

OTTAWA PLAN COMMISSION
November 3, 2014

Chairman Arrowood called the meeting of the Ottawa Plan Commission to order at 6:30 p.m. Roll call attendance was taken. Plan Commissioners Hausser, Franklin, Hanson, Kershek, Weber and Mundschau were present.

The first item on the Agenda was for the 120 day review of a Hobby Kennel Permit for Carol Chase, S23W35529 Parry Road, Oconomowoc, WI 53066. Ms. Chase was in attendance. Chairman Arrowood stated that her request was for 3 dogs plus a foster dog. Ms. Chase added that the issue that was of concern previously was regarding dog barking. She feels that has been brought under control, and should not be a nuisance in the future. The foster dogs she looks to help are usually smaller dogs, and she feels that she is cognizant of only taking on quieter dogs. Commissioner Kershek reminded her of the limit of 60 days for fostering a dog. He also added that should there be complaints, the Plan Commission could call her back for review. Ms. Chase agreed and plans to cooperate fully.

The next item on the agenda was Discussion and Action for Roger Jones, W365S4298 State Road 67, Dousman, WI, for a proposed conveyance of land or a portion of land and necessary waivers.

Planner Scherer read from her report:

TOWN OF OTTAWA
PLANNER REVIEW AND REPORT
CONVEYANCE

SENT VIA EMAIL

DATE:

November 3, 2014

OWNER/PETITIONER:

Roger Jones

W365 S4298 STH 67
Dousman, WI 53118

OWNER:

Trust

Homer Adcock and Virginia Doty Adcock Rev

S44 W36110 CTH C
Dousman, WI 53118

TAX KEY NO(S):

OTWT 1672.995 (Jones) and 1672.996.002 (Adcock)

LOCATION:

Parcel 2, CSM No. 890, Volume 6, Page 26 (Jones); and Parcel 2, CSM No. 7972, Volume 69, Page 50 (Adcock), both located in part of the SE ¼ of Section 22, T6N, R17E, Town of Ottawa. More specifically, the properties are located at the STH 67 and CTH C addresses cited above.

LOT SIZE: The Jones parcel is three acres, and the Adcock parcel is 12.5 acres in size.

EXISTING USE(S): Residential

REQUESTED USE(S):

To convey a triangular piece of land (approximately 0.20 acre) from Adcock to Jones.

ZONING CLASSIFICATION(S):

A-5 Residential (minimum lot size 5 acres, minimum average width 300 feet) and EC Environmental Corridor (minimum lot size two acres, maximum density 5 acres) under the Waukesha County Zoning Code.

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN:

The Town of Ottawa's Comprehensive Development Plan is incorporated into the WCCDP. The WCCDP designates the property as Suburban II Density Residential (3-4.9 acres per dwelling unit density), Rural Density Residential and Other Open Lands (5-34.9 acres per dwelling unit density), and PEC. The Town's Plan designates the property as Suburban II Density Residential (3-4.9 acres per dwelling unit density), Agricultural 10 acre density (10 acres per dwelling unit density), and PEC. The proposal conforms with both plans.

SOIL TYPES:

In the area of the conveyance, the soils are well drained (MvB) to somewhat poorly drained (MhA) **Jones Conveyance – Town November 3, 2014 Page 2**

with slopes between 1-6 %, and the poorly drained soils type is subject to groundwater, ponding and wetness. The submittal of soil tests are not required for a conveyance.

PLANNER ANALYSIS:

The Jones parcel is accessed from STH 67 via an ownership strip (flag lot) 30' in width, and the Adcock parcel is accessed from CTH C via a 60' ingress/egress easement. The Jones parcel therefore does not have at least 40' of frontage on a public road and is not at least a minimum of 60' in width at the base setback line. The existing and proposed lot line angles, and the design and lot configuration are also somewhat abnormal for both parcels. The Jones parcel contains a

small pond, some steep slopes in excess of 12%, and some Primary Environmental Corridor. Both parcels contain some hydric soils with groundwater less than one foot below the ground surface.

