

RESOLUTION NO. 2019-87

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA DENYING A WAIVER OF SEC. 14-3-4(C)(6)(B)(i) OF THE CODE OF ORDINANCES THAT REQUIRES MUNICIPAL WATER TO BE INSTALLED IN A PLATTED SUBDIVISION WITHIN THE URBAN SERVICE AREA OF THE VILLAGE - PARCEL ID NOS. 51-104-04-22-029-000; 104-04-22-25-027-040; OWNERS: CHARLES KOTAS, LESLIE ANN BLACK TRUST DATED 10-18-06 AND WARREN C. KNUTH TRUST DATED OCTOBER 18, 2006; APPLICANT RAY LEFFLER

The Village Board for the Village of Caledonia resolves as follows:

WHEREAS, the Village of Caledonia received a request for a modification and waiver of a requirement for municipal water service to be installed in a platted subdivision in the Village's Urban Service Area from property owners Charles Kotas, Leslie Ann Black Trust Dated 10-18-06 and Warren C. Knuth Trust Dated October 18, 2006; Applicant Ray Leffler for Parcel Id Nos. 51-104-04-22-029-000; 104-04-22-25-027-040;

WHEREAS, the specific request is for relief from the following ordinance requirements:

Section 14-3-4(c)(6)(b)(i) of the Village Code of Ordinances which states:

Sewage and Water Facilities for Subdivisions Located Within the Urban Service Area; Service by Caledonia Sewer Utility District No. 1 and Caledonia Water Utility District No. 1.

- i. All Subdivisions located within the Urban Service Area for Caledonia Sewer Utility District No. 1 and Caledonia Water Utility District No. 1 shall be served by municipal sewer and water facilities owned and operated by the District.”

The applicant/owner may request a waiver modification from the Ordinance above through:

Section 14-3-4(c)(6)(iii) of the Village's Code of Ordinances which states:

Any request for modification or waiver of the above provisions shall be made and considered in accordance with Section 14-3-1(k) of the Village's Code of Ordinances. In considering a modification or waiver request, the Plan Commission and Village Board shall also consider the criteria set forth by Resolution of the Village Board.

WHEREAS, the Village's Utility Director prepared a Memorandum dated August 1, 2019 detailing the request, the ordinance requirements, the circumstances surrounding the parcels of land proposed to be platted and surrounding already developed neighborhood. In this Memo, the Village's Utility Director evaluated the criteria to be considered as set forth in Sec. 14-3-1(k) of the Village's Code. This Memo is attached hereto as **Exhibit A**.

WHEREAS, on August 7, 2019 the Village Utility District Commission reviewed and discussed the request and criteria. The Utility District denied the request for a Waiver Modification for the following reasons:

1. The parcels owned by the Charles Kotas, Leslie Ann Black Trust Dated 10/1/2006 and Warren C. Knuth Trust Dated 10/18/2006 is located within the Urban Service Area.
2. The Municipal Water System is readily available along 4 Mile Road.
3. Granting a Waiver Modification of this nature would be precedence setting for future developments within the Urban Service Area.
4. Granting a Waiver Modification of this nature is not in the best interest of the Utility District and the Village of Caledonia.

WHEREAS, on August 26, 2019 the Village Plan Commission reviewed and discussed the request and criteria. At this meeting, a motion to recommend approval of the modification waiver based on uniqueness failed to pass and the request was moved to the Village Board for review and action without a recommendation from the Village Plan Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board adopts the findings of the Village's Utility Director as set forth in the Village's Utility Director's Memo dated August 1, 2019 attached hereto and incorporated herein as **Exhibit A** after consideration of the criteria required by Sec. 14-3-1(k) of the Village's Code.

BE IT FURTHER RESOLVED, by the Village Board that the request for a modification waiver of the requirements of Sec. 14-3-4(c)(6)(b)(i) of the Village's Code of Ordinances requiring municipal water in a newly platted subdivision is **DENIED** for the following reasons:

1. The parcels owned by the Charles Kotas, Leslie Ann Black Trust Dated 10/1/2006 and Warren C. Knuth Trust Dated 10/18/2006 is located within the Urban Service Area (Parcel Id Nos. 51-104-04-22-029-000; 104-04-22-25-027-040);
2. The Municipal Water System is readily available along 4 Mile Road;
3. The Village's need for consistency in requiring the extension of utilities to serve properties in the Village;

4. Granting a Waiver Modification of this nature would be precedence setting for future developments within the Urban Service Area; and
5. Granting a Waiver Modification of this nature is not in the best interest of utility planning for the Utility District and the Village of Caledonia.

BE IT FURTHER RESOLVED, by the Village Board that the construction project for municipal water to serve the proposed platted subdivision will be a developer funded project and the Village will facilitate a ten (10) year cost recovery as an alternative to assessment in accordance with the Wisconsin Public Service Commission rules and applicable Wisconsin Public Service Commission decisions affecting the Caledonia Utility Districts.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 7th day of October, 2019.

VILLAGE OF CALEDONIA

By: James R. Dobbs
James R. Dobbs
Village President

Attest: Karie Pope
Karie Pope
Village Clerk

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