also called for ensuring that parking runoff from heavy rains does not affect subdivision streets or basements. Finally, the same party requested that the Town consider evergreen trees along the south and east boundaries of the property. If additional comments offered at the public hearing result in the need for changes to the staff recommendation, action could be deferred to the June meeting.

TOWN PLAN COMMISSIONAND BOARD ACTION
The Town of Oconomowoc Plan Commission and Board authorized the Town's filing of the plan amendment in March 2015. The Town Plan Commission and Board will meet jointly to consider a parallel Town Plan amendment request at their May 18, 2015 meeting. The Town Clerk will transmit the Town's action on May 19, 2015 so that Planning and Zoning Division Staff can advise as to the Town's action during the public hearing.

STAFF ANALYSIS:
The Town of Oconomowoc purchased an approximately 4.7 acre property immediately south of C.T.H. "K" in 2013 for future municipal use. The Town Hall and associated municipal buildings are located immediately north of C.T.H. "K". The Town would like to construct a new salt shed on the recently acquired property this year. The site is planned to accommodate other municipal buildings when the Town has out-grown existing facilities. While the zoning designation of the site is already

P-I Public and Institutional District, the Town and County land use plans reflect a planned commercial category for the property.

The Town Planner described in his application that the parcel is an outlot within the adjacent Woodside Farms subdivision. However, the Declaration of Restrictions for the subdivision put all lot buyers/owners on notice that the subject outlot was intended for commercial, multi-family or governmental use in the future.

The Town has provided a conceptual site plan (see Exhibit "A") for phase one of their proposed development of the lands that shows a future salt storage building in the southwest corner of the property. The plan also shows a landscape buffer along the entire south and east property lines. The building will be located generally behind an existing agricultural outbuilding located on the property to the south. That property is planned for commercial uses in the future. The Town has discussed the prospect of designing the salt storage building to look similar to a traditional barn to match the existing architecture of the barns next door. The Town has also provided a future site plan showing how a new Town Hall and Police Department could be situated on the site at some point in the future (see Exhibit "B").

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved.** The site is well located for municipal use at the intersection of two county trunk highways. The site is also immediately proximate to the existing Town Hall complex. Proper screening and attention to truck movements should mitigate potential noise concerns for neighbors. Development of the site will trigger the need for storm water permits from the Land Resources Division and site runoff will be addressed at such time as detailed plans are proposed. These and other specific site layout issues can be fully addressed during the site plan review process.

