

**City of Oconomowoc  
Plan Commission**

**Wednesday, June 10, 2020 - 6:30 PM  
City Hall - Council Chambers**



**Notice:** If a person with a disability requires that the meeting be accessible or that materials at the meeting be in accessible format, call the City Clerk at least 48 hours prior to the meeting to request adequate accommodations. Tel: 569-2186.

1. Call to Order, roll call and confirmation of appropriate meeting notification.
2. Approval of previous meeting minutes
  - a. Minutes of May 13, 2020
3. Public Hearing:
  - a. Cellular Tower Ordinance  
The purpose of the hearing is to hear public comment on the application filed by the City of Oconomowoc, to amend Section 17.108(15) within the Municipal Zoning Ordinance pertaining to the Conditional Use Permit Specific Standards for towers / antenna of any height. The specific request is to add requirements pertaining to maintaining a fall zone around the tower, aesthetic requirements for towers and attachments, and create additional regulation for tower setbacks from a single-family residential use.
  - b. Floodplain Ordinance Amendment  
The purpose of the hearing is to consider an ordinance to create Section 20.15(2)(a)3. under Official Maps, of the Floodplain Zoning Ordinance for the City of Oconomowoc. The purpose of the ordinance is to adopt the hydraulic shadow map that depicts the area immediately downstream of the Peacock Dam which will demonstrate that the City has downstream land use controls, (Zoning) that includes the hydraulic shadow of the dam. The map reflecting Dam Failure Floodplain Boundary and the 100-Year Floodplain and Dam Nonexistent Boundary is called the Mead & Hunt Dam Failure Study, dated 6/25/98.
4. Regular Business
  - a. Consider / Recommend the Conditional Use Permit for Bethany Recovery Center for a 30-bed treatment facility located at 1331 Capitol Drive
  - b. Consider / Recommend the Zoning Ordinance Text Amendment for Cellular Tower Standards that recreates Section 17.108(15).
  - c. Consider / Recommend the Floodplain Ordinance amendment that creates 20.15(2)(a)3. Hydraulic Shadow Map of the Peacock Dam
5. Planning Department Correspondence
  - a. May Correspondence 2020
6. Adjourn

---

Diane Coenen, City Clerk  
City of Oconomowoc

Notice is hereby given that a majority of the Common Council may be present at the meeting of the Plan Commission to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the Common Council pursuant to State ex rel. Badke v. Greendale Village Board, 173Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the Common Council will not take any formal action at this meeting.

**City of Oconomowoc  
Plan Commission Meeting Minutes  
May 13, 2020**

**Chairman Magnus** called the meeting to order at 6:30 pm and welcomed new members Ald. Lou Kowieski and Chad Vande Zande.

**Members Present:** Commissioners Dean Frederick, Lou Kowieski, Chad Vande Zande, John Gross, Ken Brotheridge, Chairman Robert Magnus and Commissioner Steve Ritt

**Others Present:** Sarah Kitsembel, Jason Gallo, Mark Frye, Atty. Stan Riffle and Chris Dehnert

**2. Approve Minutes of March 11, 2020 and April 8, 2020:** Motion by Ritt to approve the March 11, 2020 and April 8, 2020 minutes; second by Brotheridge. Motion carried 7-0.

**3. Consider/act on the Major Design Review Plans for the Pabst Farms Apartments located on Valley Road, east of Old Schoolhouse Road:** Gallo explained this development will consist of 302 apartment units, a clubhouse, and detached garages located on a 34 acre parcel. The main access will be off Valley Road with a secondary access road to Old Schoolhouse Road. The design, colors and materials were approved at the Architectural Commission meeting earlier this evening. There will be (2) 5 unit townhouses, (8) 14-unit and (10) 18-unit apartment buildings. There will also be a mail kiosk in the center of the development and a trail on the north end of the property will connect to the Lake Country Trail. The Pabst Farms Joint Stormwater District approved the stormwater plans earlier tonight and all stormwater will drain north to retention ponds which will be located in outlots. The ponds will be laid out so they will be expandable and will become regional ponds serving the area to the west. The property is zoned Residential Multi-Unit High and the proposed development is in compliance with all setbacks, height and zoning requirements. Gallo explained the zoning code requires 613 parking stalls, and their plans show parking for 600 in garages and 108 stalls including parking aprons for visitors, which he questioned. Landscaping exceeds requirements and the Architectural Commission recommended this evening that they add evergreens behind the detached garages on the west elevation to help break up the long building elevation. The wetlands located in the northeast corner will remain in an undisturbed state. The utilities are sufficient and there is enough capacity for this development. Lighting plans have been submitted which included decorative Pabst Farms bell fixtures, wall mounted lighting and bollards. Staff is comfortable with the layout and location of access points. There is sidewalk within the development but no other sidewalk leading from it nor any on Valley Road. Gallo recommends approval as he believes the proposed development is a good use of the site. Items that still need to be addressed however are parking, lighting levels, sidewalk along Valley Road, landscaping, construction traffic, retaining walls/fencing details, need more information on onsite recycling center and can tenants control their own front entrance lights. Members questioned the status of the sidewalk, noting that sidewalk on Valley Road would be in the ROW which requires Waukesha County approval. Ian Martin of the Mandel Group offered to pursue being allowed to have sidewalk in the ROW on Valley Road and either dedicate the sidewalk to the City or grant public access to it. After discussion with the City Attorney the applicant agreed they will maintain the sidewalk. Cialdini explained there will be parking for 600 but they feel they can find space for 13 additional stalls. She said there are 6 apron parking spots on the (8) 14-unit and (10) 18-unit buildings. The smallest parking spot is 16' in length, and there are some situations where the sidewalk crosses the apron. Cialdini said the sidewalk in these locations will be moved slightly to allow for a full parking space. Martin said the easiest place to add the 13 stalls would be on the north side of the event lawn behind the clubhouse. Members suggested that the additional parking requirement should be included in the development agreement; concern with maintaining their own recycling center and asked for City staff to follow up to make sure it is looked at. Cialdini will be requesting a variance from the lighting standard because they feel it will be too bright overall and are also willing to look at brighter lighting in certain areas. She added each resident will have control over its own private entry light. Cialdini said they will include more landscaping on the backside of the detached garages on the

west property line; will be phasing in the construction from south to north; will put down pads to keep the dust down; and most access for equipment will go down the new access road. Martin explained the clubhouse will be done first and gave the construction timeline and said people will move in as soon as a building gets done. They plan to use Valley Road for construction traffic as minimally as possible for the initial phase of construction of the clubhouse. Cialdini explained recycling will be done in the trash compactor area. Retaining walls will be located along the edges of the site due to the stormwater management system and will consist of some type of block to match the stone material on the building. They will try to eliminate as many retaining wall areas, minimize them when possible and only include handrails as necessary. Gallo clarified approval should be subject to the technical corrections included in the May 1, 2020 letter and that applicant is to submit additional plans to address these concerns and any concerns that the Plan Commission has in a digital format. He added concerns that need to be addressed are parking; lighting; sidewalk; landscaping upgrades; retaining wall changes; and recycling details. Motion by Ritt to approve the Major Design Review Plans for Pabst Farms Apartments on Valley Road subject to the applicant addressing all technical items in the May 1, 2020 letter referenced by the City Planner as well as the items discussed tonight prior to the release of building permits; second by Frederick. Motion carried 7-0.

**4. Planning Department Correspondence – April 2020:** Gallo reported in the month of April there was 1 request for a temporary use permit, 2 letters were sent for non-compliance issues and multiple letters relating to the Festival of the Arts; and 2 requests were received for occupancy of a new business. Commissioner Frederick recognized the City Clerks Dept for the Clerks Appreciation Week.

**5. Adjourn:** Motion by Ritt to adjourn at 7:21 pm; second by Brotheridge. Motion carried 7-0.

Chris Dehnert, Deputy City Clerk

# Planning Staff Report

City of Oconomowoc

Plan Commission –6/10/2020

## Bethany Recovery Center

Conditional Use Permit

**Summary:** The applicant submitted a conditional use permit application for a drug and alcohol medical treatment center at 1331 West Capitol Drive. Per the City Zoning Ordinance Group Living uses, such as “Community Living Arrangements for 9 or more Residents” requires a conditional use permit in the General Commercial District.

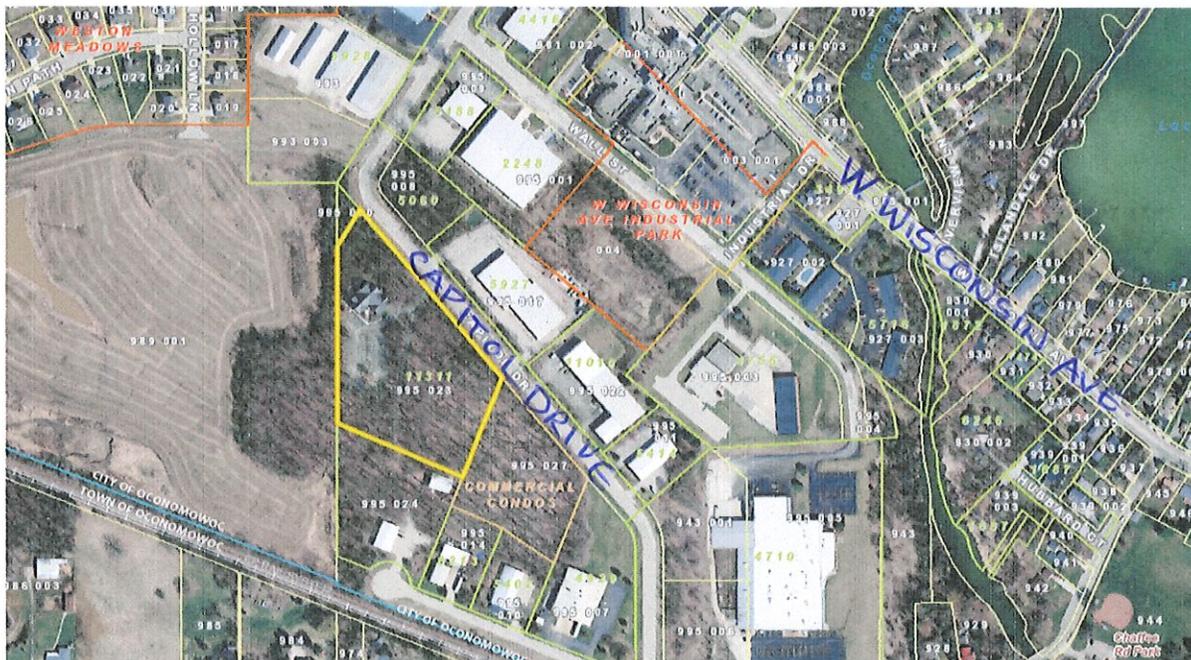
**Property Location:** 1331 West Capitol Drive

**Property Owner:** IFTF – Invest for the future, LLC  
Glenn Cochrane  
W1334 Industrial Drive  
Ixonia, WI 53036

**Applicant/  
Operator:** **Bethany Christian Services of WI**  
Jennifer Schmeichel, Executive Director  
N14 W23755 Stone Ridge Drive  
Waukesha, WI 53188

---

**Existing Zoning:** GC, General Commercial District  
**Existing Land Use:** 15,000 SF, three story vacant office building  
**Proposed Land Use:** Drug & Alcohol Medical Treatment Center



**Location Map**

## **Zoning:**

The proposed "Group Living" medical treatment facility use is allowed within the GC-General Commercial zoning district, but per Section 17.106 "Community Living Arrangements" require a conditional use permit.

Group Living is defined in the Zoning Ordinance as the following:

*"This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff."*

Staff feels the proposed use falls under the general zoning classification of "Group Living". The specific use under Group Living would be a "Community Living Arrangement for 9 or more residents". This specific use requires a conditional use permit in the GC-General Commercial Zoning District.

## **Site Plan:**

Per the application, there are no external changes proposed for the site. The conditional use permit focus is on the internal operations of the building.

### **Parking:**

The zoning code requires 1 stall for every 2 beds, plus 1 stall per 100 SF of assembly area. Per the submitted site plan the total number of existing parking stalls is 59 stalls (57 regular and 2 ADA accessible). The facility would require 15 stalls for the proposed 30 beds, leaving 44 stalls for the "assembly area". That would allow for 4400 SF of assembly area. Staff does not have the precise amount of "assembly area". If parking would become an issue in the future, there is a vast amount of unpaved area remaining on the 5.3 acre site. Staff discourages any tree removal for unneeded parking areas.

### **Access:**

There is no change to the existing access driveway on West Capitol Drive.

### **Landscaping:**

There are no proposed changes to the exterior landscaping. Much of the remaining areas are wooded with mature trees. There is no intention to cut down trees.

### **Drainage / Stormwater:**

No new impervious area is being added to the site, therefore there are no concerns with the drainage and stormwater.

### **Utilities:**

The applicant is not proposing any sewer, water or electric lines to serve this property.

**Lighting:**

There are no proposed changes to the exterior lighting.

**Architecture:**

There are no changes to the existing architecture.

**Use:**

This application comes down to the proposed use. The site plan and the architecture will not be changing. The applicant is not changing the site layout, such as lighting & landscaping, the parcel configuration or changing the exterior of the existing building.

So what is the proposed use? Based on the materials, this is a treatment center for females primarily recovering from drug and alcohol addiction. This will be regulated as a CBRF (Community Based Residential Facility) Clients / residents will live on the premise for as long as it takes to reach a point where they are comfortable leaving the facility. The clients will have bedrooms, with community style kitchen and eating areas. The facility will have no more than 30 clients at any given time, and provide treatment in the form of counseling.

This use replaces the former Ladders Recovery Center use that remodeled the building, received all State Permits and approvals, and opened for business. Unfortunately, the Ladders was not successful and closed its doors within months of opening.

**Conditional Use Permit Findings**

1. How is the proposed conditional use (in general) in harmony with the purposes, goals, objectives, policies and standards of the City of Oconomowoc Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted by the City?

*The subject use is an allowable use listed in the Zoning Ordinance. The use is a business that will serve the general public by providing a recovery facility for the residents of the City.*

2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City of Oconomowoc Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted by the City?

