

OTTAWA PLAN COMMISSION
January 4, 2016

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

The first item on the Agenda was a request for consideration of the 2016 Racing Schedule for Badger Kart Club, W377 S1851 Gramling Lane, Dousman, WI.

George Sieracki from Badger Kart Club was present. Commissioner Kershek made a motion to approve the Racing Schedule for 2016 with minimal discussion. It was seconded by Commissioner Weber and the motion carried.

The next item on the agenda was for JNJ Cedar Hills, Inc. (Nick Jordan), S35 W25705 CTH D, Dousman, WI, for a Preliminary CSM and any necessary waivers.

Planner Scherer read from her report as follows, with the items in Bold noted as updates:

TOWN OF OTTAWA
PLANNER REPORT AND RECOMMENDATION
PRELIMINARY CSM

SENT VIA EMAIL

DATE: **January 4, 2016**

OWNER: JNJ Cedar Hills, Inc. (Nick Jordan)
S35 W25705 CTH D
Dousman, WI 53118

AGENT: Jon Spheeris

SURVEYOR: **Michael Buechl**

DATE OF CSM: **undated**

DATE RECEIVED: **November 23, 2015**

TAX KEY NO.: OTWT 1639.999.007

LOCATION:

The property is located in the W 1/2 of Section 14, T6N, R17E, Town of Ottawa.

LOT SIZE:

~~63.52 acres per the previously submitted preliminary plat~~ **62.61 per the CSM submitted** (excluding the 100' established ROW of CTH D).

EXISTING USE(S): Residential and agricultural

REQUESTED USE(S):

To develop a two (2) lot CSM with both lots having access to CTH D via a 66' wide shared access easement. Proposed Lot 1 is 43.9 acres and proposed Lot 2 is 18.6 acres.

ZONING CLASSIFICATION(S):

A-5 Mini Farm District (5 acre minimum lot size, minimum average width of 300'), EC Environmental Corridor (5 acre density, 2 acre minimum lot size), A-E Exclusive Agricultural Conservancy, and C-1 Conservancy. There is some shoreland zoning jurisdiction on the property near CTH D and along the east lot line associated with a navigable stream. The remainder of the property is zoned under the Waukesha County Zoning Code.

SOIL TESTS SUBMITTED TO THE COUNTY EHD:

Soil tests were submitted with a preliminary plat a number of years ago. The County EHD will have to determine if additional tests will have to be conducted for this CSM submittal and before a Sanitary Permit is issued for a new home on Lot 1. A PSE will also have to be conducted to ensure the existing septic system on proposed Lot 2 remains functional. **I checked with the EHD in**

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regard to any soil tests they may have had on file for the site and they have none. Apparently the tests done for the plat were never submitted to the EHD. Therefore, either those soil tests will have to be submitted if the EHD accepts them, or new tests will have to be done. They also said a PSE will have to be conducted.

SOIL TYPES:

Soil types on the property indicate high groundwater conditions in the southwest corner of the overall property (on proposed Lot 1). Steep slopes in excess of 12% can be found on both lots in the southeastern portion of the overall property.

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

Both plans designate the property as Rural Density Residential, Primary Environmental Corridor (PEC) containing both upland and lowland environmental corridor, and a minor amount of Other Ag and Open Lands in the NE portion of the property associated with the stream along the east lot line. All of the designations require a 5-acre density. The proposal conforms with both plans.

PLANNER ANALYSIS:

Proposed Lot 2 contains a single family residence and attached garage. The overall property contains PEC, wetland, and a navigable stream along the east lot line. I have recommended the CSM contain a 20 foot wide pedestrian easement for future trail purposes along CTH D as the Town required with the previous preliminary plat submittal. **This has been shown on the Preliminary CSM.** The established ROW width of CTH D is 100'. Additional road ROW dedication, as required, **has been** shown on the CSM. The PEC delineation received concurrence from the SEWRPC on March 27, 2008 and I never did receive a wetland concurrence that I recall. In any event, these delineations are generally only valid for a period of five years so the developer is going to have to check with the DNR and SEWRPC and have them determine whether or not new delineations will have to be conducted or whether those entities can re-validate the previous delineations for this CSM. **The developer has inquired as to whether or not the owner could request a waiver from these items. I indicated they could ask not to have to have the wetlands/PEC re-delineated/re-validated, but that those items would still have to somehow be shown on the CSM (i.e., as approximate using the County GIS IMS) and noted accordingly on the CSM.**

Relative to the Town's adopted Land Division Review Checklist and review of the Preliminary 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 No. 4 and possibly 9 are Plan Commission action items.