Respectfully submitted,

Jason Fruth

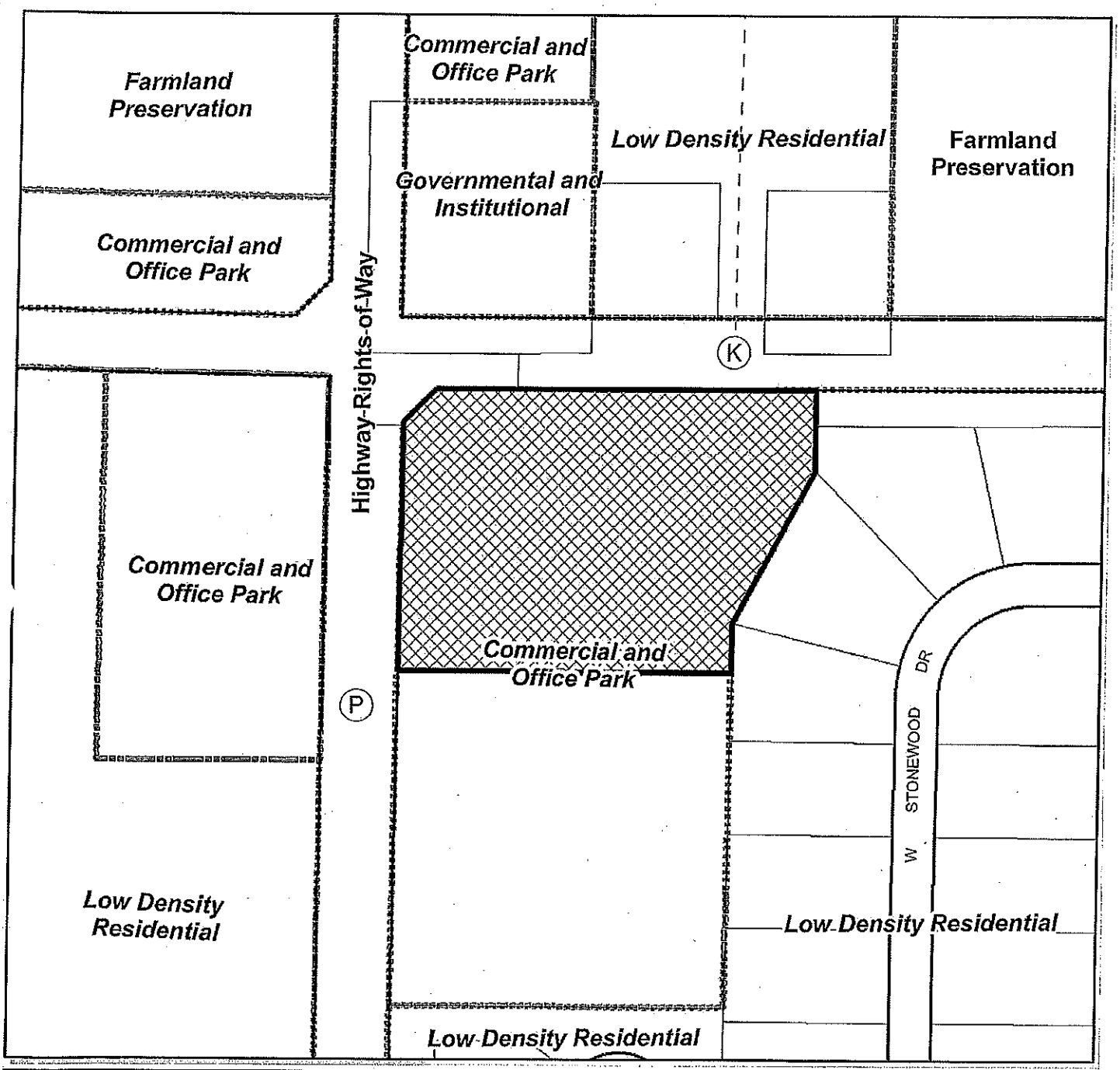
Jason Fruth
Planning and Zoning Manager

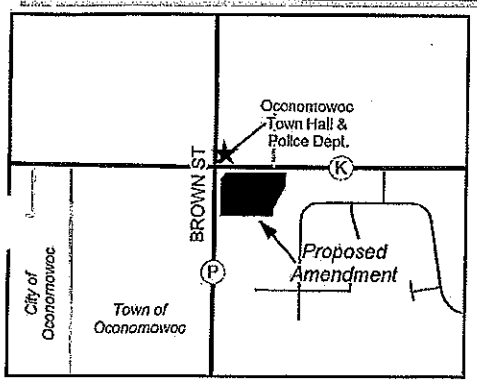
Attachments: Map
Exhibits "A" and "B"

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2015\Staff Recommendation for Out of Cycle WCDP Amendment 2015 T Ocon Board.doc

DEVELOPMENT PLAN AMENDMENT

PART OF THE SW 1/4 OF SECTION 23
TOWN OF OCONOMOWOC





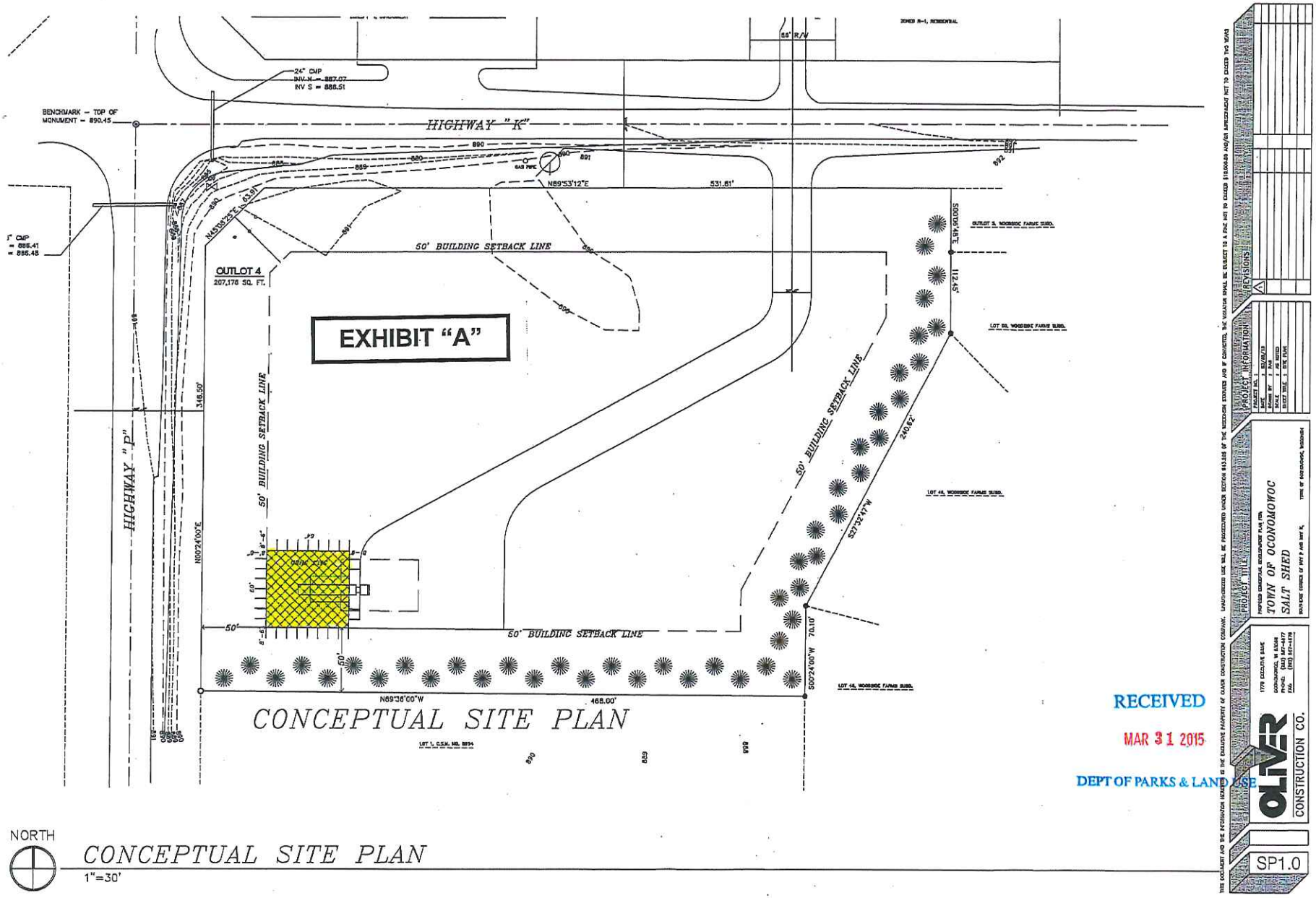
COUNTY DEVELOPMENT PLAN AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO GOVERNMENTAL AND INSTITUTIONAL

PETITIONER.....TOWN OF OCONOMOWOC (1A)
DATE OF PLAN COMM. CONSIDERATION.....05/21/15
AREA OF CHANGE.....4.76 ACRES
TAX KEY NUMBER.....OCOT 0523.058

