

OTTAWA PLAN COMMISSION
August 3, 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 Farmland Preservation zoning ordinance and map amendments.

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, August 3, 2015, at 6:00 p.m., at the Ottawa Town Hall located at W360 S3337 S.T.H. 67, Dousman, WI, 53118, to consider the rezoning request of the Waukesha County Department of Parks & Land Use (SZ-1459K, CZ-1459L) to adopt a new Town of Ottawa Zoning Map in order to comply with new State farmland preservation zoning laws. The affected lands are subject to either the Waukesha County Zoning Code or the Waukesha County Shoreland & Floodland Protection Ordinance. Most lands that are within the planned Farmland Preservation land use plan category that are currently zoned AP Agricultural Land Preservation District or AE Exclusive Agricultural Conservancy District are to be rezoned to the proposed Farmland Preservation District and Farmland Conservancy District.

The map incorporates the most current available environmental corridor, wetland and floodplain boundaries and zones said resources to the proposed EC Environmental Corridor Overlay District and C-1 Conservancy Overlay District, as appropriate. A copy of the map is available for viewing at the Ottawa Town Hall or in the offices of the Waukesha County Planning & Zoning Division. The map can also be viewed at www.waukeshacounty.gov/planningandzoning. A quorum of the Town of Ottawa Board of Supervisors may also be present.

Text amendments to the Waukesha County Zoning Code and Waukesha County Shoreland & Floodland Protection Ordinance to incorporate revised farmland preservation provisions have also been prepared in conjunction with the new maps. A public hearing for the text amendments will be held by the Waukesha County Park & Planning Commission on August 20, 2015 at 1:00 in Room AC-255/259 of the Waukesha County Administration Center. Draft text amendments will be available for viewing at www.waukeshacounty.gov/planningandzoning after July 23, 2015.

For additional information concerning this public hearing, please contact the Town of Ottawa Planner, Sandy Scherer, of the Waukesha County Department of Parks and Land Use-Planning and Zoning Division at (262) 548-7790.

All interested parties will be heard.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director

515 W. Moreland Blvd. Rm. AC260

Waukesha, WI 53188

Legal Notice to be published in

The Kettle Moraine Index on

Thursday, July 16, 2015 and

Thursday, July 23, 2015.

Planner Scherer read from the following:

AGRICULTURAL PRESERVATION ZONING PUBLIC HEARING SUMMARY OVERVIEW

Recent History:

In 2009, the new State Farmland Preservation Law (Chapter 91, also known as the Working Lands Initiative) required Counties to adopt a Farmland Preservation Plan certified by DATCP. The Waukesha County Dept. of Parks and Land Use completed that task in 2011 following several years of work and public comment.

The Plan continued the scheme of mapping large blocks of farmland (5 square miles of contiguous lands w/ 75% of parcels being 35 acres or more in size and 75% of the area is existing agricultural or open/unused (rural) land uses) into the farmland preservation category; individual parcels needed to be ag or natural resource lands (corridors), outside of any refined sewer service areas, and at least 50% of the soils are Class I, Class II or soils of “Statewide Importance”; the plan carried forward the 35 acre density for farmland preservation areas; the farmland preservation designation was applied to only three towns in the County (Eagle, Ottawa, and Oconomowoc).

The law also required Counties to prepare a new Farmland Preservation Zoning Ordinance to be completed by the end of 2015.

Requirements were that new non-farm residences within the farmland preservation districts were prohibited unless a base farm tract system was used; there must be 80% consistency between the plan designations and the zoning designations; and the zoning actions must be consistent with the farmland preservation plan.

A 2013 Administrative Rule (ATCP 49) provided more flexibility in regard to existing non-farm residences, the consistency requirements, etc.

Waukesha County convened a Farmland Preservation Zoning Ordinance workgroup to begin the task of assessing what changes needed to be made to the existing zoning ordinances to comply with the state law and to be consistent with the Farmland Preservation Plan.