Relative to the Town's adopted Land Division Review Checklist and review of the conveyance, the following is a list of comments/questions/concerns that need to be addressed and/or submitted to the Town Planner prior to the recordation of a deed conveying the property as proposed in the Waukesha County Register of Deeds office.

1. There may be a small area of Primary Environmental Corridor within the area conveyed, as well as elsewhere on the perimeters of the Jones property. Please note these areas are zoned EC Environmental Corridor and there are restrictions relative to vegetation removal, construction, etc. Please contact the Waukesha County Planning and Zoning Division for more information prior to any vegetation removal on the property.
2. The Adcock parcel cannot be reduced to less than 10.0 acres in size. It appears the Adcock parcel will remain conforming if only approximately 0.20 acres is being conveyed. Although the Jones parcel is existing, it may not be conforming as the lot size in the A-5 District is five acres. Since the Jones parcel is only 3 acres and the Adcock parcel is 12.5 acres, the conveyance of 0.2 acres is not enough to make the Jones parcel conforming with the zoning requirements as the Jones parcel will only be 3.2 acres in size, but again this is an existing situation.
3. The Jones parcel does not contain the required 40' of road frontage, but this is an existing situation.
4. The recorded deed should contain the acres and square footage of each lot once the parcel is conveyed.
5. The Jones parcel is not 60' in width at the base setback line (100' from the centerline of STH 67), but this is an existing situation.
6. The Town's LDDO requires all slopes in excess of 12% to be shown in permanent open space and noted as such, if a CSM were to be prepared.
7. The existing and proposed lot line angles, and the design and lot configuration are also somewhat abnormal for both parcels but, except for the area being conveyed, this is an existing situation.
8. Town of Ottawa Standard Conveyance Conditions:
 - A. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Land Division and Development Ordinance; and all

reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Conveyance, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier.

- B. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier.
- C. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, as applicable, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier.
- D. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to commencing construction of any improvement, whether public or private, or site development, or recordation of the conveyance, whichever is earlier.
- E. The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions of this review due to a violation of these conditions.
- F. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this review that is subject to all remedies available to the Town, including possible cause for termination of the conveyance.

G. Subject to the Developer applying for and receiving from the Town Plan Commission, Town Board, and Waukesha County, all necessary variances and waivers (if any) to the Waukesha County Zoning Code, the Waukesha County Shoreland and Floodland Protection Ordinance, the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, and the Town of Ottawa Land Division and Development Ordinance prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier. This review shall not be read as providing any assurance or expectation that such variances or waivers will be granted, and shall not vest any right regarding the grant of such variances or waivers.

Based upon the above information, it is recommended the Town Plan Commission recommend in favor of this conveyance as proposed.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Town Planner

Cc: Candy White, Waukesha County Tax Listing

Planner Scherer also submitted a supplemental addendum for the Plan Commission to consider as follows:

MEMORANDUM

To: Town of Ottawa Plan Commission
From: Sandy Scherer, Town Planner
Subject: Jones Conveyance – supplemental memo
Date: November 3, 2014

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After receiving my report on the above noted matter, the Town Attorney had a question regarding the same. His position is if a parcel is non-conforming prior to a conveyance and non-conforming upon recordation of a conveyance, then the conveyance should not occur and, if legally possible, a CSM be required instead. This is what the Town Attorney recommends happen in the case of the Jones conveyance.

In the case of Jones, he has a three-acre parcel created by CSM in 1968, in a five acre minimum zoning district. This would be considered a non-conforming parcel. Jones wishes to convey

approximately 0.2 acres from Adcock whose parcel was created by CSM in 1966 and currently conforms to the A-5 zoning (and would conform after the conveyance as well). Jones new holdings would be approximately 3.2 acres – still non-conforming as to lot size in the A-5 zoning district.

In discussing this matter with the County Planning and Zoning Manager, the opinion previously given by the County Corporation Counsel is that as long as the situation being created is more conforming, even if it is not completely conforming, it is viewed as a better situation than what previously existed, and which may eventually become totally conforming at some point in the future.

