

ENROLLED ORDINANCE 174-013

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (5A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/BRAHM, SECTION 11, T6N, R17E, TOWN OF OTTAWA)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 21, 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on March 21, 2019, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

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

- A. ***The Waukesha County Park & Planning Commission, 515 West Moreland Blvd, Waukesha, WI 53188***, requests property owned by James and Joyce Brahm, W358 S2488 Hunters Lake Road, Dousman, WI 53118, located in part of the NW $\frac{1}{4}$ of Section 11, T6N, R17E, Lot 1, Upper Hunters Lake, Town of Ottawa (Tax Key No. OTWT 1626.001), be amended from the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit) to the Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit), to allow the County Development Plan designation for Lot 1 to be consistent with other surrounding properties.

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

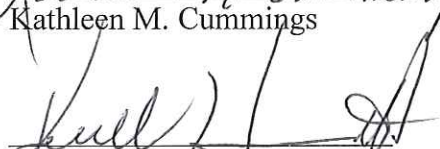
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Ottawa.

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (5A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/BRAHM, SECTION 11, T6N, R17E, TOWN OF OTTAWA)


Presented by:
Land Use, Parks, and Environment Committee

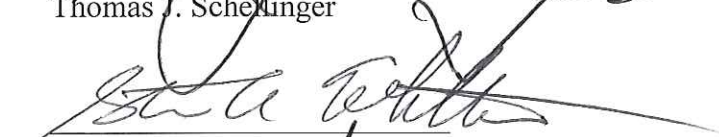

David D. Zimmermann, Chair

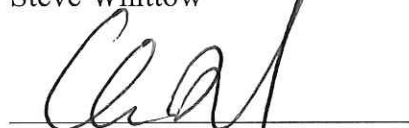

Kathleen M. Cummings


Keith Hammitt



William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: April 26, 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 4/29/19, 
Paul Farrow, County Executive

COMMISSION ACTION

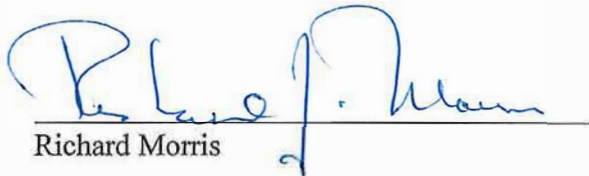
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (5A – Waukesha County Park and Planning Commission/Brahm, Section 11, T6N, R17E, Town of Ottawa) hereby recommends approval.

PARK AND PLANNING COMMISSION

March 21, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann

Absent
William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(5A – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),
TOWN OF OTTAWA

DATE: March 21, 2019

PUBLIC HEARING DATE:

Thursday, February 21, 2019, 1:00 p.m.

REQUEST:

5 (A) Year 2019 amendment to the Comprehensive Development Plan.

The Waukesha County Park & Planning Commission, 515 West Moreland Blvd, Waukesha, WI 53188, requests property owned by James and Joyce Brahm, W358 S2488 Hunters Lake Road, Dousman, WI 53118, located in part of the NW ¼ of Section 11, T6N, R17E, Lot 1, Upper Hunters Lake, Town of Ottawa (Tax Key No. OTWT 1626.001), be amended from the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit) to the Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit), to allow the County Development Plan designation for Lot 1 to be consistent with other surrounding properties.

EXISTING LAND USE CATEGORY

Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit).

PROPOSED LAND USE CATEGORY

Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit).

PUBLIC REACTION

None.

TOWN PLAN COMMISSION ACTION

At their January 7, 2019, meeting, the Town of Ottawa Plan Commission approved the related Town plan amendment.

TOWN BOARD ACTION

The Town of Ottawa Board approved the related Town plan amendment at their February 11, 2019 meeting (Town Ordinance No. 2-19).

