

OTTAWA PLAN COMMISSION

November 2, 2015

Chairman Arrowood called the meeting of the Ottawa Plan Commission to order at 6:30 p.m. Present were Commissioners Hanson, Hausser, Kershek, Mundschau, Weber and Supervisor Goodchild.

The first item on the Agenda was a request for a Hobby Kennel Permit for Erin and Rachael Kelly, S31 W36177 CTH D, Dousman, WI.

Planner Scherer stated that the Kelly's property is 8 acres, some of which is fenced. Erin Kelly was present and he stated that 3 acres are fenced. The 2 dogs they currently own are current with licensing and vaccines. The Kelly's will not be breeding any of their dogs, as they are rescues, and neutering is required for adoption. They would like to adopt a third rescue dog and are requesting the Hobby Kennel permit to allow for that. Commissioner Hanson made a motion to approve the Kelly's request for a Hobby Kennel permit. It was seconded by Commissioner Mundschau and the motion carried.

The next item on the agenda was for Gary Kincaid, N2028 STH 106, Palmyra, WI, request for an accessory building without a principal structure on property located in Section 7. Planner Scherer read from the County Zoning Code:

WAUKESHA COUNTY ZONING CODE

3.04 Site regulations

(1) Building must be on a lot: Every building hereafter erected, structurally altered or relocated shall be located on a lot as defined herein. Any building used for the principal use permitted in that district shall constitute the principal building and there shall be no more than one (1) principal building on a lot except in business districts, industrial districts, planned unit developments and agricultural districts. In the agricultural district, no more than one (1) residence may be permitted on a single parcel of land unless it can be demonstrated that more than one (1) residence is necessary and accessory to the principal agricultural use of the property. The plan commission and the zoning agency may give approval to permit more than one (1) principal building on a lot in any district where such grant would not be contrary to the spirit and intent of the Ordinance, and provided that sufficient lot area is provided and the building so located so as to individually meet the setback, offset, and lot size and open space requirements of the district in which it is located. No accessory building shall be constructed until the principal building is under construction or completed.

Where the use of the land is principally for agricultural pursuits, and on parcels of thirty-five (35) acres or more, farm buildings may be allowed without the necessity of having a residence in place or under construction subject to the approval of the plan commission and zoning agency if it is determined that the building will not be contrary to the spirit and intent of the Ordinance and will not include the operation of a commercial boarding or riding stable for horses or agricultural

pursuits specializing in the forced feeding of livestock, and where it is determined that **the use of the building will be accessory to a farming operation** which is consistent with the use provisions of the district in which it is located.

A-P uses

6.13 Permitted uses

- A. Any permitted uses as described in the A-E exclusive agricultural conservancy district.

- B. General farming, including agriculture, dairying and farming, forestry, livestock grazing, hay baling, grain drying for grain originating on or in connection with a single farm operation, livestock raising, paddocks, stables, truck farming, viticulture, nurseries, sod farms, providing only that farm buildings housing animals, barnyards and feedlots shall not be located within a floodland nor closer than one hundred (100) feet to any navigable water course nor closer than one hundred (100) feet to an existing adjacent dwelling or residentially zoned lot.

- C. Farm dwellings for farm owners, which for the purpose of this Ordinance, shall include residences to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from the farm operations on the farm parcel, or is a parent or child of the operator (owner) of the farm.

Each such additional dwelling shall be placed on a separately described parcel created under minor land division regulations of the Town in which it is located or under the Shoreland Floodland Subdivision Control Ordinance if appropriate subject to the following:

- 1. The lots hereby created will meet the requirements of the R-1 district, which requires a minimum lot area of one acre with one hundred and fifty (150) feet of minimum average width per lot.

- 2. Conveyance to a person or persons other than those related to the farm operator shall be restricted by deed restriction at the time of recording of the land division document, until such time as the parcel becomes rezoned to a zoning district other than A-P agricultural land preservation district permitting single family residences as a right.

- D. Existing dwellings or dwellings remaining after the consolidation of a farm enterprise. Parcels thereby created as a result of consolidation shall be not less than one (1) acre in size and shall meet the offset and setback requirements of the R-1 residential district. New non-farm dwellings are prohibited.

A-E uses

5.01 Use regulations

(1) Permitted uses:

- (A) Grazing.
- (B) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
- (C) Hunting and fishing unless prohibited by other Ordinances or laws.
- (D) Sustained yield forestry.
- (E) Dams and hydro-electric power stations.
- (F) Telephone, telegraph and power transmission lines.
- (G) Non-residential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar animals or fish.

EC uses

6.72 Use Regulations

(1) Permitted Uses:

- (A) Any uses permitted in the C-1 Conservancy District except that, whenever possible, pasturing and grazing of livestock shall be located outside of the environmental corridor.
- (B) Single family dwellings.
- (C) Keeping of poultry and livestock on not less than five (5) acres of land where there shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land, and one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land thereafter. The keeping of hogs, male goats or fur-bearing animals shall not be permitted.
- (D) The following accessory buildings and uses, subject to the conditions specified:
 - 1. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.

2. Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.

3. Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.

(E) A sign in accordance with Section 7.01(1)(G).

(F) Hobby kennel in accordance with Section 7.01(1)(I).

(G) Guesthouses are prohibited in the EC Environmental Corridor District.