Key issues identified by the Farmland Preservation Zoning Ordinance workgroup:

- A vast majority of acreage that is planned for farmland preservation is already zoned as such.
- The 35 acre parcel size not entirely effective in preserving farmland.
- The conversion of farm parcels for “estate” use is reducing available farm acreage.
- The workgroup concluded that existing code provisions that require a lot created for a family member to stay within the family in perpetuity is not practical or enforceable.
- Lack of a farm consolidation maximum parcel size and a non-farm residence maximum parcel size creates the possibility for more farmland loss.
- Existing environmental corridor zoning provisions should be revisited in the farmland preservation areas.

| Existing AP District Standards | Proposed AP District Standards |
|---|--|
| 35 acre minimum farm parcel size. | 35 acre density requirement. |
| Minimum one acre residential lots (no maximum lot size). | Minimum one acre residential lots (3 acre maximum, and 5 acre maximum for farm consolidations). |
| New lots restricted to family members. | New lots available to family or non-family members. |
| No lot siting standards (except for lots in wooded Environmental Corridors not allowed in most cases). | Lot siting standards proposed to direct lots to non-cultivated, non-prime soils or wooded areas to the extent possible (Environmental Corridors to become an Overlay District with limited development allowed). |
| AT District proposed to no longer be certified as a farmland preservation zoning district (will be converted to a 10 acre zoning district instead). | |
| “Farm tracking units” proposed to better track and map available density per farm over time. Only land splits since 1997 CDP counted toward available density as those are splits we can easily identify. | |

Only those lands already planned for farmland preservation will be zoned AP.

Expected outcomes:

- Continuation of long standing 35 acre density provision which will not reduce the number of lots/units available to farm owners.
- More flexibility for farm owners in being able to create a limited number of parcels for family or non-family members.
- More acreage that is located on parcels planned and zoned for farmland preservation expected to remain in agricultural use long term.
- More farmland potentially available to adjacent farm owners looking to expand, or available to young or new farmers.
- Land owners remain eligible for tax credits.
 - \$5.00/acre for lands with a 15 year agreement (within an Agricultural Enterprise Area - T/Oconomowoc only).
 - \$7.50/acre for lands zoned Farmland Preservation.
 - \$10/acre for lands zoned Farmland Preservation with 15 year agreement (within AEA – T/Oconomowoc only).

An Open House was held in April 2015 to gather input from primarily the farming community and the Towns of Ottawa and Oconomowoc in regard to the proposed options the workgroup had formulated.

The Planning and Zoning Division then moved forward and completed the amendments to the zoning ordinances in June of 2015 and will hold public hearings in August of 2015 to receive final input on the proposed zoning amendments.

Next Steps:

Consider comments received at public hearings and make any necessary revisions to the text and/or maps.

Advance proposed code/map amendments through the remainder of the approval process.

Submit draft code and map for review by DATCP.

Commissioner Mundschau inquired as to why Ottawa is involved with only 16 properties planned for Farmland Preservation? Planner Scherer replied that the Town is part of a block with Jefferson County, so it is required. Mary Wilke from the audience asked what would happen to properties that may become annexed to Dousman in 15 years? Planner Scherer responded that would be up to the State to determine if the program would continue, but

annexation should not change the implementation of the law. Ms. Wilke also inquired if property owners could be notified by mail of the upcoming Waukesha County Public Hearing on the matter? Planner Scherer responded that it is published in the newspaper and State Law does not require individual mailings. Commissioner Mundschau agreed that a letter may be necessary as property owners involved in the change may not be looking in the paper for notices they may be unaware of. Commissioner Weber agreed that affected owners should know they have the opportunity to speak their opinions regarding their properties. Commissioner Hausser stated that letters could be sent out at the Town Level. Chairman Arrowood agreed that the Town could send a letter and include information from Planner Scherer about the County Public Hearing on August 20, 2015.

