

ENROLLED ORDINANCE 163-58

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND NW ¼ OF SECTION 19 AND PART OF THE NE ¼ AND NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE P-I PUBLIC AND INSTITUTIONAL AND C-1 CONSERVANCY DISTRICTS TO THE A-P AGRICULTURAL PRESERVATION AND C-1 CONSERVANCY DISTRICTS (SCZ-1679)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.69 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Oconomowoc, Waukesha County, Wisconsin, and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby amended to rezone certain lands located in part of the NE ¼ and NW ¼ of Section 19 and part of the NE ¼ and NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the P-I Public and Institutional and C-1 Conservancy Districts to the A-P Agricultural Preservation and C-1 Conservancy Districts, 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 (SCZ-1679).

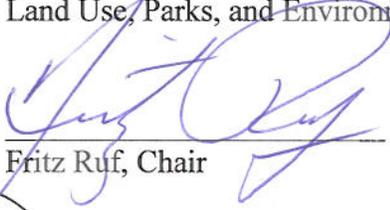
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

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.

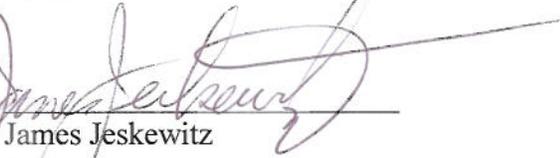
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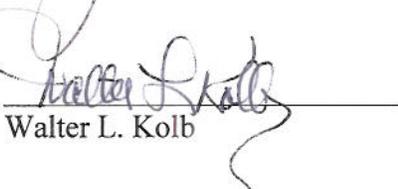
Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair


Janel Brandtjen


Robert Hutton


James Jeskewitz


Walter L. Kolb

Absent
Ted Rolfs

Absent
Gilbert W. Yerke

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

Date: 11/14/08, 
Kathy Nickolaus, County Clerk

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

Approved: x
Vetoed: _____
Date: 11-17-08, 
Daniel P. Vrakas, County Executive
163-O-060

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/12/08

(ORD) NUMBER-1630060

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 J. BEHREND.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....AYE
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25

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

DATE: October 16, 2008

FILE NO: SCZ-1679

PETITIONER: Town of Oconomowoc
W359 N6812 Brown Street
Oconomowoc, Wisconsin 53066

OWNER: State of Wisconsin
c/o Mr. John Fandrich
4802 Sheboygan Avenue
Room 501
P.O. Box 7986
Madison, WI 53707

TAX KEY NO's: OCOT 0506.997, OCOT 0505.999, OCOT 0509.998.005,
OCOT 0509.999

LOCATION:

The properties to be rezoned are located in part of the NE ¼ and NW ¼ of Section 19 and part of the NW ¼ and NE ¼ of Section 20, T8N, R19E, Town of Oconomowoc. The parcels to be rezoned are located south of Lang Road, north of Lac La Belle Lake, east of the border with Jefferson County and west of Hwy. 67. Two hundred and twenty-two (222) acres of land and four (4) properties are being considered in this application.

PRESENT ZONING:

P-I Public and Institutional and C-1 Conservancy Districts.

PRESENT LAND USE:

The property is presently undeveloped agricultural and conservancy land.

PROPOSED ZONING:

A-P Agricultural Preservation and C-1 Conservancy Districts.

PROPOSED LAND USE:

Continue agricultural use and maintain properties in open space.

PUBLIC HEARING DATE:

August 21, 2008.

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PUBLIC REACTION:

There were questions raised regarding the future potential for a subdivision or park. One neighbor stated that there is already a road bed for a cul-de-sac on one of the properties. Other neighboring property owners were interested in whether their properties are affected and whether the land could be transferred back to them as owners. One (1) neighboring property owner questioned whether the Town could afford the land and was interested in who would manage the agricultural production on the land.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On September 2, 2008, the Town of Oconomowoc Plan Commission approved the request as submitted. On September 15, 2008, the Town of Oconomowoc Board approved the request as submitted.