1. No more than 50% of any lot shall have slopes of 10% or greater. The surveyor must calculate this requirement and provide the results to the Town, and either redesign the CSM or request a waiver, if necessary, as redesigning the lots may not resolve the issue. **This item was waived in October, 2015.**

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2. The Town's Land Division Ordinance requires 50% of each lot is to be in the same zoning district the building sites are in. The surveyor must calculate this requirement and provide the results to the Town, and either redesign the CSM or request a waiver, if necessary, as redesigning the lots may not resolve the issue. **This item was waived in October, 2015.**
3. The lots in the CSM may exceed the lot width to depth ratio, particularly proposed Lot 1. The lots should either be redesigned, or waivers requested, as redesign may not resolve the issue. **This item was waived in October, 2015.**

4. Existing utilities (culverts, telephone and electric poles, etc) and utility easements (telephone, electric, cable, gas, etc) shall be shown on the CSM in accordance with the Town's Land Division Ordinance unless a waiver is granted. **I am assuming what is the electric power line or easement has been shown on Sheet 2 of the CSM.**
5. The DNR should be contacted in regard to a Chapter 30 Permit, if required, **prior to the submittal of a Final CSM.**
6. The DNR's Bureau of Endangered Resources should be contacted in regard to the CSM, **prior to the submittal of a Final CSM.** They must review the project for potential impacts and the developer shall submit verification of said review to the Town Planner for review and approval and any recommendations must be followed in the development of the CSM.
7. The Waukesha County Department of Public Works must approve of the proposed shared driveway access (easement) on CTH D, issue an access permit, and the project must comply with the Highway Ordinance. **It was noted at the conceptual meeting that the County DPW wanted the driveway aligned with Hawk's Hollow to the north. This has not been shown on the Preliminary CSM, is there a reason why? If there is a problem, you should discuss with the DPW prior to submitting another draft of the CSM.**
8. There was previously a small amount of floodplain in the area of the existing driveway access that was subsequently modified through a flood study dated 3-23-11 (subject to receipt of FEMA approval). The flood study date and the date of FEMA approval shall be shown on the CSM. **The flood study date is shown on the CSM.**
9. The wetlands and PEC shall be field identified, staked, and noted as wetlands and/or PEC on the CSM, along with the individual/firm responsible for the staking, and the date it was performed. The wetlands and PEC were previously delineated by Thompson and Associates on 11-13-07. The PEC delineation received concurrence from the SEWRPC on March 27, 2008. The wetland delineation shall receive concurrence from the DNR, unless it has already been done or unless it is not necessary if an assured wetland delineator was used, **prior to the submittal of the Final CSM.** **I believe Ms. Thompson is an assured delineator. However,** stakings are usually only considered valid for a period of *five years*. Thus, updated concurrence letters shall be obtained from the respective entities, or new delineations will have to be performed, whichever is determined to be appropriate in this case, and submitted to the Town Planner, **prior to the submittal of the Preliminary CSM.** **This has not been done, but as noted above, the developer has inquired as to whether or not the owner could request a waiver from these items. I indicated they could ask not to have to have the wetlands/PEC re-delineated/re-validated, but that those two items would still have to**

somehow be shown on the CSM (i.e., as approximate using the County GIS IMS) and noted accordingly on the CSM. The old information has been shown on the CSM, so I am unclear as to whether a waiver is being requested or if the owner will be seeking re-delineation/re-validation. This must be clarified at the January 4th meeting so the Town knows how things are going to proceed.

