

Enrolled 158-13
PROPOSED ORDINANCE 158-13

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2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY REZONING
5 CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 14, T8N, R17E,
6 TOWN OF OCONOMOWOC, FROM THE A-P AGRICULTURAL LAND
7 PRESERVATION DISTRICT TO THE EC ENVIRONMENTAL
8 CORRIDOR DISTRICT (SCZ-1477)
9

10
11 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the
12 Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite
13 notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks
14 and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha
15 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning
19 Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha
20 County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the
21 A-P Agricultural Land Preservation District to the EC Environmental Corridor District, certain
22 lands located in part of the NE ¼ of Section 14, T8N, R17E, Town of Oconomowoc, and more
23 specifically described in the "Staff Report and Recommendation" and map on file in the office of
24 the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
25 reference (SCZ-1477), subject to the following condition:
26

27 There shall only be two lots allowed on the petitioner's parcel unless a public road is
28 provided to this site.
29

30 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
31 Ordinance with the Town Clerk of Oconomowoc.
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33 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
34 approval and publication.
35

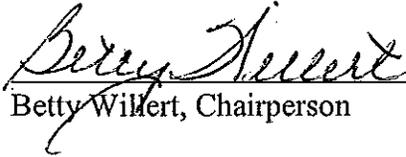
36 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
37 provisions of this Ordinance are hereby repealed.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends approval of (SCZ-1477 Tim Richter) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

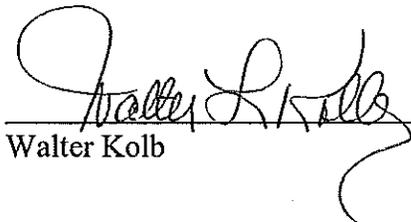
April 17, 2003


Betty Wilfert, Chairperson


Vy Janusonis


Mareth Kipp


Ellen Gennrich


Walter Kolb

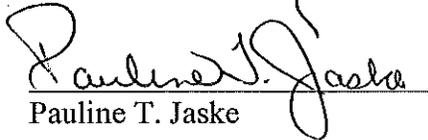

Joseph LaPorte


Walter Baade

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY REZONING
CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 14, T8N, R17E,
TOWN OF OCONOMOWOC, FROM THE A-P AGRICULTURAL LAND
PRESERVATION DISTRICT TO THE EC ENVIRONMENTAL
CORRIDOR DISTRICT (SCZ-1477)

Presented by:
Land Use, Parks, and Environment Committee

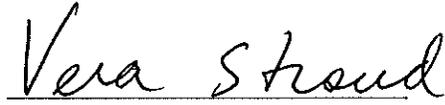

Walter L. Kolb, Chair


Pauline T. Jaske

Absent
James Jeskewitz

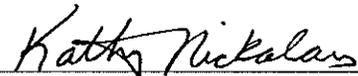

Scott J. Klein


Daniel Pavelko


Vera Stroud

Absent
Matt Thomas

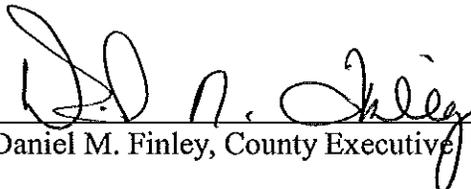
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 5-30-03, 
Kathy Nickolaus, County Clerk

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

Approved: ✓

Vetoed: _____

Date: 5-31-03, 
Daniel M. Finley, County Executive

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

FILE NO.: SCZ-1477

TAX KE NO.: OCOT 0485.998.003

DATE: April 17, 2003

PETITIONER: Tim Richter
W359 N7842 Brown Street
Oconomowoc, WI 53066

LOCATION:

The property is located in the NE ¼ of Section 14, T8N, R17E, Town of Oconomowoc, and more specifically located approximately 1,300 ft. east of C.T.H. "P" and 1 ½ miles north of C.T.H. "K" and served by a long private road easement, containing approximately 49 acres.

PRESENT ZONING:

A-P Agricultural Land Preservation District (35 acres).

PRESENT LAND USE:

Single-family residence on 49 acres.

PROPOSED ZONING:

EC-Environmental Corridor District permitting densities of one unit per five acres.

