

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, AUGUST 17, 2023 - 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepman, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:     James Siepman             Richard Morris             Robert Peregrine  
                                 William Groskopf         Gary Szpara

Commission

Members Absent:     None

Staff

Members Present:     Jason Fruth, Planning Manager  
                                 Ben Greenberg, Senior Planner  
                                 Rebekah Leto, Senior Planner  
                                 Jacob Heermans, Senior Land Use Specialist  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**

- Email from Todd Wozniak received August 16, 2023 regarding CU92 and SP198, Pewaukee Yacht Club.
- UW Extension Plan Commission Workshop, Tuesday, September 12, 2023, 6:00 pm to 8:00 pm.

**MINUTES:**

Approval of the July 20, 2023, Minutes

*After discussion, Mr. Morris moved, seconded by Mr. Groskopf and carried unanimously for approval, of the July 20, 2023, Minutes, as presented.*

**PUBLIC COMMENT:**

None.

**SCHEDULED MATTER**

- 1:00 p.m.     **Public Hearing for a 2023 Amendment to the Comprehensive Development Plan for Waukesha County**
  - 3B - Spheris\_Lakelands, Inc., Town of Oconomowoc

Mr. Heermans indicated the property in question is currently located in the Rural Density and Other Agricultural Land category and the requested amendment would change the designation to the Low Density Residential category to allow for a potential single family residential subdivision. The petitioner submitted a concept plan with 24 lots. The concept is subject to change with regard to the subdivision layout and/or number of lots. The property to the east and properties abutting Lac La Belle are also located in the Low Density Residential category. Properties located to the south are in the High Density Residential and Medium Density Residential categories. There are two subdivisions developed in the late 1990's to the north and west, which are in the Rural Density and Other Agricultural Land category. At that time, the County had a townwide density banking system for the Rural land use category which is no longer utilized.

Mr. Fruth further explained the banking system. The rural areas were calculated on a townwide basis. There was a calculation of all the agricultural, natural resource lands, etc. The method was extremely complex to keep up with and was since discontinued. That system allowed property to the west to be developed in a similar manner to the proposal.

Chairperson Siepmann asked if there were any questions from the audience or Commission?

Mr. Groskopf asked how deep the kettle was on Lot 24 and if it would be eliminated? Mr. Heermans replied that the Land Resources Division had looked at Lot 24 but could not comment on filling the kettle until they knew more about the proposed stormwater facilities.

*Chairperson Siepmann asked if there were any other comments from the audience or Commission, there being none, he closed the public hearing at 1:20 pm and moved to the next item on the agenda.*

- **RZ122 (Dan and June Pape) Town of Ottawa, Section 18**

Mr. Fruth pointed out the location of the property at W395 S3611 Hardscrabble Road in the Town of Ottawa on the aerial photograph. He indicated the request is to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District.

Mr. Fruth indicated the rezone is being requested in order to divide off a 1.2 acre lot for a proposed residence, from the parent parcel which will be located on the southeast portion of the property, near the road. Once the rezone is approved, all density rights on the parcel will have been exhausted and fully developed. There are wetlands located on the north half of the property and surrounding properties to the north and east contain residential lots. The Town of Ottawa has reviewed the request and recommended approval. Mr. Morris asked, out of the approximate 70 acres left how much land is actual farmland? Mr. Fruth replied, approximately 10 to 15 acres maximum. Ms. Pape, daughter of the property owner pointed out the portion of the property which is farmed.

*After discussion, Mr. Morris moved, seconded by Mr. Groskopf and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU94 (Elizabeth, Borislav and Thomas Sucevic/Scott Maule, Town of Ottawa, Section 28**

Mr. Fruth pointed out the location of the property at W377 S5351 Pretty Lake Road in the Town of Ottawa on the aerial photograph. He indicated the request is to transfer the existing in-law unit Conditional Use from Maule to the new owners.

Mr. Fruth indicated a variance was approved in 1998, authorizing the size of the in-law unit to exceed the maximum size limitation of 800 sq. ft. and is 1,125 sq. ft. in size. The parcel is approximately 7 acres in size. The larger pole building on the north portion of the property was permitted, however, several other improvements, a swimming pool, several outbuildings, and a shed to the west were not permitted. It appears as though after the fact permits will be able to resolve those issues. A condition of approval is that a Deed Restriction be filed stating that the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit and that all prior conditions of the original Conditional Use approval be complied with. Mr. Groskopf confirmed there will be no expansion to the in-law unit.

*After discussion, Mr. Peregrine moved, seconded by Mr. Szpara and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SP202 (Elizabeth, Borislav and Thomas Sucevic/Scott Maule, Town of Ottawa, Section 28**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU94) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **CU92 (Pewaukee Yacht Club) Town of Delafield, Sections 13 and 24**

Mr. Fruth pointed out the location of the property at N22 W28204 Edgewater Drive in the Town of Delafield on the aerial photograph. He indicated the request is to amend the existing Conditional Use permit to allow for a number of operational changes on the property.