STAFF ANALYSIS:

The subject property is the northerly most lot in the Upper Hunters Lake Subdivision located on the west side of Hunters Lake. In recently working with the owners of the developed lakefront property, the Town Planner noticed that the land use plan designation for the subject property was different from the designation of the rest of the subdivision even though its size and configuration is quite similar to the other lots in the subdivision. Other larger acreage properties to the north and west are planned in the SDRII category. The property is approximately 1/3 of an acre, which falls within the Medium Density range that is being proposed. The Town initiated a local plan amendment request and the County initiated this request to seek a category change.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The amendment will bring the property into a category that is consistent with the parcel's size and with the other lots in the subdivision.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance No. 2-19
Map

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STATE OF WISCONSIN: TOWN OF OTTAWA: WAUKESHA COUNTY

ENROLLED ORDINANCE NO. 2-19

ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN MAP
AMENDMENT (RECOMMENDED LAND USE PLAN MAP FOR THE TOWN OF
OTTAWA – 2035) PURSUANT TO SECTION 66.1001 OF THE WISCONSIN
STATUTES

WHEREAS the Town of Ottawa has adopted Village powers, including City planning powers as set forth in Section 62.23, Wis. Stats., and

WHEREAS the Town of Ottawa has, by ordinance, established a Plan Commission for the Town of Ottawa empowered to make and adopt a Comprehensive Plan (master plan) for the physical development of the Town pursuant to Section 62.23 (1), (2), and (3), and Section 66.1001 Wis. Stats., and WHEREAS Section 62.23 (2) and (3) of the Wis. Stats., provide that it is the duty of the Plan Commission to adopt, and amend as appropriate, a master plan for the physical development of the Town which, together with the accompanying maps, appendices, tables, figures and descriptive and explanatory matter, shall show the Plan Commission's recommendations for such physical development, and

WHEREAS Section 62.23 (3)(a) of the Wis. Stats., provides that the master plan shall be made "with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development", and

WHEREAS in 1999, the Wisconsin State Legislature enacted Section 66.1001, Wis. Stats., also known as the Comprehensive Planning (Smart Growth) Law, which requires that Comprehensive Plans (master plans) be completed and adopted by local governing bodies by January 1, 2010 in order for counties, cities, villages or towns to enforce land use regulatory ordinances such as zoning, subdivision, or official mapping ordinances, and

WHEREAS Section 66.1001(2), Wis. Stats., sets forth specific requirements affecting the contents and procedures for adoption of a Comprehensive Plan (master plan) under Section 62.23 (2) or (3) of the Wis. Stats., and

WHEREAS as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wis. Stats., require towns engaging in any of the following actions to take such actions in accordance with their adopted Comprehensive Plan (master plan):

- Official mapping established or amended under Section 62.23(6) of the Wis. Stats.;
- Local subdivision regulation under Section 236.45 or 236.46 of the Wis. Stats.;
- Zoning Ordinances enacted or amended under Section 62.23(7) of the Wis. Stats.; and/or
- Zoning of shorelands or wetlands in shorelands under Section 61.351 of the Wis. Stats., and

WHEREAS the Town of Ottawa intends to continue to engage in the foregoing activities, and

WHEREAS the Town of Ottawa actively participated in a joint Comprehensive Development Plan update process endorsed by the State of Wisconsin Department of Administration to analyze and consider amendments to the original 1996 Waukesha County Development Plan through cooperative agreements signed by 28 municipalities in Waukesha County, including the Town of Ottawa, to be compliant with the aforementioned Smart Growth Law of 1999, and

WHEREAS a Comprehensive Advisory Committee was established, consisting of one designee from each of the 28 participating communities, as well as a member of the Waukesha County Park and Planning Commission and a member of the Southeastern Wisconsin Regional Planning Commission, along with a series of subcommittees with expanded membership focusing on Plan topic areas (elements), and

WHEREAS, the joint planning effort utilized the professional planning resources of Southeastern Wisconsin Regional Planning Commission, the University of Wisconsin-Extension and the Waukesha County Department of Parks and Land Use; and

