

OTTAWA PLAN COMMISSION
March 2, 2015

Chairman Arrowood called the Joint Public Hearing with the Ottawa Plan Commission and a staff representative of the Waukesha County Department of Parks and Land Use to order at 6:00 p.m. to consider the Conditional Use of Cliff Koutnik for land altering activities in conjunction with the construction of a single family residence.

Planner Scherer read the Notice of Public Hearing and through a portion of the Planner Report and Recommendation as follows:

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: March 2, 2015

FILE NO.: SCU-1602

PETITIONER/OWNER: Cliff Koutnik
2335 N. 85th St.
Wauwatosa, WI 53226

TAX KEY NO.: OTWT 1639.999.013

SENT VIA EMAIL

LOCATION:

Lot 2, CSM No. 8387, Volume 73, Page 262, located in the SW ¼ of Section 14, T6N, R17E, Town of Ottawa. More specifically, the property is located on the southwest side of CTH D between 2,000 and 2,500 feet southeast of STH 67, containing 9.2 acres.

ZONING CLASSIFICATION(S):

A-5 Mini-Farm District, A-E Exclusive Agricultural Conservancy District, EC Environmental Corridor District, and C-1 Conservancy District all under the Waukesha County Shoreland and Floodland Protection Ordinance (WCSFPO).

EXISTING LAND USE(S):

Vacant land with four accessory buildings (two story barn, two silos, and a milkhouse)

REQUESTED LAND USE:

Land-altering activities in conjunction with the construction of a single family residence with an

attached garage, screen porch, covered porch, deck, and retaining walls.

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

Both plans designate the subject property as Rural Density Residential and other Agricultural Land, Open Lands to be Preserved, and Primary Environmental Corridor (all 5 acre density categories). The proposal conforms with both plans so long as the proposed use is a permitted use in the residential land use category, the natural resources are not disturbed or otherwise impacted, and adverse drainage is avoided, all of which can be accomplished with the conditions recommended below.

PLANNER ANALYSIS:

The subject parcel is 9.2 acres and was created in 1997 as part of a Certified Survey Map. The lot currently contains four outbuildings (allowed to remain per a variance in 2013) and is located on the south side of CTH D. The building area is fairly level according to the topography on the County's GIS website. The site does slope gently to the rear of the building area, but once outside of the building area, the slope of the site starts to increase more sharply. There is also a minor navigable stream that flows from the south where it enters the property at the south end, through the central portion of the parcel, and then where it exits the wooded area at the mid-point of the property, it flows in a westerly direction and then continues along the west lot line, passing through the culvert under CTH D to the north side of CTH D. The wooded area on the property was delineated as Primary Environmental Corridor and wetland by the SEWRPC on August 28, 2014.

The wetlands within the PEC have been deemed higher quality wetlands and therefore any impervious surface must maintain a minimum 75 foot protective area from said wetlands. In addition, the wetland located outside of the PEC requires a 50 foot protective area due to the presence of an intermittent stream. In any case, the WCSFPO requires a 75' wetland setback from any building or structure unless the existing natural ground elevation adjacent to the lowest floor level (including the exposed basement) it is at least 3' above the high water mark of the conservancy area.

Although the soils in the building area are mapped as hydric with hydric inclusions, the soils tests revealed otherwise. A Soils Exploration, Foundation Evaluation, and a Seasonal High Groundwater Evaluation Report prepared by Brad Broback, P.E., of MES, Inc. was prepared on April 18, 2014. A Form A Interpretive Report was included in the report which concluded the depth to the seasonal high water table was approximately 4 feet below the ground surface at the house site. The footings will go in the ground approximately 4-5 feet. Due to these limiting physical features, the building site is not conducive to constructing the basement in the ground and therefore the owner is proposing to construct a slab on grade basement out of the ground and then to bring in fill to compensate for the portion of the home above grade in accordance with the

