

## OTTAWA PLAN COMMISSION June 1, 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 and Site Plan and Plan of Operation (SPPO) for Carole Schueler, W349S2874 Waterville Road, Oconomowoc, for a commercial horse boarding stable. Also to consider the Conditional Use request of the Town of Ottawa, W360 S3337 STH 67, Dousman, to conduct land altering activities in an upland area owned by the Pretty Lake Protection District (PLPRD), W376 S5226 Pretty Lake Road, Dousman, with spoils removed from a separate dredging project on Pretty Lake.

Planner Scherer read the Notice of Public Hearing as follows:

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Town of Ottawa Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use - Planning and Zoning Division on Monday, June 1, 2015 at **6:00 p.m.**, at the Ottawa Town Hall located at W360 S3337 STH 67, Dousman, WI, 53118, to consider the Conditional Use request (**CU-1606**) of **Carole Schuler (Schueler Revocable Living Trust)**, W349 S2874 Waterville Road, Dousman, WI, 53118, to operate a commercial horse boarding facility on property she owns at the Waterville Road address above and described as follows:

Lot 4, CSM No. 8798, Vol. 78, P. 188, and Lot 3, CSM No. 8797, Vol. 78, P. 184, located in the SW 1/4 of Section 12, T6N, R17E, Town of Ottawa. More specifically, the property is located at the Waterville Road address cited above.

All interested parties will be heard.

Legal Notice to be published in  
the Kettle Moraine Index on  
Thursday, May 14, 2015 and  
Thursday, May 21, 2015.

Chairman Arrowood opened the hearing for public comment. Speaking on behalf of Carole Schuler was Attorney Mike Schober, 2835 S. Moreland, New Berlin, WI 53151. He referred to Planner Scherer's report and conditions and felt all conditions were appropriate. He explained the horses are only brought indoors during extreme weather conditions. So even though there will be a maximum of 17 horses with only 16 stalls, there is also the large indoor riding arena for shelter. He further indicated they understand they have to stay out of the SEC, wetland and hydric soils to the rear of the property, and that if the septic system is marginal for the use that they will have to resize or replace the system. Planner Scherer indicated the County LRD is reviewing the manure management plan, but is waiting to see how many

horses are approved before rendering their approval. She also indicated that no stormwater permit will be required. Supervisor Goodchild asked if there had been any complaints with the existing non-commercial operation? Chairman Arrowood and Deputy Clerk Geyman responded there were none. Chairman Arrowood stated if there was anyone else who wished to be heard to please state their name and address followed by their remarks.

Andrew and Elle Ragatz, W349 S2930 Waterville Rd, Oconomowoc: They live to the south of Carole Schuler, and find her to be an excellent neighbor and are in favor of her CU request.

Denise Bekeris, S22 W35452 Parry Rd: She keeps her horse by Carole Schueler. It is a professional stable, very good treatment of horses and very well run.

Dorothy Crockett, W349S2978 Waterville Rd., Oconomowoc: She finds the stables to be a great facility and that Carol Schueler contributes greatly to the area.

Nicole Bostrom, N16W2992 Brookstone Circle in Delafield: She Feels Carole Schuler is a real spirit of the community and has her support.

Trudy Miller, W349S2810 Waterville Rd., Oconomowoc: Carole is a great neighbor, very upstanding and runs a very nice facility.

Lynn Barecki, W383N9009 Mill St., Oconomowoc: Carole is very responsible and her facility is clean and well maintained.

Stacy Duke (daughter), 737 Lone Tree Bend, Delafield: Carole is great with the horses and her facility is well maintained.

Susan McCartan, W346S3290 Holland Ct., Oconomowoc: Carole has the finest facility. It is very clean and the horses well cared for.

Scott Roberts, W349S2856 Waterville Rd, Oconomowoc: We are the neighbor to the north of Carole. She runs a well-kept and clean stable.

Commissioner Hanson stated that the report and testimony was all positive. Commissioner Hausser made a motion to close this public hearing, Commissioner Hanson seconded and it carried.

The second public hearing began with Planner Scherer reading from the notice:

Immediately following the above hearing, a second hearing will be held to consider the Conditional Use request (CU-1607) of the Town of Ottawa, W360 S3337 S.T.H. 67, Dousman, WI, 53118, to conduct land altering activities by placing spoil material from a dredging project on an upland area on property owned by the Pretty Lake Protection and Rehabilitation District, W3 77 S51 72 Pretty Lake Road, Dousman, WI, 53118, and described as follows:

Lot 1, CSM No. 11161, Vol. 109, P. 300, located in the NW 1/4 and SW 1/4 of Section 28, T6N, R17E, Town of Ottawa. More specifically, the property is located at W376 S5226 Pretty Lake Road.

All interested parties will be heard.

Legal Notice to be published in  
the Kettle Moraine Index on  
Thursday, May 14, 2015 and

Thursday, May 21, 2015.

Dwight Simon was present on behalf of the PLPRD. He stated that the boat landing has a natural sandy bottom and that over the years a sand bar has been filling in. In addition the low water is making it difficult to launch boats. Supervisor Goodchild stated that he, Mr. Simon, and Supervisor Casper have brought this request forward on behalf of the Town of Ottawa. The Town owns 50' of the boat launch. Their goal is to keep it natural and rustic, and fill in the dredged area with crushed stone instead of sand. The Town Board approved a \$5,000.00 budget to proceed. The project would take 1-2 days, and they are currently in the process of seeking DNR approval of the dredging and a CU permit for the fill project on the 15 acre PLPRD property before any work begins. The fill area would be topsoil and seeded. Dwight Simon added that there is a composting area and organic farming in the area where the spoil will be spread. Supervisor Goodchild also stated the compost fill piles that were present on the day of Planner Scherer's inspection have already be spread on the ag field. All 152 residents of the PLPRD were made aware of the dredging project.

Commissioner Hausser asked what the launch volume was? Mr. Simon responded that the residents use it mostly in the Spring and Fall, and there is some daily use throughout the summer.

Roger Carleson, W377S5211 Pretty Lake Rd., was present in the audience. He inquired if there would be testing on the dredged spoils before they were spread on the ag field? He stated the lake is pumped full of groundwater every summer, and some deep water aquifers can contain radioactive elements that can stay encapsulated for years. He felt spreading potentially contaminated material on the soil could make those potentially cancer causing elements air-borne. Radium, borium, and uranium are possible radioactive elements, and he feels a spectrographic analysis would be necessary and he is against the project. Chairman Arrowood responded that this is a DNR issue and that they would work with the DNR, and follow through on whatever the DNR might recommend. Mr. Simon indicated the PLPRD Board of Directors has approved of the fill project.

Commissioner Hanson made a motion to close this Public Hearing. Commissioner Hauser seconded and it carried.

Chairman Arrowood called the meeting of the Ottawa Plan Commission to order at 6:45 p.m. Roll call attendance was taken. Plan Commissioners Hanson and Hausser were present as well as Supervisor Goodchild.

The first item on the agenda was for Discussion and Action of the Carole Schueler Conditional Use Permit and SPPO for a commercial horse boarding stable. Planner Scherer read from her report as follows:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**  
**CONDITIONAL USE/SITE PLAN AND PLAN OF OPERATION**

**DATE:** June 1, 2015

**FILE NOS:** CU-1606 and PO-15-OTWT-01

**OWNER/APPLICANT:** Schueler Revocable Living Trust  
Carole Schueler  
W349 S2874 Waterville Road  
Oconomowoc, WI 53066

**TAX KEY NOS:** OTWT 1631.999.003 and .004

**LOCATION:**

Lot 3, Certified Survey Map No. 8797 Volume 78, page 184, and Lot 4, CSM No. 8798, Volume, 78, Page 188, located in the SW ¼ of Section 12, T6N, R17E, Town of Ottawa. More specifically, the property is located at the Waterville Road address cited above, containing 20.2 acres.