1 inch = 200 feet

Feet
0 100 200

Prepared by the Waukesha County Department of Parks and Land Use



NORTH

CONCEPTUAL SITE PLAN

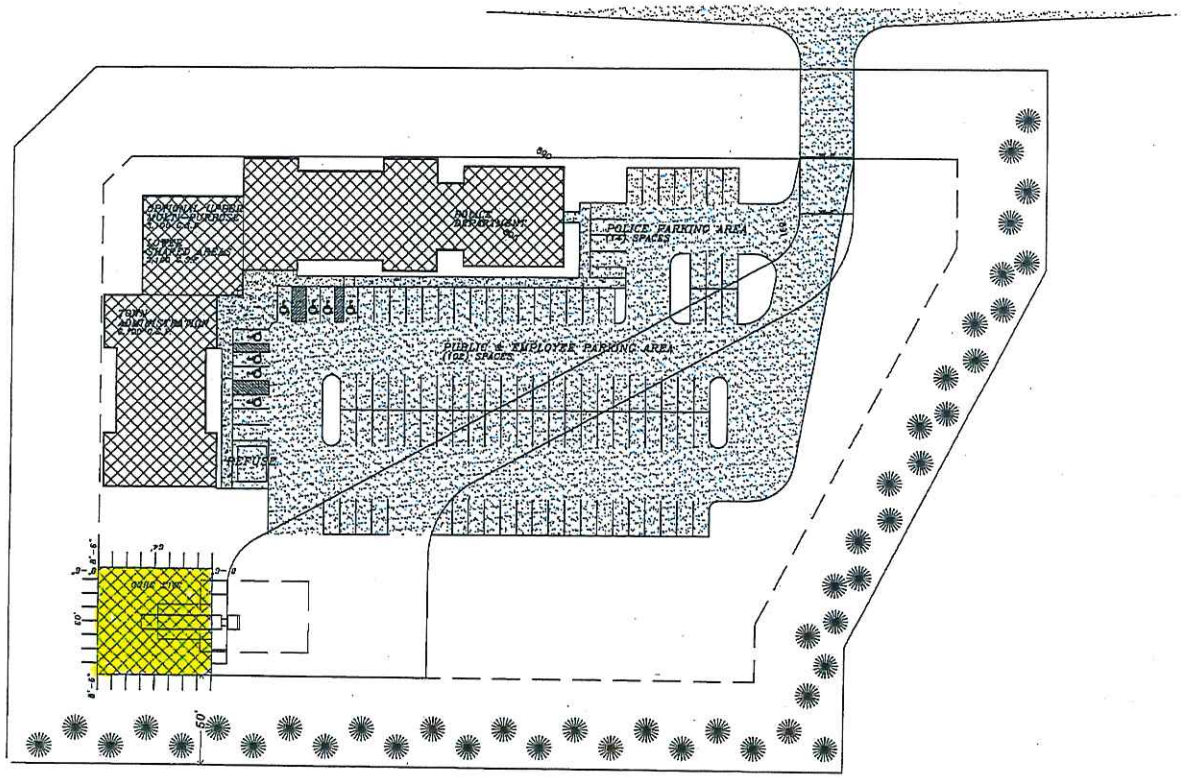
1"=30'

Referred on: 06/04/15

File Number: 170-O-028

Referred to: LU

EXHIBIT "B"



CONCEPTUAL FUTURE SITE PLAN

RECEIVED
MAR 31 2015
DEPT OF PARKS & LAND USE

NORTH

CONCEPTUAL FUTURE SITE PLAN
1"=30'

PROJECT INFORMATION
REVISIONS
PROJECT TITLE
TOWN OF OCONOMOWOC
OLIVER CONSTRUCTION CO.
SP1.1

Referred on: 06/04/15 File Number: 170-O-028 Referred to: LU 7

Chart of Actions
Year 2015 Amendments to the Comprehensive Development Plan for Waukesha County

Item No. (Outlined in the Staff Report and Recommendation)	Town	Staff Recommendation	Park and Planning Commission Decision and Vote 4/2/15	LUPE Decision and Vote 4/21/15	County Board Decision and Vote 4/28/15
1A – Terry and Jill Van Lare Living Trust	Oconomowoc	Approval	Approval: Unanimous	Approved: 7-0	Approved: 24-0
2 – Waukesha County Department of Parks and Land Use – Environmental Corridor Inventory Mapping	----------	Approval	Approval: Unanimous	Approved: 7-0	Approved: 24-0
Out of Sequence 1A-Oconomowoc Town Board	Oconomowoc	Approval	Approval: Unanimous		

ACCEPT SITE ASSESSMENT GRANT FROM WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND AMEND 2015 WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE BUDGET TO AUTHORIZE GRANT EXPENDITURES

WHEREAS, the Waukesha County Treasurer acquired a 2.48 acre parcel, Tax Key Number OCOT 0552.993.003, through the In Rem tax foreclosure process in 2013, and

WHEREAS, petroleum contaminated soil was discovered on the property in 2014 and an environmental case was opened with the Wisconsin Department of Natural Resources (DNR), and

WHEREAS, Waukesha County is not responsible for cleanup or investigation of the contaminated soil, and

WHEREAS, the Waukesha County Department of Parks and Land Use leads a multi-department Tax Delinquent Property Team tasked to return tax foreclosed properties to productive use, and

WHEREAS, the Waukesha County Department of Parks and Land Use has been awarded a Site Assessment Grant from the Wisconsin Economic Development Corporation in the amount of $12,818, and

WHEREAS, the Site Assessment Grant will be used to investigate the soil contamination found on this parcel, and

WHEREAS, investigating the soil contamination will help to close the environmental case with the DNR and facilitate the sale and redevelopment of the parcel.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the County Executive of Waukesha County is authorized to (1) execute the Contract and accept the Site Assessment Grant from the Wisconsin Economic Development Corporation in the amount of $12,818 to cover costs of investigating soil contamination on the parcel (Tax Key Number OCOT 0552.993.003), and (2) designate a representative from the Waukesha County Department of Parks and Land Use to submit grant reports and payment requests as required by the Contract.

BE IT FURTHER ORDAINED that the Waukesha County Department of Parks and Land Use 2015 budget be modified to increase General Government Revenues by $12,818 and increase Operating Expense appropriations by $12,818 for related grant expenditures.

Referred on: 06/04/15	File Number: 170-O-029	Referred to: LU – FI

Fiscal Note

ACCEPT SITE ASSESSMENT GRANT FROM WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND AMEND 2015 WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE BUDGET TO AUTHORIZE GRANT EXPENDITURES

This ordinance authorizes the Waukesha County Department of Parks and Land Use to accept and appropriate $12,818 of Site Assessment Grant revenues from the Wisconsin Economic Development Corporation (WEDC). This ordinance will increase Waukesha County Department of Parks and Land Use General Government Grant revenues by $12,818 and increase Operating Expenses by the same amount for contracted services related to the clean-up of soil contamination at the 2.48 acre Marks Road site in the Town of Oconomowoc.