WHEREAS Section 66.1001 requires that the governing body of a local governmental unit adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, distribution of the plan, and public meetings for which advance notice has been provided, and which provided an opportunity for public comment, during the preparation of a comprehensive plan, and

WHEREAS on July 11, 2005, the Town of Ottawa Plan Commission adopted a Public Participation Plan by Resolution, and

WHEREAS, a citizen survey was conducted by UW-River Falls, with the results made part of the Plan; and

WHEREAS a Comprehensive Development Plan for Waukesha County – 2035 was completed and adopted by the Waukesha County Board of Supervisors on February 24, 2009, and is the plan upon which the Town Plan Commission based the Town of Ottawa's plan, the Town Plan Commission has determined that the Comprehensive Development Plan for the Town of Ottawa – 2035 complies with the goals, standards and objectives of all nine elements of said Smart Growth Law, and Sections 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS copies of the plan have been provided to the public and the governmental bodies of Waukesha County, the Department of Administration and the Southeastern Wisconsin Regional Planning Commission, adjoining municipalities, public libraries serving the town, and other entities as required by law, and are also available electronically on the Waukesha County website at www.waukeshacounty.gov and the Town of Ottawa website at www.townofottawa.com, and

WHEREAS the Plan Commission of the Town of Ottawa, pursuant to Section 66.1001(4)(b) of the Wis. Stats., recommended to the Town Board the adoption of the

Comprehensive Development Plan for the Town of Ottawa - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Ottawa – 2035 for the Town of Ottawa that is based upon the Comprehensive Development Plan for Waukesha County – 2035, and that fully complies with Section 62.23 and 66.1001 of the Wis. Stats., by Resolution passed by a majority vote of the Plan Commission, and

WHEREAS the Town of Ottawa may, on occasion, make amendments to the Comprehensive Development Plan for the Town of Ottawa - 2035 (master plan) and the Recommended Land Use Plan map for the Town of Ottawa – 2035 in accordance with Section 62.23 and 66.1001 of the Wis. Stats., and

WHEREAS the Town of Ottawa Plan Commission conducted a public hearing regarding a recommended comprehensive development plan amendment on **January 7, 2019**, upon due notice in compliance with the requirements of Section 66.001 of the Wis. Stats., and

WHEREAS the Town Board has reviewed the recommended amendment, and

WHEREAS the Town Board of the Town of Ottawa, having carefully reviewed the recommendation of the Plan Commission for the Town of Ottawa, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, have determined that the comprehensive development plan amendment will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Ottawa which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Ottawa, Waukesha County, Wisconsin, ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION OF MAP AMENDMENT EXHIBIT A (Brahm)
The Comprehensive Development Plan Map Amendment entitled “**Exhibit A**” as attached to this Ordinance and incorporated herein is hereby adopted.

SECTION 2. DISTRIBUTION OF THE ADOPTED AMENDMENT
The Town Clerk shall forward a copy of the adopted comprehensive development plan amendment to all of the following entities:

- a. Every Governmental body that is located in whole or in part within the boundaries of the Town of Ottawa;
- b. The Clerk of every local government unit that is adjacent to the Town of Ottawa;
- c. The State of Wisconsin Department of Administration;
- d. The Southeastern Wisconsin Regional Planning Commission; and
- e. The public libraries that serve the Town of Ottawa.

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 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.

Adopted this **11th day of February, 2019**, by a majority vote of the members-elect of the Town of Ottawa Town Board.