**ZONING CLASSIFICATION(S):**

A-5 Mini Farm District, A-E Exclusive Agricultural Conservancy District, and C-1 Conservancy

**EXISTING USE(S):**

Single family residential and a horse farm including a horse barn/indoor riding arena, outdoor riding arena, detached storage garage with additional horse stalls, eleven horse shelters, a riding ring, and pastures.

**REQUESTED USE(S):**

A Conditional Use Permit (CU) and Site Plan and Plan of Operation (SPPO) for a commercial horse boarding stable operation for a maximum of seventeen (17) horses, a maximum of seven (7) of which are horses other than the owners, her friends, or her neighbors horses according to Exhibit A of the application.

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLANS FOR WAUKESHA COUNTY AND THE TOWN OF OTTAWA:**

The property is designated as Rural Density and Other Agricultural Lands, Other Open Lands to be Preserved, and Secondary Environmental Corridor (SEC), all of which are 5 acre density categories on the County Plan, and as Agricultural 10-Acre Density (10 acres to 34.9 acres per DU), Other Open Lands to be Preserved, and Secondary Environmental Corridor on the Town of Ottawa Plan. The use of the property as a horse boarding operation complies with both plans as long as all horse boarding activities are conducted outside of the wetland, hydric soils, and SEC.

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### **PLANNER ANALYSIS:**

#### **SITE PLAN, PROPOSAL AND OPERATION:**

The 20.2 acre parcel is located on the east side of Waterville Road, a state designated Scenic Road, and is bordered on the north and south by similar residential and agricultural uses and immediately to the east by a sand and gravel quarry. The applicant in particular should note that the northeast corner of the property contains a Secondary Environmental Corridor which is zoned C-1 Conservancy due to the fact that it is wetland. Grazing by domesticated animals is prohibited in this area in accordance with the Wetland Preservation Restrictions on the CSM recorded in the Waukesha County Register of Deeds office for the property, and generally within C-1 zoned lands. In addition, vegetation removal, land altering activities, and the introduction of non-native vegetation or manure disposal is also prohibited in these areas. This area is further encumbered by hydric soils and therefore the lands shall be preserved unless further soil testing and analysis is conducted allowing new development or disturbance of any kind.

The property currently contains a single-family residence, a detached storage garage with three (3) horse stalls, eleven (11) horse shelters, an outdoor riding arena, a riding ring, and a horse barn/indoor riding arena. There are several large areas of the property that are fenced into separate horse pastures/paddocks. The owner is to the point where she must begin charging to board the horses and therefore has requested the Commercial Horse Boarding Conditional Use. During an inspection of the site on May 12, 2015, the owner indicated she currently boards a maximum of five (5) or six (6) of her neighbor's horses for no charge in addition to her nine (9) horses and two (2) of her friend's horses for a total of 17 horses currently. The proposal (Exhibit A) states there would be a maximum of seven (7) horses owned by people other than the owner, her friend or her neighbors. That would total 24 horses, not 17. Since the zoning does not limit the number of horses on the site, only the CU would, the applicant should request the maximum number of horses she truly believes she will have on the site at any one time in order to remain in compliance with her CUP at all times, and see if the Town Plan Commission is willing to grant that number of horses taking the other factors of this report and the application into consideration. It should be noted, the A-5 District (which refers back to the A-1 District) does not limit the number of horses as long as the site is at least five acres in size.

No changes to the horse operation are proposed or anticipated. The horses will continue to be fed, and their bedding and manure will be managed, as part of the commercial operation. The owner tries to leave the horses outdoors as much as possible throughout the year, except during extreme weather events or extreme cold. This also helps to reduce the amount of manure left to manage according to the County LRD. There is no training, lessons, clinics, shows, or other events proposed on the site.

**SIGNAGE:** No signage exists or is proposed.

**NUMBER OF EMPLOYEES:** The operation has one employee – the owner/operator of the facility. If needed, she may employ two (2) part time employees in the future.

**HOURS OF OPERATION:** Caring for the horses is a 24/7 operation, but clientele may visit the site Tuesday through Sunday between 9:00 a.m. and 6:00 p.m.

**REFUSE DISPOSAL:** No evidence of refuse disposal was noted on the site during the inspection and no

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refuse disposal plan was submitted.

**MANURE MANAGEMENT PLAN:** A manure management plan was submitted for the site with the CU application and is being reviewed by the County LRD. No Storm Water Plan is needed.

**PARKING PLAN:** There is a gravel parking area adjacent to the northeast alcove of the barn. The Parking Plan submitted indicates seven (7) parking spaces. An inspection of the property revealed two horse trailers stored along the west side of the indoor riding arena.

**EXTERIOR LIGHTING PLAN:** According to the plan, the horse barn/arena has four flood type lights around the perimeter, the detached storage garage has three flood type lights around the perimeter, and there is one pole light to illuminate the southwest pasture.

**FENCING:** The entire property appears to be fenced as revealed during the site inspection, with the fencing of choice being three rail wood fence.

**INTERIOR FLOOR PLANS:** The 5,328 square foot horse barn contains thirteen (13) horse stalls, a wash stall, two (2) grooming stalls, a grain room, a tack room, a viewing/storage room, a utility room, a storage room, a kitchen, and a restroom. The stable is heated by a furnace and there is hot water. The indoor riding arena is 60' x 160' (9,600 square feet) in size. The 2,500 square foot detached storage garage is used for personal storage, hay storage, and three (3) additional horse stalls. It should be noted this provides a total of only sixteen (16) stalls, whereas seventeen (17) horses are proposed or exist. **If only sixteen (16) stalls can be provided, the number of horses should be limited to sixteen (16).**

**NUMBER OF ACCESSORY BUILDINGS:** It should be noted the property has eleven (11) horse shelters, a detached storage garage with horse stalls, and a horse barn/arena for a total of at least thirteen

(13) accessory buildings on the site. In accordance with the ordinance regulations, this number of accessory buildings can simply be approved in conjunction with the Conditional Use.

### **PLANNER RECOMMENDATION:**

It is recommended the Town of Ottawa Plan Commission recommend approval of the request to the Waukesha County Park and Planning Commission subject to the following conditions:

1. The owner is required and must have a Site Plan and Plan of Operation current and approved in conjunction with the approval of the CU by the Ottawa Town Plan Commission and the Waukesha County Park and Planning Commission, and said SPPO shall be on file with the Town Planner and Waukesha County. The applicant may request to amend or change the SPPO subject to the conditions listed herein and subject to the approval of the Town of Ottawa Plan Commission and the Waukesha County Planning and Zoning Staff through the SPPO amendment process, and without a public hearing, if such amendment and/or change is not a substantial change, in the opinion of the Town or the County, from the original SPPO as approved and as allowed herein. Any amendment or change in the SPPO approved herein that the Town of Ottawa Plan Commission or the Waukesha County Staff feel, in their sole discretion, to be substantial will require an amended Conditional Use Permit and SPPO and all procedures in place at that time must be followed.