The County would require a deed restriction be recorded along with the new deed for the conveyance with language preventing structures from being constructed on the conveyed portion of land until and unless a CSM is recorded eliminating the common lot line. In the meantime if the conveyed portion of land is sold separately, it would be a zoning violation as it does not meet the minimum zoning requirements.

In accordance with the Town's Land Division and Development Ordinance, and the new conveyance Ordinance, the Plan Commission would be best served to require a CSM for this conveyance.

Procedural Note: Since this is the first of its kind, we could consider the conveyance review as a default Conceptual CSM review, and allow the Petitioner to proceed with a Preliminary CSM as the next submittal. In this manner, the petitioner will not be delayed or incur additional expense.

Commissioner Kershek stated that the Town Attorney feels a CSM would be needed. Mr. Jones inquired as to what a CSM was and would that be expensive? Planner Scherer explained that a CSM is a Certified Survey Map, and acquiring one would eliminate the lot lines. If a Conveyance takes place, the lot lines would remain. Chairman Arrowood added that this makes for a nice clean lot, which is better for the future of the property. Commissioner Franklin added that a CSM would be the right way to take care of this. Commissioner Kershek stated that this can be expensive, but is the correct way to handle this property. Planner Scherer explained to Mr. Jones that this process can cost a thousand dollars or more, but acquiring a two lot CSM would take care of both parcels. Commissioner Weber further explained that this will change the legal description of the lots. Unfortunately having a conveyance can create havoc for the municipality, which is why changes were made to the Land Division Ordinance. Mr. Jones is the first conveyance to go through the new process.

Mr. Jones stated that the land is land locked, there's no other use for this parcel. Commissioner Kershek added that this is a tough situation, but the Town needs to avoid setting a precedent. Commissioner Kershek made a motion for the Town to require a CSM for this conveyance. It was seconded by Commissioner Franklin and carried.

Mr. Jones added that with a CSM of the two properties, Town Engineer and Town Attorney fees, that this was becoming a very expensive piece of land.

The next item on the agenda was for Discussion and Action for David Leikam W344W3443 Moraine Hills Drive, Dousman, WI, for a Conceptual Land Division and necessary waivers. Commissioner Kershek recused himself from the discussion.

Planner Scherer read from her report:

TOWN OF OTTAWA
PLANNER REVIEW AND REPORT
CONCEPTUAL CSM

SENT VIA EMAIL

DATE: November 3, 2014

OWNER: W344 S3443 Moraine Hills Drive LLC
 3205 W. County Line Road
 River Hills, WI 53217

PETITIONERS: David and Angela Leikam
 S79 W16389 Woods Road
 Muskego, WI 53150

SURVEYOR: Paul Hillmer, RLS

TAX KEY NOS.: OTWT 1636.999, 1636.998, and 1636.997

LOCATION:

Parcels 1 and 2, CSM No. 451, Volume 3, Page 87, and other lands, all located in the SE ¼ of Section 13, T6N, R17E, Town of Ottawa. More specifically, the three parcels are located at the Moraine Hills Drive address cited above and contain a total of approximately 44.6 acres.

EXISTING USE(S): Residential and vacant (wooded and open)

REQUESTED USE(S):

The petitioner has purchased a total of three separate parcels containing approximately 44 acres, and would like to re-divide two of them through this three parcel Conceptual CSM and construct a new single family residence on proposed Lot 3. Lot 1 will remain at 4.2 acres, proposed Lot 2 will be 5.6 acres, and proposed Lot 3 will be 34.8 acres.

ZONING CLASSIFICATION(S):

EC Environmental Corridor (5 acre density, 2 acre minimum lot size), A-2 Rural Home District (3 acre minimum lot size, minimum average width of 200'), and C-1 Conservancy. The majority of the property is under the jurisdiction of the Waukesha County Zoning Code.

SOIL TEST SUBMITTED: No.