Grading Plan (Exhibit A). Therefore, the proposal will comply with the lowest floor of a proposed residence having a minimum of 1 foot of separation from the estimated seasonal high groundwater table and required by both the Waukesha County Storm Water Ordinance and the WCSFPO. Only a small portion of the basement will end up being exposed at grade with a walk out and sliding glass door at the exit, and the deck and screen porch above. There is also an egress window with a window well on the east wall of the finished basement for a guest bedroom. The construction will also require retaining walls at the front and rear of the home. Additional septic tests revealed hydric soils at 11 inches, however in the area where the septic is proposed in the northeast corner of the site, the parcel perks for a conventional septic system.

A Conditional Use Permit is required for land altering activities associated with new home construction when the activities exceed normal backfill. The Planning and Zoning Division has determined that the proposed construction and related land altering activities exceed normal backfill for new home construction and therefore a Conditional Use Permit is required. The proposal (outlined in Exhibit B) is to strip and reuse approximately 200 cubic yards of topsoil in re-vegetating the area immediately around the house upon completion of construction (spring 2015) as shown on the Re-Vegetation Plan (Exhibit C). Approximately 34,000 square feet of area will be disturbed according to the Plat of Survey showing the Grading Plan (Exhibit A). Some of the grading will be in excess of 30 feet from the foundation of the proposed residence. It is unknown how many cubic yards this equates to, but the plan indicates about 3-4 feet of fill being added to the rear of the home and as much as 10 or 11 feet to the front of the home, so it is estimated this will be well in excess of 15 cubic yards of material. While there is an approximately eleven foot maximum yard grade difference at the roadside of the proposed residence, because the size of the parcel is so large and the slope up to the house is gradual, the amount of fill will be less noticeable. While additional soil investigation could be done to possibly locate the home further north on the site, the owner does not wish to locate his home closer to CTH D. The owner did take steps to reduce the amount of fill needed by lowering the garage by 4 feet from the first floor, having steps up to a front porch, and constructing retaining walls. Since this is a 9.2 acre property and the residence is proposed in the middle of the parcel, no adverse affects from this project are anticipated on adjoining properties or to the environmental features on the site.

The rest of the report would be presented during the Plan Commission Meeting.

Mr. Koutnik was present and stated that his start date for building would be closer to June 30 2015, so the vegetation plan would likely not be until 2016. Planner Scherer responded that they would adjust the deadlines, and would change some conditions as well as for site stabilizing over the winter for the County.

Supervisor Goodchild made a motion to close the Public Hearing. Commissioner Kershek seconded the motion and it carried.

Chairman Arrowood called the meeting of the Ottawa Plan Commission to order at 6:20 p.m. Roll call attendance was taken. Plan Commissioners Kershek and Mundschau were present as well as Supervisor Goodchild.

The first item on the agenda was for Discussion and Action of the Koutnik request for a Conditional Use for Land Altering Activities. Planner Scherer read from the remaining portion of her report as follows:

PLANNER RECOMMENDATION:

Based on the above information, it is recommended the Town Plan Commission recommend approval of the request to the Waukesha County Park and Planning Commission subject to the following conditions:

1. The recommendation of the Town of Ottawa shall be an integral part of the Conditional Use Permit (CUP). The Conditional Use shall be reviewed and approved by the Waukesha County Park and Planning Commission, and all conditions contained in the final approval shall be complied with. No work shall commence until all required permits are issued.
2. The owner shall apply for and receive a Storm Water Permit from the County Land Resources Division (LRD) prior to the issuance of the CUP, if applicable. The silt fence and/or other required erosion control methods should be properly installed prior to commencing construction and be properly maintained throughout the duration of the project and until vegetation has been established and the site is stabilized. Any potential wetland impacts shall also be reviewed. They require elevations to use NGVD29.
3. The Grading Plan (Exhibit A) shall be reviewed and approved by the Town Planner, the County Planning and Zoning Division, and the County LRD, if applicable. The Grading Plan shall indicate that the land altering activities conducted on the subject property shall not create adverse drainage on adjoining properties (refer to Condition #8 below).
4. Slopes shall not exceed 3 (horizontal) to 1 (vertical).
5. The Re-vegetation Plan (Exhibit C) shall be reviewed and approved by the Town and the County prior to the issuance of any permits. All work shall be completed in accordance with the Re-vegetation Plan. A minimum of 4" of topsoil shall be used to restore the area of disturbance.
6. The land altering project shall be completed and the area completely restored and re-vegetated in accordance with the approved Grading Plan and Re-vegetation Plan no later than June 30, 2015, unless an extension is granted by the Ottawa Town Planner and the Waukesha County Planning and Zoning Division Staff upon just cause. Any request for an