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2. Documentation must be submitted to the Town Planner and to the Waukesha County Planning and Zoning Division that a Manure Management Plan has been approved by the Waukesha County Land Resources Division, **prior to the issuance of any permits**. All manure shall be stored (not stockpiled) and disposed of properly and in a timely manner so as to not cause offensive odor, unless it is spread on the property in accordance with the approved plan.
3. No signage is proposed or approved herein.
4. All exterior lighting shall be hooded or shielded so as not to create undesirable glare or illumination of adjoining property or adversely affect adjoining property owners.
5. Subject to documentation being submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff that Waukesha County Environmental Health Division (EHD) has approved a PSE **prior to the issuance of any permits**.
6. The fencing on the property shall be maintained by the owner, and any repairs made in a timely manner.
7. All grazing of horses or other domesticated animals is prohibited within the Secondary Environmental Corridor and C-1 zoned area to the rear of the property in the northeast corner.
8. Only the maximum number of horses allowed by this Conditional Use approval may be present on the premises at any time, unless otherwise limited by the Waukesha County Zoning Code, the Waukesha County Department of Parks and Land Use - Land Resources Division, or the Waukesha County Environmental Health Division.
9. The Town Building Inspector shall inspect the buildings on the premises for compliance with the building codes. Any violations shall be corrected to the Building Inspectors satisfaction **prior to the issuance of an Occupancy Permit**. *This condition is enforceable by the Town only.*

10. The local Fire Inspector shall inspect the buildings on the premises for compliance with all local fire codes. Any violations shall be corrected to the Fire Inspectors satisfaction **prior to the issuance of an Occupancy Permit**. The Fire Inspector shall be made aware of any chemicals, toxic or hazardous waste or solvents, or flammable materials stored on the site and how they are disposed of. ***This condition is enforceable by the Town only.***
11. The operation shall be limited to the activities necessary for boarding the maximum number of horses allowed by this Conditional Use approval on the subject property.
12. All activities on the subject property shall be in compliance with all applicable requirements of the Waukesha County Zoning Code and all other applicable Federal, State, Waukesha County and Town of Ottawa codes, statutes, ordinances, regulations, rules, orders and other laws, and also subject to the prior approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission and/or the Planning and Zoning Staff. In addition, copies of all required licenses and permits shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff for review and approval **prior to the issuance of any permits**.

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13. No Special Events are proposed or permitted herein without an amendment to the Conditional Use Permit and the SPPO.
14. There shall be no use of a PA system, loudspeakers, or other amplified sound system at any time without prior Town Plan Commission and Waukesha County Park and Planning Commission approval through a Conditional Use and SPPO amendment p r o c e s s .
15. Subject to the owner maintaining her primary place of residency on the property, unless a new Conditional Use Permit is approved by the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission in accordance with all then existing Conditional Use procedures.
16. No more than two (2) horse trailers shall be parked outside on the property. The two horse trailers shall be properly stored or screened from view from the adjoining neighbor's residences or otherwise shall be stored within a building. The Town Planner and the Waukesha County Planning and Zoning Staff shall make the determination whether or not the trailers are properly stored or s c r e e n e d .
17. All other vehicles, equipment, etc. related to the boarding operation shall be stored inside the barn/arena, the detached storage garage, or removed from the property. The property owner shall park any other vehicles or equipment related to the boarding operation inside the barn/arena or garage. Absolutely no other outside parking, other than the two (2) horse trailers identified in **Condition No. 16** above, shall be allowed on the site without approval of the Ottawa Town Plan Commission and Waukesha County Park and Planning Commission through the Conditional Use and SPPO process, except for personal storage of the property owner.
18. The sale of tack, trailers and/or equipment related to the horse operation is prohibited.

19. Subject to the applicant allowing the premises to be available for inspection by Town of Ottawa officials and/or the Waukesha County Department of Parks and Land Use Staff at any reasonable time and upon reasonable notice when possible.
20. Subject to the Conditional Use not being transferred, except as follows: Upon the approval of the Town of Ottawa Plan Commission and Waukesha County Park and Planning Commission, the Conditional Use may be transferred to a future owner.
21. Activities on the subject property shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor. Notwithstanding the foregoing, operation of a horse boarding facility pursuant to ordinary and generally accepted customs and practices, and as further restricted by this Conditional Use Permit, shall not constitute a nuisance as contemplated by this paragraph.
22. The applicant shall be required to appear before the Town of Ottawa Plan Commission to answer complaints upon notification by the Town Planner, Town Clerk, or the Waukesha County Planning and Zoning Staff.

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23. The Conditional Use Permit shall be subject to an annual review, or sooner upon complaint, beginning **June 1, 2016**, and continuing each June 1, thereafter or until the Town Plan Commission modifies or eliminates this condition. In the event that, upon review or complaint, the use of the property is not in substantial compliance with all terms of this Conditional Use Permit or the conditions of the neighborhood change, then, in that event, the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions subject to a public hearing. If said property remains in noncompliance for a substantial period of time, as determined by the Town or the County, or the use is no longer compatible with its surroundings, then the Town or the County may proceed with termination of the Conditional Use Permit as set forth in the Waukesha County Zoning Code. Further, the Town Plan Commission and the Waukesha County Park and Planning Commission 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, as long as the changes are not substantial in their sole discretion.
24. Additional horse stalls (not additional horses) may be added within the existing horse barn, following the issuance of a Zoning Permit from the Waukesha County Department of Parks and Land Use and a Building Permit from the Town of Ottawa, without the necessity of an additional amendment to the Conditional Use/Plan of Operation Permit. However, any expansion of the existing buildings to accommodate additional stalls or a caretaker's unit, or the construction of additional buildings, will require an amendment to the existing Conditional Use/Plan of Operation

Permit. All existing and future buildings and structures, including the horse shelters, with the exception of the residence, must be located a minimum of 50' from all lot lines.

25. A refuse disposal plan shall be submitted to the Town Planner and the Waukesha County PZD for review and approval **prior to the issuance of a Conditional Use Permit.**
26. No training, lessons, clinics, shows, or other events are proposed or permitted herein on the site.
27. Grazing by domesticated animals is prohibited in the northeastern portion of the property encumbered by the C-1 zoning, wetland, hydric soils and the SEC and in accordance with the wetland preservation restrictions on the CSM. In addition, vegetation removal, land altering activities, and the introduction of non-native vegetation or manure is also prohibited in these areas.
28. Subject to a letter from the owner(s) and the operator acknowledging and accepting all terms and conditions of this Conditional Use Permit and SPPO Permit being submitted to the Town Planner **prior to the issuance of a Conditional Use Permit. *This condition is enforceable by the Town only.***
29. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.

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30. The following standard Conditional Use conditions of the Town of Ottawa shall also apply:
  - 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, 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.

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- 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 permit, including proceedings to terminate this conditional 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. *This condition is enforceable by the Town of Ottawa only.*
  
- 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. *This condition is enforceable by the Town of Ottawa only.*

The approval of this request, as conditioned, will allow the owner to operate a commercial horse boarding facility, which is located in an area appropriate for this use on a 20 acre parcel in the Mini Farm Zoning District, in conformance with the Comprehensive Development Plans for Waukesha County and the Town of Ottawa, in compliance with the purpose and intent of the Waukesha County Zoning Code, and for which the Waukesha County Department of Parks and Land Use - Land Resources Division must approve a Manure Management Plan. Therefore, the approval of this request, as conditioned, will not adversely affect the neighboring properties and will allow the owner to operate a horse boarding facility on her property.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Town Planner

Commissioner Hanson made a motion to recommend approval of the Conditional Use request with 17 horses maximum; limit accessory buildings to the 13 that are existing, however the petitioner may request additional accessory buildings without the need for a conditional use but must request town plan commission approval; 16 horse stalls are deemed adequate; and per the recommendations in the Planners Report. Commissioner Hausser seconded and the motion carried.