10. A wetland-PEC preservation statement similar to the sample **below** shall be placed on the CSM. **Preservation restrictions have been shown on the CSM.**
11. Per the Zoning Codes, any lot containing PEC must contain a conforming building envelope outside of the PEC. **Lot 1 has sufficient buildable area outside of the PEC.** Further, building envelopes, if determined to be necessary on this CSM, shall reflect a 75' setback from the wetland boundary line (**this line has been shown on the CSM**), as well as the required road setback and offset lines. **Building envelopes should not be necessary here due there being sufficient buildable area outside of the PEC on Lot 1, and Lot 2 is already developed.** The offset and setback lines for all zoning districts shall also be listed/noted on the CSM. **This information has not been shown.**
12. All slopes 12% or greater shall be shaded or otherwise identified on the CSM. **This has been shown on the CSM.** Further, a note shall be placed on the CSM stating that all slopes 12% or greater shall be preserved in permanent open space. **This note has not been shown on the CSM.**
13. Due to the presence of high groundwater on the property, a basement statement similar to sample **below** shall be shown on the CSM. **This information has been shown on the CSM.**
14. The following technical items must be shown or corrected on the next submittal of the CSM: soil types, existing zoning on the CSM (**listed in a table is acceptable**), width of the existing right of way (**100'**), structures within 50' of the property (**there appears to be at least one to the NE if it has not been removed by the owner**), and utility easements as required by the Town Engineer and the Town's Land Division Ordinance (**unless waived**), the same **date**/revision dates on all pages of the CSM, and the surveyor's signature **and seal on all pages of the CSM.**
15. Vision corners and vision corner easements (refer to sample **below**) shall be shown on the CSM. **This information has been shown on the CSM.**
16. A minimum of one soil boring is required per lot, and the results shall be submitted with the Preliminary CSM. However, due to the presence of high groundwater on the property, the developer may want to consider additional borings, particularly at the proposed house site (if known). **No soil tests were submitted with the Preliminary CSM, however borings were noted on the CSM.**

17. The established ROW width of CTH D is 100'. Lands shall be dedicated for ROW purposes on the CSM, as necessary, and noted as required on the CSM. **This information has been shown on the CSM.**
18. The navigable stream along the east lot line and its ordinary high water mark elevation shall

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be shown on the CSM. **The stream and date of OHWM determination are shown on the CSM, but not the actual elevation.**

19. The remaining portions of the lots in the CSM that abut CTH D that are outside of the shared access easement shall not have direct vehicular access to CTH D, and appropriate cross hatching and a related note stating this fact shall be placed on the CSM. **This information has been shown on the CSM.**
20. The Conceptual Plan has a scale of 1"=300' listed, but I could not scale from the Plan as it must have been reduced or otherwise altered prior to its submittal via email. Please note the Town's procedures for submittal require that all submittals must be submitted to scale, whether they are submitted by hand, via mail, or via email. **The CSM submitted was still not able to be scaled from, being off by tens of feet. This may be due to the larger scale of the CSM.**
21. The existing septic system on proposed Lot 2 must receive approval as to its functionality, in writing, from the Waukesha County Environmental Health Division, and a copy of the approval letter shall be submitted to the Town Planner **prior to the approval of the Final CSM.**
22. When submittal of the Preliminary CSM to the Town is anticipated, the CSM should also be formally be submitted to the Waukesha County Land Division Review Staff (Rebekah Baum) for review as well. She can be reached at 262.548.7790. The County has 90 days in which to review a CSM but in a cooperative agreement with the Town will not begin their review until the Town has at least approved the Preliminary CSM. **Along those lines, Waukesha County shall be added to the last line of the Surveyor's Certificate on sheet 3.**
23. The Waukesha County Shoreland and Floodland Jurisdictional Limits boundary line shall be shown on the CSM. **This information has been shown on the CSM.**
24. When a plat was submitted for this property several years ago, the Town had asked that a 20 foot wide pedestrian trail be shown along CTH D. This feature should be added to the CSM upon submittal. **This item has been shown on the CSM. It is recommended the trail easement be dedicated to the Town.**
25. The Primary Environmental Corridor and all slopes greater than 12% shown on the CSM must

be preserved. Therefore, any building envelopes required on the CSM must exclude these features and must be clearly identified as such on the CSM. **See #12 above.**

26. The Village of Dousman has previously waived their right to approve land divisions within any portion of the Village Extraterritorial Land Division Approval Jurisdiction which lies outside of the Ultimate Village Boundary described in the Municipal Boundary Agreement between the Village of Dousman and the Town of Ottawa. Therefore, the Village of Dousman is not be required to review this CSM.
27. The Conceptual Plan shows a 66' wide shared access easement where the existing driveway meets CTH D in order to limit the number of separate driveways accessing out onto the CTH. Within that easement proposed Lot 1 can then branch off from the single access point and

construct a driveway to the proposed house site on Lot 1. Note that for the distance the two users share the existing driveway, the driveway must be a minimum of 16' in width per the Zoning Code, **once the driveways break off into separate drives, they only have to be a minimum of 12' in width.**