According to Parks Staff, the total estimated cost to complete this project is approximately $19,400. The grant contract stipulates that WEDC funds will cover 2/3 of the estimated project costs. Remaining project costs of nearly $6,600 will be paid for out of the existing 2015 Parks and Land Use budget.

Lawrence M. Dahl
Accounting Services Manager
6/1/2015
ST – BAJ # 2015-00004576

Referred on: 06/04/15	File Number: 170-O-029	Referred to: LU – FI

AMEND THE WAUKESHA COUNTY CODE OF ORDINANCES BY REPEALING AND RECREATING SEC. 14-167(a) PARK RULES REGARDING CERTAIN FLOTATION DEVICES

WHEREAS, Chapter 14 of the Waukesha County Code concerning Parks and Recreation contains park rules that include the prohibition of use of water flotation devices at County Beaches, and

WHEREAS, the County desires to allow personal flotation devices for those requiring flotation assistance due to a disability, and

WHEREAS, the County desires to allow parents and individuals to make personal safety decisions, and

WHEREAS, this policy change is consistent with best practices at other aquatic facilities in the State of Wisconsin.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Sec 14-167 (a) is repealed and recreated to read as follows:

(a) It shall be unlawful for any person to:

1. Wade, bathe, or swim within a park except at such pools or beaches as are or may be designated for the purpose by the department.
2. Take any food or beverage into the water of any area designated for wading, bathing or swimming under (a), above
3. Take any glassware or bottles of any kind except eyeglasses on to any grass or sand area of a designated beach or pool for bathers.
4. Use water flotation devices when a lifeguard is on duty, except for U.S. Coast Guard approved lifejackets and vests that are of a proper size and are worn and secured properly.
5. Bring in or consume any alcoholic beverage of any kind in designated beach areas.

BE IT FURTHER ORDAINED this ordinance shall be effective upon approval and publication.

BE IT FURTHER ORDAINED that any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect

Referred on: 06/04/15	File Number: 170-O-030	Referred to: EX – LU

CREATE A TWO-COUNTY FEDERATED LIBRARY SYSTEM CONSISTING OF WAUKESHA COUNTY AND JEFFERSON COUNTY AND AMEND THE CODE OF ORDINANCES, CHAPTER 11

WHEREAS, Waukesha County pursues collaborations and partnerships when it is in the interest of Waukesha County and the other parties; and

WHEREAS, the state encourages collaboration and partnerships as well as multi-county library systems to maximize efficiencies; and

WHEREAS, adding the Jefferson County libraries would result in CAFÉ automation consortium savings and other economies of scale for Waukesha County libraries immediately and on an ongoing basis; and

WHEREAS, the citizens of Waukesha County would have seamless access to additional and unique items; and

WHEREAS, the Waukesha County Federated Library System was established in 1981 as a state-funded, single county federated library system under Chapter 43 of Wisconsin Statutes and no Waukesha County tax funding is used to operate the Federated Library system; and

WHEREAS, it is the mission of the Federated Library System to improve its libraries through leadership, collaboration, and support; and

WHEREAS, Jefferson County, a member of Mid-Wisconsin Federated Library System since 1980, began a study of their neighboring library systems in 2014 and determined that they wished to leave that library system and join another; and

WHEREAS, Waukesha County Federated Library System was selected from four potential library systems as the preferred partner by Jefferson County; and

WHEREAS, committees of staff, librarians and library board members in both counties studied the possibility of altering the territory of the Waukesha County Federated Library System to include Jefferson County resulting in a multi-county library system operating as a joint agency of Waukesha and Jefferson Counties pursuant to Sec. 43.19 of the Wisconsin Statutes; and

WHEREAS, the Waukesha County Federated Library System board has unanimously approved the recommendation to alter the territory of the Federated Library System to include Jefferson County; and

WHEREAS, Jefferson County has completed the statutory process prescribed in Sec. 43.18 of the Wisconsin Statutes necessary to withdraw from the Mid-Wisconsin Federated Library System and has a deadline of July 1st to notify all parties of the withdrawal; and

WHEREAS, Waukesha County and Jefferson County will continue to operate with independent county library plans of service that are adopted and approved by their county board of supervisors and may be changed from time to time by county board action; and

WHEREAS, a library system plan indicating the alteration of the territory will be submitted to the Department of Public Instruction's Division for Libraries and Technology for approval pursuant to Section 43.13 (2) of the Wisconsin Statutes; and

WHEREAS, the library system state aid payment will increase for the Waukesha County Federated Library System due to the realignment of Jefferson County pursuant to PI 6.07 of the Wisconsin Administrative Code; and

WHEREAS, that additional state aid will begin in 2016 and be on-going and will help secure the viability of the Federated Library System in the event of reduced state funding; and

WHEREAS the intent of this action is to provide a Federated Library System that will allow both counties to benefit from strengthened library services, expanded access to materials and resources, and operating efficiencies resulting from economies of scale.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that effective January 1, 2016, the existing Federated Library System Board will be abolished and the newly appointed Federated Library System Board will be formed.

BE IT FURTHER ORDAINED that, subject to the Jefferson County Board approving the creation of this Two-County Federated Library System and Board, the entity shall commence its legal existence January 1, 2016, and the Board will have the powers of a Library Board under Wisconsin Statute 43.58 with regard to system wide functions and services, but shall exist as a joint county agency with the fiscal agent being Waukesha County.

BE IT FURTHER ORDAINED that, effective January 1, 2016, the Waukesha County Code of Ordinances, Chapter 11, is amended by repealing the entire chapter and replacing it to read:

Sec. 11-1 Federated library system - Established.

There is established pursuant to Wisconsin Statute Sections 43.15(4) and 43.19, a federated public library system and board with a territory consisting of the county library service areas of Waukesha County and Jefferson County.

(Res. No. 135-10/80, 10-28-80; Mo. of 4-17-84, as amended, Rule 27)

Sec. 11-2 Board.

(a) There is a Federated Library System Board.

(b) The board shall consist of the minimum number allowed under Wisconsin Statute 43.19(1)(b)1.