The next item on the Agenda was for the Town of Ottawa/PLPRD CU to conduct land altering activities in an upland area with spoils removed from a separate dredging project on Pretty Lake. Planner Scherer read from her report as follows:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**  
**CONDITIONAL USE**

**DATE:** June 1, 2015

SENT VIA EMAIL
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**FILE NO.:** CU-1607

**APPLICANT:** Town of Ottawa  
Gary Goodchild, Town Supervisor  
W360 S3337 STH 67  
Dousman, WI 53118

**OWNER:** Pretty Lake Protection and Rehabilitation District (PLPRD)  
c/o Dwight Simon  
W377 S5172 Pretty Lake Road  
Dousman, WI, 53118

**TAX KEY NO.:** OTWT 1695.999.005

**LOCATION:**

Lot 1, CSM No. 11161, Vol. 109, P. 300, located in the NW ¼ and SW ¼ of Section 28, T6N, R17E, Town of Ottawa. More specifically, the property is located at W376 S5226 Pretty Lake Road and contains approximately 15 acres of land.

**ZONING CLASSIFICATIONS:**

A-5 Mini Farm District, also EC Environmental Corridor and C-1 Conservancy elsewhere on the site and not affected by this project.

**EXISTING LAND USE(S):**

Agricultural field that the PLPRD also uses as a composting site and a recreational area. The recreational area is not affected by this project.

**REQUESTED LAND USE(S):**

To conduct land altering activities consisting of the deposition of dredged spoil material from a boat launch on Pretty Lake in an upland area to fill in a slight depression on property owned by the Pretty Lake Protection and Rehabilitation District. Additional fill, if needed, and topsoil will be used to complete the project.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (WCDP)  
AND THE TOWN OF OTTAWA MASTER LAND USE PLAN:**

The County and Town Comprehensive Development Plans designate the subject property as Rural Density and Other Agricultural Land (5-34.9 acre density), Recreational, and Primary Environmental Corridor (PEC) (5 acre density). The proposal conforms with both plans, as the project will not involve any of the Recreational or PEC land. It should be noted the Town's Rural Density range is (5-9.9 acres/DU).

**PLANNER ANALYSIS:**

One of the boat launches on Pretty Lake is in need of dredging. Therefore, the Town, who owns the boat launch, and the PLPRD, who owns the deposition site, have partnered in the project described herein. After approximately 23 to 3 ½ feet of material, mainly sand, is dredged from the lake bed in front of Tax Key No. OTWT 1694.161, approximately 210 cubic yards will be deposited in the 3,100 square foot upland spoil site located on the subject property. An additional approximately 130 cubic yards of material will be used to level the 2-3 foot depressional area on the site (an average one foot over the entire area).

**PLANNER RECOMMENDATION:**

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

1. Subject to review and approval of the Conditional Use by the Waukesha County Park and Planning Commission and compliance with all conditions contained therein.
2. The land altering activities shall comply with the approved Grading and Erosion Control Plans and all conditions imposed by the Town of Ottawa Plan Commission.
3. If required, this approval is subject to the issuance of a Storm Water Permit by the Waukesha County Land Resources Division prior to the issuance of a Conditional Use Permit (CUP). All erosion control measures shall be properly installed and maintained throughout the duration of the project and until vegetation has been established and the site is stabilized.
4. A construction schedule (to be labeled as Exhibit A and incorporated herein by reference) with commencement and completion dates shall be submitted to the Town Planner and the Waukesha County PZD for review and approval prior to the issuance of the Conditional Use Permit.
5. The grading project shall not cause adverse drainage, run off, erosion, or sedimentation on the adjoining properties. The intent of this condition is to not change the existing conditions so that any of the above is increased from those conditions that already exist thus creating adverse conditions.

6. The grading shall not result in slopes greater than 3:1.
7. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.
8. The Conditional Use Permit shall be issued within one year from the date of the final approval or the approval of this CUP shall be null and void, unless an extension is granted by the Town of Ottawa Plan Commission.
9. 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. *This condition is enforceable by the Town only.*

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. *This condition is enforceable by the Town only.*

As conditioned, the project will not adversely affect adjoining properties and will provide the PLPRD with additional useable open space area for the Pretty Lake residents to enjoy. Therefore, the request is consistent with the Waukesha County and Town of Ottawa Comprehensive Development Plans, and is within the purpose and intent of the Waukesha County Zoning Code.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Town Planner

Planner Scherer stated that the only item not covered in the conditions of approval was the testing of the spoil material, but that the DNR should cover that in their permit. Chairman Arrowood added that the gentleman who spoke on that matter should make that request to the DNR as well. Commissioner Hausser made a motion to recommend approval of the CU. Commissioner Hanson seconded and it carried.

The next item on the agenda was for the Clarkson Commercial Horse Boarding Operation – Annual Conditional Use review.

Planner Scherer read from her Inspection Notes and referenced the CU Conditions of Approval:

### **CU-1588 Clarkson 2015 Annual Inspection Notes**

Clarkson Commercial Horse Boarding Operation, Waterville Road, T/Ottawa  
Annual inspection was made on **May 12, 2015**. No. 26

#### **Horses**

10 horses were on site.

One horse is leaving for a total of 9 horses.

Two of the horses are the owners.

Only a maximum of 7 horses total are allowed on the site. No. 9

**Manure Management**

They are composting manure in the rear (east) pastures which is removed by local farmers on an as needed basis. No. 3

**Trailers**

Two horse trailers on site per the CU. Nos. 19 and 20

One flat bed type trailer up by the house which was not a hay wagon. Nos. 19 and 20

**Fencing**

Continue to mend fences as needed. No. 7

Not using north (front) pasture currently.

**CLARKSON CONDITIONS OF APPROVAL  
COMMERCIAL HORSE BOARDING OPERATION (CU-1558)  
TOWN OF OTTAWA**

1. The petitioners shall file with the Town Planner and the Waukesha County Planning and Zoning Staff a detailed Site Plan/Plan of Operation (SPPO), which shall be subject to the approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission in conjunction with the approval of a Conditional Use Permit, and the SPPO shall include all of the following plans, or revisions of the same:
  - a. Parking Plan
  - b. Exterior Lighting Plan
  - c. Manure Management Plan
  - d. Sanitary Facilities Plan (PSE, Sanitary Permit, and public restrooms if required by the Wisconsin Administrative code)
  - e. Refuse Disposal Plan
  - f. Fencing Plan
  - g. Screening Plan

The aforementioned plans shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division staff for review no later than **June 15, 2012**, and this CU/SPPO approval shall not be effective unless and until such plans are approved as described above.

2. The owner and operator are required and must have all plans current and approved by the Ottawa Town Plan Commission and the Waukesha County Park and Planning Commission, and said plans shall be on file with the Town Planner and Waukesha County. The petitioners may request to amend or change any plan herein subject to the conditions listed herein and subject to the approval of the Town of Ottawa Plan Commission and the Waukesha County Planning and Zoning Staff through a Site Plan/Plan of Operation Permit, and without a public hearing, if such amendment and/or change is not a substantial change, in the opinion of the Town or the County, from the