*The zoning district allows Group Living Facilities with a conditional use permit. The proposed business maintains the commercial use in the City with a use that will assist the residents of the City. As for the specific area, it is in an industrial type area with businesses on three sides of the property. To the west there is vacant land that is either wooded or intended for future residential growth. Having*

*the facility adjacent to residential uses is consistent with other communities where these types of uses are within residential subdivisions.*

3. Does the conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the City or other governmental agency having jurisdiction to guide development?

*It is not anticipated that the proposed use will cause adverse impacts to the current or future adjacent uses. The plan of operations discusses the screening process that each resident will go through prior to being allowed to live in the facility. Residents will be at the facility because they want to be there and not looking to break out or escape.*

4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

*The property currently has a multi-story office building and associated parking lot. There is no intention to change the building footprint or add additional parking area. The land use intensity and land use impacts will stay the same.*

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

*The Group Living Recovery Treatment Facility will not impose an undue burden on public utilities as they are provided. The current utilities are able to serve this property. The question is will the facility impose an undue burden on the Police and Fire Department. That is yet to be determined. Planning anticipates there will be more calls to the facility than there is currently, but the total number is not know. If approved and the number of calls becomes a burden on the various Departments, the City will be giving favor to this business and part of the City over other businesses and other areas of the City regarding level of service provided.*

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

*Yes, the benefits of the proposed use outweigh any adverse impacts caused to the City. People suffering from drug and alcohol dependency should be in treatment. Other than dying, treatment is the one way to get the suffering to*

*sobriety. People under the influence of drugs and / or alcohol addiction are more likely to cause crimes that those not under the control of drugs.*

7. Will the proposed conditional use create adverse impacts such as dust, lighting, air pollution, noise, odor, vibration, glare, heat, hazardous materials, or traffic?

*The proposed use will not adversely impact the surrounding neighborhood.*

8. Will the proposed conditional use negatively affect the health, safety, welfare and morals of the general public?

*Again this comes down to the amount of Police and Fire calls generated from this particular use. If the Police are spending vast amounts of time at this facility, that takes away law enforcement for the safety of general public. There are only a set number of officers on duty per shift. The proposed CUP could negatively affect the health, safety and welfare of the general public. If the number of calls becomes too much and creates adverse impacts to the public safety, the Plan Commission could start the revocation process.*

### **Planning Comments:**

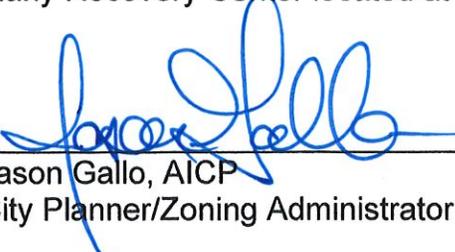
Knowing that there is a need for the facility, the biggest concern is the demand the facility will have on the City Police Department and the Western Lakes Fire Department. Being a for-profit business, the City will not have a P.I.L.O.T agreement (payment in lieu of taxes). The business / property owner will continue to be responsible for property taxes, as they have paid for many years. The question comes down to will the proposed use create a burden on the City's Police and Fire Department resources, that go above the typical use demand that property taxes are used to off-set.

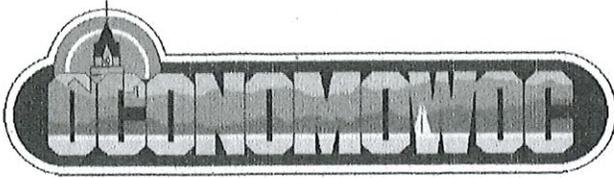
The conditional use permit was drafted consisting of the same conditions included in the former Ladders CUP. That CUP was non-transferrable, so the new user needed to come back to the Plan Commission and Common Council for approval. The CUP has 25 conditions that the operation must follow. Some of these are typical conditions found on all CUP's and some of the conditions are tailored for this specific use. Approval by the State, Door alarms, cameras, removal of trees, permit non-transferability, review, relapse plan and revocation are conditions that have been either added or modified for this particular use.

### **Recommendation:**

Staff recommends the Plan Commission motion to **APPROVE** the conditional use permit for the Bethany Recovery Center located at 1331 West Capitol Drive, as drafted by Planning Staff.

Submitted by: \_\_\_\_\_

  
Jason Gallo, AICP  
City Planner/Zoning Administrator



**STAFF RECOMMENDATION FORM** TYPE OF REQUEST: **CONDITIONAL USE PERMIT**

PROJECT NAME: **BETHANY RECOVERY CENTER**

TAX KEY NO.: **OCOC 0553.995.023**

PROJECT ADDRESS/LOCATION: **1331 WEST CAPITOL DRIVE**

**RECOMMENDATION SIGNATURES**

CITY PLANNER: *[Signature]* Date: **5-26-20**  
 Comments:

CITY ENGINEER: **OK PER E-MAIL (S)** Date: **5-26-20**  
 Comments:

DIRECTOR OF PUBLIC WORKS: *[Signature]* Date: **05.29.20**  
 Comments:

WASTEWATER: *[Signature]* Date: **5-26-2020**  
 Comments: **Need approved grease trap/grease trap permit**

WATER: *[Signature]* Date: **5/28/20**  
 Comments:

ELECTRIC: *[Signature]* Date: **5-26-20**  
 Comments:

PARKS, RECREATION & FORESTRY: *[Signature]* Date: **5-26-20**  
 Comments:

POLICE CHIEF: *[Signature]* Date: **5-26-20**  
 Comments:

FIRE: *[Signature]* Date: **5-27-20**  
 Comments: **call FD for occupancy**

DIRECTOR OF FINANCE: *[Signature]* Date: **5-27-20**  
 Comments:

ECONOMIC DEVELOPMENT DIRECTOR: *[Signature]* Date: **5-26-20**  
 Comments:

**CONDITIONAL USE PERMIT**  
**Bethany Recovery Center**  
**1331 West Capitol Drive**

A petition having been filed by Jennifer Schmeichel, Bethany Christian Services of WI, ("Applicant") for permission for the operation of a drug and alcohol treatment center within the existing 15,000 square foot building, located on approximately a 6-acre lot, located at 1331 West Capitol Drive, identified as tax key number OCOC 0553.995.023 in the City of Oconomowoc, Wisconsin 53066, requesting a conditional use permit, upon which there has been the following proceedings:

- Preapplication meetings between the owner, the Zoning Administrator and appropriate City staff to discuss the general concept, etc. The Applicant and Operator attended a staff meeting on May 20, 2020.
- Zoning Administrator determination that the application is complete as required by §17.806(4).
- Zoning Administrator evaluation of the written justification for the conditional use and determination if the proposed conditional use is in harmony with the Master Plan of the City as required by §17.806(6)(a).
- After due notice, a public hearing was held before the Common Council on July 7, 2020.
- Plan Commission has adopted the memorandum report of the City Planner as the Plan Commission's report and has adopted the findings of fact set forth therein (Exhibit A).
- Plan Commission has, by motion duly made, seconded and carried, at its regular Plan Commission meeting of June 10, 2020, recommended to the Common Council of the City of Oconomowoc that a conditional use permit be approved to Bethany Christian Services of WI, to convert the existing building into a drug and alcohol treatment center at 1331 West Capitol Drive in the City of Oconomowoc.
- Plan Commission has forwarded its report and recommendation to the Common Council for final action by the Council.
- Common Council has reviewed the Plan Commission's recommendations and the proposed written conditional use permit.

The Common Council hereby accepts the Plan Commission's recommendation.

The Common Council of the City of Oconomowoc does hereby make the following findings of fact and does hereby grant a conditional use permit to Bethany Christian Services of WI, to convert the existing building into a drug and alcohol treatment center at 1331 Capitol Drive, subject to the conditions set forth below.

### **FINDINGS OF FACT**

The findings of fact listed in the Oconomowoc Planning Staff Report adopted as the City Plan Commission's report are hereby incorporated herein by reference. See Exhibit A.

### **CONDITIONS**

1. Development Application / Plan of Operation. The development application and plan of operation for the Bethany Recovery Center, submitted by applicant Jennifer Schmeichel, Executive Director ("Operator"), and co-signed by owner Glen Cochrane, dated May 26, 2020, on file in the Office of the City Planner are hereby approved and is incorporated herein by reference as Exhibit B. If any terms of the plan of operation conflict with provisions of this conditional use permit, the provisions of the conditional use permit shall control. Applicant and Operator shall be in substantial compliance with the Plan of Operation and the conditions herein at all times.

2. Public Safety Plan. Applicant and Operator recognize that the nature of operations for the Bethany Recovery Center presents potential risks to public safety, health and welfare of residents of the City. Accordingly, Applicant and Operator have prepared a Public Safety Plan dated May 26, 2020, on file in the Office of the City Planner incorporated herein by reference as Exhibit C. If any terms of the plan of operation conflict with provisions of this conditional use permit, the provisions of the conditional use permit shall control. Applicant and Operator shall be in substantial compliance with the Public Safety Plan and the conditions herein at all times.

3. Plans. The development plans, on file in the Office of the City Planner is hereby approved and incorporated herein by reference, including:

- Development Application dated May 26, 2020
- Photos – Interior & Exterior, undated, (three pages)
- Management Staff Bio, undated, (one page)
- Project explanation letter dated May 26, 2020 (four pages)
- Addendum to Proposal dated May 26, 2020 (one page)
- Business Plan of Operation dated May 26, 2020 (ten pages)
- Agreement Letter – to adhere to previous CUP dated May 26, 2020
- Safety Plan – dated May 26, 2020 (two pages)
- Relapse Policy – dated May 26, 2020 (one page)
- History of Bethany Christian Services dated May 26, 2020 (two pages)
- Building Floor Plans, undated (three pages)

Applicant and Operator shall be in substantial compliance with the site development plan prior to issuance of the Occupancy Permit.

4. Subject Property. The conditional use permit issued to the Applicant, Jennifer Schmeichel, Bethany Christian Services, shall be limited to the property described in the application and shall be assigned to the property located at 1331 West Capitol Drive.

5. Supplemental Documents. It is understood that notwithstanding the fact that the Common Council has granted this Conditional Use Permit, it may be required by staff, Plan Commission and/or the Common Council that plans approved by this Conditional Use Permit be revised or that additional plans, reports, studies or documents be filed. This requirement may be by way of direction given at a Plan Commission or Common Council meeting or by written communication by City staff. In the event revised or additional plans, reports, studies or documents are required, it is a condition of this permit that Applicant and Operator file said documents within the time required. Filing shall be with the City Planner and City Clerk. The revised plans shall replace those approved in paragraph 2 hereof, and additional plans, reports, studies or documents shall be considered supplementary supporting documents for this permit. Applicant and Operator shall comply with revised or additional plans and all recommendations of the reports, studies or documents supplementing previously filed material.

6. Initially Approved Activities. The Applicant may use the existing 15,000 square foot building for a drug and alcohol treatment center as described in the various plan of operations accompanying the application. The business may be open 24 hours for the resident treatment operations, and treat up to 30 clients at the same time on the subject property.

7. Access. Vehicle access to the facility shall be provided via a driveway from the Capitol Street.

8. Door Alarms. All exterior doors of the facility shall contain internal alarms to prevent unauthorized exiting by the clients.

9. Cameras. The Applicant and Operator shall work with the City Police Department regarding the installation of cameras. Cameras shall be installed on both interior and exterior parts of the building per the Police direction.

10. Lighting. Any exterior lighting installed and/or maintained on the site shall consist of luminaires with cut-off optics and light intensities not exceeding 0.5 footcandles measured at the property line of the subject site. No light rays shall be directed onto neighboring properties. Lighting fixtures shall be tilted downward.

11. Signage. All signage shall comply with the requirements of the City of Oconomowoc Zoning Ordinance. No exterior signs shall be installed without the review and approval by the City.

12. Garbage / Deliveries. Hours for garbage pickup and deliveries are 8:00 AM to 7:00 PM, Monday through Saturday.

13. Outdoor Storage. No outdoor storage shall be permitted on the subject property with the exception of one potential future trash dumpster. The location of the trash dumpster would be required to be reviewed by City Planning Department Staff and shall be screened at all times.

14. Knox Box. Applicant and Operator shall install a Fire Department Knox Box Rapid Entry key lock box at the entry gate as required by the Western Lakes Fire Department.

15. Landscaping. Applicant and Operator shall receive approval from the City prior to cutting down any trees or other vegetation on the property. Applicant and Operator shall maintain all plantings and replace all dead or diseased plantings with comparable species type and size.

16. Drainage. Stormwater discharged from the subject property shall not exceed the runoff level planned for the area.

17. Licenses. The Applicant and Operator shall be required to obtain any and all required licenses and permits from the City, County, State and Federal government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of the conditional use permit.

State approval / issuance of the Applicant and Operators' CBRF licensure by the State of Wisconsin for the 30-bed adult residential facility at this location shall be approved prior to the issuance of an Occupancy Permit and all terms thereof are made part of the Conditional Use Permit terms as well.

18. Lawful Operation. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in the conditional use permit shall be deemed to authorize any public or private nuisance or constitute a waiver, exemption or exception of any law, ordinance, order, or rule of the City of Oconomowoc or other duly constituted authorities. The conditional use permit shall not be deemed to constitute a building permit, nor shall the conditional use permit constitute any other license or permit required by law or City ordinance.

Failure to operate in accordance with the conditions of the conditional use permit shall be the subject of an enforcement action and civil penalties and / or grounds for setting the matter for public hearing to consider revocation of the permit. By way of example, excessive calls for service for police and/or fire-rescue services due to incidents on and about the premises during any six-month period may be grounds for revocation of this Conditional Use Permit. The City reserves the right to pursue any other option permitted by law to require compliance with the conditions of the permit.

19. Federal, State, and Local Regulations. The Applicant and Operator shall comply with all federal, state, and local regulations in the construction, operation, and maintenance of the proposed facilities.

20. Fees and Expenses. The Applicant and Operator, upon issuance of the conditional use permit, shall reimburse the City for all expenses incurred in issuing the permit, including but not limited to, expenses for the City Planner, Engineering Department and City Attorney in approving and granting the conditional use permit.

21. Permit Non-Transferability. This approved Conditional Use Permit is non-transferable to subsequent permit users. Any change in use or ownership shall require public hearing, and re-approval of the conditional use permit by the Plan Commission and Common Council.

22. Plans. Applicant and Operator are required and must have all plans current, approved by the Plan Commission, and on file with the City Clerk and Planner. Any major amendment and/or major change in any plan, plan of operation or condition of this conditional use permit will require review by the Plan Commission with a public hearing, if such amendment or change will not substantively change the initial conditions the amendment or change may be approved by the Zoning Administrator without Plan Commission review.