(H) The establishment and enhancement of public parks and recreation areas, wilderness or walk-in unimproved boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife habitat areas, provided that any tree and vegetation removal and subsequent restoration done in the EC Environmental Corridor District and any improvements and/or construction shall be approved by the County Zoning Administrator before beginning any development activities. Vegetative restoration may be allowed within the corridor for the purpose of improving wildlife habitat or to otherwise enhance wildlife values provided all necessary permits are obtained and said activities shall only be approved after review and approval and issuance of all permits, as required. Roads and trails to service the recreational and wildlife areas, etc. may be permitted, but said roads and trails may not include vegetation removal or other construction activity within the corridor without obtaining all approvals, as required.

C-1 uses

5.01 Use regulations

(1) Permitted uses:

(A) Grazing.

(B) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.

(C) Hunting and fishing unless prohibited by other Ordinances or laws.

(D) Sustained yield forestry.

(E) Dams and hydro-electric power stations.

(F) Telephone, telegraph and power transmission lines.

(G) Non-residential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar animals or fish.

(2) Specific prohibition: Filling or drainage of wetlands, removal of topsoil or peat, or damming or relocating of any watercourse shall not be permitted except with approval of the plan commission and zoning agency.

Planner Scherer added that the existing slab is not in a conforming location, so the drawing shows the new location being requested. Commissioner Mundschau stated that this is in a Farmland Preservation area, which restricts building a permanent residence. Planner Scherer stated that is another reason this property qualifies for an exception from the ordinance regulations.

Supervisor Goodchild made a motion to approve the request for the accessory building without a principal residence, the motion was seconded by Commissioner Mundschau and the motion carried.

The next item on the Agenda was for Randy and Sue Walters, S36 W37980 Dolmar Park Road, Dousman, WI, Final CSM approval. Planner Scherer read from her report, noting that items in bold are changes from the Conceptual report

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
FINAL CSM

DATE:

November 2, 2015

SENT VIA EMAIL

OWNERS/PETITIONERS:

Randy and Sue Walters
S36 W37980 and W37990 Dolmar Park Road
Dousman, WI 53118

SURVEYOR:

John Jahnke

DATE OF CSM: September 30, 2015

DATE RECEIVED: October 1, 2015

TAX KEY NOS.: OTWT 1652.999.001 and .002

LOCATION:

Lots 2 and 3, CSM No. 5584, Volume, 45, Page 187, located in part of the SW ¼ of Section 16 and the SE ¼ of Section 17, T6N, R17E, Town of Ottawa. More specifically, the properties are located at the addresses cited above.

LOT SIZE:

Current: Lot 2 is 4.5 acres and Lot 3 is 5 acres in size to the meander line and utilizing a 50 foot road ROW.

Proposed Lots 1 and 2 are 5.75 acres and 3.5 acres respectively as measured to the meander line per the CSM, and excluding the lands dedicated to the public for ROW purposes of the 66' wide established road ROW.

EXISTING USE(S):

Proposed Lot 1: Accessory building containing a large workshop and small detached garage on a parcel without a principal residence.

Proposed Lot 2: A single family residence with an attached garage, and a boardwalk/pier to the shore of School Section Lake.

REQUESTED USE(S):

To construct a residential structure attached to the larger accessory building on proposed Lot 1, and sell Lot 2 (their current residence) to others. This will require the petitioners to adjust the common lot line between proposed Lots 1 and 2 as required by the Waukesha County Board of Adjustment (WCBOA) in their Decision Sheet dated March 17, 2015 (BA15:004, Condition No. 7) which granted the petitioners several variances to construct the residential addition attached to the large accessory building on proposed Lot 1.

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ZONING CLASSIFICATIONS:

R-3 Residential (20,000 square feet, minimum average width 120 feet) and C-1 Conservancy

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE

**DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA
COMPREHENSIVE DEVELOPMENT PLAN:**

The Town of Ottawa Comprehensive Development Plan is incorporated into the WCCDP. The WCCDP designates the property as Suburban Density II Residential (3.0 to 4.9 acres per dwelling unit density) and PEC. The proposal conforms with both plans.

SOIL TYPES:

The property contains well drained soils in the southwestern one third of the combined lots; the central one third is very poorly drained hydric soils subject to ponding; and the remaining one third of the soils closest to the shoreline are also very poorly drained hydric soils subject to flooding.

SUBMITTAL OF SOIL TESTS:

Although no soil tests are necessary for this CSM as there is a septic system on both proposed lots, soil tests were done due to the presence of high groundwater relative to the proposed location (elevation) of the bottom of the basement floor. Water was observed at 16 inches below the ground surface, and since the basement floor is proposed below that depth, a variance was required from the WCBOA. An elevation of 857' was established for the bottom of the basement floor and that elevation shall be noted on the CSM. In addition, since there are existing sanitary facilities on both of the lots, the County EHD must approve the functionality of the existing septic systems as part of the CSM approval process (refer to Item No. 3 below).

The proposed lots are also part of the Dousman Sewer Service Area.

PLANNER ANALYSIS:

The petitioners would like to construct a residential structure attached to the larger accessory building on proposed Lot 1, and sell proposed Lot 2 to others. This will require the petitioners to adjust the common lot line between proposed Lots 1 and 2 as required by the Waukesha County Board of Adjustment in their Decision Sheet dated March 17, 2015 (BA15:004, Condition No. 7) which granted the petitioners several variances to construct the residential addition attached to the large accessory building on their property.