Mr. Fruth summarized an email received yesterday from Mr. Wozniak, a nearby property owner. Concerns were expressed regarding the relationship of one of the requested piers to the riparian frontage. The pier was not previously authorized by the existing Conditional Use (3 piers were authorized). The petitioners are requesting approval for the fourth pier and the concern is that the pier comes across the riparian frontage in front of a property that has not been subject to the Conditional Use. This pier was installed a few years ago after the sailing school was gifted the residential home and property next door by a member. The Planning and Zoning staff would like to contact the Department of Natural Resources and find out what their position is on the pier, since it radiates outward instead of staying straight in front of the Pewaukee Yacht Club parcel. Another concern was the request of the petitioners to store two boats over the winter and the location being proposed. The property owner does not object to storing the boats but are requesting that the storage be on the far easterly end of the parking/dry sailing lot away from the residential properties.

Mr. Greenberg indicated that the yacht club is seeking numerous site plan and operational changes. The club has been in existence for over 100 years and was originally operating as a legal non-conforming use and obtained Conditional Use status in the 1990’s. Existing site plan conditions include a clubhouse structure utilized for hosting club events, special events, wedding, etc., a grilling area to the south, a storage building to the west and storage for the yacht club in a building shared with the Pewaukee Sanitary District, boat parking areas on the north side of Edgewater Drive, parking lots south of Edgewater Drive and three authorized piers. The facility operates seasonally and ends in November. Some overnight mooring of boats is allowed during events, however, they are currently not allowed to store boats in any of the parking lots outside of the seasonal use. The Pewaukee Lake Sailing School is a leasing tenant of the yacht club and utilizes the facilities. The sailing school recently received property via a gift and took ownership of the adjacent property to the west. The Pewaukee Yacht club owns the lands, and the sailing school is a leasing tenant within the yacht club owned lands and all of the operations exist within the existing Conditional Use. The surrounding neighborhood is residential to the west and southwest, a church located to the south, the sanitary district and institutional uses (bars/restaurants) to the east.

Mr. Greenberg summarized the operational and site plan changes as:

- Increase the number of club owned boats being moored overnight, 4 additional boats on lifts and traditional boats on the support pier and 2 additional boats on trailers.
- Additional flexibility during special events as to what is allowed to be parked in the traditional parking lots.
- Ability to host maintenance events and the ability to utilize the facility in the off season during the winter months.
- Less rigid advanced noticing requirements for special events, less frequently and only for offseason large type events.
- Increase from 3 to 4 piers.

Mr. Greenberg indicated that Mr. Ziegler, petitioner, was agreeable to locating boats stored over the winter on the east side of Lot 1, in a location to be shown on the final site plan required in Condition No. 2. Mr. Greenberg stated that the petitioner also noted in their Conditional Use application that during an internal audit of the existing Conditional Use Permit, there was some inconsistent/outdated language. He added they were non-compliant with several conditions. In addition to updating the language they are seeking some material changes to the use and updating the site plan. The yacht club is willing to accommodate and address the concerns of the nearby property owner. Mr. Fruth added, that, historically, there had only been 3 piers authorized. When the fourth pier came along he asked if is it in conformance with the Department of Natural Resources (DNR) pier regulations? Mr. Greenberg replied, that the petitioners did not verify that information but are willing to do so. He added there were no other comments at the public hearing and the Town recommended approval with conditions.

Mr. Morris asked if the fourth pier was moved because it is in two different locations on the plans? Mr. Ziegler replied, on the survey it has been moved because it was non-compliant with the current language of the Conditional Use Permit. They are asking for it to be moved 25-50 ft. from the adjacent property, unless it is owned by the sailing school or the yacht club. The lot to the west is owned by the sailing school so it can be moved back to the yacht club lot and would satisfy the concerns, but the current language does not allow the pier at all.

Chairperson Siepmann stated the pier issue still needs work. He asked if the rest of the Conditional Use request could be approved today, then the petitioner could work with the Planning and Zoning Staff and come back at a future meeting to address the pier issues. He asked the petitioner if the entire request could come back at a later date, to which Mr. Ziegler indicated they would like to get some of the work done and language cleaned up as soon as possible due to regattas coming up in the fall and the pier could be moved next year if it needs to be. Mr. Fruth suggested that Condition No. 3H could be modified adding on the following sentence:

***The boats to be stored over the winter must be located on the east side of Lot 1, in a location to be shown on the final site plan required in Condition No. 2***

Chairperson Siepmann agreed and suggested that Conditions No. 3(B)a, and 7, relating to piers will not be included in the approval and be addressed at a future meeting. Mr. Groskopf asked if the future pier would be a permanent pier or a temporary/seasonal pier? Mr. Ziegler replied, there are no permanent piers, they are all seasonal. Mr. Fruth asked what the short pier is utilized for? Mr. Ziegler said the pier is owned by the sailing school and used for their classes due to increased enrollment. Mr. Fruth stated the request was for 4 piers and technically there are 5 piers. He said the Planning Staff would work with the petitioner on the pier plan and pier usage before the matter comes back before the Commission. Chairperson Siepmann verified that all conditions with references to piers would be taken out and revisited at a future meeting. Mr. Fruth suggested Condition No 3H be modified as described above and table Conditions No. 3(B)a and No. 7. The Commission agreed.