1. Appointments shall be in proportion to the population as nearly as practical and shall be reviewed upon updates to the United State Census.

2. All Waukesha County members shall be appointed by the Waukesha County Executive and shall be approved by the Waukesha County Board. At least one of these members shall be a member of the Governing Board of the Resource Library.

3. All Jefferson County members shall be appointed by the County Board Chairperson of Jefferson County and shall be approved by the Jefferson County Board.

4. Members shall be appointed for terms of three (3) years.

5. Each County Board may appoint at least one (1) and no more than two (2) County Board Members amongst its allocated membership.

(c) The Federated Library System Board shall perform its duties according to section 43.19 of the Wisconsin Statutes with regard to system wide functions and services, and Waukesha County shall be the fiscal agent of the joint county agency.
(Res. No. 135-10/80, 10-28-80; Res. No. 216-3/84, 3-27-84; Mo. of 4-17-84, as amended, Rule 27; Ord. 154-130, 4/11/00)

Cross reference - Boards and commissions generally, § 4-95.

Sec. 11-3 Director.

The director of the federated library system shall have the duties and responsibilities, qualifications, training and experience as prescribed in the job specification on file in the office of the county clerk.

(Ord. No. 143-168, 3-30-89)

Sec. 11-4 County tax levy.

(a) *Purpose.* The total county library tax levy for provision of funds for public library service shall be the nonresident cost and shall be levied in accordance with section 43.64, Wisconsin Statutes.

(b) *Definitions.* For purposes of this section:

1. *Nonresident ratio of use* shall mean the percentage obtained by dividing the total circulation of library materials to residents of Waukesha County communities without libraries by the total circulation of library materials.

2. *Resident* shall mean a Waukesha County resident living in a Waukesha County public library community.

3. *Nonresident* shall mean a Waukesha County resident living in a Waukesha County community without a public library.

4. *Crossover circulation* shall mean the borrowing of library materials, in person or by interlibrary loan, from a Waukesha County Federated System library by residents of another Waukesha County Federated System library community.

5. *Revenues* shall mean user fees and fines collected and any revenue received by a local library from the federated library system board or any other governmental source, except levy funds collected by Waukesha County and distributed by the Federated library board in accordance with this section.

6. *Net allowable expenditures* shall mean all library budgeted expenditures except expenditures for the purchase or lease/contract of fixed assets as defined in Section 7-99.

7. *Current budget* shall mean the sum of all Waukesha County system library budgets adopted by the individual system library boards for the year in which the levy is imposed.

8. *Fixed assets* shall mean assets that are tangible, have a life greater than one year, and individually cost more than $5,000.

(c) *Formula.* The tax levy imposed upon Waukesha County municipalities without libraries shall be determined by subtracting from the current budget, which has been adjusted for actual year expenditures and revenue, the revenues received to arrive at a net allowable expenditures amount which is then multiplied by the nonresident ratio of use figure. If the federated library system board allocates state funds to local libraries for crossover circulation costs, then state funds allocated for such purposes shall be excluded from the definition of revenues in this section. The current budget is the aggregate budget of all member libraries. The nonresident ratio of use figure is the aggregate total countywide. Adjustment for actual year expenditures and revenues shall be made by calculating the sum of the difference of actual year end figures for allowable expenditures made and revenues received and either reducing or increasing the current year budget adopted by the Waukesha County system member library boards accordingly.

(d) *Determination of materials circulation.* By July 1 of each calendar year, Federated Library System staff shall determine the percentages of library materials circulation the previous calendar year for non-resident, resident and crossover circulation. Circulation reports shall be approved by the Waukesha County Library Planning Committee and used for the current year levy calculations and the following year's budget distributions.

(e) *Exemption from Waukesha County library levy.* In order to be exempt from the county tax pursuant to sections 43.11 and 43.12, Wisconsin Statutes, a municipality must achieve compliance with the minimum standards adopted by the Waukesha County Board in the Library Services Plan. When member libraries claim exemption from the county levy, they agree to recognize state standards as prescriptive measures to encourage quality library services and agree to comply with all numerical standards as adopted by the Waukesha County Board in the County Library Services Plan. Any community that applies to exempt itself from the county library tax levy after establishing a new library either as a municipal library or as a joint library as defined in Chapter 43 of Wisconsin statutes must meet the four numerical standards before receiving said exemption. At the end of three years of operation, it may use the alternate standard indicated in Section 11-5 of the Code.

(Ord. No. 144-109, § 2, 9-7-89; Ord. No. 155-59, § 4, 10-10-2000; Ord. No. 158-24, §1, 06/10/03; Ord. No. 163-29, §1, 08-26-08; Ord. No. 166-33, §1, 08-02-11)

Sec. 11-5. Alternate qualification for exemption.

(a) Any library in the system shall qualify for exemption from the Waukesha County library tax levy if it meets the library service effort ratio, as established in the following paragraph, even if it does not meet the four numerical standards noted in this chapter.

(b) The Library Service Effort Ratio.

1. *Home Community* shall mean, for the purpose of calculating the Library Service Effort Ratio, all individuals residing within the geographic boundary of a municipal or joint municipal library community.

2. *Other Library Community* shall mean, for the purpose of calculating the Library Service Effort Ratio, all residents of municipal or joint municipal library communities within Waukesha County that are not part of the home community.

3. *Library Services Effort Ratio (LSER)* shall mean items lent by a library to home community residents plus items lent by a library to other Waukesha County library community residents divided by total items borrowed by that community's residents at all libraries in the county. Population groupings and target ratios for LSER are defined as follows:

   a. Under 10,000 population 80%
   b. 10,000 to 29,999 90%
   c. Over 30,000 95%

(c) The federated library system will use the Library Services Effort Ratio as follows:

1. Library communities would use the ratio to determine if there are deficiencies in material offerings or service provision.

2. Ratios would be monitored on an annual basis and be used as a tool to assist communities in serving their residents' needs.

3. If a community is below the suggested service level ratio, the library will need to take specific action to pinpoint the problem area.

4. The library will work with the Federated System to identify the problems and develop a course of action to improve the service ratio.

5. The system will work with local libraries that do not meet the standard and devise a program that would enhance service and improve the ratio. These discussions may lead to greater investment in library services on the part of the library community.