As mentioned above, the parcels are zoned not only R-3 Residential, but also C-1 Conservancy, and contain: part of the School Section Lake Critical Species Habitat (CSH) which provides habitat for an endangered species; ADID wetlands (higher quality wetlands); 100 year floodplain; hydric soils; and Primary Environmental Corridor. A 20' wide easement for ingress-egress for Lakeview Lands Ltd. is shown along the west lot line of Proposed Lot 1. **The petitioners do not know what this easement is for as it has never been utilized to their knowledge.** As also previously mentioned, both lots are each served by a septic system and both lots have frontage on School Section Lake. A varying total of 7 to 8 feet has been dedicated for road ROW purposes along Dolmar Park Road.

The SEWRPC's CSH Protection and Management Plan recommends acquisition of the CSH lands on these properties by a private conservancy organization for protection and management, if the property owners are willing. I had an extensive conversation with the property owners about this opportunity when I met with them in August and have since provided them with contact information for the WCLC as requested.

Relative to the Town's adopted Land Division Review Checklist and review of the **Final CSM**, the following is a list of comments/questions/concerns that need to be addressed and/or submitted in conjunction with the submittal of a **revised Final CSM** to the Town Planner and the Town Engineer.

1. Since this appears to be a relatively minor CSM (lot line adjustment), the petitioners requested that the Conceptual review of their CSM be waived. *This item was waived by the Town at their August set of meetings.* The petitioners were not in attendance. However, the petitioner's were advised that the waiver of the Conceptual review thus does not provide them with the Town's initial guidance at this review stage and prior to petitioner's seeking the preparation of an official CSM which may end up costing them more time and money in the long term. The petitioner's still elected to forego the Conceptual review in an effort to save a step in the process.
2. 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 waived by the Town. **This item was waived by the Town at their September set of meetings.**
3. Fifty percent of the lots may not be 2 feet above the 100 year floodplain elevation and therefore a waiver would be required. As this is an existing situation for both lots, it is recommended this item be waived. **This item was waived by the Town at their September set of meetings.**
4. The lots may not meet the lot width to depth ratio and therefore a waiver would be required. **This item was waived by the Town at their September set of meetings.**
5. Fifty percent of the lots may not be in the zoning district the building site is in. As this is an existing situation for both lots, it is recommended this item be waived. **This item was waived by the Town at their September set of meetings.**
6. No soil tests for a septic system are necessary for this proposed CSM as the petitioners are planning to hook up to the existing conventional septic system installed in 2001 on Proposed Lot 1, and there is a septic system serving the existing residence on Proposed Lot 2. The Waukesha County Environmental Health Division (EHD) has approved of the petitioner's request in their letter dated 6-4-15 (town building inspector was copied). However, the EHD notes in their letter that the petitioners are required to have their

septic tank pumped (mandatory maintenance) and a report submitted to the EHD. As of the date of their letter, this had not been done and therefore the system cannot be considered to be operating in a code compliant manner. This can subject the owners to fines. If this maintenance has not yet been done, it is recommended the Town not sign the CSM until the owners have done so and provided the requested documentation to the EHD so that the Town can be assured Proposed Lot 1 has a code compliant septic system as required by the Town's Land Division and Development Ordinance. It should be further noted that the EHD did a PSE of the system on

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Proposed Lot 1 only. The approval of a CSM requires the owner demonstrate any existing septic system is properly functioning, and therefore a PSE must also be conducted and approved on Proposed Lot 2 prior to the Town signing the CSM.

7. The Ordinance requires the CSM show an elevation line 2 feet above the 100 year floodplain. **This line is shown on Sheet 3 of the CSM.**
8. 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 County has finished their review and provided a review letter on 9-18-15.** Refer to No. 1 under the Town's Standard CSM Conditions below.
9. **Since the wetland boundary has been removed from Sheet 3 of this revision of the CSM, the restrictions on Sheet 8 can go back to reading just "Page 4 of 9" in the opening sentence.**
10. The note on Sheet 4 should end with the phrase "listed on Sheet 8". **This has not been done.**
11. The use of Dolmar Park Road and Dolmar Park Drive are used interchangeably throughout the CSM in the name of the road on Sheets 1-5, and also in the address of the owners on Sheets 1-5. The name of the road should be clarified and the same name used in all instances throughout the CSM. **The word "Drive" is used in the owners address on Sheets 1-5 and must be changed to "Road" in all instances.**
12. Similarly, the last name of Mrs. Walters is listed as "Abrahamson" on the CSM. The tax roll for one of the Walters lots lists her as "Walters" while the tax roll for the other lot lists her as "Abrahamson". These discrepancies should be cleaned up with the Register of Deeds/Town Clerk/Assessor, and the official last name used on Sheets 1-9 of the CSM (appearing three times on Sheet 7 and twice on Sheet 9). **I am assuming Abrahamson is the official name. I recommend the owners have the tax roll reflect this (correct) name if it does not already do so.**

13. The unplatted lands noted to the south and southwest of the CSM should list the owners' names on Sheets 1, 3, 4, and 5. **This has been shown on the CSM.**
14. In Note No. 1 on Sheet 1, the word "Shoreline" should be "Shoreland". **Corrected.**
15. On Sheets 4 and 5, under the Note **at the top of the sheet**, the word "Others" should be "Other". **Not corrected. Further, in that same note on Sheet 1, the word "Sheets" is misspelled on Sheet 1 and should be corrected.**
16. On Sheet 5, the dimension is missing between the workshop and the east lot line. **This has been shown on the CSM.**
17. On Sheet 6, if Mr. Muehl intends to notarize the Surveyor's Certificate, he will have to renew his Notary Public as the commission listed on the CSM has expired (**on 7-5-15**) and therefore