23. Review. The Plan Commission reserves the right to review the operation and amend the conditional use permit as the Plan Commission deems appropriate.

24. Relapse Plan. Applicant and Operator shall provide a detailed relapse plan to the City Police Dept regarding how the facility and staff will address clients that relapse, incorporated herein by reference as Exhibit D. If any terms of the relapse plan conflict with provisions of this conditional use permit, the provisions of the conditional use permit shall control. Applicant and Operator shall be in substantial compliance with the Public Safety Plan and the conditions herein at all times.

25. Revocation. Per Section 17.806(11) of the City Zoning Ordinance. A conditional use permit may be revoked if, from the facts that the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. The Plan Commission, upon the direction of the City Council, shall hold a public hearing to consider the revocation of the conditional use permit granted in accordance with the provisions of the Zoning Ordinance. The conditional use permit may be revoked if the Plan Commission finds that the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. The Plan Commission shall provide a recommendation to the Common Council. The Common Council shall consider the revocation of the Conditional Use Permit.

26. EMS Calls. Until a larger and updated elevator is installed that can accommodate a gurney cot for all EMS calls at Bethany Recovery Center, an engine company will be dispatched to assist EMS. Regardless of whether or not the engine company assists, The Bethany Recovery Center will be billed as specified at the current rate as listed in the "Fire and Highway Fee Schedule for the Western Lakes Fire District " for the additional response. The 2020 fee for an Engine Company is \$500 per hour, with a one-hour minimum.

27. Yearly Review. The WLFD and The Bethany Recovery Center will meet on an annual basis, beginning one year from the date of occupancy permit issuance, to determine whether or not an elevator needs to be installed. If determined by the Fire District representatives at the end of 2 years that frequency of calls is higher than average to the call volume of similar facilities, an elevator will be required to be constructed by the applicant, at the applicant's expense, at that time.

28. Facility Expansion. If and when expansion of the facility footprint occurs in the future, the upgraded elevator shall be installed at that time as a requirement of the expansion approval. This should be regardless of the call volume or if the addition is a single story or several stories. The larger elevator would serve all of the existing building and the new portion.

29. Acceptance. The Applicant and Operator hereby agree with and accept all terms of this Conditional Use Permit.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020

**CITY OF OCONOMOWOC**

By: \_\_\_\_\_  
Robert P. Magnus, Mayor

Attest: \_\_\_\_\_  
Diane Coenen, Clerk

**ACCEPTANCE**

This conditional use is accepted, and the operator and Applicant and Operator agrees to abide by the terms thereof.

Bethany Recovery Center

Invest For The Future, LLC

By: \_\_\_\_\_  
Jennifer Schmeichel  
Executive Director

By: \_\_\_\_\_  
Glenn Cochrane  
General Partner



6/8/2020

Dear Mr. Gallo,

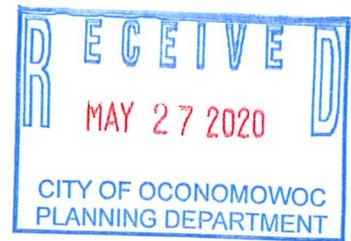
This letter is regarding a correction and update that is important in our business plan regarding funding sources. In section 2.4, p 9 the heading should only be entitled "Funding Sources." The Department of Corrections (DOC) has not proposed to enter a five-year contract with Bethany Christian Services to date. Instead, the business plan should read " We propose to engage in the procurement process and hope to secure a five year contract with DOC." The procurement process requires DOC to submit any program opportunities through eSupplier for all potential vendors in the State of Wisconsin. We have responded to a Request for Information (RFI) on 5/18/20 that was submitted by DOC. It is our intent to respond to a Request for Proposal (RFP) or a Request for Services (RFS) through the Department of Corrections if one is submitted. Typically, such a contract is five-years in duration with a probationary first year, should a contract be awarded.

Other funding sources including county departments of health and human services throughout the state will also be pursued, as well as private pay, and eventually insurance reimbursement. Lastly, donors will be sought for the purpose of funding those individuals who may not have funding sources available to them.

Thank you for the opportunity to make this correction and clarify our plans going forward.

Respectfully,

*Quinn Schmeckel, MSW*



# Development Application

Department of City Planning  
 174 E. Wisconsin Avenue Oconomowoc, WI  
 www.oconomowoc-wi.gov | 262.569.2166

X	Description	Administrative Fee
	Administrative Design Review	\$ 75.00
	Major Design Review	\$ 75.00
X	Conditional Use Permit	\$ 500.00
	Zoning Determination Letter	\$ 100.00
	Temporary Use Permit	\$ 75.00
	Temporary Use Permit - Renewal	No Charge
	Variance	\$ 425.00
	Special Exceptions	\$ 425.00
	Appeals of Zoning Administrator	\$ 300.00
	Zoning Map Amendment (From _____ To _____)	\$ 425.00
	Zoning Text Amendment	\$ 425.00
	Comprehensive Plan Amendment	\$ 300.00
	Planned Development District	Step 1: Pre-application Conference
		Step 2: Concept Plan Review
		Step 3: General Development Plan Review
	Preliminary or Final Plat Review	\$ 75.00
	Certified Survey Map or Extraterritorial Plat/CSM Review	\$ 75.00

\*NOTE: Administrative filing fees are due at the time an application is filed with the City Clerk's Office and are not refundable. In addition to the Administrative fees, City Staff time (City Engineer, City Planner & City Attorney) will be charged back to the applicant. The Applicant will receive monthly invoices of payments due.

Date:

May 26, 2020

Project/Business Name:

Bethany Recovery Center / Bethany Christian Services of WI

Address/Location:

1331 Capitol Drive

City, State, Zip Code:

Oconomowoc, WI 53066

Proposed Use of Property:

Residential Addiction Treatment Center for Women (CBRF)

Applicant:

Jennifer Schmeichel, Executive Director

Property Owner:

Glenn Cochrane

Address:

N14W23755 Stone Ridge Drive

Address

W1334 Industrial Drive

City/State/Zip

Waukesha, WI 53188

City/State/Zip:

Ixonia, WI, 53036

Phone:

262-547-6557

Phone:

262-443-0458

E-mail:

jschmeichel@bethany.org

E-mail:

gcochrane@capfoodinc.com

Signature:

*Jennifer Schmeichel*

Signature:

*Glenn Cochrane*

This form is not valid unless signed by Owner or Agent under a written power-of-attorney (please provide). I, Owner/one of the Owner's of the property, declare that this application (including any accompanying documents) has been examined by me and to the best of my knowledge and belief is true, correct and complete. I further accept all liability, which may be a result of the City of Oconomowoc relying on this information I am providing in this application.









## Management Staff Bio

**Jennifer Schmeichel** is the Executive Director of Bethany Christian Services in Wisconsin. She has 30 years in the social service field. Jenny began her career in the substance abuse field as a counselor earning the top certification in the State. She has a master's degree in social work and has provided services to adults, children, and families. Her knowledge of addiction and passion for helping to improve the quality of people's lives has been unwavering. She brings to her position a great deal of empathy and commitment to both her staff as well as clients as she strives to maintain a strong team that holds true to the mission of our agency.

**Debra Adamus** is the Associate Director of Bethany and has 39 years of experience in the addiction and mental health field as a counselor, supervisor, and director of program development. Deb has worked in a variety of treatment settings including inpatient, outpatient, and 30 years in residential services. Deb has been in recovery from her own addiction for over 40 years and brings her personal experience coupled with her professional knowledge and experience to her work. Deb knows the pitfalls of recovery and what it takes to not only get clean and sober but also how to maintain long term recovery. Deb holds a master's degree in counseling and is licensed by the State of Wisconsin as a clinical substance abuse counselor, as well as a clinical supervisor. Deb has a no-nonsense approach to treatment combined with a richness of care and compassion.

Jenny and Deb met 30 years ago through House of Hope, an addiction residential treatment setting for women and women with children. Together they worked for 10 years making a difference in the lives of the residents. Today, they still have contact with many of the women whom they served who have maintained their recovery all these years and have grown to experience a life of transformation.

# Explanation

## Letter

Oconomowoc  
Department of City  
Planning

05/26/2020



Dear City Planning Commission,

This letter serves as the requested explanation of the proposed development plan for our project. We are proposing to utilize the site at 1331 W. Capital Drive in Oconomowoc for a 30-bed residential treatment program serving women with an alcohol or other drug abuse problem, and more specifically, pregnant women.

Bethany Christian Services began in 1944 and has grown to be a large social service agency. As we continue to grow and strive to meet the needs of those most vulnerable we are tasked with the responsibility to extend our services in ways that can make the difference between quality life and a life of suffering, and even between life and death for those who suffer with addiction. The wreckage caused by addiction leaves in its wake devastating consequences for not only the individual who has the addiction but families and the community at large. It is a public health issue, as well as an economic and social crisis.

The opioid epidemic in the United States has infiltrated its way into many communities across the Country. The consequences are staggering. The death toll from accidental opioid overdoses are astounding. 70,237 drug overdose deaths occurred in the United States in 2017. The age-adjusted rate of overdose deaths increased significantly by 9.6% from 2016 (19.8 per 100,000) to 2017 (21.7 per 100,000). Opioids—mainly synthetic opioids (other than methadone)—are currently the main driver of drug overdose deaths. Opioids were involved in 47,600 overdose deaths in 2017 (67.8% of all drug overdose deaths).

In 2017, the states with the highest rates of death due to drug overdose were West Virginia (57.8 per 100,000), Ohio (46.3 per 100,000), Pennsylvania (44.3 per 100,000), the District of Columbia (44.0 per 100,000), and Kentucky (37.2 per 100,000).<sup>1</sup>

States with statistically significant increases in drug overdose death rates from 2016 to 2017 included Alabama, Arizona, California,

## Explanation Letter

Oconomowoc  
Department of City  
Planning

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and *Wisconsin*.<sup>2</sup>

Opioids are just part of the problem. Other drugs such as alcohol, cocaine, and methamphetamine also plague our communities. Addiction to any substance causes great distress for the individual and families alike. We propose a residential treatment program that can help set the course for successful recovery for women, their children, and families. We want to set a treatment priority for those women who are pregnant, women with children, and women with co-occurring disorders. In doing so we can help change the trajectory of lives including those of the unborn child.

### THE WOMEN

This proposal is to meet the complex and multi-faceted needs of women, women with children, and pregnant women who have a substance use disorder while in a residential treatment setting.

A high percentage of women diagnosed with a substance use disorder have experienced or witnessed childhood traumatic events. Many women have been sexually and/or physically abused, witnessed domestic violence, and experienced emotional abuse, neglect and poverty. Often, substance abuse begins as a means to self-medicate the emotional pain these women are left with. Trauma has long lasting effects and, without interventions, tends to spread from one generation to another.

Approximately 50% of women who are addicted also have a co-occurring mental health disorder. Typically, we see women who have PTSD, bipolar disorder, depression, and high anxiety whose addiction either masks or exacerbates their mental health issues.

In residential treatment we can effectively address the complex nature of addiction and mental health issues by providing a safe and supportive environment for women, expecting mothers, and women with children.

Children who have either been exposed to substance use during fetal development or have been affected by their mother's substance abuse in their home have unique needs. The most thoroughly examined effect of alcohol on birth outcomes is fetal alcohol syndrome, which involves growth retardation, central

### THE CHILDREN

## Explanation letter

Oconomowoc  
Department of City  
Planning

nervous system and neurodevelopmental abnormalities, and craniofacial abnormalities. Alcohol and drug use by pregnant women is associated with many complications, including spontaneous abortion, prematurity, low birth weight, premature separation of the placenta from the uterine wall, neonatal abstinence syndrome, and fetal abnormalities. Likewise, women who are pregnant and use tobacco are more likely to deliver premature and low birth weight infants.

Often, a home where parental substance abuse is present the children may experience neglect or abuse. When a child is living in an environment where there is a high level of stress, adverse events, or trauma it can lead to negative effects on brain growth, developmental skills, academic performance, and health problems.

By allowing children to reside with their mothers while receiving treatment the children will also be involved in interventions to address their needs and encourage healing and resiliency. We will utilize our Maternal Wrap Around program as an adjunct to the residential program and will follow the mother & child(ren) one-year post treatment. We will also partner with programs such as the Birth to Three program in assessing and addressing developmental needs associated with fetal alcohol syndrome/neonatal abstinence syndrome.

We propose a plan to develop and implement a 24 hour a day, 7 days a week residential treatment program. This program will treat women who have a substance use disorder who are pregnant, women with children (some who may reside with their mother as she undergoes treatment), and those women who have stable co-occurring disorders. This population has been identified by the State of Wisconsin Department of Health Services, as well as the Department of Corrections as an unmet need for many counties throughout the State.

Our program would include a Community Based Residential Facility (CBRF) license through the Wisconsin Department of Health Services (DHS 83), as well as a license to provide Medically Monitored Treatment (MMT) (DHS 75.11), and a Transitional Residential Treatment (TRT) (DHS 75.14). It is proposed that our clients will reside at the program for three to twelve months. We will utilize our maternal wrap around program toward the end of

RESIDENTIAL  
TREATMENT

## Explanation Letter

Oconomowoc  
Department of City  
Planning

treatment to ensure the continuity of care in meeting the needs of pregnant women and women with infants & children as they embark on independent living.

## The Building

The building, as you are aware, was renovated in 2018 for the sole purpose of providing this kind of program. It already meets the State of Wisconsin Department of Health Services to provide a community based residential facility (CBRF) and licenses 75.11 & 75.14.

## Staffing Pattern

Medically Monitored Treatment will provide intensive programming to include morning, afternoon, and evening therapy groups, individual counseling, family counseling, couples counseling, parent/bonding, and children therapy in the form of play and art therapy. We will be heavily staffed with the following:

- Medical Director who will oversee and monitor our clients
- Executive Director
- Program Director & Clinical Supervisor
- Program Supervisor
- Psychiatrist
- Psychologist
- 2 Nurses
- 2 Licensed Substance Abuse Therapists
- 2 Mental Health Therapists
- 2 Family Counselors
- Administrative Assistant
- Reception/Clerical
- 2 Drivers
- Cleaning Person
- Maintenance Person
- 1 Cook/dietician (weekdays)
- 1 Cook (weekends)
- 12 Support Recovery Specialists

## **Addendum to Proposal 05/26/2020**

Responding to Oconomowoc Zoning Commission Questions:

**Parking lot capacity:** The property has 40 parking spaces on a paved and maintained parking lot for employees and visitors. We anticipate no more than 15 staff people being at the building at one time. We anticipate no more than 10 residents having a car. The majority of visitation will be weekends when there are fewer staff present with a staggered visitor schedule. All visitors will need approval from staff prior to arriving. We feel the parking spaces available are sufficient for our program/building needs.