Commissioner Mundschau also added that he felt there should be an option for properties smaller than 70 acres to be able to split acreage as well. He stated as long as there would be the minimum of 35 acres kept in Farmland Preservation, that acreage over that amount could have the ability to be split. Commissioner Weber agreed and added that the ability to do that would allow for more preservation of agricultural use. Commissioner Mundschau asked if the new changes would affect how the properties are assessed? Commissioner Weber responded that now, State Statute requires how it is assessed because of the large acreage and the ability to split that off. With the new change you would only be allowed to split acreage so far, so an assessment could be re-visited.

Chairman Arrowood asked if there was any more public comment? There was none.

Commissioner Mundschau made a motion to close this Public Hearing. Commissioner Hanson 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, Hausser, Mundschau and Weber were present.

The first item on the agenda was for Discussion and Action of the Farmland Preservation zoning ordinance and map amendments. Commissioner Weber made a motion to recommend approval of the Farmland Preservation zoning ordinance and map amendments and to also consider the option of parcels 37-69 acres to be allowed to split a current residence from the farmland with the remaining acreage to be left in agricultural use in perpetuity. The Plan Commission also decided to send letters to all affected property owners notifying them individually of the upcoming County hearing and asked Planner Scherer to assist the Town Clerk with that task. Commissioner Hausser seconded and the motion carried.

The next item on the Agenda was for Randy and Susan Walters request for a Conceptual Land Division review waiver. Planner Scherer read from her memo:

MEMORANDUM

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| SENT VIA EMAIL |
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To: Town of Ottawa Plan Commission
From: Sandy Scherer, Town Planner
Subject: Walters request for a waiver
Date: August 3, 2015

The Town of Ottawa has received a request to waive the Conceptual review of a proposed CSM to be submitted by Randy and Susan Walters. Although I have yet to meet with the petitioners regarding the CSM (we have office hours scheduled for August 11th), as I understand the request, they are proposing to adjust the lot lines between the two parcels they own. The Town Board will also have to waive this request.

The petitioner should be advised that by requesting to waive the review of the Conceptual CSM, they will be receiving their first initial input from the town after a CSM has already be prepared, and therefore the Town may request changes to the CSM that will require the petitioners to go back to their surveyor for any changes requested at that time.

It is recommended the Plan Commission approve this waiver request.

Planner Scherer stated that the Walters are essentially requesting to adjust a lot line. Chairman Arrowood stated that the Walters have been advised that this waiver could incur additional cost for them if the CSM needs to be changed.

After some discussion on the matter, Commissioner Hanson made a motion to recommend a waiver of the Conceptual Land Division review to the Town Board subject to the petitioner submitting a plat of survey showing the proposed house location and that the petitioners understand that changes may be required to the CSM going forward. Commissioner Mundschau seconded and it carried.

The next item on the Agenda was for Erik Hamre request for an additional outbuilding.

Planner Scherer read the Ordinance requirements for Multiple Accessory Buildings. Mr. Hamre was in the audience and stated that the request is for a 40' x 41' Morton building to store 2 boats and recreational vehicles. Commissioner Weber asked if any of the outbuildings were viewable from the road? Mr. Hamre stated no, they are not. The Plan commission asked what red

outbuilding was used for? The sellers replied that it is used as a potting shed and for woodworking; it is also used as a party room but there is no plumbing. The small log building is used as a tool shed. Planner Scherer asked how tall the proposed building was? The petitioner stated the proposed building is 17' to peak. Commissioner Mundschau made a motion to grant a waiver for an additional outbuilding. It was seconded by Commissioner Weber and it carried.

The next item on the Agenda was for Jeff Foat, request for Final CSM approval and necessary waivers. Planner Scherer read from her report:

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
FINAL CERTIFIED SURVEY MAP

DATE: August 3, 2015

SENT VIA EMAIL

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

SURVEYOR: Mark Powers, PLS
Lake Country Engineering, Inc.

REVISION DATE ON CSM: July 6, 2015

DATE CSM RECEIVED: July 10, 2015

TAX KEY NO(S):

OTWT 1634.999.003 (the Foat's also owned a 3.05 acre lot adjacent to the north, Tax Key No. OTWT 1634.012 which was sold in January).