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- he can no longer notarize the document **as he did on 9-30-15. This issue continues to be in error and must be corrected in order for the Town to sign off on the CSM.**
18. On Sheet 7, the Town of Ottawa Plan Commission shall be noted as such in both instances in their approval. **This has been corrected in both instances.**
 19. On Sheet 9, after both instances where the date March 17, 2015 is listed, in parentheses the file number BA15:004 (BA15:004) should be added. **The file numbers were added, however I consulted the BOA file and the date was actually March 11th and so that must be changed in two instances on Sheet 9 as well.**
 20. After the second to last note on Sheet 9, there should be a period at the end of the sentence. **This was not corrected.**
 21. **The Mortgagee's Certificate appears to be incorrect. A sample certificate is provided at the end of this report. The certificate must be revised prior to the Town signing the Final CSM.**
 22. The final revision of the CSM shall be signed, dated, and sealed, with the same revision date on all pages of the CSM. **This was done.**
 23. The following technical items must be shown on the CSM: soil types (**shown on Sheet 1**), the OHWM of any navigable body of water (**the OHWM appears to have been shown on Sheet 4 but no elevation has been given**), all access drives (**shown on Sheets 3 and 5**), the most restrictive setback from the nearest environmental feature (**wetland setback shown on Sheet 4**), the proposed elevation of basement floor (**shown on Sheet 9**), and list the existing zoning of the subject parcels (adjacent zoning is not necessary)

and the required offsets and setbacks (**all shown on Sheet 9 except the wetland setback of 75' is not listed**).

24. A Deed Restriction should be recorded restricting the use of workshop, detached garage and the proposed attached garage to personal use and storage only, and no commercial or business operations are permitted. **This is a zoning matter and I can draft the Deed Restriction as a County staff member, the fee is \$50. Please contact me at the County for that service.**
25. SEWRPC requires the owners to delineate their wetland and PEC delineations on a plat of survey and submit the same to SEWRPC. It is recommended this be done (**this has been shown on Sheet 4**). SEWRPC also notes in their review that a 75' setback from all impervious surfaces is required by the WDNR so that setback should be shown on the CSM (keeping in mind No. 23 above) (**a 75' wetland setback is shown on Sheet 4 and all of the existing impervious surfaces shown on the CSM are at least 75' from the wetland**).
26. The owners should be advised they are limited to two accessory buildings on proposed Lot 1 unless they obtain special approval from the Town of Ottawa.
27. Due to the fact that there will still be an accessory structure without a principal structure on Proposed Lot 1 for a period of time, the existing Deed Restriction should be modified to state the two lots cannot be sold separately until and unless a residence is constructed on Proposed

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- Lot 1. The County may also require a Letter of Credit to be able to enforce this Deed Restriction in the event a residence is not constructed. **This is a zoning matter and I can (re) draft the Deed Restriction as a County staff member, the fee is \$50. Please contact me at the County for that service. The County staff member assigned to your Zoning Permit will handle the Letter of Credit issue as the time of zoning permit issuance.**
28. If the County LRD requires a Storm Water Permit, that approval shall be obtained prior to the issuance of any permits for the construction of the residence.
 29. The owners should discuss the possibilities/opportunities with the WCLC of acquiring a portion of their land for preservation and management purposes, if they are interested. **There should be some progress or something to report as to the status/resolution of that issue as the POSP requirements must be satisfied prior to the Town signing the CSM.**
 30. A basement statement similar to the sample **below** should be added to the CSM. **A similar statement has been added to the CSM.**

31. **All existing structures within 50’ of the subject parcels and their uses must be shown on the CSM. In looking at the 2010 aerial, there appears to be at least one structure - both to the east and to the west of this CSM - that are located less than 50’ from the CSM boundaries.**
32. **It was noted the topography was taken by Jahnke and Jahnke Associates on three separate dates (Sheet 3), but no mention of the source of the data for the soils information was noted. If taken from the County GIS or other some other source, the source of the data should be appropriately noted on Sheet 1 of the CSM.**
33. **The arrow pointing to the easement along the west lot line of Proposed Lot 1 on Sheet 3 can be removed as the identifying information is not listed on this sheet as it is on Sheet 1.**
34. **On Sheet 4, in the note under “Lot 1”, the word “Conservancy” can be removed.**
35. **On Sheet 4, in the reference to the FEMA FIRM Map panel, the number should read 55133C0257H (the number zero), not 55133CO257H (the letter “O”).**
36. **Note 2 on Sheet 1 should be relocated to Sheet 4 where the OHWM information actually appears on the CSM.**
37. **On Sheet 5, the lands dedicated to the public should also state, “for right of way purposes”.**
38. **On Sheet 6, the surveyor states the *gross* area *includes* the ROW dedication. Does the *net* area *exclude* the ROW dedication? It does not state this and it is not clear, so that information should be added to the Surveyor’s Certificate. In addition, on Sheet 6, the name of the County’s land division ordinance is the “Waukesha County Shoreland and Floodland *Subdivision Control Ordinance*” and that wording must be changed in the last line of the Surveyor’s Certificate.**

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39. **Additional language should be added at the end of the first note on Sheet 9 as follows: “Further, road setback variances were also granted providing relief for both the workshop and the detached garage structures on Proposed Lot 1”.**
40. **The second sentence of the last note on Sheet 9 can be removed. This is something the owners must do and not something that must appear on the CSM.**
41. **On Sheet 9, another note should be added as follows: “Buildings housing livestock, fur bearing animals, swine, goats, poultry, pigeons, etc. shall not be less than 50’ from adjacent property lines in accordance with the Waukesha County Shoreland**

and Floodland Protection Ordinance zoning regulations”.

