

TOWN OF OTTAWA PLAN COMMISSION

Meeting Minutes May 5, 2014

Chairman Arrowood called the meeting of the Ottawa Plan Commission to order. Roll call attendance was taken and Commissioners Franklin, Hanson, Hausser, Kershek and Weber were present. Also present was Town Planner Sandy Scherer.

The first item on the Agenda was discussion and action of a request for a revised hobby kennel permit for Carol Chase, S23 W35529 Parry Road, Oconomowoc. Planner Scherer stated that Ms. Chase was asking to amend her previous hobby kennel permit as one of the dogs listed in that permit had died, and she had adopted a new dog. Ms. Chase was also requesting to be allowed to have a foster dog occasionally for short periods of time.

Commissioner Kershek inquired if there had been any complaints. The Deputy Clerk responded, "No, there were none that she was aware of". One of Ms. Chase's neighbors, Ben Curtis, was in the audience. Mr. Curtis stated that he felt there was excessive noise with one of the dogs barking at all times of the day and night (in the past). At that time, he had called and complained to both the Town and the Sheriff. Mr. Curtis also had concerns about the property values of the houses going down due to the issues with the dog. Chairman Arrowood asked Mr. Curtis how long ago he had called in the complaint? Mr. Curtis responded it was a year or more ago. Ms. Chase was present, and she stated that yes, her dog Hunter does bark. She keeps a shock collar on him that is set to go off 30 seconds after she pushes the button. She feels she is keeping the barking under control. She said that both of her immediate neighbors have no complaints. She does not feel the noise is at a nuisance level. The new dog she adopted is small, quiet and shy. She said that in her request for fostering dogs on occasion, that she would purposely choose quiet dogs so as to not upset the neighbors. Commissioner Franklin asked how long she has had the shock collar on Hunter? Ms. Chase replied that the Sheriff incident with Mr. Curtis was a couple of years ago (2010), and that she has had the collar on ever since then. Commissioner Franklin asked if the collar is on continuously? Ms. Chase replied no, according to manufacturer's instructions, the collar is removed occasionally, but only when they are in the house. Commissioner Kershek asked if the yard was fenced, or does she keep the dogs on a leash? Ms. Chase stated the yard is fenced in. Commissioner Kershek inquired about the foster dogs, how many she would have at one time and for how long? Ms. Chase responded that she would only ever have one at a time and that the duration would be anywhere from a couple of days to maybe a month or two. Commissioner Weber verified that her request was for 3 dogs plus occasionally one foster dog? Ms. Chase answered "yes". Mr. Curtis stated that he doesn't feel she can control the one dog (Hunter). Chairman Arrowood stated that the barking dog, Hunter, is 7 years old. The barking will continue to be a problem for a few years to come, and that it may not be very conducive to good neighbors. Doug Fury, another of Ms. Chase's neighbors, was in the audience. Mr. Fury stated that he has lived in his home since 1976. He believes Ms. Chase has a passion for dogs. He wanted to appeal to the Town of Ottawa that these are mature dogs, she saved them, and sometimes you get a barker. Live and let live. He

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does not have a problem with the dogs. Ms. Chase added that she has spoken with other neighbors personally and they have no problems with the dogs either. Chairman Arrowood explained that while some neighbors understand, some may not. Ms. Chase agreed. She said that she understood, and will do everything she can to monitor the dog (Hunter) closely. Chairman Arrowood stated that the problem here is that even if the Plan Commission denies the Hobby Kennel permit, it doesn't solve the problem of the barking dog. Commissioner Kershek asked what the procedure is for a nuisance dog? Planner Scherer answered that the Town has a general ordinance, and there are state statutes. Commissioner Kershek stated that this is a tough problem. The barking dog stays no matter what, and Ms. Chase wants to add a dog. The Town does have the right to rescind the Hobby Kennel Permit if the conditions are not met. Commissioner Kershek encouraged Mr. Curtis to register any complaints with the Town, and to write letters to the clerk or chairman, so there is a record of his complaints. Commissioner Hanson added that there are a lot of dog walkers, and other people that handle these dogs. There is a complaint here, and he would like Ms. Chase to take better care of the situation. Chairman Arrowood stated that Ms. Chase is not being penalized, but has a dog barking problem, and the neighbor has rights, too. Commissioner Weber asked if the dog was barking through the shock collar? Maybe the collar is not effective and needs to be turned up? Ms. Chase answered that she is willing to try that.

Chairman Arrowood stated that the Plan Commission needs to make a decision. We can revoke the Hobby Kennel Permit, but that won't get rid of the barking dog. Commissioner Franklin added that if we grant the permit knowing of the complaint, and her future dog barks, then we fall short. Commissioner Weber agreed, but wants to give Ms. Chase a chance, and added that the Town encourages a peaceful neighborhood. Commissioner Hanson added that he didn't want to exacerbate the situation, and maybe we can allow the 3 dogs and the Hobby Kennel Permit, but not the foster dog. Commissioner Hanson made a motion to that effect. The motion failed for lack of a second. Commissioner Kershek made a motion to grant the request for three (3) dogs, plus a limit of one (1) foster dog at a time, not to exceed sixty (60) days per foster dog. In addition, the Plan Commission should review this permit in 120 days to monitor the situation. He encouraged the use of the bark collar, and would like to give Ms. Chase another chance. Commissioner Hausser seconded the motion. Commissioner Franklin voted in the negative, and the motion carried.

Planner Scherer asked details on the dogs. Ms. Chase provided:

Gracie, terrier, 6yrs.; Hunter, American Eskimo, 7 yrs.; Katlyn, Bernese Lab mix, 11 yrs.