PROPOSED LAND USE:

No change from the present, although the petitioner has created a two lot land division off the 49 acre property, including one parcel of 38.7 acres, portions of which contain Ag Preservation category lands and a 10-acre parcel on which the existing house is located.

PUBLIC HEARING DATE:

March 31, 2003.

PUBLIC REACTION:

An attorney was present who represented the neighbor and indicated that a lawsuit between Mr. Richter and Mr. Reeser (neighboring property owner) and Ted Matt (owner of lands sold to Mr. Richter and Mr. Reeser), regarding the use of the access easement originally provided to Mr. Richter. He asked that the matter of the rezoning request be delayed until the judicial action has been resolved.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Oconomowoc Plan Commission, at their meeting of March 31, 2003, recommended unanimously in favor of the rezone request, subject to a condition, that there be only two lots on Mr. Richter's parcel and there be no further land divisions until such time as a public road is provided to this site.

158-0-009

TOWN BOARD ACTION:

The Town of Oconomowoc Board, at their April 7, 2003, approved the rezoning request in accordance with the recommendations of the Plan Commission.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:

The County Development Plan indicates the two small areas, one approximately three acres in size and one approximately seven acres in size on the Richter parcel, are shown to be in the Ag Preservation category. The smaller three-acre parcel was originally a wooded area, based on 1950 aerial photography that was subsequently cleared for farming practices and since Mr. Richter purchased the site, has been left natural and new tree growth is intruding in the area, supplemented with new plantings by the petitioner. The seven-acre area was not previously wooded and was farmed before the land was sold to Mr. Richter more than ten years ago, and has since been planted with trees and is not actively farmed. The subject lands do not qualify for the Ag Preservation category based upon the land area having much less than 50% of the property in prime soil categories as contained in the County Development Plan. Therefore, the proposed amendment to the Environmental Corridor category in this instance is appropriate.

OTHER CONSIDERATIONS:

The property in question has recently been divided into two parcels, one containing ten acres with the residence that has been in existence for a number years and a second parcel of approximately 38 acres, which the petitioner intends to dispose of. The site is served by a 66 ft. ^{wide} long-easement, which was approved by the Commission a number of years ago under the provision for allowing lots being created that do not have direct road frontage. The subject of the lawsuit mentioned above is a conflict between the petitioner and neighbor (Mr. Reeser) regarding access rights to this subject easement, although as mentioned earlier, the Reeser land division was not approved by the Park and Planning Commission for creating parcels, which do not abut a public road. The Town was concerned that there could be, no more land divisions for the Richter parcel until a public road was made available and required the condition not allowing any further divisions.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be approved in accordance with the Town of Oconomowoc's action. We feel that the manner in which the subject three and seven-acre areas on the Richter's parcel are being used as non farmland and planted with trees, and the fact that it does not meet the requirement to qualify for Agricultural Preservation under the County Development Plan suggests that a more appropriate land use zoning category would be the EC-Environmental Corridor District and recommend in favor of the rezoning.