**Kitchen/Suppression Hood/Grease Trap:** According to the owner, the kitchen is a commercial grade kitchen, large enough to serve the residents of the facility. The kitchen met State of WI standards during the previous licensing process. The hood suppression system is installed and functional. The stove and oven system is operational as soon as the gas line is turned on. The grease trap was installed by a licensed plumber and is appropriate for the size of the kitchen. We will set up regular disposal with the City of Oconomowoc.



# Bethany Christian Services

## Bethany Recovery Center

### Residential Addiction Treatment for Women

---

## BUSINESS PLAN OF OPERATION

---

Contact: Jennifer Schmeichel, Executive Director

Debra Adamus, Associate Director

Address: N14 W23755 Stone Ridge Dr. #265

Waukesha, WI. 53188

Direct Phone: 262-547-6557

Fax: 262-547-3644

Email: [jschmeichel@bethany.org](mailto:jschmeichel@bethany.org)

[Dadamus@bethany.org](mailto:Dadamus@bethany.org)

**TABLE OF CONTENTS**

- 1** INTRODUCTION AND PURPOSE.....3-5
  - 1.1 DEFINITIONS.....3
  - 1.2 INTRODUCTION.....4
  - 1.3 PURPOSE.....4 - 5
  
- 2** SCOPE AND PRACTICE.....6 - 9
  - 2.1 RESIDENTIAL TREATMENT.....6-7
  - 2.2 EVIDENCE BASED TREATMENT DELIVERY .....7-8
  - 2.3 STAFFING PATTERN AND CREDENTIALS.....8
  - 2.5 FUNDING SOURCE/DOC .....9
  - 2.6 GEOGRAPHICAL AREAS TO BE SERVED.....9
  - 2.7 PARTNERS & STAKEHOLDERS.....9
  
- 3** BUILDING SITE AND ACCOMMODATIONS .....10
  - 3.1 BUILDING.....10
  - 3.2 LICENSING.....10
  - 3.3 ZONING.....10
  - 3.4 CITY ORDINANCES..... 10

## 1 INTRODUCTION AND PURPOSE

### 1.1 DEFINITIONS

For the purpose of this proposal the following definitions of terms shall apply.

Alcohol & Other Drug Abuse (AODA), Substance Use Disorder (SUD), women, pregnant women, women with children, client, resident.	Terms used to describe the target population in which this proposal plans to serve
Co-Occurring Disorders	Those with a substance use disorder and mental health disorder
Wisconsin Department of Health Services contracts (DHS)	State licensing department
Department of Corrections (DOC)	The organization that will contract for treatment services.
State	The State of Wisconsin
Stakeholders	Those interested parties in the impact and success of this program such as the clients and families served, the community, medical and behavioral health providers, legal entities
Partners	Those who will partner in the delivery of services.
Medically Monitored Treatment (MMT) Medication Assisted Treatment (MAT) Restore maternal wrap around Outpatient Services (OP)	Levels of care and types of services for those with a substance use disorder Maternal Wrap Around Program
Community Based Residential Facility, (CBRF)	Residential Treatment Facility

## 1.2 INTRODUCTION

Bethany Christian Services has long been a social service agency that has served the most vulnerable in our communities. We have taken pride in the delivery of services by ensuring high quality programing that creates long lasting benefits for the lives we touch.

As we continue to grow and strive to meet the needs of those we serve we are tasked with the responsibility to extend our services to include outpatient and residential services for those with a substance use disorder. The impact caused by addiction leaves in its wake devastating consequences for not only the individual who has the addiction, but families and the communities in which we live. It is a public health issue, as well as an economic and social crisis.

The opioid epidemic in the United States has infiltrated its way into many communities across the Country. The consequences are staggering. The death toll from accidental opioid overdoses are astounding. 70,237 drug overdose deaths occurred in the United States in 2017. The age-adjusted rate of overdose deaths increased significantly by 9.6% from 2016 (19.8 per 100,000) to 2017 (21.7 per 100,000). Opioids—mainly synthetic opioids (other than methadone)—are currently the main driver of drug overdose deaths.

In 2017, the states with the highest rates of death due to drug overdose were West Virginia (57.8 per 100,000), Ohio (46.3 per 100,000), Pennsylvania (44.3 per 100,000), the District of Columbia (44.0 per 100,000), and Kentucky (37.2 per 100,000).<sup>1</sup>

States with statistically significant increases in drug overdose death rates from 2016 to 2017 included Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin.<sup>2</sup>

Opioids are just part of the problem. Other drugs such as alcohol, cocaine, and methamphetamine also plague our communities. Addiction to any substance causes great distress for the individual and families alike. We propose a residential treatment program that can help set the course for successful recovery for women. We want to set a treatment priority for those women who are pregnant, women with children, and women with co-occurring disorders. In doing so we can help change the trajectory of lives including those of the children.

## 1.3 PURPOSE

### *The Women*

This proposal is to meet the complex and multi-faceted needs of women with a substance use disorder. Our target priority population are pregnant women, women with co-occurring disorders, and women with children.

A high percentage of women who are diagnosed with a substance use disorder have also experienced or witnessed childhood traumatic events. Many women have been sexually and/or physically abused, witnessed domestic violence, experienced emotional abuse, neglect and

poverty. Often, substance abuse begins as a means to self-medicate the emotional pain these women are left with. Trauma has long lasting effects and, without interventions, the emotional fallout tends to spread from one generation to another.

Approximately 40% to 60% of women who are addicted also have a co-occurring mental health disorder. Typically, we see women who have PTSD, bipolar disorder, major depressive disorder, borderline personality disorder, and anxiety disorders whose addiction either masks or exacerbates their mental illness. When there is a co-occurring disorder recovery tends to take longer and relapses tend to be greater. By providing an intensive residential treatment program that focuses equally on addiction and mental health services, outcomes improve significantly.

In residential treatment we can effectively address the complex nature of addiction and mental health issues by providing evidence-based treatment models in a safe and supportive environment for women, expecting mothers, and women with children.

Our proposed program will provide a comprehensive, trauma informed, and trauma responsive approach to treatment.

The typical length of stay is between 90 and 180 days. A woman may stay in treatment up to one year if her situation warrants it with a step-down approach toward discharge.

### ***The Children***

Children who have either been exposed to substance use during fetal development or have been affected by their mother's substance abuse in their home have unique needs. The most thoroughly examined effect of alcohol on birth outcomes is fetal alcohol syndrome, which involves growth retardation, central nervous system and neurodevelopmental abnormalities, and craniofacial abnormalities. Alcohol and drug use by pregnant women are associated with many complications, including spontaneous abortion, prematurity, low birth weight, premature separation of the placenta from the uterine wall, neonatal abstinence syndrome, and fetal abnormalities. Likewise, women who are pregnant and use tobacco are more likely to deliver premature and low birth weight infants.

Often, a home where parental substance abuse is present the children may experience neglect or abuse. When a child is living in an environment where there is a high level of stress, adverse events, or trauma it can lead to negative effects on brain growth, developmental skills, academic performance, and health problems.

By allowing children to reside with their mothers while receiving treatment the children will also be involved in interventions to address their needs and encourage healing and resiliency. We will utilize the Maternal Wrap Around program (Restore) as an adjunct to the residential program that will allow for us to follow the mother & children one-year post treatment. We will also partner with other resources such as the *Birth to Three* program in assessing and addressing developmental needs associated with fetal alcohol syndrome/neonatal abstinence syndrome.

---

## 2 SCOPE AND PRACTICE

---

### 2.1 Residential Treatment 24/7

As part of Bethany Christian Services, we propose a plan to develop and implement a 24 hour a day, 7 days a week medically monitored residential treatment program. The target population for services are women who have a substance use disorder who are pregnant, women with children, and those who have co-occurring disorders. This population has been identified by the State of Wisconsin Department of Health Services, as well as the Department of Corrections as an unmet need for many counties throughout the State. We propose to meet this need by targeting the entire state through the County Department of Health and Human Services and the Department of Corrections referrals with a program site at 1331 Capitol Drive in Oconomowoc, WI.

There are only two residential programs for women and women with children in a 90-mile radius from our proposed site who contract with DOC: Meta House in Milwaukee, and ARC women and infant program in Madison. The Department of Corrections have indicated that these programs are often full with waiting lists, and these programs do not provide the same level of mental health services as they do with substance abuse services.

In addition to the residential program we plan to utilize the Maternal Wrap Around program (RESTORE) that is already in practice within Bethany in other states and will be utilized as a continuum of care program once the residential treatment portion is complete.

The proposed site is a three-floor building with the capacity for 30 beds in total: 18 beds on the second floor and 12 beds on the third floor. The first floor is primarily office space, board room, lecture hall, kitchen and dining space. This facility would be licensed through the state of Wisconsin Department of Health Services (DHS) as a Community Based Residential Facility (CBRF) (DHS 83). The treatment program would also be licensed through DHS as a Medically Monitored Treatment program (MMT) (DHS 75.11). The license would also include DHS 35 mental health license and DHS 75.13 substance abuse outpatient license. Outpatient counseling will be provided following residential treatment.

**Medically Monitored Residential Treatment (MMT)** is a medically supervised program where a physician who is knowledgeable in addiction medicine meets with each resident upon admission, is used for consultation, and participates in staff meetings weekly.

MMT is an intensive treatment program that offers 25 hours of group therapy per week where each client learns and practices relapse prevention and sober living skills through role plays and other mediums that will assist her in strengthening her ability to maintain long term recovery. Group therapy is crucial in the treatment of addiction as it targets the maladaptive use of ego defenses such as denial, minimizing, blaming, rationalizing, etc. that interferes with one's ability to grasp the gravity of her addiction. Group therapy also affords each member the opportunity to identify self-sabotaging cognitions and behaviors that undermine recovery, as well as identifying

personal triggers that cause or intensifies cravings. With greater awareness she can then build management strategies to counter them.

In addition to targeting faulty cognitions it is also critical to do the emotional work necessary for long term recovery. By providing a respectful, safe, and supportive group environment each member is more likely to work through unresolved grief and traumatic events that have long been buried by the use of alcohol or other drugs.

Lastly, group therapy also targets criminogenic needs such as anti-social cognitions, attitudes, and personality. The group experience provides support and accountability for all members.

MMT provides individual sessions at least once a week, family therapy and education, couples counseling, parenting classes, mother and infant bonding, health and wellness education, play and art therapy for children, and supervised recreational activities.

Proposed daily rate is \$260.00 which provides room and board and all treatment activities.

## **2.2 EVIDENCE BASED TREATMENT DELIVERY**

First and foremost, the treatment program will be trauma informed & trauma responsive. Treatment will consist of all evidence-based programming in the delivery of services. The Sanctuary Model of Community Living and the Comprehensive Substance Abuse Treatment Model for Women and Their Children (CSAT) will be the foundation of treatment. In order to address the criminogenic needs of DOC clients we will also use the Cognitive Behavioral Interventions for Substance Abuse (CBI-SA). Dr. Stephanie Covington's curriculum will be used for trauma, relationships, and substance abuse. Dr. Covington is recognized for her pioneering work in the area of women's issues and treatment.

Evidence based approaches that will be used during the course of treatment are as followed:

- Motivational Interviewing
- Cognitive Behavioral Therapy
- Trust-Based Relational Interventions
- Dialectical Behavioral Therapy
- Narrative Therapy
- Accelerated Resolution Therapy
- EMDR (Eye Movement Desensitization Reprocessing)
- Mindfulness

Program elements will include:

- Group therapy
- Individual therapy
- Family education group
- Family/couples counseling
- Spirituality exploration
- Sober living skill building

BUSINESS PLAN OF OPERATION  
PROGRAM PROPOSAL FOR RESIDENTIAL ADDICTION TREATMENT FOR WOMEN

- Yoga/Mindfulness Meditation
- Parenting education
- Parent mentoring
- Mother & infant bonding
- Father & infant bonding
- Art/play therapy
- Health and wellness education
- Employment readiness

Self-help support groups will also be utilized inside the facility and in the community as the women build a strong support system that can assist in long term recovery well after the women leave treatment.

Self-help groups will include:

- Celebrate Recovery
- 12 Step Groups
  - Alcoholics Anonymous
  - Narcotics Anonymous
  - Cocaine Anonymous
- SMART Recovery

### **2.3 STAFFING PATTERN & CREDENTIALS**

Executive Director, MSW, CSAC 50%

Manager, MA, CSAC, ICS

Medical Director/Psychiatrist, MD

Psychologist, PhD.

Program Site Supervisor BA, CSAC, ICS

2 Dually Credentialed Therapists LPC or LPC-IT, CSAC, or LCSW & CSAC

2 Substance Abuse Counselor, CSAC, CAC, or SAC-IT

1 Family Therapist, MFT, CSAC

2 Nurse/LPN or RN

Admin/Clerical

Receptionist

Childcare Worker 1st shift

2 SECOND shift Recovery Support Specialist (Weekdays)

2 THIRD shift Recovery Support Specialist (Weeknights)

1 THIRD shift LEAD Recovery Support Specialist (Weeknights)

2 FIRST shift WEEKEND Recovery Support Specialist (Sat & Sun)

1 FIRST shift WEEKEND LEAD Recovery Support Specialist (Sat & Sun)

2 SECOND shift WEEKEND Recovery Support Professional (Sat & Sun)

1 SECOND shift WEEKEND LEAD Recovery Support Profession (Sat/Sun)

1 THIRD shift WEEKEND LEAD Support Professional (Sat & Sun)

2 THIRD shift WEEKEND Recovery Support Professionals (Sat & Sun)

2 Drivers

Cleaning person

Maintenance person

2Cooks/Kitchen Weekday & Weekend

36 STAFF

**2.4 FUNDING SOURCE: DEPARTMENT OF CORRECTIONS**

Referrals from counties throughout the state through the Department of Health and Human Services and Wisconsin Department of Corrections (DOC) will be the primary referral base. Self-pay and insurance reimbursement will also be revenue sources.