SOIL TYPES:

Soil types on the three parcels (AzB, CeD2, CrD, CrE, FoB, GwB, HtA, MvB, and MxD2) indicate well drained to somewhat poorly drained to very poorly drained soils, wetness, ponding, and high groundwater conditions and steep slopes up to 30%. Proposed Lots 1 and 2 are entirely comprised of steep slopes between 12 and 30%. The proposed building location on proposed Lot 3 is in a clearing (zoned A-2) but in an area with steep slopes between 12 and 20%. With the exception of an area in the SW portion of the lot, the remainder of proposed Lot 3 contains more steep slopes and high groundwater conditions. The area in the SW portion of proposed Lot 3 that does not contain any environmental constraints is a viable building site, but it would require a longer driveway to be constructed to access that building site.

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WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP) DESIGNATIONS:

The WCCDP and the Town of Ottawa's CDP designate the properties as Suburban II Density Residential (3-4.9 acres per dwelling unit), Other Open Lands to be Preserved, and Primary Environmental Corridor (PEC) (County)/Upland Conservancy-Environmental Corridor-Conservancy (Town). The non-residential categories require the lands be developed at a minimum 5-acre density. The proposal conforms with both plans.

PLANNER COMMENTS:

The petitioner has purchased a total of three separate parcels containing approximately 44.6 acres, and would like to re-divide two of them through this three parcel Conceptual CSM and construct a new single family residence on proposed Lot 3. Proposed Lot 2 contains an existing single family residence accessed via a gravel driveway. The parcels contain PEC (shown on the CSM per GIS), wetland (shown on the CSM per GIS), slopes in excess of 12% and up to 30%, hydric soils, and a pond. There is an existing 50' wide access easement for a Conservation Easement created for the Waukesha County Land Conservancy in 2003. This Conservation Easement encompasses 29.7 acres including the northern 2/3 of Lot 1, an l-shaped area in the northern portion of proposed Lot 2, and a u-shaped portion on the north, east, and south sides of

proposed Lot 3. Proposed Lot 3 will require the 50' wide access easement to be extended in order to serve the proposed residence. It should be noted that an easement must be a minimum width of 66' when it serves more than one parcel. Therefore, the easement will have to be widened from Moraine Hills Drive across Lot 1 to the 66' wide easement. Not more than two parcels shall be permitted unless necessitated by exceptional circumstances. The width of the common portion of the driveway must be a minimum of 16' in width (a minimum of 12' thereafter), unless required to be greater pursuant to local Ordinance.

Relative to the Town's adopted Land Division Review Checklist and review of the conceptual land division, the following list of items need to be addressed upon submittal of a preliminary CSM to the Town Planner and the Town Engineer:

Items 1, 5, 8, and 22 are Town Plan Commission action items.

1. Approval of a lot not abutting a public road must be obtained from both the Town Plan Commission and the Waukesha County Park and Planning Commission. A note must be placed on the CSM indicating that the Waukesha County Park and Planning Commission approved the creation of a lot not abutting a public road. The Waukesha County Planning and Zoning Division may also be required to review the CSM and, by Ordinance, have 90 days from the date of a submittal to conduct their review. In addition, because proposed Lots 2 and 3 do not abut a public road, they also do not have the required 40' of access on a public road, and a waiver would be required.
2. A conforming disturbance envelope shall be established for proposed Lot 2 entirely outside of the PEC and a statement shall be added to the CSM limiting the disturbance on proposed Lot 2 to those areas outside of the PEC. Driveways and septic sites may also have to be preplanned due to the limitations and difficulties of the physical features of the lands being developed.

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3. Soil borings and a copy of the Soil Evaluation Report (soil boring report) verifying that proposed Lot 3 contains suitable soils for an On-site Sewage Disposal System, based on the Waukesha County Code of Ordinances Regulating On-Site Sewage Disposal Systems, must be submitted for review and approval **with** the Preliminary CSM. The location of the borings with numerical cross reference to the data shall be shown on the CSM. If those soil borings indicate the presence of seasonal high groundwater less than three feet below the ground surface, a Basement Restriction shall be placed on the CSM (refer to **sample below**). A Sanitary Permit shall be issued by the Waukesha County Environmental Health Division (EHD) **prior to** the issuance of any permits for the construction of a new residence. Further, the owners must apply to the EHD for a

Preliminary Site Evaluation (PSE) of the existing septic system on proposed Lot 2 **with** the submittal of a Preliminary CSM. If a problem is discovered as a result of the PSE, that problem must be resolved or a Sanitary Permit issued for a new septic system, **prior to** the submittal of the Final CSM.