Respectfully submitted,

Richard L. Mace Kab

Richard L. Mace
Planning and Zoning Manager

RLM:smv

Attachments: Map

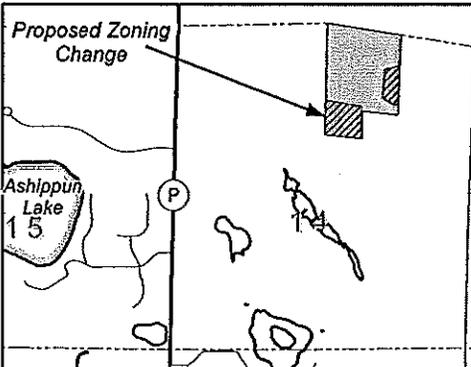
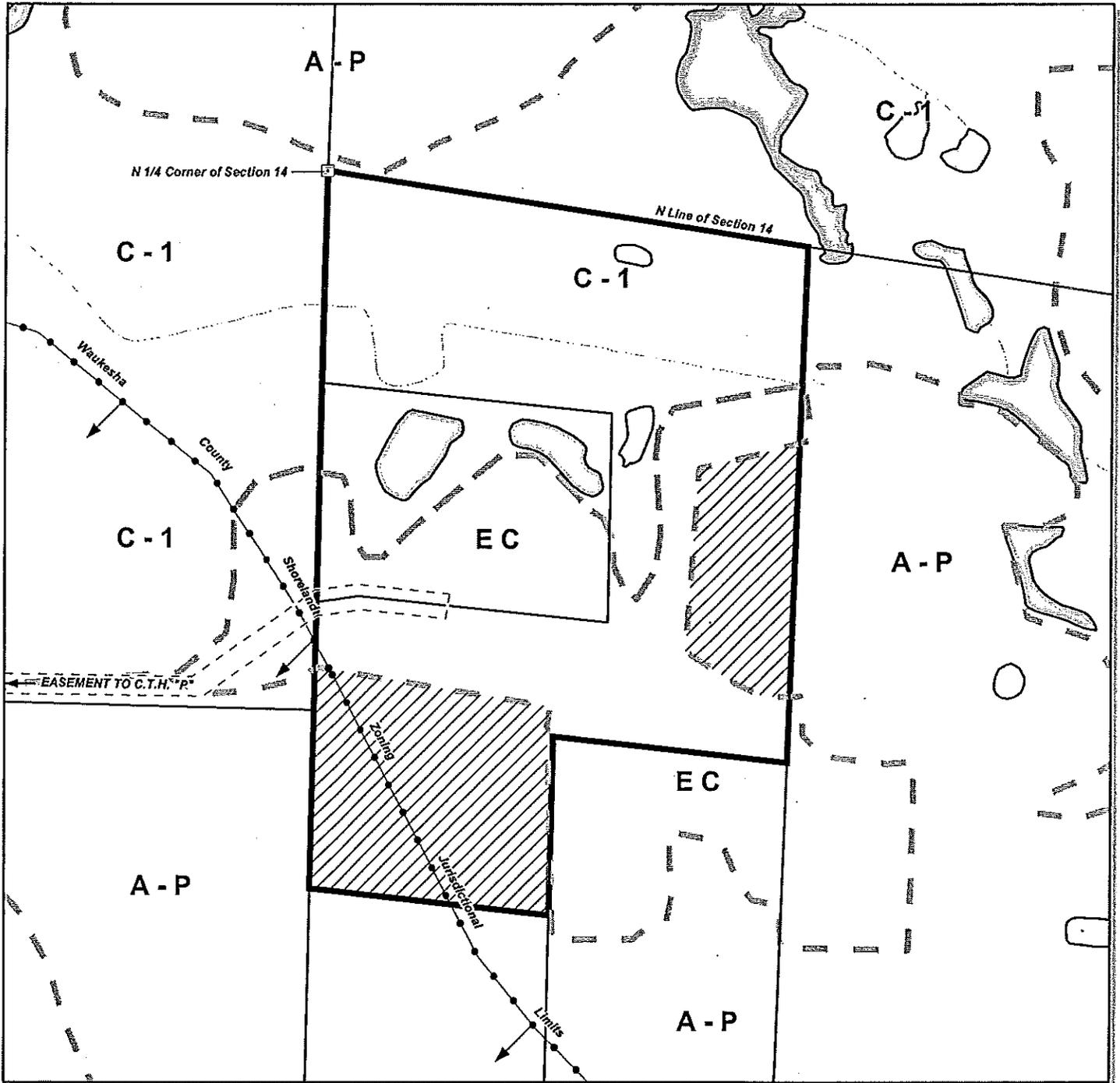
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158-0-009

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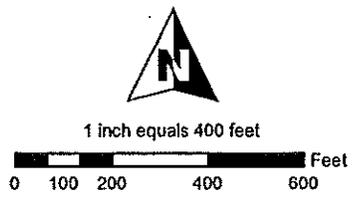
ZONING MAP AMENDMENT

PART OF THE NORTHEAST 1/4 OF SECTION 14 TOWN OF OCONOMOWOC



CONDITIONAL ZONING CHANGE FROM A-P (AG. PRESERVATION DISTRICT) TO EC (ENVIRONMENTAL CORRIDOR DISTRICT)

FILE.....SCZ-1477
 DATE.....4-17-03
 AREA OF CHANGE.....12.2 ACRES
 TAX KEY NUMBER..... OCOT 0485.998.003



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

FO 158-13

DATE-05/25/03

NUMBER-1580009

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....
- 35 C. SEITZ.....

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....NAY
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-31