DOC is proposing to provide funding for referrals by entering a five-year contract with Bethany. The DOC will Submit a request for proposal in which we will respond.

The DOC will work with us collaboratively to ensure that the program meets treatment requirements and staff training requirements. The DOC will train our staff in the referral and billing protocol, in addition to program specific training.

Daily Rate for each client is anticipated to be \$260.00 per day, to be paid monthly.

**2.5 GEOGRAPHICAL AREA SERVED**

The DOC referrals will come from all regions of the State of Wisconsin. Pregnant women and women with co-occurring disorders will be priority referrals. Every effort will be made to treat women in the South and Southeast area of the state first so that we can maximize family involvement.

**2.6 PARTNERS AND STAKEHOLDERS**

Clients and families	Community churches
Wisconsin Department of Health Services	Faith-based Initiative Task Force
Waukesha County & surrounding counties DHS	Parent’s Place
Department of Corrections	LSS Birth to Three Program
The Women’s Center	Adoption Wellness Clinic
Wisconsin Voices for Recovery	Greater Milwaukee Synod (ELCA) Task Force on the Opioid Crisis
AODA County Advisory Board	Addiction Resource Counsel
Heroin Task Force • Treatment Pillar • Drug Affected Infant Pillar	Community Health Center (16th St. Clinic)
Medication Assisted Treatment	Criminal Justice Collaboration Council
Wisconsin Association of Family & Children Agency (WAFCA)	ProHealth Aurora
Wisconsin Community Services (WCS)	Drug Free Communities Lake Area Free Clinic

---

## 3 BUILDING SITE AND ACCOMMODATIONS

---

### 3.1 THE BUILDING

The proposed building site is located at 1331 W. Capitol Drive in Oconomowoc, Wisconsin. It sits on a five-acre parcel of land tucked off the road in a beautiful wooded area. It is a 15,400 square foot building with three floors. The main floor has a large lecture hall that can accommodate 60 people. It also has a board room, three offices, a dining area, and a full kitchen that meets the State CBRF regulations for commercial use.

- The second floor is divided into bedrooms, bathrooms, showers, and common spaces that can accommodate 18 women or women and their child(ren).
- The third floor can accommodate 12 women and/or women with children
- The building meets all specs for CBRF licensing.

### 3.2 LICENSING

The Wisconsin Department of Health Services and Department of Safety and Professional services requires two licenses in order to provide residential treatment with medically monitored services.

DHS 83 Community Based Residential Facility (CBRF)

DHS 75.11 Medically Monitored Treatment

### 3.3 ZONING

The facility is zoned for Multi-use and has been approved by the Oconomowoc Zoning Commission for a CBRF facility in 2019

### 3.4 CITY ORDINANCE

The facility meets city of Oconomowoc ordinances as of 2019, however we must apply and be granted the existing conditional use permit. This permit was granted a year ago, however because we are a new agency proposing the same type of program, we will need to go through the city planning commission and agree to comply with all conditions set forth in the conditional use permit.



May 26, 2020

Jason J. Gallo, AICP  
City Planner / Zoning Administrator  
City of Oconomowoc  
174 E. Wisconsin Avenue  
Oconomowoc, WI 53066

Mr. Jason Gallo:

As Bethany Christian Services prepares to open a residential substance abuse treatment program for women, we have reviewed the Conditional Use Permit originally issued to the Ladders Recovery Community on June 18, 2018.

This letter is to inform you that we agree with the conditions for use, currently approved for the building, located at 1331 West Capitol Drive in Oconomowoc. Furthermore, Bethany Christian Services agrees and commits to adhere to the specific conditions listed on the Conditional Use Permit previously issued on July 18, 2018 for the Oconomowoc property mentioned above.

If you have any questions or need additional information, please don't hesitate to contact me at 262-364-9016 or [jschmeichel@bethany.org](mailto:jschmeichel@bethany.org)

A handwritten signature in blue ink, appearing to read "J. Schmeichel", is written over the email address in the previous block.

Jennifer Schmeichel, MSW  
Executive Director  
Bethany Christian Services of Wisconsin

## SAFETY PLAN

### Bethany Recovery Center

The safety of our residents, our staff, and the community at large is our top priority at the Bethany Recovery Center with the proposed site at 1331 Capitol Drive Oconomowoc, WI.

**Safety measures in place are as follows:**

- Surveillance cameras are located at all exits and in the stairway corridors.
- Alarms are on all exit doors and will be monitored by staff.
- A partnership with the local fire and police departments will be fostered and utilized for support.
- All staff will be trained in safety procedures within the first 72 hours of employment
- All staff will be trained in all policies and procedures and safety specific training which includes but is not limited to:
  - First Aid
  - CPR
  - Fire Safety
  - How to work with challenging clients
  - How to de-escalate challenging situations
  - How to assess high risk situations
  - How to assess for suicidal ideation and intent
  - Active shooter training
  - Narcan Training
- All residents will be assessed for motivation for treatment prior to admission.
- No resident will be admitted with a history of violence or arson (note - exception: some residents may have a history of arrests or convictions of domestic abuse or disorderly conduct while under the influence of alcohol or other drugs. These referrals will be taken into consideration for admission based on the level of violence and motivation for change).
- No violence or threats of violence will be tolerated. Any resident involved in violence or threats of violence will be discharged immediately.
- Room checks will be conducted by staff every hour to ensure safety and whereabouts when a resident is not in therapeutic sessions.
- At least three staff members will be on duty at all times once the program is running at full capacity.

- Regular contact will be made with the referral agent with update on progress. Any behavioral concerns will be discussed with the referral source and the treatment team and interventions will be put in place based on the behavioral issues.
- Police will be called in the event of a safety threat, either to self or others.
- Any and all medication will be locked, stored, and administered per DHS 83 regulations.
- If a resident does not return to the facility when expected or is found to have left the facility without permission, their emergency contact and referral source will be notified, and the client will be discharged within 24 hours from the facility.
- For residents who are authorized to be on a pass off the premises will be expected to return no later than 11:00 pm.
- Only authorized visitors will be allowed on the premises. The counselor and the clinical team will determine appropriate visitors for each resident.
- All visitors will be required to show ID and sign in at the front desk with staff.
- Visitation will be allowed only in designated areas on the first floor.
- The facility will have a doorbell that will alert when someone is requesting to come inside at which point only a staff member will provide access.
- All exit passageways and stairways are provided with emergency egress lighting with a standby power source.
- Fire extinguishers are placed in designated areas on each floor and a map of escape routes is listed on each floor. Each extinguisher will be inspected annually with a tag documenting the date of inspection.
- Sprinkler Fire and Smoke Alarms and Detectors are installed according to NFPA 72 National Fire Alarm Code requirements and meets the DHS 83 regulations.
- Fire inspection by the local fire department or certified fire inspector shall conduct an annual inspection as in accordance with DHS 83
- Fire drills and documentation will be conducted once a month.
- Bethany Recovery Center will be a smoke free environment. Smoking or vaping will not be allowed inside or outside the facility on the premises.
- First aid supplies will be properly labeled and will be readily accessible to staff and residents. These supplies will be kept in a main location on each floor and in the staff main office, as well as in transport vehicles.
- In the event of any medical emergency 911 will be called.

## Relapse Policy

Bethany Recovery Center requires a safe and sober environment for the residents and staff. We are an alcohol free, drug free, and tobacco free facility. In the event a resident is under the influence of alcohol or other drugs she will be removed from the facility through her emergency contact transport or Bethany staff transport. If the resident is threatening physical violence toward self or others, police will be contacted for assistance.

The resident will not be allowed to return to the facility for three or more days depending on her individual situation. She may return to the facility if she meets the following requirements:

- Is medically stable and cleared by a physician with written documentation
- Is assessed by a Bethany professional for motivation and emotional stability
- Will provide a supervised negative urine-drug-test upon return to the facility

The resident will be expected to do the following upon return before she engages in regular program activities with the other residents:

- Write out Relapse Analysis identifying the thoughts, feelings, and behaviors that led up to the relapse
- Identify any triggers or cravings
- Identify relapse prevention strategies that could have assisted in prevention of her relapse
- Share Relapse Analysis in group therapy and remain open to feedback

With any relapse the resident will be assessed whether there is need for a different level of care than what Bethany provides such as detox, inpatient medically managed treatment, etc. For those needing a different level of care, arrangements will be made to assist the resident in attaining that level of care.

If a resident brings alcohol or other drugs into the facility and shares them with another resident she will be immediately discharged from the facility and not allowed to return. If a resident brings drugs into the facility and uses them alone, she will be discharged from the facility and will have to petition the Center for return.

## Background and History of Bethany Christian Services

### Making an Impact

Since 1944, Bethany has grown and developed not only into a well-known adoption agency, but a social services agency that serves and supports expectant parents, foster families, individuals and families in need of counseling, and struggling families and children who are in desperate need of even the most basic necessities. Bethany's purpose is to demonstrate the love of Christ by equipping families to be the answer for children in need. Our founders started Bethany by taking in one child who needed a home. Last year, Bethany served more than 45,000 expectant parents, children, and families. We are called to provide more services for those

### How it All Started

In 1944, Marguerite Bonnema received the shock of her life. To her surprise, a little neighbor girl revealed her father's strong dislike of his wife's illegitimate baby girl. "He is going to kill [the baby]," the little girl said. Marguerite replied, "Tell him not to kill her but to give her to me." Arrangements were made—in a hurry. The neighbor mother and baby girl traveled by bus to a train station, where Marguerite and her friend and roommate Mary DeBoer received the child to live with them in their small apartment.

But the two didn't stop with one child. In the coming months, they took in five more babies, and that November, with the help of Andrew VanderVeer, they founded Bethany Christian Home as a nonprofit organization. The following year, the home moved to a residence on the 13-acre property in Grand Rapids, Michigan where Bethany's present headquarters now stand. With a state childcare license procured, Marguerite and Mary's dream was now a fledgling reality—one which, prospering through the years, would help make countless other dreams come true.

In 1951, Bethany obtained its child placement license and began serving as an adoption agency. Twenty-five children gained loving adoptive families through Bethany that year. Pregnancy counseling services also commenced, with 59 single mothers receiving guidance.

### Amazing Growth, Amazing Grace

Bethany began with the dream of two women who stepped out in faith, with hearts full of love. Today, Bethany's diverse ministries and its influence both nationally and internationally have grown in ways its founders could never have imagined. But their dream remains our guiding star: to demonstrate the love and compassion of Jesus Christ by protecting and enhancing the lives of children and families through quality social services. A string of awards, an impressive list of achievements, international favor and impact—these are just some of the by-products of serving as the hands and feet of Christ.

150 million reasons to help. Today, 150 million kids don't have a permanent home. To us, that's simply unacceptable. Together, we can change the world through family.

### Family changes everything

We believe every child deserves to be loved, connected, and empowered through family. Bethany is a global nonprofit that supports children and families with world-class social services, all designed to help families thrive.

The challenges people face today call us to go further than ever. Our mission is to stand up for vulnerable children, refugees, and families around the world, because family holds an incredible power to connect us, lift us up, and transform lives.

- *Chris Palusky, President*

### **Bethany's impact**

Over 75 years ago, we began our work by serving a single child. Today, we work in more than 30 states and more than a dozen countries worldwide, serving more than 50,000 people every year.

### Vulnerable kids in the U.S.

In the U.S., we protect vulnerable children through essential services, including pregnancy counseling, foster care, emergency care, and adoption.

### Refugees & Immigrants

For refugees fleeing danger, the resettlement process can be extremely challenging. That's why we guide, advocate, protect, and support refugees in key resettlement locations around the globe, including the U.S.

### Global Families

We believe children thrive when they belong to a loving family. Rather than place vulnerable children in orphanages, we find a family for them in their own country. We also help families struggling to stay together by providing the resources they need to lead their family to self-sufficiency.

### **Our mission**

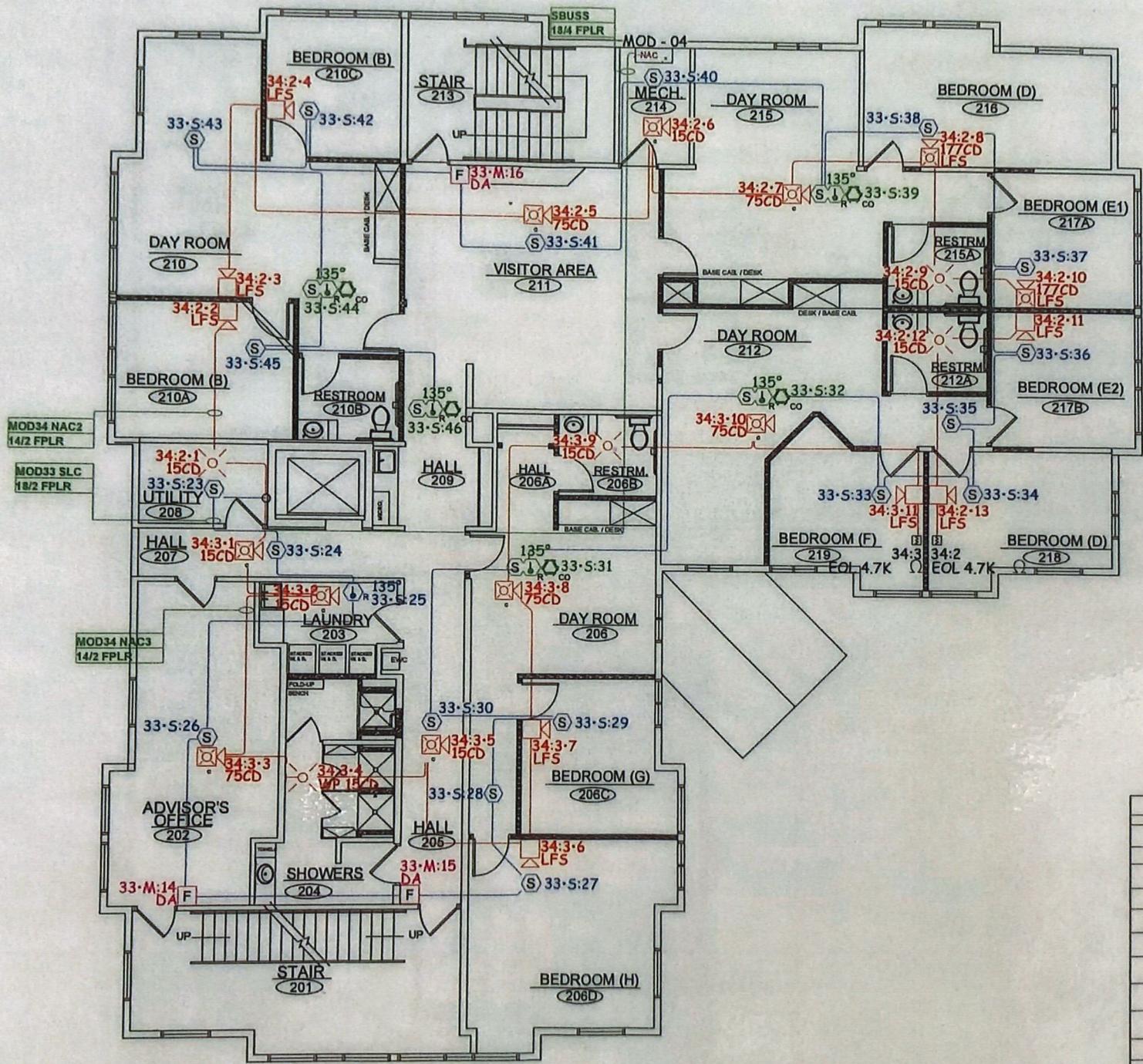
Bethany demonstrates the love and compassion of Jesus Christ by protecting children, empowering youth, and strengthening families through quality social services.