28. Soil tests were submitted with a preliminary plat a number of years ago. The County EHD will have to determine if additional tests will have to be conducted for this CSM submittal and before a Sanitary Permit is issued for a new home on Lot 1. The location of the borings should be shown on the CSM with the numerical cross references to the data. **As noted above, I checked with the EHD in regard to any soil tests they may have had on file for the site and they have none. Apparently the tests done for the plat were never submitted to the EHD. Therefore, either those soil tests will have to be submitted if the EHD accepts them, or new tests will have to be done.**
29. Due to the limited access issue of this CSM, a note shall be placed on the CSM stating **the lots in this CSM shall not be divided without approval from the Town of Ottawa and Waukesha County**, and any future land division shall meet all ordinance requirements in effect at the time of the proposed land division unless otherwise waived by the Town of Ottawa **and Waukesha County. This note has not been shown on the CSM.**
30. The Waukesha County Land Resources Division (LRD) must review and approve Storm Water and Erosion Control Plans and statements (access, maintenance, etc.), if required, regarding Erosion Control and Storm Water Management for the CSM. A Storm Water Permit may also need to be issued.
31. **On Sheet 4, there are five (5) uses of the year 2015 which should all be updated to 2016; Town President and Board President shall be changed to Town Chairman; Board Clerk shall be changed to Town Clerk; and Village Subdivision Regulations shall be changed to Town Land Division Regulations.**

PLANNER RECOMMENDATION:

Based upon the above analysis and information, it is recommended the Town Plan Commission recommend approval of the Preliminary 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

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

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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 October 5, 2015 report are in **bold** font.

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 may 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 other 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 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 Parks 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.

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

VISION CORNER EASEMENT

The height of all plantings, berms, fences, signs or other structures within the vision corner easement are limited to 24 inches above the elevation of the center of the intersection. No access to any roadway shall be permitted over the vision corner of adjacent lots.

Planner Scherer added that items #4 and #9 are action items and item #7 needs to be worked out with the County DPW. Jon Spheeris, developer, was present with the Jordans. He stated that many of the items have been done. Planner Scherer stated that those changes needed to be given to her. She added that they need to provide a revised CSM and submit all of the information requested in her report. Commissioner Kershek made a motion to approve the Preliminary CSM subject to the recommendations of the Town Engineer and Town Planner. Specifically item # 4 to show utilities, and item #9 to designate the most recent wetland and Primary Environmental Corridor are not waived. The motion was seconded by Commissioner Hausser and it carried.

The next item on the Agenda was for Marion Igl, W382 S2728 CTH Z, Dousman, WI, for a Conceptual Land Division and any necessary waivers.

Planner Scherer read from her report as follows:

TOWN OF OTTAWA
PLANNER REPORT
CONCEPTUAL LAND DIVISION

SENT VIA EMAIL

DATE: January 4, 2016

PETITIONER/OWNER(S): Marion Igl Living Trust
W382 S2728 CTH Z
Dousman, WI 53118

TAX KEY NO(S): OTWT 1616.999

LOCATION:

Part of the SE 1/4 of Section 8, T6N, R17E, Town of Ottawa. More specifically, the property is located at the CTH Z address cited above.

LOT SIZE(S):

40 acres each, but it is unknown if that excludes the established road rights-of-way.

EXISTING USE(S):

Residential with five outbuildings and two silos, agricultural, forest managed land, and open lands. The barn/silos are in disrepair and the proposal is to remove two of the other buildings, leaving just two accessory buildings (a pole barn and a detached garage) which would be in conformance with the zoning ordinance requirements.

REQUESTED USE(S):

A two lot Certified Survey Map (CSM), 40 acres each. The northerly lot would have access from CTH Z and the southerly lot would have access from School Section Lake Road. It should be noted that the northwestern-most corner of the site is located on the north side of CTH Z while the balance of the property is located south of CTH Z.

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

AD-10 Agricultural District 10 (ten acre density, one acre minimum lot size, 150' minimum average width), EC Environmental Corridor, and C-1 Conservancy. The southernmost portion of the property is within the Shoreland and Floodland Protection Ordinance jurisdiction, and the remainder of the site is under the jurisdiction of the Zoning Code.