Douglas Furey requested to be on the mailing list for the meeting in September, and provided the Deputy Clerk with his address.

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The next item on the agenda was the Town Assessors report. The Plan Commission will discuss this in Agenda item 5, so Chairman Arrowood wanted to skip right to that agenda item. Item 5 on the Agenda is for Discussion – Town of Ottawa Land Division and Development Ordinance amendments regarding transfers of adjacent lands. Chairman Arrowood stated that the Town Attorney has drafted an Ordinance to help resolve an issue between the Register of Deeds and the Town. Planner Scherer read from her Memo:

The Town of Ottawa has historically had problems with property owners transferring land to adjoining property owners where said conveyances may not meet the Land Division Ordinance requirements. Recently, the Attorney General provided a legal opinion where the town can now require those conveyances be reviewed prior to recordation. Therefore, after some initial research, we requested the Town Attorney revise the Town's Land Division and Development Ordinance to provide for such a review. The second draft (indicating my edits) is what you have before you this evening (enclosed). I have also enclosed Attorney Macy's letter to me that accompanied his first draft.

Prior to scheduling a public hearing, I would like the Plan Commission and the Town Board to review the draft language and any comments from staff so that we have a document everyone feels comfortable going to public hearing with. Once we have that document, I will schedule a public hearing in accordance with state statutes.

Chairman Arrowood added that there is a fee involved in this type of review and that the town can charge back any costs involved. Planner Scherer referenced the draft of the new ordinance, pg. 3, and her recommended addition.

(or in accordance with Professional Services Reimbursement Ordinance – Section 3.11 of the Municipal Code, or per Section 10.00 of the LDDO?)

Commissioner Kershek inquired if these would be considered a limited review? Planner Scherer responded that it could get detailed. Some of the reviews could include zoning, lot size, access, other laws and ordinances. It could be the same amount of work that goes into a CSM. We should change the wording from “a limited review” to just “a review”. Planner Scherer also mentioned amending the Violations section of the Code. Chairman Arrowood also referred to the question on the draft regarding if the Town Board is to be involved as well or just Plan Commission review. Commissioner Franklin stated “no” to the Town Board review, and to just have the Plan Commission conduct the review. Commissioner Hanson agreed.

Chairman Arrowood added that with this Ordinance in place, we would not need the Assessors monthly report anymore. Commissioner Weber commented that, in looking at the Assessors report, there are many Municipalities listed in the County, and this problem is widespread. Commissioner Hausser made a motion to eliminate the Town Assessors report on Land

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Divisions until further notice. Commissioner Franklin seconded and it carried.

The next item on the agenda is Discussion of the Farmland Preservation update. Planner Scherer read from her memo:

The State of Wisconsin recently passed a new Farmland Preservation law requiring communities to prepare or revise their Farmland Preservation Plans and Zoning Ordinances. The County has taken on that role and adopted a revised Farmland Preservation Plan for the County and is currently working on updating their Zoning Codes. Since the Farmland Plan affects mainly the Towns of Oconomowoc and Ottawa in Waukesha County, the County has assembled a small group of farmers, town officials and planners representing those areas to work through the issues that the new law presents for the zoning updates.

In response to the Town Chairman's request, I have provided you with a number of exhibits, which you can reference by their titles, which help to explain the Farmland Preservation process. Some of the exhibits are elementary and some are quite detailed. I provided this range so that those of you who wanted more detail on the subject matter have it, as the details can get quite involved. I have also enclosed a listing of the exhibits for your reference so you have a list of the titles that are being referenced in our discussion of the law at the Plan Commission meeting.

Planner Scherer added that they have assembled a work group to decide what kind of Ordinance amendments should be recommended. The committee will provide additional updates as they are discussed.

The next item on the agenda was Payne and Dolan, consideration of extension to issue Conditional Use Permits. Planner Scherer stated that Payne and Dolan have not distributed the Well Agreement letter yet. The permits are ready to go once this requirement is fulfilled. To extend the time frame until August 1, 2014 would ensure enough time for Payne and Dolan to solicit feedback on the Well Agreements and then to issue the permits.

Commissioner Kershek made a motion to grant Payne and Dolan an extension until August 1, 2014 to have their permits issued. Commissioner Franklin seconded and the motion carried.

The next item on the Agenda was a review of Zoning Violations pending with Waukesha County.

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The next item on the Agenda was discussion of an earlier start time for Plan Commission meetings. Chairman Arrowood stated that this should be a unanimous decision. Commissioner Kershek stated that a 6:00 p.m. start time may be difficult sometimes with traffic during the commute. The other commissioners had no problems with start times changing. Planner Scherer replied that a 6:30 p.m. start time could work with Public Hearings still beginning at 6:00 p.m. Everyone agreed that a 6:30 p.m. start time would work.

The next item on the Agenda was Correspondence. Planner Scherer stated that there was a notice letter sent for the Curry Hobby Kennel Permit regarding inspection of their fence.

The next item on the Agenda was approval of Minutes. Chairman Arrowood added that we need to bring Laue back, it was tabled, but not on the Agenda this month. Planner Scherer responded that she is keeping track of Laue and he has a deadline. The motion was to table the matter until the petitioner returned with an updated Site Plan, so the motion was correct; if Laue does not return soon, it will become a violation. Commissioner Hanson made a motion to accept the minutes from the April 7, 2014, Plan Commission meeting as revised. Commissioner Weber seconded the motion and it carried.

Commissioner Franklin made a motion to adjourn. The motion was seconded by Commissioner Hausser and it carried.

Respectfully submitted,

Lori Geyman
Deputy Clerk/Treasurer, Town of Ottawa