***After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a change to Condition No. 3H which will now read:***

***3(H) Pewaukee Yacht Club normal operations begin April 1 and end on October 31. Activities are primarily on the weekends. Two club owned safety/support boats may be stored in Lot 1 from November 1 to March 31. The boats to be stored over the winter must be located on the east side of Lot 1, in a location to be shown on the final site plan required in Condition No. 2.***

*In addition, Conditions No. 3(B)a, and 7, relating to piers will not be included in the approval and be addressed at a future meeting. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SP198 (Pewaukee Yacht Club) Town of Delafield, Sections 13 and 24**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU92) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a change to Condition No. 3H which will now read:*

***3(H) Pewaukee Yacht Club normal operations begin April 1 and end on October 31. Activities are primarily on the weekends. Two club owned safety/support boats may be stored in Lot 1 from November 1 to March 31. The boats to be stored over the winter must be located on the east side of Lot 1, in a location to be shown on the final site plan required in Condition No. 2.***

*In addition, Conditions No. 3(B)a, and 7, relating to piers will not be included in the approval and be addressed at a future meeting. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **Farmland Preservation Plan Update/Overview.**

Ms. Leto indicated the Farmland Preservation Plan requires a 10 year recertification from DATCP in order to remain eligible for farmland preservation benefits. Waukesha County received an extension from 2021 until December 31, 2023 to make amendments to the 2011 plan to include updated census information and updated mapping.

Mr. Fruth explained that the current refresh of the plan will be abbreviated from the 2011 version. The 2011 plan was guided by an advisory committee consisting of farmers, planners and other stakeholders and included an open house with the Towns of Oconomowoc and Ottawa and meetings with those respective community plan commissions. The advisory committee tasked the Planning Staff with identifying blocks of farmland that were less than 5 square miles in area to enable other areas of the county to be eligible for farmland preservation programs if landowner or community sentiment changes in the future. The mapping exercise identified a number of areas that contained at least 1,000 acres of farmland. Only one farm within those secondary block areas has requested to be added to the farmland preservation category since the 2011 plan was adopted.

Ms. Leto, Senior Planner explained that only 16 acres of land have been removed from the Farmland Preservation category since 2011. Recommended farmland preservation areas are now limited to the Towns of Eagle, Oconomowoc and Ottawa and one single farm in Merton that is on the Oconomowoc/Merton line. She referred to the document entitled Primary and Secondary Standards Farmland Preservation areas. She explained that in order for properties to be designated as Farmland Preservation they must be committed to remain in agricultural use for at least 15 years and be located in an area that has at least a five square mile block of farmland. To achieve the five square mile block, farmland within an adjacent county or community can be taken into account. Any development within the Farmland Preservation category is restricted to a maximum density of one dwelling unit per 35 acres. She pointed out the changes to the text in the Farmland Preservation Plan in red text. She presented maps showing the different agricultural land uses and new subdivisions which have occurred in the areas located outside of the farmland preservation areas. She added

that there was a formal acknowledgment of the updated Oconomowoc-Ashippun Agricultural Enterprise Area (AEA) that includes a single parcel in the Town of Merton that received approval from DATCP in 2018. Another 150 acre parcel farm in Ottawa was brought into the farmland preservation category in 2014 at the request of the landowner. While 16 acres of Farmland Preservation lands have been amended out of the category since 2011, another 240 acres were added pursuant to the above described requests. The Commission asked if the tax advantages were substantial, to which Mr. Fruth replied \$10 per acre maximum with a 15 year agreement. Ms. Leto added that countywide acreage in residential land use now exceeds the agricultural acres. Other changes proposed at this time include the re-classification of several small residential parcels of less than 10 acres in Town of Oconomowoc out of the Farmland Preservation category to better reflect their non-agricultural use.

Ms. Leto explained the projected timeline for certification of the updated Farmland Preservation Plan before the end of the year:

- Draft Plan transmitted. Sent memo, track-changes & clean versions of draft plan to all 37 municipalities in mid-July. Requested comments by September 1, 2023.
- Public Hearing. September 21, 2023.
- Park & Planning Commission Consideration. September 21, 2023.
- LUPE and County Board Consideration: October 17 & 24, respectively.

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Groskopf to adjourn the meeting at 2:26 p.m.*

Respectfully submitted,

*Robert Peregrine*

Robert Peregrine  
Secretary

RP:kb