extension to the June 30, 2016 deadline must be submitted no later than May 8, 2016.

7. Absolutely no land altering activities shall occur in the area zoned environmental corridor (EC), the PEC, or the wetland (C-1 zoned) areas. The EC zoned area is identified as the drip lines of the trees located along the outer edge of the EC zoned area, and the PEC and wetland are as shown on the SEWRPC report. These areas are also shown on the Grading Plan. Where deemed necessary by the Town Planner and the County, the PEC and wetland shall be staked off with construction fencing to ensure that no land disturbance activities occur in said areas, prior to the issuance of any permits. All contractors on the site shall be made aware of these protective areas by the property owner before commencing any work on the site.
8. The land altering activities conducted on the subject property shall not create any adverse drainage, run off, flooding, unfavorable topography, erosion, or sedimentation which would adversely affect the subject property, adjacent properties, or any environmental areas, either during or after construction as indicated in Condition #3 above.
9. Subject to the proposed land altering activities being completed in compliance with the plans and supplemental information approved by the Town of Ottawa and Waukesha County, unless modified herein. In the event the project is not completed and the property properly restored according to the specifications, the petitioner shall take corrective action by a deadline set by the Town Planner and the County PZD and/or request to amend the CUP.
10. This Conditional Use Permit shall be issued within one year from the date of the final approval by the County or the approval shall be null and void, unless an extension to issue the permit is granted by the Town of Ottawa Plan Commission for just cause.
11. All Preservation Restrictions noted on the recorded CSM shall be adhered to.
12. All necessary permits and approvals (for driveway and culvert access and construction) shall be obtained from the Waukesha County Department of Public Works and the Town of Ottawa prior to the commencement of any land altering activities, if applicable.
13. The construction of a residence on the property will require the issuance of additional permits and must comply with all applicable zoning regulations in effect at the time of said permit issuance. A plan, certified by a professional engineer, must be submitted for the retaining wall construction prior to the issuance of any permits for the new home construction, if the walls are four feet or more in height.
14. It shall be the responsibility of the owner to ensure that any necessary permits/approvals are obtained prior to any land altering activities occurring within any utility easements.
15. The proposed septic area and alternate septic area shall be staked off with construction

- fencing to protect them and ensure that no land disturbance activities occur in said areas. This shall be accomplished prior to the issuance of any permits. All contractors on the site shall be made aware of these protective areas by the property owner before commencing any work on the site.
16. The applicant shall allow the premises to be available for inspection by the Town of Ottawa and Waukesha County officials at any reasonable time and upon reasonable notice.
 17. The Town and County reserve the right to review any condition imposed as part of this Conditional Use if said use becomes a problem in the area. The Town Plan Commission and the Waukesha County Park and Planning Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Shoreland and Floodplain Ordinance.
 18. A plat of survey shall be submitted, clearly identifying the PEC and wetland boundaries as delineated by the SEWRPC, prior to the issuance of any permits.
 19. The Town Attorney shall review the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.
 20. Subject to the Standard Town of Ottawa Conditional Use conditions as follows:
 - A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission and the Waukesha County Park and Planning Commission for determination.
 - B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, code, regulation, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a zoning or building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.
 - C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission and the Waukesha County Park and Planning Commission as being in compliance with all pertinent ordinances.