- original plan as approved and as allowed herein. Any amendment or change in any plan herein that the Town of Ottawa Plan Commission or the Waukesha County Staff feel, in their sole discretion, to be substantial will require an amended Conditional Use Permit and all procedures in place at that time must be followed.
3. Documentation must be submitted to the Town Planner and to the Waukesha County Planning and Zoning Division that a Manure Waste Disposal and Management Plan for a maximum of seven (7) horses has been approved by the Waukesha County Land Resources Division, prior to **June 15, 2012**. All manure shall be stored in a large dumpster and disposed of properly and in a timely manner so as to not cause offensive odor, and shall not be spread on the property or stockpiled.
  4. No signage is allowed.
  5. All exterior lighting shall be hooded or shielded so as not to create undesirable glare or illumination of adjoining property or adversely affect adjoining property owners.
  6. Subject to documentation being submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff that Waukesha County Environmental Health Division (EHD) has approved the Sanitary Facilities Plan prior to **June 15, 2012**.
  7. Subject to fencing adequate to contain the horses on the property being installed and maintained by the owner and/or operator prior to **June 29, 2012**. Part of the complaint was that the horses get loose. A revised site plan showing the location of any new or improved fencing shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division staff for review and approval prior to **June 15, 2012**.
  8. All grazing of horses or other domesticated animals is prohibited within the Isolated Natural Resource Area and EC zoned area to the rear of the property in the northeast corner.
  9. A maximum of seven (7) horses may be present on the premises at any time, unless otherwise limited by the Waukesha County Zoning Code, the Waukesha County Department of Parks and Land Use - Land Resources Division, or the Waukesha County Environmental Health Division.
  10. Prior to **June 15, 2012**, documentation shall be submitted to the Town Planner and Waukesha County Planning and Zoning Division Staff that the Town Building Inspector has inspected the barn for compliance with building codes for the proposed use. This CU/SPPO approval shall not be effective unless and until the Town Building Inspector concludes that the barn is compliant with applicable building codes.
  11. Documentation shall be submitted to the Town Planner and the Waukesha County

- Planning and Zoning Division Staff that the local Fire Inspector has inspected the barn for compliance with all local fire codes prior to **June 15, 2012**. This CU/SPPO approval shall not be effective unless and until the local Fire Inspector concludes that the barn is compliant with applicable fire codes.
12. The operation shall be limited to the activities necessary for boarding up to seven (7) horses on the property.
  13. Subject to owner and operator being responsible for containing all horses on the subject property, and not trespassing on private trails.
  14. Subject to all horses being boarded in the barn only. No other buildings shall be used for boarding purposes.
  15. All activities on the subject property shall be in compliance with all applicable requirements of the Waukesha County Zoning Code and all other applicable Federal, State, Waukesha County and Town of Ottawa codes, statutes, ordinances, regulations, rules, orders and other laws, and also subject to the prior approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission and/or the Planning and Zoning Staff. In addition, copies of all required licenses and permits shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff for review and approval prior to **June 15, 2012**.
  16. No Special Events are permitted without an amendment to the Conditional Use Permit and the SPPO.
  17. There shall be no use of a PA system, loudspeakers, or other amplified sound system at any time without prior Town Plan Commission and Waukesha County Park and Planning Commission approval through a Conditional Use amendment process.
  18. Subject to the owner maintaining her primary place of residency on the property, unless a new Conditional Use Permit is approved by the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission in accordance with all then existing Conditional Use procedures.
  19. No more than two (2) horse trailers and one hay wagon shall be parked outside on the property. The two horse trailers and hay wagon shall be screened from view from the adjoining neighbor's residences or otherwise shall be stored within a building. The Town Planner and the Waukesha County Planning and Zoning Staff shall make the determination whether or not the trailers are properly screened.
  20. All other vehicles, equipment, etc. related to the boarding operation shall be stored inside the barn/arena or removed from the property. The property owner shall park any

other vehicles or equipment related to the boarding operation inside the barn/arena or garage. Absolutely no other outside parking, other than the two (2) horse trailers and hay wagon identified in Condition No. 19 above, shall be allowed on the site without approval of the Ottawa Town Plan Commission and Waukesha County Park and Planning Commission through the Conditional Use process, except for personal storage of the property owner.

21. The sale of tack, trailers and/or equipment related to the horse operation is prohibited.
22. Subject to the applicant allowing the premises to be available for inspection by Town of Ottawa officials and/or the Waukesha County Department of Parks and Land Use Staff (Planning and Zoning Division, Land Resources Division, Humane Officer, etc) at any reasonable time and upon reasonable notice when possible.
23. Subject to the Conditional Use not being transferred, except as follows: Upon the approval of the Town of Ottawa Plan Commission and Waukesha County Park and Planning Commission, the Conditional Use may be transferred to a future owner.
24. Activities on the subject property shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor. Notwithstanding the foregoing, operation of a horse boarding facility pursuant to ordinary and generally accepted customs and practices, and as further restricted by this Conditional Use Permit, shall not constitute a nuisance as contemplated by this paragraph.
25. The petitioners shall be required to appear before the Town of Ottawa Plan Commission to answer complaints upon notification by the Town Planner, Town Clerk, or the Waukesha County Planning and Zoning Staff.
26. The Conditional Use Permit shall be subject to an annual review, or sooner upon complaint, beginning **June 1, 2013**, and continuing each June 1, thereafter or until the Town Plan Commission modifies or eliminates this condition. In the event that, upon review or complaint, the use of the property is not in substantial compliance with all terms of this Conditional Use Permit or the conditions of the neighborhood change, then, in that event, the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions subject to a public hearing. If said property remains in noncompliance for a substantial period of time, as determined by the Town or the County, or the use is no longer compatible with its surroundings, then the Town or the County may proceed with termination of the Conditional Use Permit as set forth in the Waukesha County Zoning Code. Further, the Town Plan Commission and the Waukesha County Park and Planning Commission 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, as long as the changes are not substantial in their sole discretion.

27. Additional horse stalls (not additional horses) may be added within the existing horse barn, following the issuance of a Zoning Permit from the Waukesha County Department of Parks and Land Use and a Building Permit from the Town of Ottawa, without the necessity of an additional amendment to the Conditional Use/Plan of Operation Permit. However, any expansion of the existing building to accommodate additional stalls or the construction of additional buildings will require an amendment to the existing Conditional Use/Plan of Operation Permit. All accessory buildings and structures must be a minimum of 50' from all lot lines.
28. Subject to a letter from the owner(s) and the operator acknowledging and accepting all terms and conditions of this Conditional Use Permit and SPPO Permit being submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff prior to **June 15, 2012**.
29. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.
30. The following standard Conditional Use conditions shall also apply:
  - 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, 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 permit, including proceedings to terminate this conditional 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. *This condition is enforceable by the Town of Ottawa only.*
- 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. *This condition is enforceable by the Town of Ottawa only.*

Planner Scherer stated that the mai **CLARKSON CONDITIONS OF APPROVAL  
COMMERCIAL HORSE BOARDING OPERATION (CU-1558)  
TOWN OF OTTAWA**

31. The petitioners shall file with the Town Planner and the Waukesha County Planning and Zoning Staff a detailed Site Plan/Plan of Operation (SPPO), which shall be subject to the approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission in conjunction with the approval of a Conditional Use Permit, and the SPPO shall include all of the following plans, or revisions of the same:

- a. Parking Plan
- b. Exterior Lighting Plan
- c. Manure Management Plan
- d. Sanitary Facilities Plan (PSE, Sanitary Permit, and public restrooms if required by the Wisconsin Administrative code)
- e. Refuse Disposal Plan
- f. Fencing Plan
- g. Screening Plan

The aforementioned plans shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division staff for review no later than **June 15, 2012**, and this CU/SPPO approval shall not be effective unless and until such plans are approved as described above.