(Ord. No. 155-59, § 7, 10-10-2000.)

Editor's Note - Effective date of this section is 01-01-2002.

Sec. 11-6 Exemption from County Tax Levy for Library Funding.

(a) Each Waukesha County municipality which seeks exemption from the county library tax shall, no later than September 30 of each year, submit a written application to the Federated Library System director, in a form approved by that director.

(b) Each application shall be supported by a duly enacted ordinance or resolution of the governing body of the municipality submitting the application and shall represent that the municipality will appropriate, for library operational expenses, at least the amount determined by applying the calculation of section 43.64(2), Wisconsin Statutes.

(c) Upon receipt of a properly submitted application, the Federated Library Director shall forward the original application to the Waukesha County Board, with copies to the Waukesha County Clerk and the Department of Administration director.

(Ord. No. 155-117, § 1, 02-13-2001)

Sec. 11-7 Inter-County Reimbursement.

(a) Inter-county library use shall mean use by non-residents, as defined in this chapter, at libraries in adjacent counties as specified in sec. 43.12(2), Wisconsin Statutes.

(b) The inter-county reimbursement amount shall be the amounts specified in Wisconsin Statute 43.12(1) and 43.12(2) as due to libraries in adjacent counties for inter-county library use by non-residents. The director of the federated library system will assist the county clerk in collecting and verifying the data necessary to determine payments.

(Ord. No. 162-38, § 1, 07-27-2007)

Sec. 11-8 Library Tax Levy Distribution Formula.

(a) Purpose. To provide a fair, stable and clearly state County library tax levy distribution formula for the Waukesha County Library Planning Committee to utilize based on Non-Resident and net crossover borrowing/lending circulations.

(b) Definitions. For purposes of this section:

1. *Non-Resident Library Circulation* shall mean the total annual amount of circulation that a Waukesha County Federated System library lends to residents of Waukesha County communities without libraries.

2. *Crossover Lending Circulation* shall mean the lending of library materials, in person or by inter-library loan, by a Waukesha County Federated System library to residents of another Waukesha County Federated System library community.

3. *Crossover Borrowing Circulation* shall mean the borrowing of library materials, in person or by inter-library loan, from a Waukesha County Federated System library by residents of another Waukesha County Federated System library community.

4. *Net Crossover Circulation* shall mean a Waukesha County library community's total annual Crossover Lending Circulation, less its total annual Crossover Borrowing Circulation.

5. *Library County Levy Circulation (LCC) Effort* shall mean the sum of a Waukesha County Federated System library community's total annual Non-Resident Library Circulation and Net Crossover Circulation.

6. *Positive Library County Levy Circulation (LCC) Effort Rate* shall mean, for each Waukesha County Federated System library with a positive Library County Levy Circulation Effort, the proportion of the sum of all positive Library County Levy Circulation Effort.

7. *Circulation* shall mean materials borrowed from a library in the year prior to the year in which the Library Tax is levied.

8. *Operating Expenditure per Circulation* shall mean the amount computed by dividing a library's total operating expenditures by its total circulation, using data from the year prior to the year in which the Library Tax is levied.

(c) County Library Levy Distribution Formula. The levy distribution formula shall be determined using two separate allocations.

1. The first allocation for each library's annual share of the Waukesha County Library Levy will be based on s.43.12 (1), Wisconsin Statutes, which requires that each library receive an amount equal to at least 70% of their total operating expenditures, incurred during the year prior to the levy being imposed, multiplied by the proportion of the library's total circulation lent to Waukesha County Non-Residents.

2. The second allocation for each library's annual share of the Waukesha County Library Levy shall be determined from the remaining annual levy after the first allocation. Only libraries with a positive LCC Effort are eligible for the second Library Levy allocation. The second allocation is determined by multiplying each library's County LCC Effort Rate by the remaining levy. This second allocation will be added to each library's first levy allocation in (1).

3. To provide stability in funding, no library shall receive a decrease greater than 5% or $5,000 of the levy distribution, based on the change from the prior year levy distribution, whichever is less, unless further adjustments to the limits are needed as identified in (5). A library will be limited to no greater than a 5% or $5,000 increase from the prior year, unless it would result in an amount less than the first allocation in (1) or additional funds are available (for allocation in (4)) after complying with the requirements in this paragraph.

4. County Library Levy remaining after adjustments in (3) will be allocated on the same basis as the second allocation in (2). If the stability adjustment in (3) results in a deficit, whereby the total distribution exceeds available Library Levy, libraries receiving increases in the second allocation after the File Number: 163-O-030 stability adjustment will have their preliminary increases reduced proportionately, until the total reduction is sufficient to offset the deficit. For any library receiving proportional reductions, the adjustment may not cause the following:

   a. The library's distribution to be lower than its allocation in (1).

   b. The library's distribution to be a net decrease from the prior year.

5. During years when the decrease in total available Library Tax Levy and reserve allocations identified in (d) below, produce a deficit in (4) large enough that [4(b)] cannot be satisfied, limits will be adjusted on allowable decreases in distributions to individual libraries by 5 percentage points and $5,000, incrementally, until the deficit can be offset with proportional reductions in preliminary allocations to comply with [4(b)], with the exception that no individual library's reduction may exceed 25% of its prior year distribution.

6. In years when the total Waukesha County Library Levy decreases more than 2% from the prior year Waukesha County Library Levy, State library fund balances, reserved in (d) will be applied to the levy to the extent the decrease is more than 2% to the extent it does not exceed 4%. The State library fund balance applied will be limited to 2% of the prior year total Waukesha County Library Levy.

(d) A reserve will be created in the Federated Library System State fund adjusted annually to equal 2% of County Library Levy for that year. The reserve will be available for the Federated Library System Board to supplement the Waukesha County Library Levy for the ensuing year if the County Library Levy declines by more than 2% from the prior year as specified in (6). The reserve shall not exceed 2% of the County Library Levy for the fiscal year nor be less than 2% unless balances in the State fund are insufficient.