LOCATION:

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

LOT SIZE(S):

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

EXISTING USE(S): A residence and three outbuildings on proposed Lot 1 and an outbuilding on proposed Lot 2.

REQUESTED USE(S):

A two lot CSM (5.0 acres and 11.48 acres). Each lot would have access from Waterville Road.

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

A-5 Mini-Farm (5 acre minimum lot size, 300' minimum average width).

SOIL TYPES:

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

SUBMITTAL OF SOIL TESTS:

Soil tests for the larger lot were submitted with the Preliminary CSM. The EHD stated the site perked for a conventional septic system.

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

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

PLANNER ANALYSIS:

As mentioned above, the petitioner is proposing a two lot CSM (5.0 acres and 11.48 acres). Each lot would have access from Waterville Road, a state designated Rustic Road in the Town of Ottawa. The recorded CSM dedicated only 33' of ROW for Waterville Road, whereas the adopted Street and Highway Width Map for Waukesha County requires 40' of ROW on each side of the centerline of Waterville Road. Therefore, additional ROW has been dedicated with the **proposed** CSM. The property contains an area of steeper slopes in the northeast corner of the larger parcel. The four accessory buildings (**all currently on the 16.48 acre parcel**) were approved by the Town in 2010 (only two are permitted by ordinance). **At their May 4, 2015 meeting, the Plan Commission approved three of the accessory buildings to remain on proposed Lot 1 of the CSM.** It should be noted the petitioner also owned a 3 acre parcel to the north of the subject property that was sold in January of 2015.

Relative to the Town's adopted Land Division Review Checklist and review of the **Final** CSM,

the following list of items need to be shown on the face of a CSM and/or submitted in conjunction with the next CSM submittal to the Town Planner and Town Engineer.

1. The petitioner shall submit all information required by the Town Building Inspector and the Town Engineer for their review in order to approve of the most proper and safe location of an access to the larger parcel. This location shall be finalized prior to the submittal of the Final CSM. Although it sounds like the petitioner has talked with the Town Building Inspector, the petitioner submitted a private driveway access application for the County DPW. Unless the petitioner received this document from the town for their use, this is not needed as Waterville Road is a town road. Please be sure to consult with the Town Building Inspector and Engineer regarding this matter, if you have not already done so. **The Town Building Inspector verified the petitioner has received a driveway permit.**
2. If further divisions of the larger parcel are contemplated in the future, an overall conceptual development plan must be submitted with the Preliminary CSM for review and consideration by the Town Plan Commission. A note may need to be placed on the face of the CSM stating that there shall be no further land divisions involving any lots on the CSM without Town approval of the land division and the construction of a public road extended to serve all lots within the (larger) land division, and the proposed land division meeting all other requirements in effect at the time of the proposed land division unless otherwise waived by the town. **At their May, 2015 meetings, the Town required that a note be placed on the CSM relative to this issue.**

Foat Conceptual Land Division

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3. For a period of time, the horse barn/arena will be located on a lot without a principal residence. That issue must be addressed with the County PZD (contact the POD) prior to the issuance of a Zoning Permit for the new home. Further, the smaller parcel would have three accessory buildings, whereas the maximum is two per the Zoning Code. The Town Plan Commission should approve of this situation prior to the approval of the Final CSM. **This item was approved by the Town Plan Commission on May 4, 2015.**
4. ~~If the County determines the CSM needs flag lot/lot not abutting a public road approval, the petitioner will need to contact the County Land Division Review Staff at (262) 548-7790 for further direction. I have provided them with a copy of the CSM to make this initial determination.~~ **The County has determined that they will not need to review the CSM.**
5. Lot 2 exceeds the lot width to depth ratio requirement of the Town's LDDO and requires a waiver. **This waiver was granted by the Town in May, 2015.**
6. **In response to the petitioner's surveyor's response to the Town Engineer's report relative to this CSM, Item No. 1, the Town Engineer states: According to Wisconsin Plat Review, Wisconsin Administrative Code A-E 7 applies to all surveys. Further, A-E 7.01 2 (a) states that an agreement between the property owner and surveyor to**

exclude any item in A-E 7 can be composed and a note placed on the survey, in this case as it relates to Item No. 1 (A-E 7.04, the description shall contain necessary ties to adjoiners) of the Town Engineer's report dated March 30, 2015.