32. The owner and operator are required and must have all plans current and approved by the Ottawa Town Plan Commission and the Waukesha County Park and Planning Commission, and said plans shall be on file with the Town Planner and Waukesha County. The petitioners may request to amend or change any plan herein subject to the conditions listed herein and subject to the approval of the Town of Ottawa Plan Commission and the Waukesha County Planning and Zoning Staff through a Site Plan/Plan of Operation Permit, and without a public hearing, if such amendment and/or change is not a substantial change, in the opinion of the Town or the County, from the original plan as approved and as allowed herein. Any amendment or change in any plan herein that the Town of Ottawa Plan Commission or the Waukesha County Staff feel, in their sole discretion, to be substantial will require an amended Conditional Use Permit and all procedures in place at that time must be followed.
33. Documentation must be submitted to the Town Planner and to the Waukesha County Planning and Zoning Division that a Manure Waste Disposal and Management Plan for a maximum of seven (7) horses has been approved by the Waukesha County Land Resources Division, prior to **June 15, 2012**. All manure shall be stored in a large dumpster and disposed of properly and in a timely manner so as to not cause offensive odor, and shall not be spread on the property or stockpiled.
34. No signage is allowed.
35. All exterior lighting shall be hooded or shielded so as not to create undesirable glare or illumination of adjoining property or adversely affect adjoining property owners.
36. Subject to documentation being submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff that Waukesha County Environmental Health Division (EHD) has approved the Sanitary Facilities Plan prior to **June 15, 2012**.

37. Subject to fencing adequate to contain the horses on the property being installed and maintained by the owner and/or operator prior to **June 29, 2012**. Part of the complaint was that the horses get loose. A revised site plan showing the location of any new or improved fencing shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division staff for review and approval prior to **June 15, 2012**.
38. All grazing of horses or other domesticated animals is prohibited within the Isolated Natural Resource Area and EC zoned area to the rear of the property in the northeast corner.
39. A maximum of seven (7) horses may be present on the premises at any time, unless otherwise limited by the Waukesha County Zoning Code, the Waukesha County Department of Parks and Land Use - Land Resources Division, or the Waukesha County Environmental Health Division.
40. Prior to **June 15, 2012**, documentation shall be submitted to the Town Planner and Waukesha County Planning and Zoning Division Staff that the Town Building Inspector has inspected the barn for compliance with building codes for the proposed use. This CU/SPPO approval shall not be effective unless and until the Town Building Inspector concludes that the barn is compliant with applicable building codes.
41. Documentation shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff that the local Fire Inspector has inspected the barn for compliance with all local fire codes prior to **June 15, 2012**. This CU/SPPO approval shall not be effective unless and until the local Fire Inspector concludes that the barn is compliant with applicable fire codes.
42. The operation shall be limited to the activities necessary for boarding up to seven (7) horses on the property.
43. Subject to owner and operator being responsible for containing all horses on the subject property, and not trespassing on private trails.
44. Subject to all horses being boarded in the barn only. No other buildings shall be used for boarding purposes.
45. All activities on the subject property shall be in compliance with all applicable requirements of the Waukesha County Zoning Code and all other applicable Federal, State, Waukesha County and Town of Ottawa codes, statutes, ordinances, regulations, rules, orders and other laws, and also subject to the prior approval of the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission and/or the Planning and Zoning Staff. In addition, copies of all required licenses and permits shall be submitted to the Town Planner and the Waukesha County Planning and

Zoning Division Staff for review and approval prior to **June 15, 2012**.

46. No Special Events are permitted without an amendment to the Conditional Use Permit and the SPPO.
47. There shall be no use of a PA system, loudspeakers, or other amplified sound system at any time without prior Town Plan Commission and Waukesha County Park and Planning Commission approval through a Conditional Use amendment process.
48. Subject to the owner maintaining her primary place of residency on the property, unless a new Conditional Use Permit is approved by the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission in accordance with all then existing Conditional Use procedures.
49. No more than two (2) horse trailers and one hay wagon shall be parked outside on the property. The two horse trailers and hay wagon shall be screened from view from the adjoining neighbor's residences or otherwise shall be stored within a building. The Town Planner and the Waukesha County Planning and Zoning Staff shall make the determination whether or not the trailers are properly screened.
50. All other vehicles, equipment, etc. related to the boarding operation shall be stored inside the barn/arena or removed from the property. The property owner shall park any other vehicles or equipment related to the boarding operation inside the barn/arena or garage. Absolutely no other outside parking, other than the two (2) horse trailers and hay wagon identified in Condition No. 19 above, shall be allowed on the site without approval of the Ottawa Town Plan Commission and Waukesha County Park and Planning Commission through the Conditional Use process, except for personal storage of the property owner.
51. The sale of tack, trailers and/or equipment related to the horse operation is prohibited.
52. Subject to the applicant allowing the premises to be available for inspection by Town of Ottawa officials and/or the Waukesha County Department of Parks and Land Use Staff (Planning and Zoning Division, Land Resources Division, Humane Officer, etc) at any reasonable time and upon reasonable notice when possible.
53. Subject to the Conditional Use not being transferred, except as follows: Upon the approval of the Town of Ottawa Plan Commission and Waukesha County Park and Planning Commission, the Conditional Use may be transferred to a future owner.
54. Activities on the subject property shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor. Notwithstanding the foregoing, operation of a horse boarding facility pursuant to

ordinary and generally accepted customs and practices, and as further restricted by this Conditional Use Permit, shall not constitute a nuisance as contemplated by this paragraph.

55. The petitioners shall be required to appear before the Town of Ottawa Plan Commission to answer complaints upon notification by the Town Planner, Town Clerk, or the Waukesha County Planning and Zoning Staff.
56. The Conditional Use Permit shall be subject to an annual review, or sooner upon complaint, beginning **June 1, 2013**, and continuing each June 1, thereafter or until the Town Plan Commission modifies or eliminates this condition. In the event that, upon review or complaint, the use of the property is not in substantial compliance with all terms of this Conditional Use Permit or the conditions of the neighborhood change, then, in that event, the Town of Ottawa Plan Commission and the Waukesha County Park and Planning Commission may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions subject to a public hearing. If said property remains in noncompliance for a substantial period of time, as determined by the Town or the County, or the use is no longer compatible with its surroundings, then the Town or the County may proceed with termination of the Conditional Use Permit as set forth in the Waukesha County Zoning Code. Further, the Town Plan Commission and the Waukesha County Park and Planning Commission 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, as long as the changes are not substantial in their sole discretion.
57. Additional horse stalls (not additional horses) may be added within the existing horse barn, following the issuance of a Zoning Permit from the Waukesha County Department of Parks and Land Use and a Building Permit from the Town of Ottawa, without the necessity of an additional amendment to the Conditional Use/Plan of Operation Permit. However, any expansion of the existing building to accommodate additional stalls or the construction of additional buildings will require an amendment to the existing Conditional Use/Plan of Operation Permit. All accessory buildings and structures must be a minimum of 50' from all lot lines.
58. Subject to a letter from the owner(s) and the operator acknowledging and accepting all terms and conditions of this Conditional Use Permit and SPPO Permit being submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff prior to **June 15, 2012**.

59. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.
60. The following standard Conditional Use conditions shall also apply:
  - M. 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.
  - N. 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, 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.
  - O. 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.
  - P. 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.
  - Q. 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.

- R. 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.
- S. 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.
- T. 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.
- U. 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 permit, including proceedings to terminate this conditional permit.
- V. 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.
- W. 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. *This condition is*

*enforceable by the Town of Ottawa only.*

- X. 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. *This condition is enforceable by the Town of Ottawa only.*

Planner Scherer said the main violations were the flatbed trailer, and having 2 additional horses. Chariman Arrowood said that the original CU allowed for 7 horses, and they currently have 9. If the CU needs to be revised, Clarkson would need to apply for a revised CU.