42. **On Sheet 8, the word “Conservancy” can be removed from the title of the restrictions and from the opening sentence of the restrictions.**
43. **The note at the bottom of Sheet 8 should be revised to add the following at the end of the note, “of this CSM”.**
44. **Due to the difficult physical characteristics and natural features of the lots, a note shall be added to the CSM that states, “The lots in this CSM shall not be further divided without approval of the Town of Ottawa and the Waukesha County Department of Parks and Land Use, and shall only be done so in accordance with all of the requirements in effect at the time of the land division”.**

PLANNER RECOMMENDATION:

Based upon the above analysis and information, it is recommended the Town Plan Commission recommend approval of the **Final** CSM and any requested waivers, as deemed necessary, to the Town Board subject to the Planner Comments listed in the Analysis Section above, any Town Engineer Comments, and the Town’s Standard CSM Conditions listed **below**. These Standard CSM Conditions are *in addition to* any Planner 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 Final CSM, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

2. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer’s Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval

of the Final CSM, whichever is earlier.

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

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 process.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Town Planner

Supervisor Goodchild stated that there are a number of items that need to be addressed for this to be a Final CSM. Planner Scherer stated that the petitioners would have to file an extension if the Plan Commission did not wish to approve of the Final CSM tonight. If this CSM is approved at this meeting, nothing can be finalized and signed until all items in the Planner's report have been addressed. Commissioner Kershek made a motion to approve the Final CSM subject to the many requirements that have been outlined in the Planner's report. Commissioner Weber seconded the motion and it carried.

The next item on the Agenda was for Bill and Ann Schultheis, S46 W39028 CTH ZC, Dousman, WI, Final CSM approval. Planner Scherer read from her report noting that items in bold are changes from the previous report.

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
FINAL CSM

SENT VIA EMAIL

DATE: November 2, 2015

OWNERS/SELLER: William and Ann Schultheis
W391 S4560 CTH ZC
Dousman, WI 53118

OWNERS/BUYERS: David Ashley
PO Box 79
S46 W39084 CTH ZC
Dousman, WI 53118

Dean and Kristen Havnen
S43 W39105 CTH D
Dousman, WI 53118

SURVEYOR: Keith Kindred, PLS, SHE, Inc.

DATE OF CSM: September 30, 2015

DATE CSM RECEIVED: October 1, 2015

TAX KEY NO(S):

OTWT 1660.999.002 (*Schultheis*), 1660.999.007 (*Havnen*), and 1660.998.008 (*Ashley*)

LOCATION:

The land to be divided includes a 20 acre parcel (*Schultheis*), and also a 66' wide easement strip that runs from the 20 acre parcel north to CTH D through Lot 2, CSM No. 5710, Volume 46, Page 217, (*Havnen*), all located in the SE ¼ of Section 19, T6N, R17E, Town of Ottawa. Lot 7, CSM No. 2895, Volume 21, Page 222 (*Ashley*), also located in the SE ¼ of Section 19, and Havnen are proposing to split the 20 acre parcel between them. The 20 acre parcel is located at S46 W39028 CTH ZC, and the Havnen and Ashley parcels are located at their respective addresses cited above.

LOT SIZES:

The *Schultheis* parcel is 20 acres (not including the use of the 66' wide access strip), the *Ashley* parcel is 7.8 acres in size, and the *Havnen* parcel is 10.8 acres in size (formerly 8.3 acres in size).

EXISTING USE(S):

Undeveloped and agricultural (*Schultheis*), residential and agricultural (*Havnen*), and residential (*Ashley*).

REQUESTED USE(S):

A Preliminary CSM to divide the Schultheis' 20 acre parcel previously discussed as a conveyance submittal, and provide a portion to the Havnen's and the other portion to Mr. Ashely. Proposed Lot 1 (*Ashley*) will contain at 17.91 acres, and proposed Lot 2 (*Havnen*) will contain 19.34 acres.

Schultheis/Havnen/Ashley Final CSM (Town) November 2, 2015

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ZONING CLASSIFICATION(S):

Schultheis/Havnen: AD-10 Agricultural Density-10 (minimum lot size one acre, density 10 acres per dwelling unit, minimum average width 150 feet).

Ashley: A-5 Mini-Farm (minimum five acre lot size, 300 feet minimum average width).

The property is under the jurisdiction of the Waukesha County Zoning Code.

SOIL TEST SUBMITTED: No.

SOIL TYPES:

The soils types on the *Schultheis* 20 acre parcel and the *Havnen* are well drained (MvB and MxB) with slopes between 2-6 %. The soils types on the *Ashley* parcel are also well drained (including MvB and MxB), but contain MvC2 and MxD2 soils as well with slopes between 6-12% and 12-20% respectively.

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

The Town of Ottawa's Comprehensive Development Plan is incorporated into the WCCDP. The WCCDP designates the *Schultheis/Havnen* properties as Rural Density Residential and Other Open Lands (5-34.9 acres per dwelling unit density). The Town's Plan designates the *Schultheis/Havnen* properties as Agricultural 10 acre density (10 acres per dwelling unit density). Both plans designate the *Ashley* parcel as Suburban II Density Residential (3.0-4.9 acres per dwelling unit density). The proposal conforms with both plans.