7. **I have left a message with the Town Engineer to advise as to the accuracy of the Surveyors Certificate on Sheet 3 of the CSM as omitting the road ROW dedication affects the total acreage of the CSM that is noted therein.**
8. Town of Ottawa Standard CSM Conditions:
 - A. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Land Division and Development Ordinance; and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Preliminary and Final CSM, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
 - B. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

- C. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, as applicable, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
- D. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to prior to commencing construction of any improvement, whether public or private, or site development, or approval of the Final CSM, whichever is earlier.
- E. The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type

that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

- F. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
- G. Subject to the Developer applying for and receiving from the Town Plan Commission, Town Board, and Waukesha County, all necessary variances and waivers (if any) to the Waukesha County Zoning Code, the Waukesha County Shoreland and Floodland Protection Ordinance, the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, and the Town of Ottawa Land Division and Development Ordinance prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier. This conditional approval document shall not be read as providing any assurance or expectation that such variances or waivers will be granted, and shall not vest any right regarding the grant of such variances or waivers.

Based upon the above information, it is recommended the Town Plan Commission recommend *approval* of the **Final** CSM and waivers requested herein to the Town Board for consideration.

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

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Town Planner

NOTE: Changes from the **May 4, 2015** report are in **bold** font.

The Foat's were present, and stated that they are ready to go with the land division. Commissioner Weber made a motion to recommend approval of the Final CSM and necessary waivers to the Town Board per the Planners report, to include the addition of Item #6 on the Planner's report be added to the survey. Commissioner Hanson seconded and the motion carried.

The next item on the Agenda was the Igl Family Farm, LLC, request for Final CSM approval and necessary waivers. Planner Scherer read from her report:

TOWN OF OTTAWA
PLANNER REPORT
FINAL CERTIFIED SURVEY MAP

DATE: August 3, 2015

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| SENT VIA EMAIL |
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OWNER(S): Igl Family Farm, LLC
W382 S2728 CTH Z
Dousman, WI 53118

AGENT: Siepmann Realty Corporation

TAX KEY NO(S):

OTWT 1614.998 (the Igl's also own 32 acres of land adjacent to the east, Tax Key No. OTWT 1614.999, which will be combined with the approximately 97 acre subject parcel to be divided by CSM for a total lot size of approximately **129** acres).

LOCATION:

Part of the W ½ of Section 8, T6N, R17E, Town of Ottawa. More specifically, the property is located at the CTH Z address cited above.

TOTAL LOT SIZE: 129.2 acres (per CSM)

EXISTING USE(S): Agricultural, productive forestlands, and undeveloped

REQUESTED USE(S):

A two lot CSM (10 acres and 119.2 acres). **Proposed** Lot 1 will be used for single family residential use. **Proposed** Lot 2 will remain vacant in the near term.

**WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE AND ZONING CODE – ZONING DISTRICT CLASSIFICATION(S):**

AD-10 Agricultural Density District 10 (ten acre density, one acre minimum lot size), EC Environmental Corridor, A-P Agricultural Preservation, and C-1 Conservancy. The land division proposal conforms with the existing zoning district requirements.

SOIL TYPES:

The SCS soil types indicate there are steep slopes between 12 and 20% on the property, as well as high groundwater conditions.