TOWN OF OTTAWA
WAUKESHA COUNTY, WISCONSIN

BY: *Cheryl D. Rupp*
Cheryl D. Rupp, Town Chairperson

ATTEST:

BY: *Melissa Klein*
MELISSA KLEIN, Town Clerk

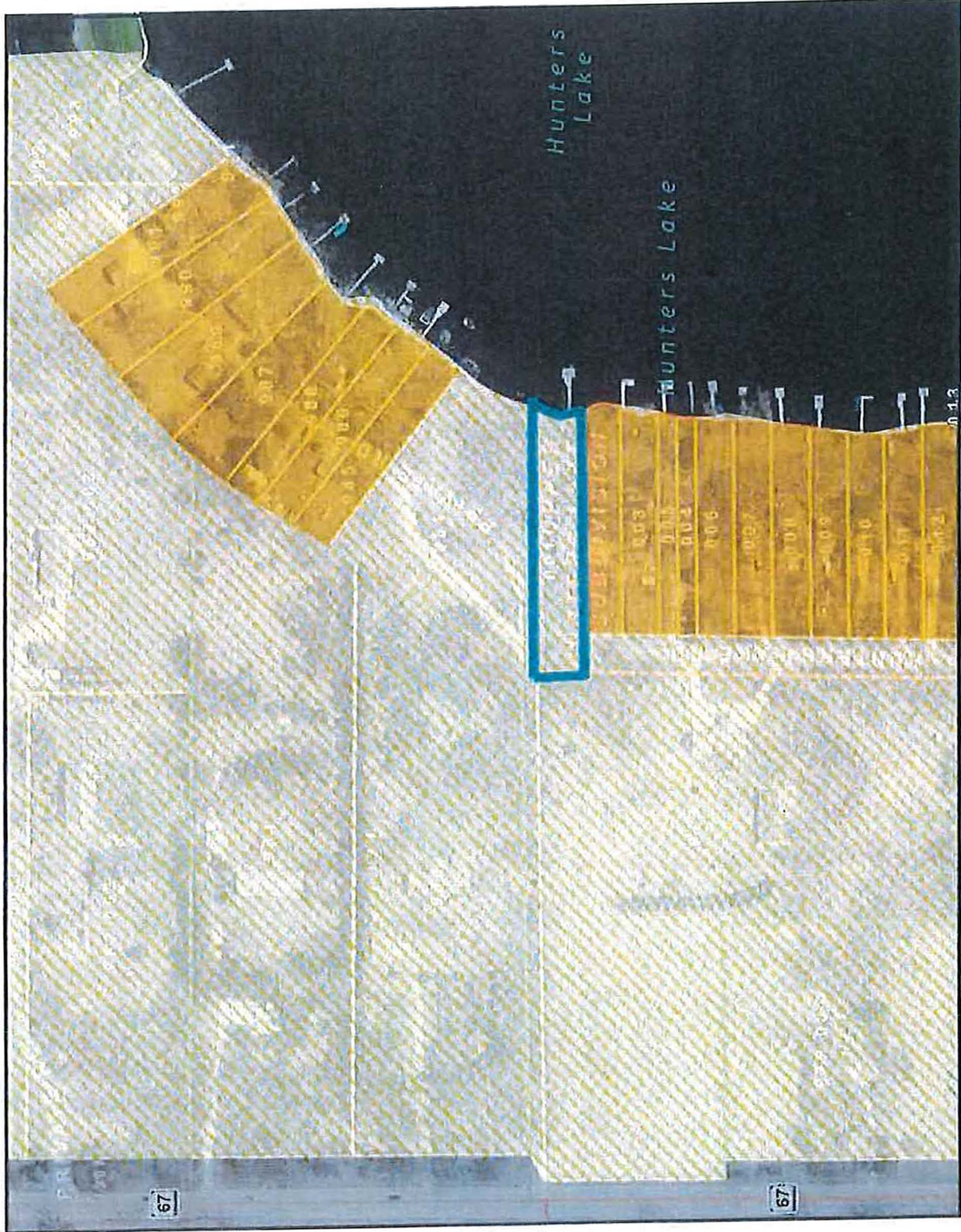
Published and posted this 20th day of February, 2019.