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

The Waukesha County Development Plan designates the properties as Transportation, Communication and Utilities and as Primary Environmental Corridor. The Town of Oconomowoc Land Use Plan designates the properties as DOT (Wisconsin Department of Transportation owned lands) and Primary Environmental Corridor. The properties are designated as such because they were included in the original Hwy. 16/67 bypass project. Since a majority of the acreage on these parcels is not needed for said use, the Town of Oconomowoc and Waukesha County Land Use Plans will be amended accordingly. The Town of Oconomowoc is proposing to amend their Land Use Plan to Prime Agricultural and the County Development Plan is also expected to be amended to Prime Agricultural. The areas within the right-of-way of Hwy. 16/67 and Lang Road will not be modified and the areas designated as Primary Environmental Corridor will not be modified.

STAFF ANALYSIS:

There are four (4) properties subject to the request for rezoning. The properties in question are known as OCOT 0506.997, containing 44.57 acres; OCOT 0505.999, containing 61.28 acres; OCOT 0509.998.005, containing 57.50 acres; and OCOT 0509.999, containing 61.05 acres. All properties are currently used for agricultural purposes and there are several areas designated as wetland and primary environmental corridor. A majority of the land drains towards Lac La Belle Lake. Parts of the properties were used for the reconstruction of Lang Road and the new Hwy. 16/67 bypass.

The Town of Oconomowoc is proposing to rezone a majority of the four (4) properties to the A-P Agricultural Land Preservation District. The areas subject to ownership of the State for Hwy. 16/67, within the right-of-way of Lang Road, and those areas designated as wetland will not be subject to rezoning. The Agricultural Land Preservation District requires a minimum of 35 acres per lot and a minimum of 600 ft. in average lot width. The District is intended to preserve agricultural lands for production. The Town of Oconomowoc has the right of first refusal to purchase the lands from the State and they can purchase the lands at a reduced rate. If the Town purchases the land, they will

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continue to rent the acreage for farming purposes and apply for grants to install vegetative buffers between the tillable land and the wetlands and lowlands. The Town is interested in preserving the lands from development and improving the water quality of Lac La Belle Lake. The Town has no intention at this time to provide for residential, commercial or industrial development. In the future, portions of the lands may be used for a park or municipal services, such as a recycling center. The land may also be sold to the Tall Pines Conservancy and the Village of Lac La Belle for preservation purposes.

The Town originally proposed to rezone two (2) additional parcels, OCOT 0510.999.003 and OCOT 0509.980. However, these parcels are not currently in the P-I Public Institutional District. Therefore, a separate public hearing must be held to rezone these lands.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the proposed rezoning. It is appropriate to remove the lands from the P-I Public and Institutional District as the lands are not being utilized for the Hwy. 16/67 bypass project, which was the intended purpose for the zoning category. The proposed rezoning will allow for the continuation of agricultural uses on the property and preserve the lands in open space for the protection and hopefully improved water quality of Lac La Belle Lake.