SOIL TESTS SUBMITTED:

Yes, two different soil testers submitted soil tests with the **Preliminary CSM in 2013** and they revealed indications of high groundwater conditions for **proposed** Lot 2 at about four feet. Per the Town's Land Division Ordinance, additional tests are required on both lots (one test per three acres in this case). **Proposed** Lot 1 needs at least two additional tests and **proposed** Lot 2 needs at least

Igl Family Farm LLC Final CSM (Town)

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five additional tests (for the developable area only). If any of the tests are to be utilized for the basement elevations, they must be located within 50 feet of the actual house site.

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

When the Conceptual Plan was submitted in 2011, the WCDP designated the property as Rural 5 Acre Density and Other Agricultural Lands, Open Lands to be Preserved, PEC and Prime Agricultural (on the 32 acre parcel), and therefore the developer went ahead and prepared the land division based on that information. Since that time, the County has adopted a new Farmland Preservation Plan which affects this development in that now both properties are designated as Farmland Preservation or Farmland Preservation with an EC overlay on the WCDP **map**. The Town of Ottawa CDP designates the property as Agricultural 10 Acre Density, Open Lands to be Preserved, Prime Agricultural, and PEC. The proposal conforms with both plans due to the fact that initially there will only be one dwelling unit on the 129 acres of land (one DU/35 acres is the standard requirement on prime ag lands), the 10 acre building site avoids the wetlands, steep slopes and hydric soils, and the majority of the remainder of the 119 acres is being placed in a conservation easement with the USDA. Further, the 10 acre building site is set back off of the road maintaining the rural vistas and is also buffered from any lands in the area

that may continue to be farmed.

PLANNER ANALYSIS:

Proposed Lot 1 will be a 10 acre parcel served by an existing (historic) east-west ownership strip that varies in width between 21' and 24.9' and was approved by the Waukesha County Board of Adjustment on December 12, 2012 (BA12:46) only due to the fact that the property was being divided. The ownership strip is basically across CTH Z from the terminus of School Section Lake Road, although it does not quite line up with School Section Lake Road. In consulting the Town's draft Official Map, the Town does not appear to have plans to extend School Section Lake Road to the west, but even if they did, this ownership **strip** would not be needed to do so as there is 62.1 feet to the south that does line up with School Section Lake Road that could be used for the purposes of extending School Section Lake Road to the west if necessary in the future.

The approximately 87 acre remnant parcel will be combined with an adjacent 32 acre parcel of land to the east (also owned by the Igl's) to create **proposed Lot 2** (119 acres) which will be accessed via CTH Z. The owners have provided a 53.7 acre conservation easement (recorded as Document No. 3995970), located on **proposed** Lot 2, to the USDA which will be served by an access easement that will initially be located within the ownership strip for **proposed** Lot 1 and then continue through Lot 2 to the north and west as a 50' wide access easement. **Proper permits must be obtained from all governing agencies for any enhancements to or restoration of the wetlands. The 119 acres was subsequently added to the Paradise Valley Addition to the Kettle Moraine State Forest in 2014.**

The subject property contains wetland, PEC, hydric soils, Class I and II soils, 12% or greater slopes, 100-year floodplain, and a ditch traversing the western portion of the overall property in a mainly north-south direction. The wetland on the property was field identified by Ayres Associates on 8-9-11 and surveyed on a plat of survey. A letter from the Waukesha County DPW dated 3-11-13 indicates the proposal will be allowed two access points. **The existing ownership strip will serve as the access point for the 10 acre parcel and it will be a private driveway for a single access only. Igl Family Farm LLC Final CSM (Town)**

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The second access point is for access **to Lot 2 which will be used for recreational use.**

Relative to the Town's adopted Land Division Review Checklist and review of the **Final CSM**, the following list of items need to be shown on the face of a **Revised Final CSM** and submitted to the Town Engineer and Town Planner for a **technical review as the items remaining to be corrected are fairly minor in nature and will not require further review/approval by the Town Plan Commission or Board.**

1. **The statement "no more than 50% of the lot shall have slopes of 10% or greater" was simply noted to have the surveyor calculate this requirement to determine if a waiver is necessary. Since the percentages are less than 10%, this statement can be removed from Note 7 on Sheet 7, and Note 8 on sheet 7 can be removed in its**

entirety.