PLANNER ANALYSIS:

The property owner has been discussing a number of conveyance submittals (6) with the Town since the fall of 2014. At that time it was mentioned that if a CSM were required, the petitioner would be allowed to utilize the conveyance process as the conceptual submittal for the CSM and would not have to submit a Conceptual CSM. Therefore, what you have before you is a Preliminary CSM to divide the Schultheis' 20 acre parcel previously discussed as a conveyance and provide a portion to the Havnen's and another portion to Mr. Ashely.

The Havnen's eight acre parcel is accessed from CTH D via a 66' wide "easement", although they could have direct access to CTH D if the property owner requested and received an Access Permit from the County DPW. Instead their driveway is constructed within the 66' wide "easement". It should be noted that, with the recording of this CSM, this access easement is to be released. It is unknown at this time what affect this, or any previous actions, may have on the Havnen's access to CTH D and so it is recommended the Havnen's consult with the County DPW to ensure they retain a legal access to the CTH through this process.

The Havnen parcel contains a single family residence and has Class I and II prime ag soils. Since both the Schultheis and Havnen lots were created prior to AD-10 zoning, and the entire lots are zoned AD-10, there is no possible building site outside of the Class I and II soils **as is required in the zoning code**. Therefore, a determination was made previously that because these lots were created prior to the AD-10 zoning, they do not have to meet that particular Class I/II requirement of the Zoning Code, if they are otherwise (legal) buildable lots. When the County does a

comprehensive rezoning to “zoned as used”, these properties will be rezoned to a more appropriate zoning category.

The Ashley’s seven acre parcel contains a single family residence and two outbuildings, and is accessed from CTH ZC via a 33 foot wide ownership strip (i.e., it’s a flag lot) that runs through a 66’ x 40’ common driveway easement adjacent to CTH ZC which is shared with Lot 6.

The Schultheis 20 acre parcel is also accessed from CTH D via **the same** 66’ wide strip of land **as the Havnen’s utilize**, however the Plan Commission may recall that the 20 acre parcel *may* currently be landlocked (as the 66’ wide [**former ownership**] strip was somehow “*absorbed*” into the Havnen parcel **adjacent** to the east of the 66’ wide strip as an “*easement*”, and it is unknown if this was a legal transaction). That is one of the reasons why the Plan Commission continued to recommend that a CSM be prepared, **reviewed, and recorded** vs. a conveyance recorded in order to resolve some of the past issues with this 20 acre parcel.

Relative to the Town’s adopted Land Division Review Checklist and review of the **Final CSM**, the following list of items need to be addressed upon the next submittal of a CSM to the Town Planner and the Town Engineer:

1. The Town should formally waive the conceptual review of the CSM. **This item was waived at the September set of Town meetings.**
2. The design and lot configuration of this proposal is somewhat irregular, especially that of proposed Lot 1 and the Town Plan Commission should determine if this is acceptable in accordance with the Town’s Land Division and Development Ordinance. **The Town determined this was acceptable at their September set of Town meetings.**
3. The Town should consider a waiver of the soil tests since no development is taking place in conjunction with this CSM and both lots are currently served by private septic systems. **This item was waived at the September set of Town meetings.**
4. An Access Permit may be required from the County DPW for the Havnen parcel as the access easement **will** be eliminated by the recordation of this CSM. The County DPW shall be contacted and a decision rendered and transmitted to the Town Planner on this matter prior to the Town signing the CSM. **The DPW responded that the Havnens will retain access to CTH D even with the elimination of the 66’ easement.**
5. The following technical items should be shown on the next submittal of the CSM: **the source of the soils data (a note (#6) can be added to Sheet 2 or note it similar to what was done with the topo data source).**
6. The buyers shall contact the County EHD to have a PSE conducted of their existing septic systems and have the results provided to the Town Planner prior to the Town signing the CSM. **Mr. Ashley had a PSE conducted, however I have only received an “office review” from the EHD for the Havnens. I have contacted the EHD to inform them**

what is needed in regard to the CSM.

7. Contiguous lands owned are required to be shown on the CSM. The 38 acre contiguous Schultheis parcel is not shown on the CSM and therefore a waiver would be required. **This item was waived at the September set of Town meetings.**

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8. Proposed Lot 1 does not contain the required 40' of road frontage, even though this is an existing situation, the lot is changing, and a waiver is required. **This item was waived at the September set of Town meetings.**
9. Proposed Lot 1 is not 60' in width at the base setback line (33' from the centerline of CTH ZC), even though it is an existing situation, the lot is changing, and a waiver is required. **This item was waived at the September set of Town meetings.**
10. The Town should approve of the Ashley flag lot since the configuration of the lot is changing. **This item was approved at the September set of Town meetings.**
11. Proposed Lot 1 does not meet the width to depth ratio and requires a waiver. **This item was waived at the September set of Town meetings.**
12. A note shall be placed on the CSM that Lot 1 shall not be further divided. **Revised note placed on Sheet 1.**
13. The Town should consider whether they would like to see any trail easements provided along the CTHs in this CSM. **The Town decided trails were not necessary along this stretch of highway.**
14. A portion of proposed Lot 1 contains slopes in excess of 12%, but since this areas is already developed with a driveway, the requirement to preserve the slopes in this case should be waived. **This item was waived at the September set of Town meetings.**
15. The Town should determine if utility easements should be shown on the CSM, and if not, a waiver is required. **This item was waived at the September set of Town meetings.**
16. Sheet 3 has an unidentified symbol in the lower right that should be removed. **Removed.**
17. On Sheet 4, the owner information ("survey for") can be removed as it is not complete and it is shown on Sheet 1. **Removed.**
18. On the certificate pages: Sheet 8: in the Witness line, add the year "20_ _" **at the end of the sentence. On all three (3) mortgagee sheets (7, 9, and 11), the first paragraph indicates there is a dedication of lands with the CSM, and there is not in this case, so the phrase should read "the surveying, dividing, and mapping of the land" in all three (3 cases).**