Eddrie 'Dee' Johnson, the site manager, was present on behalf of Mrs. Clarkson. She stated that there had been an influx of horses when some retired jumpers came in, and would work on getting the number back to 7, and would work on revising the CU, if possible, to allow for 9 horses. Mrs. Johnson also added that the additional trailer was temporarily there overnight and it was used to haul hay, and belongs to the farmer next door. Mrs. Clarkson does not own a trailer to haul hay.

Supervisor Goodchild asked if another inspection can be made to see if they comply? Planner Scherer stated that there may be a problem with more horses and they should look into a revised CU and they need to see if the acreage and zoning will allow for a change in the number of horses. Commissioner Hanson made a motion to table this item to the August 3<sup>rd</sup> Plan Commission meeting. It was seconded by Supervisor Goodchild and it carried.

The next item on the Agenda was Genesee Aggregate Corporation (GAC) - Annual report. Elaine Kraut and Heidi Johnson were present from GAC. Mrs. Kraut read through the report. Chairman Arrowood thanked her and appreciated her detail and commitment to follow through within the community.

The next item on the Agenda was for GAC SPPO for a temporary portable concrete ready mix batch plant (Ozinga Ready Mix, operator). Mrs. Kraut explained that the Ozinga Ready Mix will be temporary during the STH 67 construction period. Eventually, GAC will be clearing room down on the pit floor for a permanent batch plant set up on the floor of the working area. This

will help with visibility, dust and sound as this was how it was originally proposed. Planner Scherer read from her report as follows:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**  
**SITE PLAN AND PLAN OF OPERATION**

**DATE:** June 1, 2015

SENT VIA EMAIL
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**FILE NO:** PO-15-OTWT-01

**OWNER:** Ottawa Land LLC  
Elaine Kraut  
1505 Golden Lake Road  
Oconomowoc, WI 53066-9404

**APPLICANT:** Genesee Aggregate Corporation (GAC)  
Ottawa Operation, Rick Erickson  
W340 S2067 CTH C  
Oconomowoc, WI 53066

**OPERATOR:** Ozinga Concrete Company  
Richard Dembinsky  
8020 Greenbay Road.  
Kenosha, WI 53142

**NAME OF OPERATION:** Ozinga Ready Mix Company

**TAX KEY NO:** OTWT 1587.996 (subject 40 acre parcel)

**LOCATION:**

The property is located in part of the SW ¼ of Section 1, T6N, R17E, Town of Ottawa. More specifically, the property is located at W340 S2067 CTH C. The overall quarry property contains approximately 436 acres (seven parcels) of which approximately 225 is available for quarrying at the present time, but only approximately 59 acres has been disturbed with the current sand and gravel operation. The parcel that is the subject of this request is a 40 acre parcel of which about 2.8 acres has been disturbed by the former concrete batch plant existing on the site.

**ZONING CLASSIFICATION:** Q-1 Quarrying District and EC Environmental Corridor

**EXISTING LAND USE:**

Active non-metallic mining (sand and gravel quarry operation) and reclamation. A former

concrete batch plant also exists on the site and will be removed by the end of 2015.

**PROPOSED LAND USE:**

The installation and operation of a temporary portable concrete ready mix batch plant (CBP) on a portion of the GAC property. The purpose of the CBP is to supply ready mix concrete for a local Wisconsin Department of Transportation project (STH 67 reconstruction and paving improvements).

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

The immediate subject site is designated as Extractive and Isolated Natural Resource Area (INRA) on both the Comprehensive Development Plan for Waukesha County and the Town of Ottawa CDP. The area designated as INRA is located in the northwestern corner of the property, and the proposed CBP will be located in the area designated as Extractive. Therefore the proposed use complies with both plans.

**PLANNER ANALYSIS:**

**EXISTING USE:** The entire 436 acre property is currently operating under a Conditional Use (CU-1097) which allows for the existing uses as well as CBPs. However, now that a specific CBP is proposed, a Site Plan and Plan of Operation (SPPO, Exhibit A) is required by ordinance for its location and operation as would be the case in any zoning district where the use is permitted by right or through a Conditional Use in accordance with the zoning regulations.

As noted above, the parcel that is the subject of this request is a 40 acre parcel of which about 2.8 acres has been disturbed by the former concrete batch plant existing on the site. The northwestern-most corner of the 40 acres contains a 16 acre INRA, and the Ice Age Trail runs along the entire western border of the 40 acre parcel. The site is served by the main access road to the property and is located about 2,600 form CTH C.

**PROPOSED USE:** The operator is proposing to add a CBP to the subject property. The purpose of the CBP is to supply ready mix concrete for the Wisconsin Department of Transportation STH 67 reconstruction and paving improvement project in Waukesha County. No other projects will be supplied by the proposed CBP.

The proposed CBP will be located within the boundaries of the gravel pit operation, and more specifically in the far northwest corner, in the general area where a former (non-operable) CBP is located. This CBP is planned to be removed by the end of 2015. Likewise, upon completion of the Wisconsin Department of Transportation STH 67 project, all of the Ozinga CBP equipment will be removed from the site. The CBP set up/operation is proposed to begin in June of 2015 and end in November of 2015. Everything would be dismantled and removed from the site by December 31, 2015.

The CBP will consist of one 10' x 60' portable CBP, a conveyor, aggregate storage, and the (existing) hopper(s). The buildings and equipment will be used for ready mix concrete production and storage of cement, fly ash, admixes, and aggregate. The cement, fly ash, and admixes will be trucked in, but all aggregate will be supplied on site. No change in drainage patterns will occur from the installation of the proposed CBP. Aggregate material will be transported from the onsite supplier, GAC, to the CBP site. The aggregate and concrete materials will be fed into the CBP producing the ready mix concrete. The ready mix concrete will be loaded into cement mixer trucks and hauled to the job site. Water for the operation will be from an onsite well.

**TRUCK AND EQUIPMENT PARKING/STORAGE:** Ozinga ready mix trucks will not be parked or stored overnight on the premises. No fueling or washing will take place on site. The only other vehicles parked/stored on the property are those used in the current quarry operation and employee vehicles which may be parked on the premises during normal working hours. One front end loader will be used and stored in conjunction with the CBP.

**SANITARY FACILITIES:** Two portable toilets are existing on site. The Waukesha County Environmental Health Division has been contacted in regard to the proposed sanitary facilities.

**TRAFFIC CIRCULATION:** Trucks will enter and exit the site utilizing CTH C. Truck frequency is estimated at 8-15 on "pour" days, and otherwise the amount of traffic is similar to if the plant were operating off site.

**EMPLOYEES:** Three (3) to four (4) full-time employees will be needed for the CBP on "pour" days.

**HOURS OF OPERATION:** The CBP will follow the same hours of operation as GAC. Those hours are from 6:00 a.m. to 6:00 p.m. Monday through Friday, and 6:00 a.m. to 2:00 p.m. on Saturdays. Sundays and legal holidays are excluded except in case of an emergency situation in which case the Town Chairperson will be notified prior to operation in accordance with Condition No. 7 below.