4. Since the actual driveway is within the proposed shared driveway easement and will be a shared driveway, a Driveway Access Easement and Maintenance Agreement, outlining access rights and who will be responsible for maintenance of the shared portion of the driveway, shall be submitted to the Town Attorney for review **prior to** the submittal of a Final CSM.

The approved Agreement must be recorded in the Waukesha County Register of Deeds office **at the same time as the CSM** and a note must be placed on the CSM indicating that a Driveway Access Easement and Maintenance Agreement is on file in the Waukesha County Register of Deed's office. The Town Attorney may be able to provide a sample.

5. The Town should determine if they want the wetland and PEC field delineated and surveyed on the CSM. If approximate locations are acceptable, the following notes shall be placed on the CSM:

“The wetland boundary shown on this Certified Survey is an approximate boundary taken from the Wisconsin Department of Natural Resources Wetland Inventory Map and shown on the Waukesha County Internet Mapping Site. If a building is proposed to be constructed in close proximity to the wetland, it may be necessary for the wetland boundary to be field delineated.”

This Certified Survey Map contains lands that are in a Primary Environmental Corridor, as designated by the Southeastern Wisconsin Regional Planning Commission. The PEC areas shown on the CSM must be labeled, “Primary Environmental Corridor, as designated by the Southeastern Wisconsin Regional Planning Commission, and shown on the Waukesha County Internet Mapping Site.”

6. A wetland-PEC preservation statement shall be placed on the CSM (refer to **sample below**). The references to floodplain can be removed from Sheet 5 of the CSM as there is no floodplain on this CSM. Further, it shall be referenced on Sheet 1 of the CSM that those areas within the Primary Environmental Corridor or Wetland are subject to the Primary Environmental Corridor/Wetland Preservation Restrictions noted on Sheet 5.

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7. All slopes 12% or greater shall be shaded or otherwise identified on the CSM. Further, a note shall be placed on the CSM stating all slopes 12% or greater shall be preserved in

- permanent open space. It is recommended this information be placed on a separate sheet with the required 2' topo contours to clearly show the information and avoid too much information being shown on other sheets.
8. No more than 50% of any lot shall have slopes of 10% or greater. The surveyor shall calculate this requirement for each lot and provide the results to the Town, and request a waiver from the Town Plan Commission and Town Board from this requirement, if necessary.
 9. The County Treasurer and Town Treasurer/Clerk Certificates can be removed from sheet 6.
 10. There appear to be structures (accessory buildings, garages, swimming pools, etc) within 50' of the south and west lot lines of proposed Lot 3 that must be shown on the CSM. In addition, all buildings/structures shown on the CSM must be labeled as to their use.
 11. Utility easements as required by the Town Engineer and the Town's Ordinance shall be shown on the CSM.
 12. If required, the Waukesha County Land Resources Division (LRD) must review and approve the Storm Water and Erosion Control Plans and issue a permit/Certification of Compliance, and statements (access, maintenance, etc.) regarding Erosion Control and Storm Water Management must be included on the face of the CSM. Basement soil tests shall be submitted **with** permits for construction. A one foot separation distance from the bottom of the basement floor to groundwater is required.
 13. A note must be placed on the Certified Survey Map indicating that Lot 1 is not considered a buildable lot until soil tests are taken and permits are issued for a state-approved septic system.
 14. The 50' wide access easement from Moraine Hills Drive must be upgraded to 66' in width for its entire length to meet the requirements of the Zoning Code.
 15. The owner per the Tax Roll is W344 S3443 Moraine Hills Drive LLC. The Surveyors Certificate on Sheet 4 not only is incomplete but also lists the Leikam's as the owners, as does the Owner's Certificate on Sheet 5. The owner is listed as W344 S3443 Moraine Hills Drive LLC. If there is a mortgage, a Mortgagee's Certificate shall be added to the CSM.
 16. A note shall be placed on the CSM that the lots shall not be further divided unless all lots have direct access to a public road and meet all other requirements in effect at the time for dividing land.
 17. Proof must be submitted that the soils in the Other Open Lands to be Preserved land use

category are suitable for development or they must be preserved and a preservation note shall be placed on the CSM.