The last name “Schultheis” is misspelled in the Plan Commission Certificate and should be corrected.

19. **On Sheet 1, the parcel of land to the east of the Havnen parcel (Proposed Lot 2) that states it is currently unplatted lands owned by Riemenschneider, is actually Lot 1, CSM 2753 (Vol 20/P 146), according to the Waukesha County GIS records (and in fact in now owned by Spanton); and the parcel to the south and southeast of Proposed Lot 2 (aka the Schultheis residential parcel) states it is Parcel 1, CSM 2753, when in fact it should state it is Lot 1, CSM 2664 (Vol 19/P 243), according to the County GIS records.**

Schultheis/Havnen/Ashley Final CSM (Town)

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PLANNER RECOMMENDATION:

Based upon the above information and analysis, it is recommended the Town Plan Commission recommend approval of the **Final** CSM and any waivers to the Town Board 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 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.

Schultheis/Havnen/Ashley Final CSM (Town)

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7. 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.
8. 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.

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

Supervisor Goodchild made a motion to approve the Final CSM based on the recommendations and requirements in the Planner's report. Commissioner Hanson seconded the motion and it carried.

The next item on the Agenda was for Paul and Beth Schulman, S30 W37174 School Section Lake Rd., Dousman, WI, Conceptual Land Division request. Planner Scherer read from her report:

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
CONCEPTUAL CSM

DATE: November 2, 2015

OWNER/PETITIONER: Paul and Beth Shulman
S30 W37174 School Section Lake Road
Dousman, WI 53118

OWNER: David and Christine Kilpatrick
1001 Lochtyn Ridge
Wales, WI 53183

SURVEYOR: James Beaty

DATE OF CONCEPT PLAN: December 1, 2013

DATE CONCEPT RECEIVED: October 1, 2015

TAX KEY NOS.: OTWT 1620.994 and .995

LOCATION:

SENT VIA EMAIL

Lot 1, CSM No. 437, Volume 3, Page 57, and unplatted lands, all located in part of the SE ¼ of Section 9, T6N, R17E, Town of Ottawa. More specifically, the properties are located at S30 W37174 School Section Lake Road and S30 W37220 School Section Lake Road respectively.

LOT SIZE:

Lot 1: 9.8 acres, excluding the established road ROW.

Unplatted lot: 10.5 acres, excluding the established road ROW per the GIS.

EXISTING USE(S):

Lot 1: Single family residence attached garage, accessory building and a shed.

Unplatted lot: Single family residence attached garage, accessory building and a shed.

REQUESTED USE(S):

To adjust the common lot line between the two lots referenced above.

ZONING CLASSIFICATIONS:

RRD-5 Rural Density Residential (5 acre density, 1 acre lot sizes), EC Environmental Corridor, and a small amount of C-1 Conservancy in the NW corner of the unplatted parcel.

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

In this area of the Town, the Town of Ottawa Comprehensive Development Plan is not enforce as the Border Agreement with the Village of Dousman applies. I inquired with both the Village Engineer and Village Attorney if the Village wanted to review this CSM and they declined saying it was not a CSM that triggers the border agreement. The WCCDP designates the properties as Low Density Residential (20,000 SF to 1.4 acres per dwelling unit density), Other Open Lands to be Preserved, and PEC. The proposal conforms with both plans.

SOIL TYPES:

The properties contain hydric soils (less than 3' to groundwater) in the northern and southern portions.

SUBMITTAL OF SOIL TESTS:

No soil tests are required for this CSM as both lots are already developed. The proposed lots are also part of the Dousman Sewer Service Area.

PLANNER COMMENTS, QUESTIONS AND CONCERNS:

The petitioner would like to adjust the common lot line between the two parcels. The parcels contain wetland/PEC in the very NW corner of the unplatted parcel, and PEC in the southern portion of both lots, and hydric soils.

Relative to the Town's adopted Land Division Review Checklist and review of the Conceptual CSM, the following is a list of comments/questions/concerns that need to be addressed and/or submitted in conjunction with the next submittal of the CSM to the Town Planner and the Town Engineer.

Items 1-6 are Plan Commission action items.

1. Since this appears to be a relatively minor CSM (lot line adjustment), the petitioner has requested that the Preliminary review of their CSM be waived.
2. 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 waived by the Town.
3. Normally both lots in question would be required to be show on the CSM. The Town may waive the need to show the unplatted parcel on the CSM as this is simply a lot line adjustment between the two lots involving the common lot line only.
4. The lots may not meet the lot width to depth ratio and therefore a waiver would be required.