### **We are a fully accredited organization**

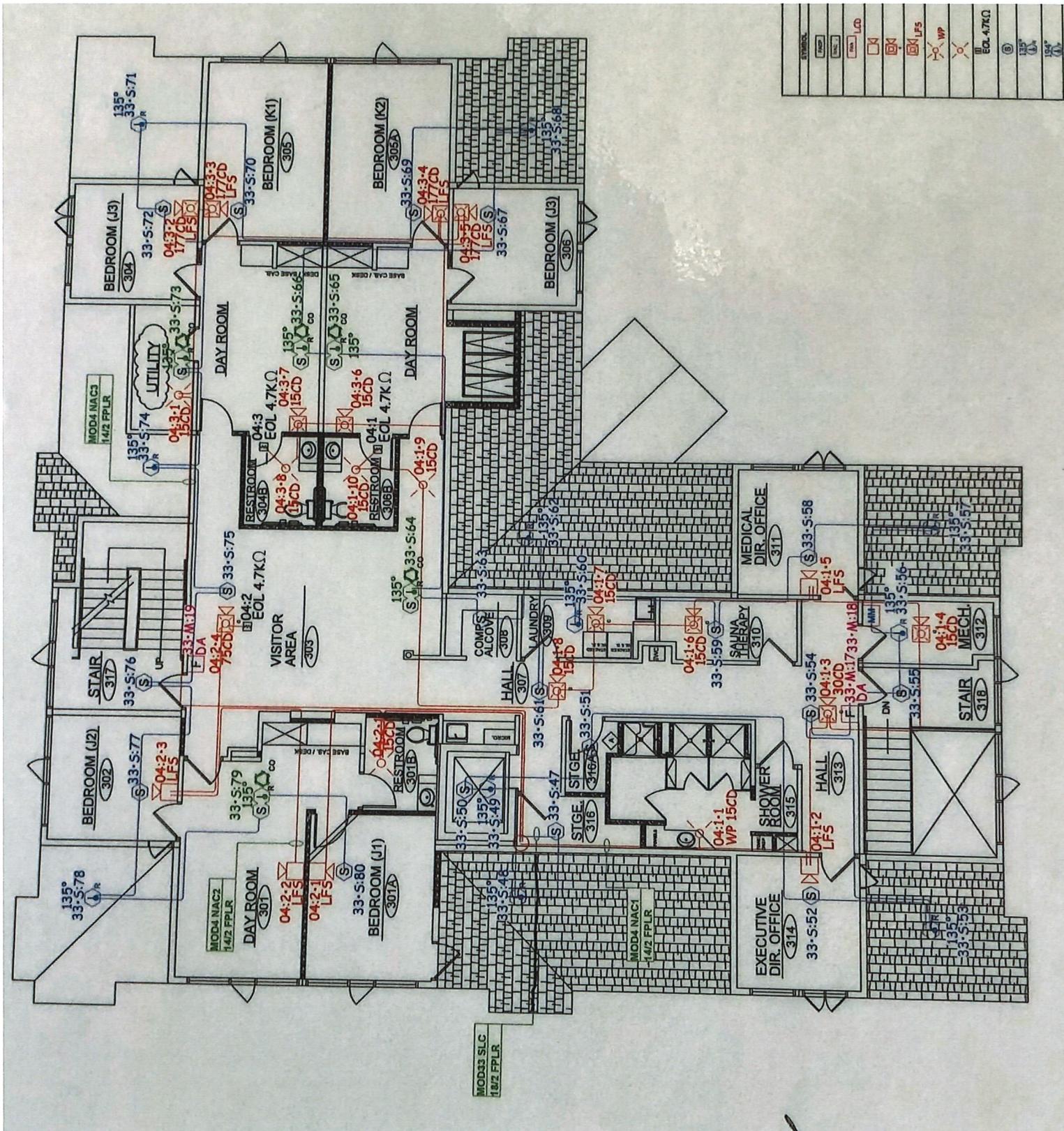
Bethany is reviewed by the Council of Accreditation on a regular basis to receive its reaccreditation. The accreditation process is designed to identify providers that have set high performance standards for themselves and have made a commitment to their constituents to deliver the highest quality services. COA continually recognizes Bethany Christian Services as one of these outstanding providers. The Council on Accreditation partners with human service organizations worldwide to improve service delivery outcomes by developing, applying, and promoting accreditation standards.

Our actions are inspired by faith. For more than 75 years, our faith has inspired us to serve children close to home and around the world.





**Y COMMUNITY  
N'S RESIDENCE) FA LAYOUT**



SYMBOL	DESCRIPTION
(S)	STAIR
(EOL)	EOL 4.7K.0
(LFS)	LFS
(WP)	WP
(15CD)	15CD
(EOL 4.7K.0)	EOL 4.7K.0
(L)	L
(U)	U
(M)	M

# Planning Staff Report

City of Oconomowoc

Plan Commission – 6/10/20

## **Tower Zoning Ordinance Amendment**

*Pertaining to the Standards for reviewing Towers in the City – 17.108(15)*

**Summary:** The City is requesting a Zoning Ordinance text amendment that updates the standards for granting a Conditional Use Permit for Towers and Antenna of any height.

**Property Identification:** Text Amendment applies to all proposed new Towers / Antennas of any height.

**Property Owner:** N/A

**Applicant:** City of Oconomowoc  
174 E. Wisconsin Avenue  
Oconomowoc, WI 53066

### **History:**

In 2017, the State enacted Wisconsin Act 67. The act changed how Conditional Use permits are approved. Per this Act, Conditional Use decisions must be based on the applicant provided “substantial evidence” that the intended use conforms to all the locally established “standards”. If the conditional use requirements have successfully been demonstrated, then the conditional use shall be granted.

Starting in 2018 and finishing in June of 2019, the City created “standards” for each of the 15 identified conditional uses. These uses are considered special, and the City feels these uses must be reviewed to comply with the established standards. Towers and Antennas of Any Height are one of the 15 uses that require a conditional use permit prior to the City allowing to be constructed.

For Section 17.108(15) Towers and Antenna of Any Height (not in the public R-O-W):

The two standards approved include:

1. All towers and antennas shall meet and conform to all current standards listed in the Wisconsin State Statutes 66.0404 that regulate mobile tower siting regulations. Towers and Antennas of any height shall also conform with all other applicable State, Federal and Location requirements.
2. Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

At the time, staff felt was best to tie the standards for granting a CUP for a Tower to the Tower requirements listed in the State Statutes. The City by law can not be more restrictive than the Statutes. Also, if the Statutes change, the City will automatically be in compliance with current State laws.

### **Text Amendment Summary:**

Earlier this year, the City Planning Department was approached by the City Attorney's office about changing the City's Ordinances as they relate to Towers. Per Wisconsin Act 14, adopted in 2019, there were several new requirements that "may" be granted by the local communities. Also, the fall zone requirements were already in the current State Statutes as the "political subdivision may enact a zoning ordinance to regulate any of the following". Since these requirements were not mandated in 66.0404, it was recommended by legal to memorialize these into the Ordinance as new standards.

The thought was if the City does not specifically state the requirements in the local ordinance, then the applicant could interpret that as the City chooses not to have those new requirements.

Act 14 created new tower setback requirements. Attached is the page that outlines 66.0404 (4e) that discusses the new setback requirements that staff encourages being placed into the ordinance. The setback shall be measured from the lot lines of other adjacent or nonadjacent parcels for which single-family residential use is a permitted use under the zoning ordinance. The setback requirement may not be a distance that is greater than the height of the proposed structure.

If a tower is to be located next to a property that either has or allows single-family use, then the tower needs to be setback a minimum distance of the height of the tower.

The fall zone requirement was in the existing 66.0404 ordinance as again, the local community may enact a fall zone that requires the tower collapse upon itself.

Effective date January 14, 2019 there was also an FCC (Federal Communications Commission) Order that created aesthetic requirements for new towers. The Office of the City Attorney felt these requirements should also be incorporated into the standards for granting a conditional use permit.

Per the new requirements, no new tower can be located within 500' of historic structures or historic districts designated by the National Register of Historic Places or listed on the State Register of Historic Places.

### **Findings:**

Prior to granting of any amendment to the Zoning Text, the Zoning Administrator shall review the standards in 17.802(5)(a) of the Zoning Ordinance:

1. How does the proposed text amendment further the purposes and intent of this Zoning Ordinance?

***Answer: The proposed text amendment allows for towers to be approved with a setback that would not interfere with single-family use and maintain the areas around historic structures.***

2. How does the proposed text amendment further the purposes of the general subchapter in which the amendment is proposed to be located?

**Answer: The proposed text amendment allows towers to be placed in all zoning districts but creates several new standards that new towers would need to comply with.**

3. Which of the following factors have arisen that are not properly addressed in the current zoning text?

- a. The provisions of this Ordinance should be made consistent with the Comprehensive Plan;
- b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
- c. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
- d. Changing governmental finances require amending this Ordinance in order to meet the needs of the government in terms of providing and affording public services.

**Answer: B. A change has occurred (Wis. Act 14) regarding the procedure to grant approval of said tower structures.**

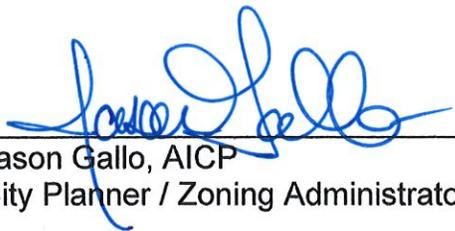
4. If the proposed text amendment is concerned with the provisions of land uses or intensity, how does the proposed amendment maintain the desired overall consistency of land use impacts with the pertinent zoning district?

**Answer: This ordinance amendment will keep towers completely on their property and no public safety in the event of failure. The ordinance also maintains the aesthetic beauty of the community by not allowing towers within 500 feet of historic structures.**

### **Recommendation:**

Plan Commission **recommend approval** of the Zoning Ordinance text amendment to recreate Section 17.108(15) Towers and Antennas of Any Height.

Submitted by: \_\_\_\_\_

  
Jason Gallo, AICP  
City Planner / Zoning Administrator



**STAFF RECOMMENDATION FORM** TYPE OF REQUEST: **ZONING ORD. AMENDMENT**

PROJECT NAME: **AMENDMENT TO CELL TOWER STANDARDS**

TAX KEY NO.: **N/A**

PROJECT ADDRESS/LOCATION: **N/A**

**RECOMMENDATION SIGNATURES**

CITY PLANNER: *[Signature]* Date: **5-26-20**  
 Comments:

CITY ENGINEER: **OK Per E-MAIL (JG)** Date: **5-26-20**  
 Comments:

DIRECTOR OF PUBLIC WORKS: *[Signature]* Date: **05-28-20**  
 Comments:

WASTEWATER: *[Signature]* Date: **5-26-2020**  
 Comments:

WATER: *[Signature]* Date: **5/28/20**  
 Comments:

ELECTRIC: *[Signature]* Date: **5-26-20**  
 Comments:

PARKS, RECREATION & FORESTRY: **C.A.** Date: **5-26-20**  
 Comments:

POLICE CHIEF: *[Signature]* Date: **5.26.20**  
 Comments:

FIRE: *[Signature]* Date: **5-27-20**  
 Comments:

DIRECTOR OF FINANCE: *[Signature]* Date: **5-27-20**  
 Comments:

ECONOMIC DEVELOPMENT DIRECTOR: *[Signature]* Date: **5-26-20**  
 Comments:

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.108(15) OF THE CITY OF OCONOMOWOC MUNICIPAL CODE RELATED TO TOWERS AND ANTENNAS**

WHEREAS, on or about July 10, 2019 the State of Wisconsin adopted 2019 Wisconsin Act 14, which created Wisconsin Statutes Section 66.0414 concerning small wireless facilities, and made other changes to State laws concerning telecommunications facilities; and

WHEREAS, as a result of this recent legislation, the City of Oconomowoc City staff have recommended that the Municipal Code be updated to address these issues in a manner permitted by current State laws; and

WHEREAS, this matter was initiated by the Common Council pursuant to Section 17.802(2)(b) of the City of Oconomowoc Municipal Code; and

WHEREAS, the zoning amendment was duly submitted to the City Plan Commission of the City of Oconomowoc for report and recommendation; and

WHEREAS, upon due notice as required by Section 62.23(7)(d), Wisconsin Statutes, 17.802(7) of the Municipal Code, a public hearing was held pursuant to Section 17.802(7) of the Municipal Code on June 10, 2020 and June 16, 2020; and

WHEREAS, the Common Council finds that this change to the City Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Common Council of the City of Oconomowoc having carefully reviewed the recommendation of the Plan Commission of the City of Oconomowoc, 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 the granting of such 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 noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the City of Oconomowoc, is consistent with the City of Oconomowoc Comprehensive Plan, will not be contrary to the public health, safety or general welfare of the City of Oconomowoc will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same; and

WHEREAS, the Common Council hereby intends to adopt the recommendations of City staff in this regard.