**SURFACE WATER DRAINAGE:** Site drains internally and the owner holds a WDNR General Permit for the site.

**WATER USAGE:** The water will come from an approved well on the site.

**SIGNAGE AND LIGHTING:** No additional signage or lighting is proposed.

**PLANNER RECOMMENDATION:**

It is recommended the Town of Ottawa Plan Commission recommend **approval** of this request to Waukesha County, subject to the following conditions:

1. Subject to all previous conditions imposed by the Town of Ottawa and Waukesha County for Genesee Aggregate Corporation (CU-1097 and all exhibits attendant thereto, etc) remaining in full force and effect and said conditions shall be complied with as determined to be applicable for this use by the Town and the County, and/or unless specifically amended herein, or the use(s) have subsequently terminated on the property.
2. All trucks leaving the site shall only travel north (left turn only) on CTH C to USH 18. All ready mix concrete trucks (related to the CTH P project) shall travel on state or county highways. Town roads shall not be used by the ready mix concrete trucks.
3. Ozinga shall submit proof of liability insurance to the Town and the County, **prior to the issuance of any permits.**
4. Only the outside storage as approved herein and depicted on the approved Site Plan located in the file and incorporated herein by reference as **Exhibit B** is permitted. There shall be no other outside uses other than what is approved herein or by CU-1097.
5. The temporary ready mix concrete batch plant shall only produce concrete for the STH 67 project. Upon completion of the STH 67 project or no later than December 31, 2015, the CBP shall be completely removed from the property.
6. The operator shall submit in writing to the Town Clerk and the Waukesha County Planning and Zoning Division, the operator's: general phone number or the contact person's cell phone number (whichever one we currently do not have) as well as a 24-hour emergency contact number.
7. The Town Chairperson has the authority to modify the hours of operation in the event of an emergency request. All requests for expanded hours shall be followed up with a written request to the Town Clerk for the file within one business day outlining the request that was made.
8. Only the cement, fly ash, and admixes used in the manufacture of the ready mix concrete shall be brought from off site.
9. There is a 60' maximum height restriction for structures related to a quarry. The CBP shall be no closer than 20' to the common lot line with Payne and Dolan.
10. A Building Permit, if applicable, shall be obtained from the Town Building Inspector and a Zoning Permit, if applicable, shall be obtained from the Waukesha County PZD, **prior to the installation of the CBP.** The Building Inspector shall inspect the CBP upon installation to determine compliance with all applicable building codes. Any compliance violations shall be corrected to the Building Inspector's satisfaction, **prior to the issuance of an Occupancy Permit. This is enforceable by the Town only.**
11. The Fire Chief shall inspect the premises to ensure all applicable fire codes are complied with. All compliance violations shall be corrected to the Fire Chief's satisfaction, **prior to the issuance of an Occupancy Permit. This condition is enforceable by the Town only.**

12. The Environmental Health Division shall review and approve, if required, the sanitary facilities for the proposed use (two porta potties), **prior to the issuance of any permits.** *I have contacted them and am awaiting a response.*
13. No portion of the operation shall encroach into the existing EC zoned INRA located immediately to the west of the proposed CBP site.
14. No lighting or signage is proposed or permitted herein.
15. There shall be no maintenance of the vehicles on the subject property.
16. An inspection was conducted of the proposed site on May 12, 2015, and I also took the opportunity to watch the trucks come and go for a time along CTH C from the various operators as we had received a call recently about dust in the area, and there seemed to be more than a normal amount of dust coming from the GAC site and also some from the Johnson Sand and Gravel operation. Therefore, with additional truck traffic proposed for the site, greater attention should be paid to controlling the dust that comes from the site in accordance with the CU conditions, particularly out onto CTH C. The internal roadway shall be maintained in a dust free condition by surfacing or treatment in accordance with Section 3.08(7)(S)3(d)(2). I also notified P&D of the concern even though they did not appear to be involved.
17. Subject to the property being in compliance with all Federal, State, County, and local laws, ordinances, codes, rules, and regulations. Ozinga shall obtain all required licenses and permits for the proposed use, including those from the State (DNR, etc), and copies of the same shall be submitted to the Town Planner and County Planning and Zoning Division **prior to the issuance of any permits.**
18. A copy of a signed and executed lease agreement between Genesee Aggregate and Ozinga requiring Ozinga to abide by all terms and conditions placed on Genesee Aggregate by the Town, County and/or State shall be submitted to the Town and the County for review **prior to the issuance of any permits.** Any financial terms of the agreement that the parties would like redacted is acceptable. Said lease shall indicate that Ozinga will be held to strict environmental standards. If at any time, Ozinga fails to comply with all rules, regulations or standards of the Town of Ottawa, Waukesha County, the State of Wisconsin or the Federal Government, the Town of Ottawa may invoke their right to terminate the permit to operate the CBP. Termination of Ozinga (if applicable) will not impact any other pre-existing permits for Genesee Aggregate.
19. Subject to the applicant allowing the lease area to be available for inspection by the Town of Ottawa officials and Waukesha County staff at any reasonable time and upon reasonable notice.

20. Subject to all activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, vibration, odor or any other similar factor. Quarries also have certain parameters which they must follow as part of their Conditional Use in regard to these types of issues.
21. The Town and County reserve the right to review any condition imposed as part of this Site Plan/Plan of Operation if said use becomes a problem in the area. The Town Plan Commission and the Waukesha County PZD 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.
22. The use hereby authorized shall be confined to the lease areas, without extension or expansion, as described in **Exhibit B**, incorporated herein by reference, and shall not vary from the purposes herein described unless expressly authorized in writing by the Town Plan Commission and the County Planning and Zoning Division as being in compliance with all pertinent ordinances.
23. This approval is for a temporary use for an approximately 6-month period. If the applicant finds additional time is needed beyond 6 months from the date of the issuance of the Use Permit, a request shall be made of the Town Plan Commission for an extension well in advance of the 6 months expiring; however, the Town is under no obligation to approve said request. All items on the site shall be removed from the subject property upon expiration of the 6-month period.
24. The CBP shall comply with all of the regulations set forth in Section 3.08(7)(S) of the Waukesha County Zoning Code.
25. Town of Ottawa's standard conditions:
  - 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 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 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 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 permit, and all applicable ordinances.

E. Any change, addition, modification, alteration and/or amendment of any aspect of this 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 permit expressly states otherwise, plans that are specifically required by this permit may be amended upon the prior approval of the Town Plan Commission and the Waukesha County PZD if the Town Plan Commission and the Waukesha County PZD find the plan amendment to be minor and consistent with the permit. Any change in any plan that the Town Plan Commission and the Waukesha County PZD 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 approval 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 approval and the remainder shall continue in full force and effect.

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

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 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 permit, including any proceedings to terminate this permit.

K. The petitioner shall accept the terms and conditions of the approval in its entirety, in writing, **prior to the issuance of any permits.**

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 approval, 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. ***This condition is enforceable by the Town only.***

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 approval that is subject to all remedies available to the Town, including possible cause for termination of the approval. ***This condition is enforceable by the Town only.***

The approval of this request, as conditioned, will allow the installation and operation of a CBP production facility for the Wisconsin Department of Transportation STH 67 reconstruction and paving improvement project in compliance with the purpose and intent of the Waukesha County Zoning Code and Town and County CDPs. The CBP is a permitted accessory use in the Q-1 District and therefore subject to the approval of a Site Plan and Plan of Operation in accordance with the regulations in the Zoning Code. The proposed CBP will only operate on the site until the end of November 2015, at which time the CBP will be removed from the site. The proposed CBP, as conditioned, should not adversely affect the surrounding area or harm the public health, safety or welfare.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Town Planner

Supervisor Goodchild stated they should look into contacting the utilities for gas and electric hookups. Planner Scherer indicated no Stormwater Permit is necessary. Supervisor Goodchild

made a motion to recommend approval of the request with Planner Scherer's recommended conditions. Commissioner Hanson seconded and the motion carried.

The next item on the Agenda was an update of GAC, Prairie Materials Ready Mix removal. Mrs. Kraut explained their contract was up at the end of 2015, and they had already begun removal.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Commissioner Hausser made a motion to approve the minutes. Commissioner Hanson seconded the motion and it carried.

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

Respectfully submitted,

Lori Geyman, Deputy Clerk, Town of Ottawa