Shulman Conceptual CSM – Town

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5. The Town shall determine if they want the wetland and/or PEC delineated in the field or, if they waive this requirement, the surveyor can utilize the County's GIS system to estimate the same on the CSM since both properties are already developed. If the GIS is used, the source of the information must be noted on the CSM. A 75' setback is required form all C-1/wetlands.
6. No soil tests for septic systems are necessary for this proposed CSM as both lots are already developed with single family residences, and the Town can waive this item. However, the EHD must conduct a PSE of the existing systems and provide the results to the Town Planner prior to the next submittal of the CSM.

9. Preservation Area Restrictions for the wetlands and PEC similar to those **below** shall be shown on the CSM and the areas noted as wetland and PEC shall reference said restrictions.
10. Anywhere Registered Land Surveyor may be referenced in the CSM, it shall be replaced with Professional Land Surveyor.
11. All revisions of the CSM shall have the same revision date on all pages of the CSM.
12. The unplatted lands noted to the west of the CSM should list the owners' name on Sheets 1, 2, and 3 of the CSM.
13. The following technical items must be shown on the CSM: soil types, 2' topo contours, list the existing zoning of the subject parcels (adjacent zoning is not necessary) and the required offsets and setbacks of said zoning districts.
14. On Sheet 4, the Village of Dousman can be removed from the last line of the Surveyor's Certificate as they have waived their review of the CSM. Likewise on Sheet 5 under the Owners Certificate, and on Sheet 6, the entire signature block for the Village can be removed.
15. The owners should be advised they are limited to two accessory buildings on their respective properties unless they obtain special Town approval
16. A basement statement similar to the sample **below** should be added to the CSM.
17. A total of 33' must be dedicated for road ROW purposes along School Section Lake Road.
18. A quit claim deed shall be recorded in conjunction with the CSM to convey original Parcel 1 of CSM 437 lands lying westerly of this line to the adjoining property to the west.
19. The year of 2013 on Sheet 5 can be changed to 201_. Likewise the two year on Sheet 6 can similarly be changed.
20. The names and addresses of the owners of the properties must be on the CSM.
21. There appears to be a buildings within 50' of the subject property (to the east) and it must be shown on the CSM.

No formal recommendation is being made at this time, as this is a Conceptual submittal, and the review comments, concerns, and suggested conditions noted above are provided to the petitioner and the Plan Commission for discussion purposes only (with the exception of action on any waivers). The discussion by the Plan Commission on this matter shall in no way be considered a formal action or approval by the Plan Commission (with the exception of action on any waivers). The review conducted was for conceptual purposes only, and the staff reserves the right, after review of a formal (official) CSM submittal, to make further comments and add formal conditions.

However, based upon the above information, the Town Plan Commission may want to advise the petitioner to proceed with the submittal of a formal (official) Preliminary CSM, and **it is recommended the Plan Commission recommend approval of the waivers requested herein to the Town Board subject to the Town of Ottawa's Standard CSM Conditions outlined below.**

For informational purposes, what follows are the Town of Ottawa's (additional) Standard CSM Conditions. If a CSM were to be submitted and conditionally approved, these conditions would also apply to any approval. These conditions are in addition to any future Planner comments, questions, concerns, and suggested conditions (similar to those noted above) and any future Town Engineer comments.

Town of Ottawa Standard CSM Conditions:

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

credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

Shulman Conceptual CSM – Town

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4. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to commencing construction of any improvement, whether public or private, or site development, or approval of the Final CSM, whichever is earlier.
5. The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
6. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
7. Subject to the Developer applying for and receiving from the Town Plan Commission, Town Board, and Waukesha County, all necessary *variances and waivers* (if any) to the Waukesha County Zoning Code, the *Waukesha County Shoreland and Floodland Protection Ordinance*, the *Waukesha County Shoreland and Floodland Subdivision Control Ordinance*, and the *Town of Ottawa Land Division and Development Ordinance* prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier. This conditional approval document shall not be read as providing any assurance or expectation that such *variances or waivers* will be granted, and shall not vest any right regarding the grant of such *variances or waivers*.

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

Shulman Conceptual CSM – Town

November 2, 2015

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BASEMENT RESTRICTION – GROUNDWATER

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

WETLAND-PRIMARY ENVIRONMENTAL CORRIDOR RESTRICTIONS

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

1. Grading and filling shall be prohibited unless specifically authorized by the municipality in which they are located and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited, with the exception of the removal of dead, diseased or dying vegetation at the discretion of landowner, or silvicultural thinning upon the recommendation of a forester or naturalist, and with the approval of the Waukesha County Department of Parks and Land Use.
4. Grazing by domesticated animals, i.e., horses, cows, etc, shall be discouraged to the greatest

extent possible.

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

Supervisor Goodchild asked how far the lot line was moving? Planner Scherer answered 1.8 feet to agree with the Plat of Survey that was done. The Plan Commission had 6 action items listed on page 2 of The Planners report.

#1. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Kershek and the motion carried.

#2. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Kershek and the motion carried.

#3. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Hanson and the motion carried.

#4. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Kershek and the motion carried.

#5. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Kershek and the motion carried.

#6. Supervisor Goodchild made a motion to waive, it was seconded by Commissioner Kershek and the motion carried.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Planner Scherer and Commissioner Weber noted minor edits to the minutes from October 5, 2015. Commissioner Hanson made a motion to approve the minutes as amended. Commissioner Weber seconded the motion and it carried.

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

Ottawa Plan Commission
Meeting Minutes
October 5, 2015

Respectfully submitted,

Lori Geyman, Deputy Clerk, Town of Ottawa