D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Plan Commission and the Waukesha County Park and Planning Commission, pursuant to the enforcement provisions of this Conditional Use Order, and all applicable ordinances.

E. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

F. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Town Plan Commission and the Waukesha County Park and Planning Commission if the Town Plan Commission and the Waukesha County Park and Planning Commission find the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Town Plan Commission and the Waukesha County Park and Planning Commission feel, in their sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.

G. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.

H. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Park and Planning Commission.

I. The Petitioner is obligated to file with the Municipal Clerk a current mailing address and a current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this conditional use permit. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional use permit, including proceedings to terminate this conditional use permit.

J. The petitioner shall accept the terms and conditions of the Conditional Use approval in its entirety, in writing, prior to the issuance of a Conditional Use Permit.

K. Professional Fees. The petitioner shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this conditional use, 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.

L. Payment of Charges. Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their agents, 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 30 days of the 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.

As conditioned, the approval of the proposed land altering request will allow the construction of a single-family residence with an attached garage on the property which should not adversely affect the adjoining properties, or the surface or groundwater drainage conditions on the subject lot or adjacent parcels, or the PEC or wetland areas. Due to high groundwater conditions, it would be difficult to construct a home with an in ground basement in this area and therefore the petitioner is proposing to build a house with the basement constructed out of the ground and bring in fill to compensate for the filling and grading challenges. The proposed changes to the topography will not be significant when considering the overall size of the parcel. Therefore, the proposed filling activities will allow the residence to be constructed with a basement out of the ground while providing for a reasonable and substantial single family residence that is consistent with the Waukesha County and Town of Ottawa Comprehensive Development Plans, and is within the spirit and intent of the Waukesha County Shoreland and Floodland Protection Ordinance.

Respectfully submitted,

Sandy Scherer
Town Planner

Supervisor Goodchild asked Mr. Koutnik if he was comfortable with the conditions in the report? Mr. Koutnik responded, “yes”. Supervisor Goodchild made a motion to approve the request in accordance with the conditions as presented by Planner Scherer, including the changes to Conditions No. 2 and No. 6, and the addition of Condition No. 21 as discussed in the meeting. Commissioner Mundschau seconded the motion and it carried.

The next item on the agenda was for Jeff Foat, W349 S3280 Waterville Road, Oconomowoc, WI, requesting a Conceptual Land Division and necessary waivers, including discussion regarding the need for possible rezoning. Planner Scherer read from her report as follows:

PLANNER REPORT
CONCEPTUAL LAND DIVISION

SENT VIA EMAIL

DATE: March 2, 2015

PETITIONER/OWNER(S): Jeff Foat
 W349 S3280 Waterville Road
 Oconomowoc, WI 53066

TAX KEY NO(S):

OTWT 1634.999.003 (the Foat’s also own a 3.05 acre lot adjacent to the north, Tax Key No. OTWT 1634.012)

LOCATION:

Lot 1, CSM No. 4884, Volume 39, Page 289, located in the NW 1/4 of Section 13, T6N, R17E, Town of Ottawa. More specifically, the property is located at the Waterville Road address cited above.

LOT SIZE(S):

16.57 acres (per CSM, however that only excludes a 33’ ROW and the SHW Map now requires a 40’ ROW or 0.09 acre, leaving a lot size of 16.48 acres).

EXISTING USE(S): Residential and four outbuildings

REQUESTED USE(S):

A two lot CSM (3 acres and 13.5 acres). Each lot would have access from Waterville Road.