(Ord. No. 163-29, §2, 08-26-08; Ord. No. 166-33, §§2, 3; 08-02-11)

To: Waukesha County Board of Supervisors
From: Connie Meyer, Director of the Federated Library System
Date: May 29, 2015

Thank you for your consideration of the proposal to alter the territory of the Waukesha County Federated Library System (WCFLS) to include Jefferson County. The libraries throughout Waukesha County are excited about the possibility of re-envisioning our library system to continue to lead the way in Wisconsin—by finding cost savings for member libraries through economies of scale, by increasing access to materials for our citizens, and by improving the library system's ability to meet its mission. It's not often that the opportunity to realize savings also results in improving services, but we believe this proposal offers a rare opportunity to do both.

This idea has had the benefit of study and review from many individuals and committees, including the May meeting of the Waukesha County Executive Committee. The proposed ordinance outlines the benefits and provides some background information and the fiscal note quantifies the impact of the proposed change which is financially very favorable. Because this topic is fairly complex, I'm providing some additional information to assist in your decision-making process.

Regional public library systems were formed in Wisconsin more than 35 years ago with the vision to provide all Wisconsin residents with access to high-quality library services needed to meet personal, work, educational, and community goals. While libraries and library systems have changed profoundly in those 35 years, the fundamental vision is still valid today. Regional library systems are funded with state dollars, and are charged with the mission of providing services that strengthen and improve member libraries. There are many opportunities for the library system to offer services that would be difficult for most libraries to provide independently. CAFÉ, our shared library catalog, is an example of a powerful resource operated by the Federated Library System. Library systems have become an excellent example of how collaborations can achieve efficiencies while expanding services and programs. No county or public library is required to be a member of a library system, yet all of Wisconsin's 72 counties and 387 public libraries are library system members.

In 2014, Jefferson County, a member of the Mid-Wisconsin Federated Library System (comprised of Dodge, Jefferson, and Washington Counties) since 1980, began a study to evaluate its satisfaction with its current library system affiliation and investigate four alternative options. The process was comprehensive, required detailed responses from all four library systems, and included an interview with each library system. Their study concluded on March 19th with the recommendation to withdraw from the Mid-Wisconsin Federated Library System and realign with another library system, with their first choice being the Waukesha County Federated Library System.

The WCFLS board and the directors of the public libraries in Waukesha County began discussing the possibility of this change in 2014, prior to submitting its responses to Jefferson County. A board appointed ad-hoc committee was formed to study the issue which included examining

the suitability of Jefferson County as a partner, calculating the impact on Waukesha County libraries and WCFLS, and providing responses and cost estimates to Jefferson County. After careful study and consideration, at its March 17, 2015 meeting, the WCFLS Board of Trustees unanimously resolved to move forward with the process of allowing Jefferson County to join with Waukesha County in a two county federated library system and requiring an automation consortium buy-in fee of $50,000 paid to WCFLS by the libraries of Jefferson County with terms and conditions to be negotiated that would be mutually beneficial. This moved the proposal forward so that it could enter the approval processes of the municipalities and counties involved.

After the WCFLS board's approval, Jefferson County officially selected Waukesha County as its preferred partner and commenced the statutory process required to withdraw from the Mid-Wisconsin Federated Library System. Over a two-month span, the governing bodies (in each municipality in Jefferson County with a library), voted to withdraw from the Mid-Wisconsin Federated Library System with the intent to join the Waukesha County Federated Library System. The votes were unanimous in all eight municipalities. On May 12, 2015, the Jefferson County Board of Supervisors followed suit with a unanimous vote.

Your approval of this ordinance is being requested to allow the Federated Library System to alter its territory to include Jefferson County. The cost/benefit of this proposal was carefully examined and key benefits have been identified. Key benefits include:

- Is a proactive choice with a well-suited partner that provides greater stability in the event of possible state library system structural changes that will be considered in the next few years
- Projected additional state aid of $258,000, after factoring in increased expenditures, results in the ability to add value to the WCFLS service program, better positioning us to be innovative and lead the way for the member libraries
- Reduced annual CAFÉ automation fees for all 16 Waukesha County member libraries with the average cost reduction estimated at 14% (see table in appendix)
- Other reduced charges for all 16 Waukesha County member libraries for goods and services on cooperative purchasing (such as the shared databases) due to increased buying power and economies of scale (see table in appendix)
- 500,000 items added to the CAFÉ catalog, unique items as well as duplicated items, with the net result being a reduction of the "wait time" on items citizens request that aren't on the shelf at their local library
- An expanded shared patron database offers the opportunity for better management of circulation services at all the member libraries, especially at libraries in close proximity to Jefferson County
- Additional opportunities to share resources and expertise among libraries

Here's what wouldn't change as a result of this proposal:

- The Federated Library System staff remain employees of Waukesha County with Waukesha County as the fiscal agent
- The Waukesha County formula for the county library tax is unaffected by this change and remains under the authority of Waukesha County; the Jefferson County formula for their county library tax is unaffected by this change and remains under the authority of Jefferson County
- All future Waukesha County library service plans are subject to Waukesha County Board approval
- All Waukesha County appointments to the Federated Library System are nominated by the Waukesha County executive and subject to Waukesha County Board approval

These changes would take place as a result of this proposal:

- The Federated Library System name would change as a result of the new partnership
- The Federated Library System board would expand to the statutory minimum allowed, currently 15 members with appointments allocated based on each county's population (currently 80% or 12 members from Waukesha County and 20% or 3 members from Jefferson County)
- Funding for Federated Library System board member per diems and mileage reimbursements would transfer from the Waukesha County and Jefferson County budgets to the Federated Library System budget, thus reducing county costs and levy
- A Waukesha County Library Planning Committee would be formed to study library matters that are specific to Waukesha County, such as the county library plan, and make recommendations to the Waukesha County Board

The code revisions identified in the ordinance that are necessary to create the new two county library system are in sections 11-1 and 11-2. For your reference, I am including a summary of all the code changes.

We believe this proposal provides clear benefits to both counties and all 16 Waukesha County libraries and urge your support of the ordinance that would allow us to redefine our borders, and our library system, to the benefit of our member libraries and the citizens and taxpayers we serve.