Respectfully submitted,

Amy Barrows/Kab

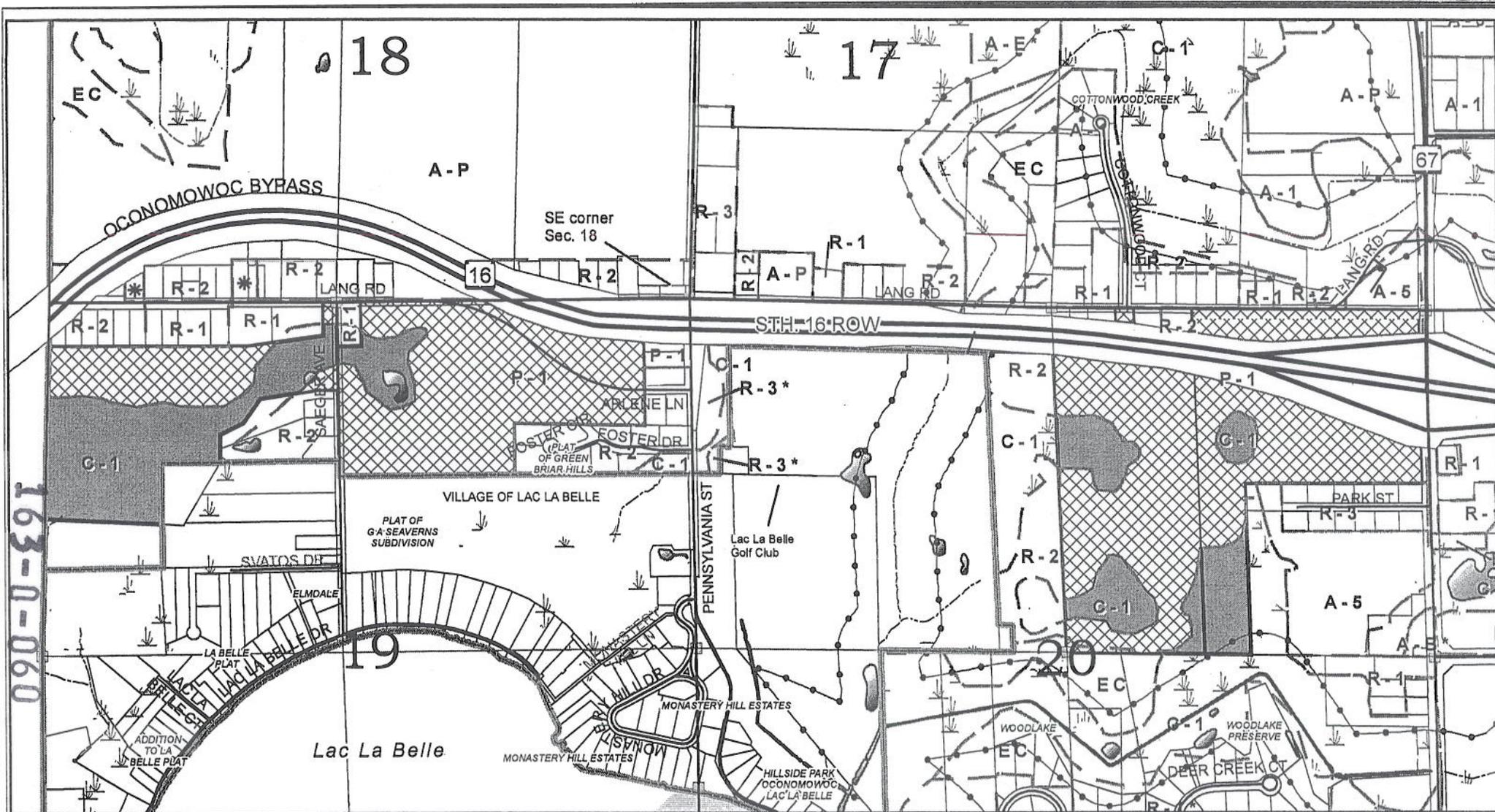
Amy A. Barrows
Senior Land Use Specialist

Attachments: Map

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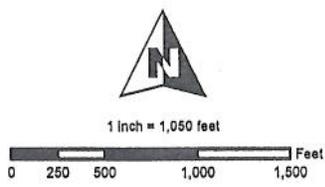


163-D-060

ZONING MAP AMENDMENT PART OF THE N 1/2 OF SECTION 19 AND N 1/2 OF SECTION 20 TOWN OF OCONOMOWOC

- COUNTY ZONING CHANGE FROM P-1 PUBLIC AND INSTITUTIONAL TO A-P AGRICULTURAL PRESERVATION (136 ACRES)
- AREAS REMAINING C-1 CONSERVANCY DISTRICT (55 ACRES)
- CIVIL DIVISION BOUNDARIES
- WAUKESHA COUNTY SHORELAND ZONING JURISDICTIONAL BOUNDARY
- CONDITIONAL ZONING AMENDMENTS

FILE.....SCZ-1679
 DATE.....10-16-08
 AREA OF CHANGE.....136 ACRES
 TAX KEY NUMBER.....OCOT 0506.997, 0505.999,
 0509.998.005 & 0509.999



Prepared by the Waukesha County
 Department of Parks and Land Use