2. The Town and the County must approve of the lot(s) not abutting a public road in conjunction with the submittal of a Preliminary CSM (flag lots). **This was approved on 5-6-13.** The Town Land Division and Development Ordinance requires each lot to front or abut a public street for a distance of 40 feet. Therefore, the Town must consider a waiver of this requirement for Lot 1. **A waiver was approved in 2013.**
3. All lot lines shall be at right angles or radial to streets unless a waiver is granted. **A waiver was approved in 2013.**
4. Lot 2 may not contain 50% of the lot in the zoning district the building site is in **as is required by Ordinance.** The surveyor shall calculate this requirement to determine if a waiver is required. **A waiver was approved in 2013.**
5. Utility easements, as required by the Town of Ottawa Land Division and Development Ordinance and the Town Engineer, shall be shown on the CSM, unless a waiver is granted. **From the petitioner's 5-20-15 response, it appears a waiver is being requested. According to the file, the Town already approved a waiver for this item in 2013.**
6. Additional soil tests for each lot must be submitted for review and approval with a Revised Final CSM (refer to soil tests section above). In addition, the soil tests from Patterson should have a map accompanying them and he must stamp Form A. **These items were not included with the Final CSM submittal as stated in the surveyor's response letter dated 5-20-15 and must be submitted.**
7. A driveway access and maintenance agreement for each lot (including the conservation easement) that is served by an easement or shared driveway shall be submitted to the Town for review and approval by the Town Attorney prior to the Town signing the Final CSM, and the approved agreement shall be recorded in the Waukesha County Register of Deeds office in conjunction with the recordation of the subject CSM. **The surveyor's response letter indicates this item will be provided under separate cover, but I have yet to receive this document.**
8. The owner must submit the CSM to the Waukesha County DPW for review and approval. The access(es) to CTH Z must be constructed per County DPW specifications, and a permit shall be obtained from the County prior to constructing said access(es).

I have received a more recent County DPW letter than the 3-11-13 letter referenced in the surveyor's 5-20-15 response letter (and it was not attached as stated), and it is dated 7-1-14. It basically states the same thing as their 3-11-13 letter except the use of one of the access points will be for parking for recreational use instead of for future development. So that item will have to be updated on the Final CSM

(changing the date of the County DPW letter that is referenced twice on Sheet 3).

9. The owner should contact the County LRD and inquire about storm water and/or erosion control requirements for driveways and access easements in particular **at the time of development.**
10. The Waukesha County Dept. of Parks and Land Use - Planning and Zoning Division must also review the CSM as it is within the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits. The owner should contact the County Land Division Review Team at (262) 548-7790 for submittal requirements. **The surveyor stated in his response letter that the CSM will be submitted to the County Land Division Review staff but, to date, no submittal has been received. I did provide them with a copy of the CSM, but no formal submittal has been received.**
11. **On Sheet 4 and Sheet 5 of the CSM, the legend should state the “Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional limits line”. Further, Sheet 4 indicates the PEC boundary in the title and on the map, but the PEC is not noted in the legend. The PEC should be added to the legend on Sheet 4.**
12. **Proper permits must be obtained from all governing agencies for any enhancements to, or restoration of, the wetlands.**
13. **On Sheet 1, the title of the owner/developer should state “Owner/Developer” and not “Surveyor/Engineer”.**
14. **Any buildings or structures constructed on Lot 1 must be located a minimum of 20 feet from the 30’ access easement in addition to complying with the 20 foot offset (not a 50 foot offset) requirement of the AD-10 zoning district. This should be noted on Sheet 3 with the other setbacks as should a 75’ wetland setback which affects the northeastern part of Lot 2. In addition, the 12% slopes to be preserved as open space shown on Sheet 4 also affect the buildable area shown on Sheet 3 and therefore should be accounted for in regard to the buildable area on Sheet 3 as well.**
15. **On Sheet 4, Note 1 is a note about a wetland delineation conducted by Ayres and Associates in 2011. On Sheet 5, there is a note just below where it states “Lot 2”, that states a wetland delineation was performed by Ms. Alice Klink of NRCS in 2013. Please clarify if both of these delineations were performed and if both are meant to appear on the CSM. In addition, “Ms.” and “Alice” are misspelled and need to be corrected.**
16. **The Village of Dousman signature blocks can be removed from Sheet 9 of the CSM, as per the Border Agreement with the Village, the Village has waived its right to approve plats and CSMs within the Town outside of the ultimate Village boundary, and also**