WAUKESHA COUNTY ZONING CODE – ZONING DISTRICT CLASSIFICATION(S):

A-5 Mini-Farm (5 acre minimum lot size, 300' minimum average width). Since a three acre parcel is being proposed, the land division proposal does not conform with the zoning requirements, and therefore the owner would likely propose a rezone for the smaller parcel; and while although a rezone would comply with the CDP (see requirements below), a proposed zoning change (the petitioner was thinking about proposing to rezone the three acres to A-3) would not be consistent with the surrounding area's zoning (refer to Exhibit A), and therefore it is recommended the proposal be amended to increase the size of the parcel to a minimum of five acres instead to meet the zoning district regulations and thus avoid the need for a zoning change.

If the petitioner requests a rezone of the three acres to A-3 (min. two acres, 175' ave. width), this not only presents the challenges noted above, but it also limits the uses of the property to, for example, one head of livestock such as a horse, (but only) if the lot is at least three acres in size; whereas if the property were rezoned to A-1 (min. 3 acres, 200' ave. width) and were at least a minimum of five acres in size, the number of livestock, for example, horses, would be unlimited and perhaps make the property more salable. However, since the property is already zoned A-5, these uses are already available if the petitioner simply increases the size of the proposed parcel to a conforming five acres as noted above.

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SOIL TYPES:

The SCS soil types indicate the soils are well drained with an area of steeper slopes in the northeast portion of the larger parcel.

SUBMITTAL OF SOIL TESTS: None.

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

The WCCDP and the Town's CDP designate the property as Suburban Density Residential II (3.0-4.9 acres per dwelling unit). The proposal conforms with both plans.

PLANNER COMMENTS, QUESTIONS, CONCERNS, AND SUGGESTED CONDITIONS:

As mentioned above, the petitioner is proposing a two lot CSM (3 acres and 13.5 acres) that would require a zoning change. Each lot would have access from Waterville Road, a state designated Rustic Road in the Town of Ottawa. The recorded CSM dedicated only 33' of ROW for Waterville Road, whereas the adopted Street and Highway Width Map for Waukesha County requires 40' of ROW on each side of the centerline of Waterville Road. Therefore, additional ROW must be dedicated with the CSM. The property contains an area of steeper slopes in the

northeast corner of the larger parcel. The four accessory buildings were approved by the Town in 2010 (only two are permitted by ordinance). It should be noted the petitioner also owns a 3 acre parcel to the north of the subject property.

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 shown on the face of a CSM and/or submitted in conjunction with the submittal of a Preliminary CSM to the Town Planner and Town Engineer.

Items 1 and 2 are Plan Commission action items.

1. Any contiguous area owned shall also be shown on the CSM unless the Town grants a waiver.
2. Utility easements, if and as required by the Town of Ottawa Land Division and Development Ordinance and the Town Engineer, shall be shown on the CSM, unless a waiver is granted.
3. Soil tests for the larger lot must be submitted for review and approval with the submittal of the Preliminary CSM. The location of the borings shall be shown on the CSM with numerical cross references to the date. The County EHD must approve the functionality of the existing septic system on the smaller lot prior to the submittal of a Final CSM. A Sanitary Permit shall be issued by the County EHD prior to the issuance of any permits for the construction of a residence on the larger parcel.
4. The following technical items shall be shown on the formal CSM submittal: list the required zoning setbacks/offsets for the A-5 zoning district (table format is acceptable); locate the existing well and septic system (and any wells that may be within 100' of the existing or proposed septic systems on site); add location map; the names of adjacent subdivision lots and the owners of abutting unplatted lands; the current name of the road; the 80' established ROW

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width of Waterville Road and any additional ROW dedication required; current address of the owner; all required signature certificates; proper survey monumentation (two are required), the existing access drive; all structures/buildings existing on site and within 50' of the site and all of their uses; number the sheets of the CSM and ensure they all contain the same revision date; current surveyor name, address, and phone number; lot numbers and dimensions; total acreage; acreage and square footage of each lot; etc.

5. Two-foot topographic contour lines and soil types shall be shown on the CSM. Separate detail maps are recommended for both items.
6. The petitioner shall submit all information required by the Town Building Inspector and

the Town Engineer for their review in order to approve of the most proper and safe location of an access to the larger parcel. This location shall be finalized prior to the submittal of the Final CSM.