I anticipate presenting this proposal to the Waukesha County executive and finance committees in June and will be at your June 23rd Waukesha County board meeting where this item will be on the agenda for your consideration in order to meet the statutory deadline of July 1st for this change. Please don't hesitate to contact me if you have any questions in advance of the County Board meeting. My email address is: cmeyer@waukeshacounty.gov and my direct telephone number is: 262-896-8081. Thank you for your consideration of this proposal.

Appendix

Projected Annual Savings by library*	Databases	CAFÉ	Total
Big Bend	$38	$214	$252
Brookfield	$1,050	$6,257	$7,307
Butler	$50	$532	$582
Delafield	$292	$2,743	$3,035
Eagle	$153	$675	$828
Elm Grove	$161	$2,523	$2,684
Hartland	$274	$1,944	$2,218
Menomonee Falls	$965	$3,905	$4,870
Mukwonago	$293	$3,340	$3,633
Muskego	$661	$2,880	$3,541
New Berlin	$1,083	$4,452	$5,535
North Lake	$235	$1,159	$1,394
Oconomowoc	$482	$5,038	$5,520
Pewaukee	$606	$3,442	$4,048
Sussex	$366	$3,413	$3,779
Waukesha	$2,049	$11,797	$13,846
Total Annual Savings	$8,758	$54,314	**$63,072**

*Projected savings are based on 2015 budget numbers

Summary of Code Changes

Section 11-1 and 11-2: The changes here reflect the changes in the code that are necessary to alter our border to become a two county library system in accordance with Chapter 43 of Wisconsin Statutes.

Section 11-3: Removes the word "Same" from the section.

Section 11-4: Removes the word "Same" from the section. Changes wording to add the words "Waukesha County" where it is important to specify the county and adds a reference to the Waukesha County Library Planning Committee where it is appropriate for that body to participate in the Waukesha County specific county budget process. Because there would be two counties in the Federated Library System, it is important to specify Waukesha County where necessary.

Section 11-5: Adds the words "Waukesha County" to specify the county.

Section 11-6: Removes the words "Waukesha County" from the name of the Federated Library System because the new system would have a new name and adds the words "Waukesha County" to specify the county when referring to county-specific matters.

Section 11-8: Adds the Waukesha County Planning Committee where it is important for that body to participate in the Waukesha County specific county budget process, removes WCFLS as a description for a member library and replaces that with "Waukesha County" for clarification, adds "Waukesha County" to specify the county, and changes the name of the system from WCFLS to Federated Library System for clarification.

A copy of the ordinance showing strikeouts and additions will be available upon request prior to the committee meetings and at the committee meetings. If you would like to see that document in advance of the committee meetings, please contact Connie Meyer, Director of the Federated Library System at 262-896-8081 or cmeyer@waukeshacounty.gov.

FISCAL NOTE

CREATE A TWO-COUNTY FEDERATED LIBRARY SYSTEM CONSISTING OF WAUKESHA COUNTY AND JEFFERSON COUNTY AND AMEND THE CODE OF ORDINANCES, CHAPTER 11

This ordinance modifies governance of a new multi-county Federated Library System that will include both Waukesha and Jefferson Counties. The ordinance replaces the current 7 member Board, with a new 15 member multi-county Board to be proportionately represented by Waukesha and Jefferson Counties based on total population.

The Waukesha County formula for the county library tax is unaffected by this change, and will remain under the authority of Waukesha County through the creation of a Waukesha County Library Planning Committee. Jefferson County will also retain their tax levy collection and distribution separately from the new Waukesha/Jefferson County Federated Library System.

The addition of Jefferson County as part of a joint county Federated Library system is projected to result in an increase in State Aid revenues of over $250,000 beginning in 2016. This revenue will result in increased expenditures for programming services, mileage and per diem costs, and system technology costs (CAFÉ) to additional libraries. These increased costs may also include contracted services and the addition of a staff person.

The County will continue to provide support to the expanded operation and serve as the system's fiscal agent, resulting in increased indirect costs to reimburse County agency costs, but far lower costs than if the federated system operated independently from the County. The alternative would lead to the creation of totally independent operations, including, but not limited to independent audits, separate financial and payroll systems, accounts payable, and internal control systems that would need to be established or contracted for with other entities. Under the proposed fiscal agent model, the new federated system would only pay for their proportionate share of the County provided services.

As part of the new joint county system, Federated Library System Staff have estimated that the 16 Waukesha County member libraries would see an average decrease in fees for the CAFÉ Automation System of approximately 14% and a nearly 10% reduction in shared database costs due to increased buying power and economies of scale due to the addition of 8 Jefferson County system libraries.

All proposed budget impacts will be included in the 2016 proposed budget to be approved by the County Board.

Norman A. Cummings
Director of Administration
6/2/2015
ST

Referred on: 06/04/15	File Number: 170-O-031	Referred to: EX – FI

MEMO

To: Chairman Paul Decker
From: Paul Farrow
Subject: Appointment to the Aging Disability Resource Center Advisory Board
Date: June 1, 2015

I am pleased to submit to the County Board for your consideration the appointment of Christine Howard, District 11, to the Aging Disability Resource Center (ADRC) Advisory Board. She will replace Supervisor Paulson and her term would expire August 1, 2017.

Thank you for your swift consideration.

PF:sh

cc: Kathleen Novack
Luann Page

Referred on: 06/04/15	File Number: 170-A-011	Referred to: EX

MEMO

To: Chairman Paul Decker
From: Paul Farrow
Subject: Appointment to the Aging Disability Resource Center Advisory Board
Date: June 1, 2015

I am pleased to submit to the County Board for your consideration the appointment of William Steele to the Aging Disability Resource Center (ADRC) Advisory Board. He is replacing Julie Turkoske, who cannot serve more than two terms. His term would expire August 1, 2017.

Mr. Steele lives at S30W30474 Sunset Drive, Waukesha, 53189. His phone is (414) 303-2395. Mr. Steele is currently a Nursing Home Administrator in Racine County. He has lived in Waukesha for fifteen years, and issues for seniors are important to him. He served on the Southeastern Autism Society Board for two years. Mr. Steele has an 8 year old son.

Thank you for your swift consideration.

PF:sh

cc: Kathleen Novack
Luann Page

Referred on: 06/04/15	File Number: 170-A-012	Referred to: EX