waived its authority to exercise extra-territorial zoning authority to any land in the Town outside of the ultimate Village boundary. In addition, the Village of Dousman can be removed from the end of the Surveyor's Certificate on Sheet 6, and the end of the Owner's Certificate on Sheet 8.

17. **On Sheet 6, if the Notary's commission did, in fact, expire in 2013, the surveyor's signature will have to be notarized by another notary public as the notary's commission is no longer valid. I think this is the same notarization used when the CSM was first drafted in 2013, but since revisions have been made as recently as 2015, the surveyor's signature on the CSM should be re-notarized after the most current revision date.**
18. **On Sheet 7, in No. 1 of the Preservation Area Restrictions, the words "shall are" shall be changed to "shall be".**
19. **On Sheet 7, in Note No. 2, the beginning of the note should state, "The wetland area on Lot 2...." In Note No. 6, in the fourth line, the note should read, "...to the owner of Lot 1 for single family residential use...across the ownership strip and Lot 1." The additions to the two notes are in italics.**
20. **On Sheet 8, the signature line for the Notary Public should have the words "Notary Public" beneath the signature line.**
21. **The Town's Land Division and Development Ordinance Checklist requires the ordinary high water mark (OHWM) of any navigable water body be shown on the CSM. Assuming the ditch shown on Sheet 4 is navigable, the OHWM must be shown on the CSM.**

PLANNER RECOMMENDATION:

Based upon the above information, it is recommended the Town Plan Commission **approve** the **Final CSM and any requested waivers** subject to the Planner Comments listed in the Analysis Section above and any Town Engineer Comments received.

In addition, the Town's Standard CSM Conditions listed below are also made part of the Town's approval, and are in addition to any Planner Comments or Engineer Comments.

Town of Ottawa Standard CSM Conditions:

1. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Land Division and Development Ordinance; and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and

Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Preliminary and Final CSM, and

Igl Family Farm LLC Preliminary CSM (Town)

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obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

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

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

Igl Family Farm LLC Final CSM (Town)

August 3, 2015

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Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Town Planner

NOTE: Changes from the **May 6, 2013** meeting are in **bold** font.

Jim Siepmann, representative for the Igl family was present, and displayed a map of the property. He explained the hopes for future DNR purchase of the remainder, and no further development. Planner Scherer pointed out item #10 on her report and added that the new Farmland Preservation zoning is set to be in place, and recommended the CSM should be submitted to the County before the August 20, 2015 public hearing takes place at Waukesha County. Commissioner Hanson made a motion to recommend approval of the Final CSM and necessary waivers to the Town Board, and including all of the Planner and Engineers comments. It was seconded by Commissioner Hausser and the motion carried.

The next item on the Agenda was for Clarkson Commercial Horse Boarding Operation - Annual Conditional Use review (tabled from June). Planner Scherer stated that she will not be meeting with the Site Manager until the following week and would like to table this matter until the September meeting. Commissioner Weber made a motion to table this item until the September 14, 2015 Plan Commission meeting. It was seconded by Commissioner Hausser and the motion carried.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Planner Scherer noted 3 minor edits to the minutes from June 1, 2015. Commissioner Hausser made a motion to approve the minutes as amended. Commissioner Mundschau seconded the motion and it carried.

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

Respectfully submitted,

Lori Geyman, Deputy Clerk, Town of Ottawa

(This is a draft version of the minutes, subject to Plan Commission approval)