7. The owner should contact the County LRD and inquire about any storm water requirements/permit prior to the submittal of the Preliminary CSM.
8. If further divisions of the larger parcel are contemplated in the future, an overall conceptual development plan must be submitted with the Preliminary CSM for review and consideration by the Town Plan Commission. A note may need to be placed on the face of the CSM stating that there shall be no further land divisions involving any lots on the CSM without Town approval of the land division and the construction of a public road extended to serve all lots within the (larger) land division, and the proposed land division meeting all other requirements in effect at the time of the proposed land division unless otherwise waived by the town.
9. For a period of time, the horse barn/arena will be located on a lot without a principal residence. That issue must be addressed prior to the approval of the CSM and prior to the issuance of a Zoning Permit for the new home. Further, the smaller parcel would have three accessory buildings, whereas the maximum is two per the zoning code. The Town Plan Commission should approve of this situation prior to the approval of the Preliminary CSM.
10. Prior to the submittal of a Preliminary CSM as proposed, a zoning change must be approved by the Waukesha County Board of Supervisors. However, as outlined in this report and for the reasons given herein, it is recommended the petitioner increase the size of the three acre parcel to a minimum of five acres to avoid the need for a zoning change.
11. There is a very small amount of slopes in excess of 12% on the property. The Town's LDDO requires that all slopes 12% or greater shall be shaded or otherwise identified on the CSM. Further, a note shall be placed on the CSM stating the slopes 12% or greater as identified on the CSM shall be preserved in permanent open space. It is recommended this information be placed on a separate detail map with the required 2' topo contours to clearly identify this information.

No formal recommendation is being made at this time, as this is a Conceptual submittal, and the review comments, questions, 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 would be 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.
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 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.

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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.

Based upon the above information, it is recommended the Town Plan Commission recommend the petitioner proceed with the submittal of an official CSM, only if (1) the size of the three acre parcel is increased to a minimum of five acres, or (2) a zoning change is first approved by the Waukesha County Board of Supervisors, and recommend approval of the waivers requested herein to the Town Board, as applicable.

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

Chairman Arrowood asked the petitioner if he would be willing to make the lot a 5 acre lot? Commissioner Mundschau stated that wouldn't work due to needing 300 ft. of road frontage. Planner Scherer stated that it could be rezoned to A-1 to allow for 200 ft. of frontage. However, the lots only need to meet a minimum average width, and if designed properly, it could be done with this proposal. If the width of the lots do not meet the ordinance requirements, that issue would need to be addressed by the Waukesha County Board of Adjustment. They also want to make sure they are avoiding any need for flag lot or lot not abutting a public road approval. Commissioner Kershek asked Mr. Foat why they were looking for 3 acre lots, and not 5 acre lots? Mr. Foat responded that they were looking at surrounding lots being 3 acres, and at this point were looking to see what their options were. Chairman Arrowood stated that if the Foats propose dividing off 5 acres, that would still leave them with 11 ½ acres, and the lots would conform better with the existing requirements. Mr. Foat stated he would consider that, but was not his first choice. Commissioner Kershek stated the land division would depend on the design. He added that the Foat's should submit a conceptual proposal if they were hoping to have three lots. Planner Scherer agreed, and added that the Foat's could take the suggestions provided tonight and have a concept plan drafted to bring before the Plan Commission for review. Chairman Arrowood told the Foat's that the suggestions offered here tonight are to propose a 5 acre lot, and present a conceptual plan.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Supervisor Goodchild made a motion to approve the minutes. Commissioner Mundschau seconded the motion and it carried.

Commissioner Mundschau made a motion to adjourn. The motion was seconded by Supervisor Goodchild and carried.

Respectfully submitted,

Lori Geyman, Deputy Clerk, Town of Ottawa