NOW THEREFORE, the Common Council of the City of Oconomowoc, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 17 of the City of Oconomowoc Municipal Code entitled, "Zoning Code," Section 17.108 entitled, "Conditional Use – Specific Standards," Subsection (15) entitled, "Tower/Antenna of any Height (Not in Public R-O-W)" is hereby repealed and re-created as follows:

(15) Tower / antenna of any Height (Not in public R-O-W)

- a) All towers or antennas shall meet and conform to all current standards listed in the Wisconsin State Statutes §66.0404 that regulate Mobile tower siting regulations. Towers and Antenna of any height shall also conform with all other applicable State, Federal and Local requirements.
- b) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.
- c) **Limitations upon Authority. The City review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Sections 66.0404(4) and 66.0414, as applicable. In the event the applicant believes the City has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed.**
- d) **Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection (f), below, if an applicant provides the City with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the City has and provides to the applicant substantial evidence that the engineering certification is flawed.**
- e) **Aesthetic Requirements. All users of the City right-of-way shall comply with the following aesthetic standards:**
  - 1. **In areas where facilities are currently nonexistent or underground, undergrounding is required.**
  - 2. **No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.**
  - 3. **Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.**

4. Any party objecting to the requirements of this Subsection (e) shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law, in an appeal made pursuant to Section 17.810 of this Code.

f) **Setback.** Any tower that is constructed on or adjacent to a parcel of land on or adjacent to which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals or exceeds the height of the tower.

**SECTION 2: CONTINUATION OF EXISTING PROVISIONS**

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

**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 take effect immediately upon passage and posting or publication as provided by law.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF OCONOMOWOC

\_\_\_\_\_  
Robert P. Magnus, Mayor

ATTEST:

\_\_\_\_\_  
Diane Coenen, City Clerk

Published and/or posted this \_\_\_\_ day of \_\_\_\_\_, 2020.



## Development Application

Department of City Planning  
 174 E. Wisconsin Avenue Oconomowoc, WI  
 www.oconomowoc-wi.gov | 262.569.2166

X	Description	Administrative Fee
	Administrative Design Review	\$ 75.00
	Major Design Review	\$ 75.00
	Conditional Use Permit	\$ 500.00
	Zoning Determination Letter	\$ 100.00
	Temporary Use Permit	\$ 75.00
	Temporary Use Permit - Renewal	No Charge
	Variance	\$ 425.00
	Special Exceptions	\$ 425.00
	Appeals of Zoning Administrator	\$ 300.00
	Zoning Map Amendment (From _____ To _____)	\$ 425.00
X	Zoning Text Amendment	\$ <del>425.00</del> N/A
	Comprehensive Plan Amendment	\$ 300.00
	Planned Development District	Step 1: Pre-application Conference
		Step 2: Concept Plan Review
		Step 3: General Development Plan Review
	Preliminary or Final Plat Review	\$ 75.00
	Certified Survey Map or Extraterritorial Plat/CSM Review	\$ 75.00
<p>*NOTE: Administrative filing fees are due at the time an application is filed with the City Clerk's Office and are not refundable. In addition to the Administrative fees, City Staff time (City Engineer, City Planner &amp; City Attorney) will be charged back to the applicant. The Applicant will receive monthly invoices of payments due.</p>		
Date: APRIL 8, 2020		
Project/Business Name: CITY OF OCONOMOWOC		
Address/Location: 174 E. WISCONSIN AVENUE		
City, State, Zip Code: OCONOMOWOC, WI 53066		
Proposed Use of Property: TEXT AMENDMENT REGARDING TOWNS		
Applicant: JASON GALLO		Property Owner: N/A
Address: CITY HALL / PLANNING 174 E. WISCONSIN AVE		Address:
City/State/Zip: OCONOMOWOC, WI 53066		City/State/Zip:
Phone: 262-569-2166		Phone:
E-mail: jgallo@oconomowoc-wi.gov		E-mail:
Signature: <i>Jason Gallo</i>		Signature:

This form is not valid unless signed by Owner or Agent under a written power-of-attorney (please provide). I, Owner/one of the Owner's of the property, declare that this application (including any accompanying documents) has been examined by me and to the best of my knowledge and belief is true, correct and complete. I further accept all liability, which may be a result of the City of Oconomowoc relying on this information I am providing in this application.

# State of Wisconsin



2019 Senate Bill 239

Date of enactment: July 10, 2019  
Date of publication\*: July 11, 2019

## 2019 WISCONSIN ACT 14

**AN ACT** to create 66.0404 (4e) and 66.0414 of the statutes; relating to: limiting the authority of the state and political subdivisions to regulate certain wireless facilities and authorizing political subdivisions to impose setback requirements for certain mobile service support structures.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 66.0404 (4e) of the statutes is created to read:

**66.0404 (4e) SETBACK REQUIREMENTS.** (a) Notwithstanding sub. (4) (r), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. (2).

(b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. 66.0414 (2) (e) 2. and 3.

(c) The setback requirement under par. (b) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.

(d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.

**SECTION 2.** 66.0414 of the statutes is created to read:  
**66.0414 Small wireless facilities. (1) DEFINITIONS.**  
In this section:

(a) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of wireless services.

(b) "Antenna equipment" or "wireless equipment" means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

(c) "Antenna facility" means an antenna and associated antenna equipment, including ground-mounted antenna equipment.

(d) "Applicable codes" means the state electrical wiring code, as defined in s. 101.80 (4), the state plumbing code specified in s. 145.13, the fire prevention code under ch. SPS 314, Wis. adm. code, the Wisconsin commercial building code under chs. SPS 361 to 366, the Wisconsin uniform dwelling code under chs. SPS 320 to 325, and local amendments to those codes enacted solely

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
  3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
  4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- (f) "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (u) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (v); for electricity; or to provide light.
- (2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES.
- (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:
1. The siting and construction of a new mobile service support structure and facilities.
  2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- (b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:
1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  2. Make a final decision whether to approve or disapprove the application.
  3. Notify the applicant, in writing, of its final decision.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.
- (f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
- (g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.
- (h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.
- (i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.
- (3) COLLOCATION ON EXISTING SUPPORT STRUCTURES.**
- (a)
1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.
  2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.
  3. A political subdivision may regulate a class 2 collocation only as provided in this section.
  4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:
1. Make a final decision whether to approve or disapprove the application.
  2. Notify the applicant, in writing, of its final decision.
  3. If the application is approved, issue the applicant the relevant permit.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
- (4) LIMITATIONS.** With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

# Planning Staff Report

## Floodplain Ordinance Amendment

City of Oconomowoc  
Plan Commission – 6/10/20

*Pertaining to the Regulatory Maps within the Floodplain Zoning Ordinance*

**Summary:** The applicant is requesting a Floodplain Zoning Ordinance (Chapter 20) text amendment that would add a new regulatory map under Section 20.15(2)(a) Official Maps. The map creates a Hydraulic Shadow Map of the Peacock Dam (Fowler Lake).

**Property Identification:** Text Amendment applies to the properties north and south of the Peacock Dam (Fowler Lake)

**Property Owner:** N/A

**Applicant:** Mark Frye – Director of Public Works  
Oconomowoc City Hall  
174 E. Wisconsin Avenue  
Oconomowoc, WI 53066

---

### **History:**

The City inspects the Peacock Dam every several years. In 2016 and 2019, inspections confirmed material loss from the cribs, requiring repair. The City shared this information with the Wisconsin Department of Natural Resources (WDNR) and applied for the Municipal Dam Grant Program that offers assistance to communities. During this time, the WDNR, stated the City would score additional points on the grant application if it demonstrated that land use controls (zoning) are in effect next to the dam.

This can be achieved by adopting the hydraulic shadow map (floodplain), in the event of dam failure. A map depicting this area was prepared by Mead and Hunt Consulting Engineers, map dated June 25, 1998. The City has no record that this map was ever officially adopted and incorporated into the Floodplain Zoning Ordinance.

### **Text Amendment Summary:**

This map will expand the floodplain area near the Peacock Dam. In case of dam failure, this area will flood the areas below the 860' elevation levels. The property to the north of the dam is not affected by dam failure due to its elevation, however the property to the south of the dam (525 N. Lake Road), due to its elevation the floodway limits would extend further south than currently mapped on the attached FIRM (Flood Insurance Rate Map) panel map. This would reduce the amount of buildable area on the property as the property exists today.

### **Impact to 525 N. Lake Road**

The developer is aware of this text amendment and has had discussions with the WDNR. The developer will need to submit engineering drawings and calculations to develop this property. Approval of these drawings must be approved by the WDNR dam safety staff regardless of whether the City approves or denies the proposed hydraulic shadow map.

**Planning Thoughts:**

Planning is supportive of the proposed text amendment for several reasons. The amendment will create a larger area for flooding purposes in case of dam failure. Fowler Lake was reviewed, as well as the dam and the elevations in this area. It was concluded that if there was dam failure, a certain area would flood prior to discharging the water into Lac LaBelle. These studies were done in the late 1990's, but never officially incorporated into the City Ordinance. This amendment will provide the City with zoning control that is currently not in place at this time.

The amendment will also assure the WDNR that the City of Oconomowoc is being proactive with land use controls near the Peacock Dam and will award the City extra points toward the grant application.

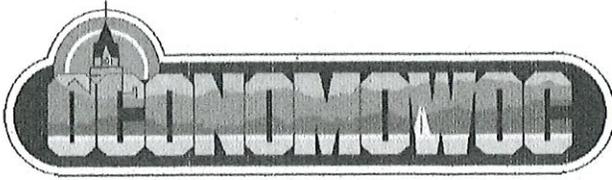
**Recommendation:**

Plan Commission ***recommend approval*** of the Floodplain Zoning Ordinance text amendment to create Section 20.15(2)(a)3. Hydraulic Shadow Map of Peacock Dam.

Submitted by: \_\_\_\_\_



Jason Gallo, AICP  
City Planner / Zoning Administrator



**STAFF RECOMMENDATION FORM** TYPE OF REQUEST: **FLOODPLAIN ORD. AMENDMENT**

PROJECT NAME: **FLOODPLAIN ORDINANCE TEXT AMENDMENT -**  
 TAX KEY NO.: **ADDING A REGULATORY FLOOD STORAGE MAP**  
 PROJECT ADDRESS/LOCATION: **PEACOCK DAM AREA**

**RECOMMENDATION SIGNATURES**

CITY PLANNER: *[Signature]* Date: **5-26-20**  
 Comments:

CITY ENGINEER: **OK PER E-MAIL (JG)** Date: **5-26-20**  
 Comments:

DIRECTOR OF PUBLIC WORKS: *[Signature]* Date: **05.28.20**  
 Comments:

WASTEWATER: *[Signature]* Date: **5-26-2020**  
 Comments:

WATER: *[Signature]* Date: **5/28/20**  
 Comments:

ELECTRIC: *[Signature]* Date: **5-26-20**  
 Comments:

PARKS, RECREATION & FORESTRY: *[Signature]* Date: **5-26-20**  
 Comments:

POLICE CHIEF: *[Signature]* Date: **5-26-20**  
 Comments:

FIRE: *[Signature]* Date: **5-27-20**  
 Comments:

DIRECTOR OF FINANCE: *[Signature]* Date: **5-27-20**  
 Comments:

ECONOMIC DEVELOPMENT DIRECTOR: *[Signature]* Date: **5-26-20**  
 Comments:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO CREATE §20.15(2)(a)3. HYDRAULIC SHADOW MAP OF PEACOCK (FOWLER LAKE) DAM, UNDER OFFICIAL MAPS OF THE MUNICIPAL FLOODPLAIN ZONING ORDINANCE FOR THE CITY OF OCONOMOWOC

The Common Council of the City of Oconomowoc, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. Section 20.15(2) OFFICIAL MAPS AND REVISIONS of Chapter 20 of the Municipal Floodplain Zoning Ordinance, is hereby amended to create:

(a) 3. Specifically, adopted map to be regulated is included in, and part of the document described as follows:

Peacock (Fowler Lake) Dam Field File 67.17  
Study titled: DAMBRK Dam Failure Analysis  
Prepared by: Mead & Hunt Consulting Engineers  
Dated: July, 1996  
Approved by the WDNR on June 25, 1998  
Map titled: Exhibit 7 (Rev. 1) – Regional Flood FLOODPLAIN BOUNDARIES No Failure and Failure  
Map dated: June 25, 1998  
Map Boundary: Shown as the Dam Failure Boundary (Page 82) of Dam Failure Analysis  
Data table titled: Table 1 – Comparison of maximum Water Surface Elevations and Flows in the Oconomowoc River Failure and No-Failure of Peacock Dam During Regional Flood  
Profile titled: Failure column

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

DATED: \_\_\_\_\_

CITY OF OCONOMOWOC

By: \_\_\_\_\_  
Robert Magnus, Mayor

ATTEST:  
\_\_\_\_\_  
Diane Coenen, Clerk

Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



Department of City Planning  
 174 E. Wisconsin Avenue Oconomowoc, WI  
 www.oconomowoc-wi.gov | 262.569.2166

## Development Application

X	Description	Administrative Fee
	Administrative Design Review	\$ 75.00
	Major Design Review	\$ 75.00
	Conditional Use Permit	\$ 500.00
	Zoning Determination Letter	\$ 100.00
	Temporary Use Permit	\$ 75.00
	Temporary Use Permit - Renewal	No Charge
	Variance	\$ 425.00
	Special Exceptions	\$ 425.00
	Appeals of Zoning Administrator	\$ 300.00
	Zoning Map Amendment (From _____ To _____)	\$ 425.00
X	Zoning Text Amendment	<del>\$ 425.00</del>
	Comprehensive Plan Amendment	\$ 300.00
	Planned Development District	Step 1: Pre-application Conference
		Step 2: Concept Plan Review
		Step 3: General Development Plan Review
	Preliminary or Final Plat Review	\$ 75.00
	Certified Survey Map or Extraterritorial Plat/CSM Review	\$ 75.00

\*NOTE: Administrative filing fees are due at the time an application is filed with the City Clerk's Office and are not refundable. In addition to the Administrative fees, City Staff time (City Engineer, City Planner & City Attorney) will be charged back to the applicant. The Applicant will receive monthly invoices of payments due.