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18. The DNR's Bureau of Endangered Resources should be contacted regarding this project.
19. The following technical items shall be shown on the submittal of the Preliminary CSM: Moraine Hills Drive and its proper width should be labeled on Sheet 2, and the road name shall be properly labeled on Sheet 1; the 30 feet of ROW dedication should be noted on Sheet 4; 2' topo contours (see #7 above); soil types (could be shown using a small location type map); show the approximate 75' wetland setback line(s); list the required zoning setbacks/offsets for the A-2 C-1, and EC zoning districts (table format is fine); locate the existing well and septic system; add location map; and include the name of the property owner (see #15 above).
20. The names of adjacent subdivision lots and the owners of abutting unplatted lands shall be added to the north, south and east side of the CSM.
21. The Surveyors Certificate should be signed, and all pages of the CSM should be sealed and signed with the same revision date.
22. The design and lot configuration and lot line angles are somewhat unorthodox. However, the boundaries of Lot 1 are not changing, and the layout of proposed Lot 2 and Lot 3 are constrained by an existing Conservation Easement, limited access to a public road, as well as a number of physical features (PEC, wetland, steep slopes, hydric soils, and a pond). Therefore, if the Town feels these items require waivers, they should take such action.

No formal recommendation is being made at this time, as this is a Conceptual submittal, and the review comments, concerns, and suggested conditions noted above are provided to the petitioner and the Plan Commission for discussion purposes only (with the exception of action on any waivers). The discussion by the Plan Commission on this matter shall in no way be considered a formal action or approval by the Plan Commission (with the exception of action on any waivers). The review conducted was for conceptual purposes only, and the staff reserves the right, after review of an official CSM submittal, to make further comments and add formal conditions. For informational purposes, what follows are the Town's additional Standard CSM Conditions, if a CSM were to be submitted and conditionally approved. These conditions are in addition to any future Planner comments, questions, concerns, and suggested conditions (similar to those noted above) and any future Town Engineer comments.

Town of Ottawa Standard CSM Conditions:

1. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Land Division and Development Ordinance; and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Preliminary and Final CSM, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

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2. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
3. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, as applicable, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
4. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to commencing construction of any improvement, whether public or private, or site development, or approval of the Final CSM, whichever is earlier.
5. The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

6. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

7. Subject to the Developer applying for and receiving from the Town Plan Commission, Town Board, and Waukesha County, all necessary variances and waivers (if any) to the Waukesha County Zoning Code, the Waukesha County Shoreland and Floodland Protection Ordinance, the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, and the Town of Ottawa Land Division and Development Ordinance prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier. This conditional approval document shall not be read as providing any assurance or expectation that such variances or waivers will be granted, and shall not vest any right regarding the grant of such variances or waivers.

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Based upon the above information, it is recommended the Town Plan Commission recommend the petitioner proceed with the submittal of an official CSM, and recommend approval of the waivers requested herein to the Town Board.

PLEASE BE ADVISED THAT THE CSM MUST BE RECORDED WITH THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE WITHIN 90 DAYS OF THE FINAL APPROVAL BY THE TOWN BOARD OR IT IS REJECTED AND THE OWNER MUST RECOMMENCE THE ENTIRE CSM PROCEDURE, IN ACCORDANCE WITH THE TOWN'S LAND DIVISION AND DEVELOPMENT ORDINANCE.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Town Planner

WETLAND-PRIMARY ENVIRONMENTAL CORRIDOR RESTRICTIONS

Those areas of land which are identified as Wetland-Primary Environmental Corridor Preservation Areas on Page ____ of ____ on this Certified Survey Map shall be subject to the following restrictions:

1. Land altering activities are prohibited within the Wetland-Primary Environmental Corridor Areas. Areas of disturbance shall be limited to those areas located outside of the EC Environmental Corridor District.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The cutting, removal, or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited, with the exception of the removal of four or fewer dead, dying, or diseased trees from a single property within a one year time period, the removal of invasive species, or the removal of vegetation necessitated by the extension of utilities to public or private property and shall not require a permit in the Zoning Code EC District. The cutting or removal of trees and vegetation related to the implementation of a forest management plan approved by the Zoning Administrator or his/her designee is allowed in the Zoning Code EC District. A permit, a cutting plan, and a replanting plan are required for the cutting, removal, or destruction of any vegetation, including dead, dying, or diseased trees or the removal of invasive species in the SFPO EC District. A letter of credit may also be required.
4. Grazing and pasturing of livestock shall be located outside of the Wetland-Primary Environmental Corridor Areas and any areas zoned EC Environmental Corridor.

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5. The introduction of plant material not indigenous to the existing environment of the Wetland-Primary Environmental Corridor Areas shall be prohibited.
6. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin

Department of Natural Resources and the Army Corps of Engineers.

7. Construction of buildings and the placement of building envelopes within the Wetland-Primary Environmental Corridor Areas and the EC District is prohibited.

BASEMENT RESTRICTION – GROUNDWATER

Although all lots in the Certified Survey Map have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some lots contain soil conditions which, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement and foundation which will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

Planner Scherer added that the Leikam's have purchased this piece of property, and the Town would need to include in the discussion any construction, as there are many slopes on these properties, but that the proposed building site is in an open area.

Chairman Arrowood stated that this is another land locked parcel, and that we need to consider that the driveways are all off of the same easement shared with the Waukesha Land Conservancy as well. He further added that Lot 1 may not be buildable, as there is no useable frontage. He also added that if lot 1 is not buildable, he should consider combining two of the three lots. With the easement, there are 3 people using the driveway now, and a possible 4th if there were new construction.

Mr. Leikam was in the audience. He asked why lot 1 is not buildable? Planner Scherer answered that there would need to be soil tests done. Mr. Leikam asked if it would be potentially buildable? Planner Scherer responded there is a conservation easement and that could put a stop to construction with the additional ingress/egress. Commissioner Weber explained that there is a reason there is a Conservation Easement on the property. This is a very special and unique property that needs to be developed very carefully.

Mr. Leikam stated that Lot 1 has been a separate lot since the 1960's. The owners, the Davidsons, bought the 20 acres behind it. He felt certain restrictions had changed. The Conservation Easement scares some buyers. He added that there is one possible place to put a home in the SE area of the parcel. Chairman Arrowood stated that this needs to be approved for

what's best for the Town of Ottawa, and that flag lots and easements are not in the right direction. There are problems created for down the road, and he would like to see this done right. Mr. Leikam explained that he would like to leave Lot 1 as it is, and take the next 2 lots and change the sizes to allow one to be buildable. The other would contain the existing home. Chairman Arrowood responded that this would need to be drawn out for the Plan Commission to see. Commissioner Kershek inquired about how many users there are for the ingress/egress easement? Chairman Arrowood responded that there would be 4 users: Lot 1, Lot 2, Lot 3 and the Waukesha Land Conservancy.

Planner Scherer added that this is a Conceptual Plan. If there were to be intent to do any building on Lot 1, soil tests would need to be submitted first.

Commissioner Weber made a motion to approve of the lot not abutting the road and to waive the 40 ft. of frontage required on a public road, conditioned upon submittal of a Certified Survey Map for 2 lots. Commissioner Franklin seconded. Commissioners Hausser and Mundschaug voted "nay". The motion carried.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Commissioner Kershek made a motion to approve the minutes from the meeting held on October 6, 2014 as submitted. Supervisor Hausser seconded the motion and it carried.

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

Respectfully submitted, Lori Geyman, Deputy Clerk, Town of Ottawa