EXHIBIT A

Brahm amendment to the Comprehensive Development Plan Map (Recommended Land Use Plan map for the Town of Ottawa – 2035), originally dated April 13, 2009, on file in the office of the Town Clerk, which is subject to the jurisdictional authority of the Town of Ottawa, is incorporated herein by reference.

Town and County CDP Map Exhibit A

LAND INFORMATION SYSTEMS DIVISION



Legend

- Parcels
- Plats
- Retired Parcels
- Retired Plats
- County Development Plar
 - HDR (<=8,000 sf/du)
 - MDR (8,000 - 18,000 sf/du)
 - LDR (20,000 sf - 1.4 ac/du)
 - SDR I (1.5 - 2.9 ac/du)
 - SDR II (3.0 - 4.9 ac/du)
 - Rural density and Other Ag*
 - Other Open Lands to be Pre
 - Farmland Pres w/FEC Overlay
 - Farmland Pres (> 35 ac/du)
 - Primary Environmental Corri
 - Secondary Environmental C
 - Isolated Natural Resource A
- Recreational
- Commercial and Office Park
- Governmental and Institution
- Mixed Use
- Industrial
- Transportation, Communicat
- Highway and Railway Rights
- Extractive
- Landfill
- Surface water
- Municipal Boundaries
- Waterbodies_2K_Labels
- Waterlines_2K_Labels
- FacilitySites_2K_Labels
- Lots_2K
 - Lot
 - Outlet
- SimultaneousConveyance
 - Assessor Plat
 - CSM
 - Condominium
 - Subdivision
- Cartoline_2K

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

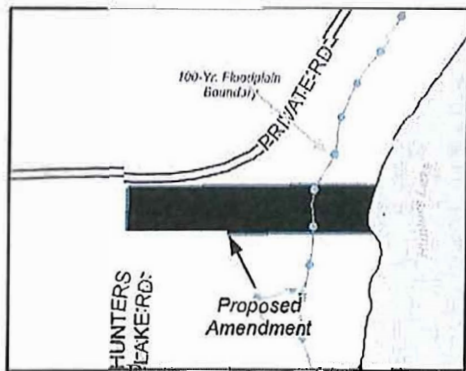
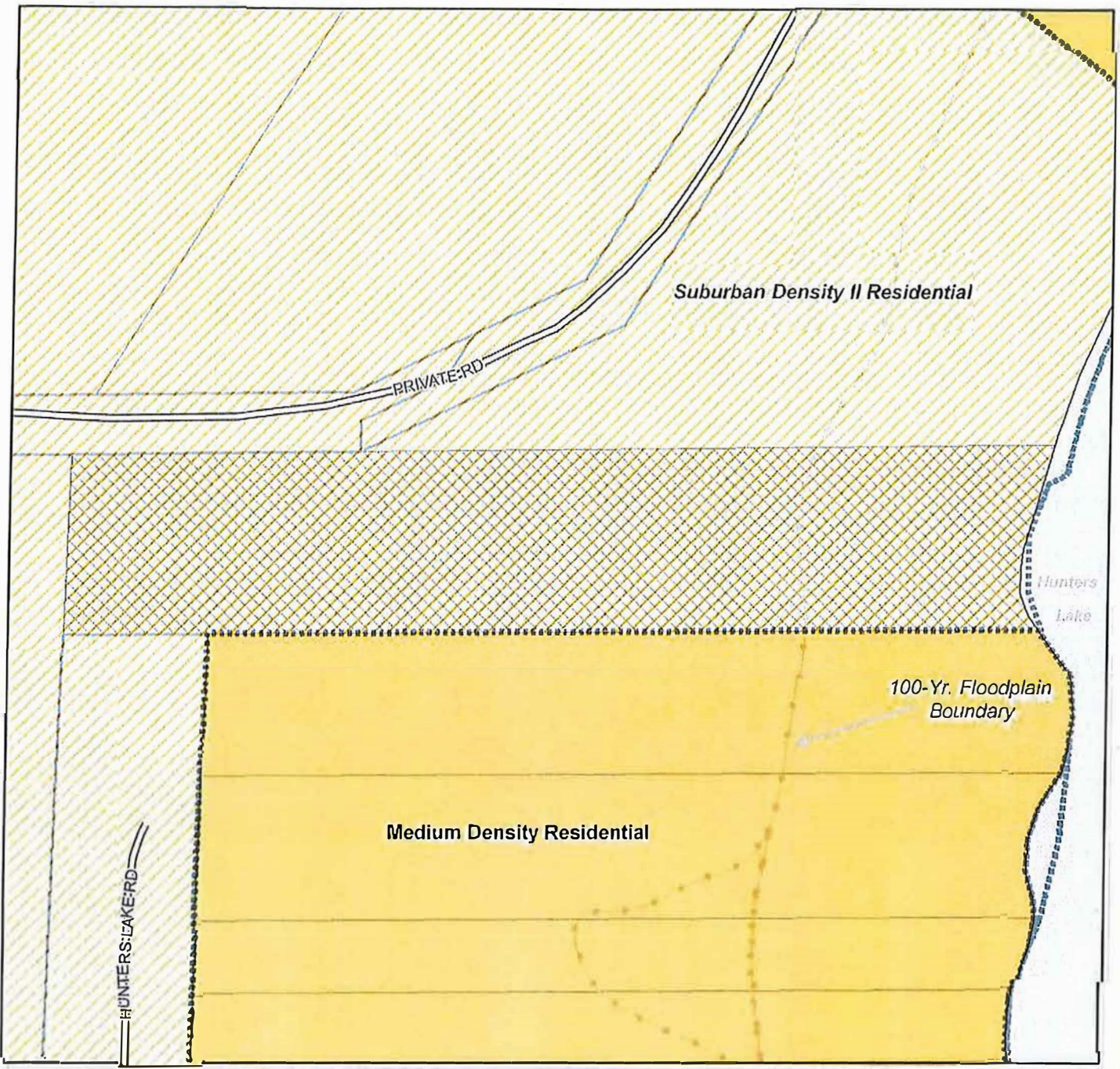
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Notes:

Printed: 11/7/2018

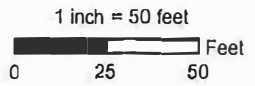
DEVELOPMENT PLAN AMENDMENT

PART OF THE NW 1/4 OF SECTION 11
TOWN OF OTTAWA



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM SUBURBAN II DENSITY RESIDENTIAL CATEGORY TO MEDIUM DENSITY RESIDENTIAL CATEGORY

PETITIONER.....5A Waukesha County Park and Planning Commission
 DATE OF PARK & PLANNING COMMISSION MEETING..... 03/21/19
 AREA OF CHANGE..... .48 ACRES
 TAX KEY NUMBER.....OTWT 1626.001



Prepared by the Waukesha County Department of Parks and Land Use
 File Number: 174-O-012



Voting Results for Ordinance 174-O-012

Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (Sa - Waukesha County Park And Planning Commission/Grain), Section 11, T&N, R,YE, Town Of Otzval

Passed By Majority Vote

AYE: 22 NAY: 3

0 ABSENT: 3

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris		AYE
D4 - Batzko		AYE
D5 - Dondlinger		AYE
D6 - Walz		AYE
D7 - Grant		AYE
D8 - Michalski		AYE
D9 - Heinrich		AYE
D10 - Swan		AYE
D11 - Howard		ABSENT
D12 - Wolff		ABSENT
D13 - Decker		AYE

D14 - Wood	Second	AYE
D15 - Mitchell		AYE
D16 - Crowley		AYE
D17 - Paulson		AYE
D18 - Nelson		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		ABSENT
D25 - Johnson		AYE