

**ORDINANCE NO. 2260-11**  
by the Plan Commission

Continuing a Moratorium on Development in the Area of the Waste Management Landfill, location identified in the body of the Ordinance, and certain Outlots in or associated with The Shire subdivision, all in Section 20, Town 7 North, Range 20 East, in the City of Brookfield, County of Waukesha, State of Wisconsin

WHEREAS, City of Brookfield Ordinance No. 1958-04 placed a Moratorium on development considerations or approvals with respect to certain land areas identified in that Ordinance, extending until August 1, 2006 or such other date as the City releases the affected Outlots from restrictions and has adopted measures to define and implement certain development goals; and

WHEREAS, City of Brookfield Ordinance No. 2070-06 continued said moratorium until March 1, 2007; and

WHEREAS, City of Brookfield Ordinance No. 2090-07 continued said moratorium until September 1, 2008; and

WHEREAS, City of Brookfield Ordinance No. 2144-08 continued said moratorium until September 1, 2009; and

WHEREAS, City of Brookfield Ordinance No. 2182-09 continued said moratorium until September 1, 2010; and

WHEREAS, City of Brookfield Ordinance No. 2223-10 continued said moratorium until September 1, 2011; and

WHEREAS, the ability of the City to fulfill the responsibilities in the preceding paragraph depends upon Waste Management of Wisconsin, Inc. reporting certain data to the State of Wisconsin Department of Natural Resources for their evaluation, and upon said Department reviewing the data and issuing a report and recommendations to the City, and a special Moratorium Committee of the City reviewing the Department's submittal and formulating recommendations to the City Plan Commission, which, in turn, will convene discussions with the owner(s) of the subject property and will recommend official City actions by the Common Council. Those actions may include certain changes in zoning designations that will require at least one public hearing preceded by state law-required hearing notices; and

WHEREAS, in a missive dated October 29, 2009 Waste Management of Wisconsin, Inc. submitted "Revised Landfill Perimeter Evaluation Report WMWI – Brookfield Sanitary Landfill Brookfield Wisconsin October 2009" (Report) to the State of Wisconsin Departments of Natural Resources and Health Services; and

WHEREAS, the State of Wisconsin submitted to the City a Report under a cover letter dated December 22, 2010 reviewing the history of the moratorium issue, the landfill, the role of State agencies, data collection, data evaluation, recommendations, etc.; and

WHEREAS, the City has estimated the time needed to evaluate the State's report, meet with State representatives, engage other resources as necessary and complete remaining tasks may be until and through September 1, 2012.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Brookfield that the moratorium established and in place under Ordinance No. 1958-04 and continued under Ordinances No. 2070-06, 2090-07, 2144-08, 2182-09 and 2223-10 shall be extended to September 1, 2012, within the geographic limits of the Ordinance No. 1958-04 moratorium, subject to the exception provisions of the second Ordained Clause of Ordinance No. 1958-04, which provisions are adopted here by cross reference, and which Ordinances No. 1958-04, 2070-06, 2090-07, 2144-08, 2182-09 and 2223-10 are attached hereto and incorporated herein as Exhibits A\*, B\*, C\*, D\*, E\* and F\*.

BE IT FURTHER ORDAINED, exceptions to and early termination of this moratorium may be authorized by the Common Council, after recommendation from the Plan Commission, in instances where there has been a demonstrated hardship and a compelling public interest and necessity or fairness and equity for considering and approving requests prior to the ending date of the moratorium are found to exist. Granting of such exceptions or termination may only be done by action of the Common Council and only upon express and technically supported findings on landfill-related health, safety and environmental safety issues.

PART III. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED \_\_\_\_\_ August 16 \_\_\_\_\_, 2011

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Kristine A. Schmidt, City Clerk

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Steven V. Ponto, Mayor

\* Can be viewed in the City Clerk's Office.

Published: August 25, 2011