Date: **MAY 6, 2020**

Project/Business Name: **CITY OF OCONOMOWOC - FLOODPLAIN ORD.**

Address/Location:

City, State, Zip Code:

Proposed Use of Property: **AMEND CHAPTER 20 - FLOODPLAIN ORD.**

Applicant: <b>MARK FRYE - DPW</b>	Property Owner: <b>CITY OF OCONOMOWOC</b>
Address: <b>174 E WISCONSIN AVENUE</b>	Address:
City/State/Zip: <b>Oconomowoc, WI 53066</b>	City/State/Zip:
Phone: <b>262.569.2184</b>	Phone:
E-mail: <b>MFRYE@Oconomowoc-wi.gov</b>	E-mail:
Signature: <i>Mark Frye</i> 05.27.20	Signature:

This form is not valid unless signed by Owner or Agent under a written power-of-attorney (please provide). I, Owner/one of the Owner's of the property, declare that this application (including any accompanying documents) has been examined by me and to the best of my knowledge and belief is true, correct and complete. I further accept all liability, which may be a result of the City of Oconomowoc relying on this information I am providing in this application.

## Hydraulic Shadow Map Adoption – WHY?

### Background

The Wisconsin Department of Natural Resources (WDNR) regulates all dams in Wisconsin. They require inspections of the dams based on a schedule determined by the dam's Hazard Rating. Peacock Dam was inspected in October of 2019 – and previously in 2016; both inspections have confirmed there is ongoing material loss from the cribs which make up the load bearing portion of the dam.

To assist communities with costly dam maintenance the DNR offers a Municipal Dam Grant Program. This program offers up to 50% reimbursement of eligible costs for repairs and engineering. The Municipal Dam Grant Program is very competitive, there are 3,900 dams in Wisconsin. We applied in February 2020 for the Dam Grant Program using information provided by Collins Engineering. Repairs are estimated at \$80,000, with engineering costs at approximately \$6,000.

The City would be eligible for an extra 20 points on our grant score if it can demonstrate that land use controls (zoning) are currently in effect downstream of the dam. With the competitive grant program, these points can be the difference between being awarded the grant or not.

The 20 points can be achieved by adopting the hydraulic shadow map contained within the Dam Failure Analysis completed in 1996. The hydraulic shadow map depicts the limits of the floodway in the event of dam failure. The property north of the dam is not affected by dam failure due to elevation. The property south of the dam (525 North Lake Road) would be due to topography. Floodway limits would extend further south than currently mapped on FEMA Firm Panel 55133C0151G limiting or making more restrictive the buildable area as the property exists today.

### Impact to 525 North Lake Road Property

We were hesitant to pursue the hydraulic map adoption without knowing its impacts on the property. After discussions with the WDNR, we have concluded that the property can be filled, with specific restrictions, to remove the proposed building area from the floodway. The developer has also spoken with the WDNR and is aware of the filling restrictions.

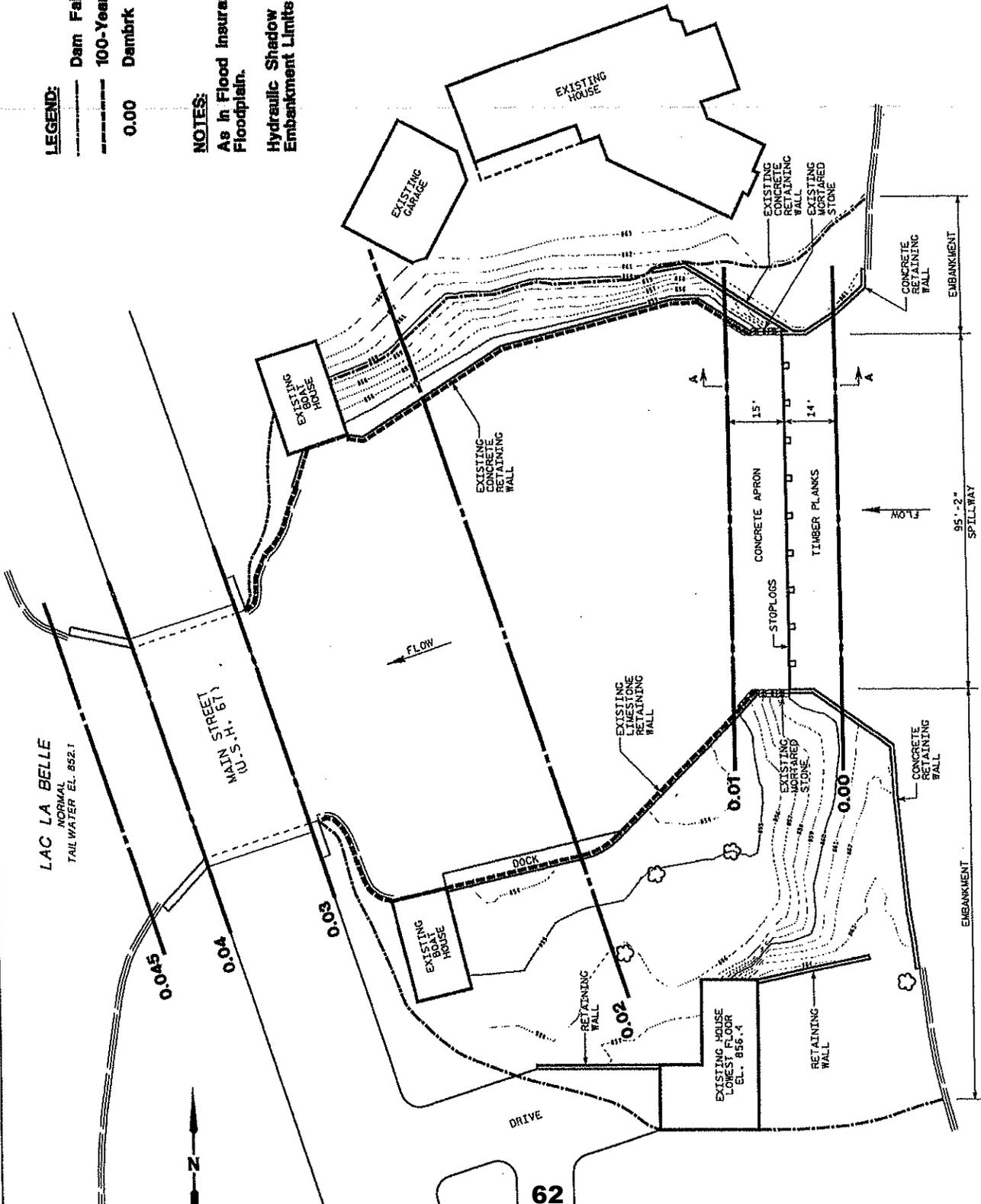
**LEGEND:**

- Dam Failure Floodplain Boundary
- - - 100-Year Floodplain Boundary
- 0.00 Dambrk Cross-Sections

*AND DAM NONEXISTENT*

**NOTES:**

As in Flood Insurance Study Floodway is the Floodplain.  
 Hydraulic Shadow Limits at Dam include Embankment Limits as Determined by WDNR.



**FOWLER LAKE**  
 NORMAL HEADWATER EL. 859.7

**Regional Flood FLOODPLAIN BOUNDARIES No Failure and Failure**

**City of Oconomowoc PEACOCK (FOWLER LAKE) DAM**

DESIGNED	DATE	BY	SCALE	PROJECT NO.	REV.
APPROVED			1" = 30'-0"	014-95A	1
MEAD & HUNT Consulting Engineers, Inc. 4000 W. Wisconsin Street Madison, Wisconsin 53705-2546 PHONE 272-8200 / FAX 268-0743					

INITIAL	DATE	REVISION	REVISION

**STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT  
OF PURPOSE, TITLE AND GENERAL PROVISIONS**

**20.11 STATUTORY AUTHORIZATION.**

This chapter is adopted pursuant to the authorization in §§61.35 and 62.23, [Wis. Stats.], for villages and cities; and the requirements in §87.30, [Wis.] Stats.

**20.12 FINDING OF FACT.**

Uncontrolled development and use of the floodplains and rivers in the City of Oconomowoc would impair the public health, safety, convenience, general welfare and tax base.

**20.13 STATEMENT OF PURPOSE.**

This chapter is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**20.14 TITLE.**

This chapter shall be known as the Floodplain Zoning Ordinance for the City of Oconomowoc, Wisconsin.

**20.15 GENERAL PROVISIONS.**

- (1) **AREAS TO BE REGULATED.** This chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study

(FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

**(2) OFFICIAL MAPS AND REVISIONS.** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §20.80, Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Planner/Zoning Administrator, City of Oconomowoc, WI. If more than one map or revision is referenced, the most restrictive information shall apply.

**(a) Official Maps:** (Rep. & recr. #14-O869) Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel numbers 55133C0038G; 55133C0039G; 55133C0131G; 55133C0132G; 55133C0133G; 55133C0134G; 55133C0151G; 55133C0152G; 55133C0153G; 55133C0154G; 55133C0161H all panels being dated November 5, 2014 with the corresponding profiles that are based on the Flood Insurance Study (FIS) dated November 5, 2014, Volume number 55133CV001C, 55133CV002C, and 55133CV003C; Approved by the DNR and FEMA.
2. Waukesha County Flood Storage District Maps, Panels 1 and 7 of 12, dated November 5, 2014; Approved by the DNR.

**(b) Official Maps:** Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

**(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS.** The regional floodplain areas are divided into 4 districts as follows:

**(a)** The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

PANEL 0151G

# FIRM

## FLOOD INSURANCE RATE MAP WAUKESHA COUNTY, WISCONSIN AND INCORPORATED AREAS

### PANEL 151 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
OCONOMOWOC, CITY OF	550488	0151	G
OCONOMOWOC LAKE, VILLAGE OF	550582	0151	G
SUMMIT, VILLAGE OF	550663	0151	G
WAUKESHA COUNTY	550476	0151	G

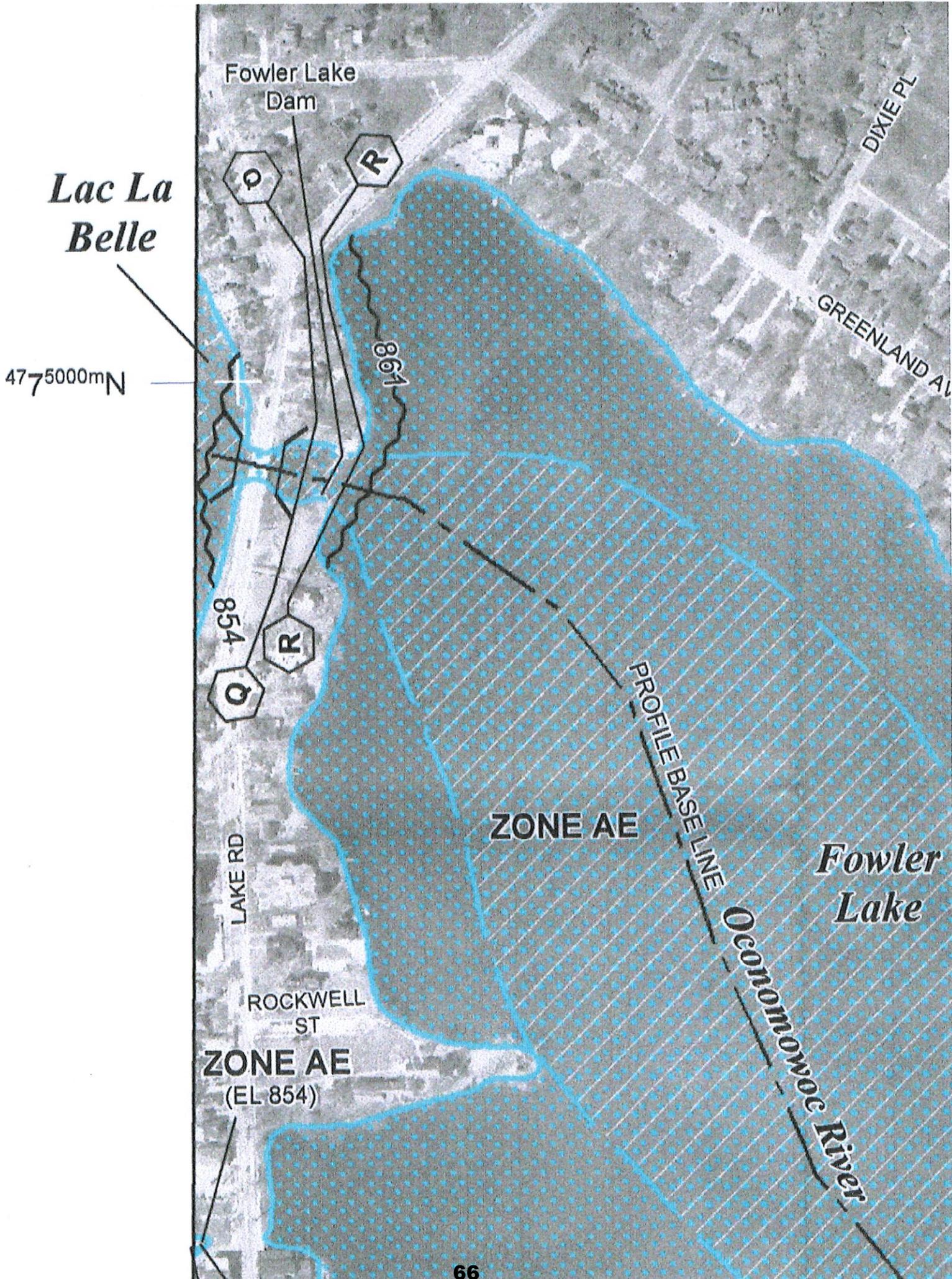
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



**MAP NUMBER  
55133C0151G**

**MAP REVISED  
NOVEMBER 5, 2014**

**Federal Emergency Management Agency**



# Waukesha County GIS – Mapping

## Floodplain Overlay

June 4, 2020



# **Planning Department Correspondence – May - 2020**

## **Temporary Use Permits / Renewals**

Craft Fair 2020 – First Congregational United Church, Oct.2, Concord Rd.  
Car Show 2020 – First Congregational United Church, Aug 22, Concord Rd.

## **Noncompliance Letters / Other Matters**

Pabst Farms Apts. – Zoning Compliance Verification letter, dated 5/8/20  
645 E. Madison Street – Non-Compliance, Exterior Area Requirements

## **Zoning Approval for Occupancy (New Business)**

None

## **Administrative Site Plan Approvals**

None