SOIL TYPES:

The SCS soil types indicate the soils on the northern parcel are well drained with the exception of the two wetland areas (east and west) which are somewhat to very poorly drained and subject to ponding, wetness, and high groundwater conditions. The southern parcel is subject to a wider variety of soil types with mainly somewhat poorly drained to very poorly drained soils subject to ponding, wetness, and high groundwater conditions in the western one third of the parcel where the wetlands are, with a couple of pockets of well drained soils; and then there is a well-defined slope with grades up to 20% in the middle of the southern parcel; with the remaining portion to the east of that slope containing well drained soils, some with slopes still up to 12%.

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SUBMITTAL OF SOIL TESTS: None.

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

The WCCDP designates the overall property as Rural Density and Other Agricultural Land (5-34.9 acre density), Primary Environmental Corridor (PEC), Isolated Natural Resource Area (INRA), and Other Open Lands to be Preserved (OOLP) while the Town's CDP designates the overall property as Agricultural 10 Acre Density, PEC, INRA, and OOLP. The more restrictive of the plans must be complied with and the proposal conforms with both plans.

PLANNER COMMENTS, QUESTIONS, CONCERNS, AND SUGGESTED CONDITIONS:

The border agreement area with the Village of Dousman lies adjacent to the east of the subject property. The petitioner is proposing to split 80 acres into two 40 acre parcels via a CSM. As noted above, the northwestern-most corner of the site is located on the north side of CTH Z (a 100' established road ROW) while the balance of the property is located south of CTH Z. This will require that small portion north of CTH Z to be an outlot on the CSM unless the petitioner proposes to do something else with that land. The property contains an area of steeper slopes in the southeastern portion of the larger parcel, three low areas which all contain wetlands as shown in the petitioners packet (east, west and south), high groundwater conditions (western 1/3 of the site), PEC (south) and INRA (east).

As noted above, the five accessory buildings and two silos are proposed to be reduced to two accessory buildings only with this CSM. Only two accessory buildings are permitted by ordinance, without special Town Plan Commission approval. All debris shall be removed from the property and the areas restored prior to the town signing the Final CSM.

Relative to the Town's adopted Land Division Review Checklist, Land Division and Development Ordinance, and review of the Conceptual Land Division, the following list of items need to be shown on the face of a CSM and/or submitted in conjunction with the submittal of a Preliminary CSM to the Town Planner and Town Engineer.

Item 2 is a potential Town Plan Commission action item.

1. The County EHD must approve the functionality of the existing septic system on the northern parcel **prior to the submittal of a Preliminary CSM** as required by the Town's Land Division and Development Ordinance.
2. Utilities will have to serve the undeveloped southerly parcel where the residence will be situated approximately 500' or more from School Section Lake Road. Utility easement locations, width, and type, if and as required by the Town of Ottawa Land Division and Development Ordinance and the Town Engineer, shall be shown on the CSM, unless a **waiver** is requested.

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3. Soil tests for the (new) vacant lot (septic) must be submitted **with the submittal of the Preliminary CSM** for review and approval. The location of the borings shall be shown on the CSM with numerical cross references to the date. A Sanitary Permit shall be issued by the County EHD **prior to the issuance of any permits for the construction of a residence** on the vacant parcel. The owner may also wish to do a boring at the house site for basement elevation purposes. Due to the presence of high groundwater on the property, restrictions similar to the sample **below** shall be placed on the CSM. The agent indicates

the soil tests have been done and the site has perked for a mound system.

4. The following are some of the key technical items that are often overlooked and shall be shown on the formal CSM submittal, as well as some of the standard items: note the sources of all environmental layers noted on the CSM; list the required zoning setbacks/offsets for the AD-10, EC, and C-1 zoning districts (table format is acceptable); locate the existing well(s) and septic system on site and any wells that may be within 100' of the existing or proposed septic systems on site; the names of adjacent subdivision lots and/or the owners of abutting unplatted lands; the established ROW widths of the abutting roads and any additional ROW dedication required; existing access drive(s); all structures/buildings existing on site or remnants thereof and those within 50' of the site and all of their uses; shoreland jurisdictional boundary line, location map, correct names/addresses/certificates, survey monumentation, drain tile location if applicable, total acreage, etc.
5. Soil types and topo/12% slopes:
 - Two-foot topographic contour lines and soil types shall be shown on the CSM. Separate detail maps/sheets are recommended for both items.
 - There are also slopes in excess of 12% on the property. The Town's LDDO requires that all slopes 12% or greater shall be shaded or otherwise identified for preservation on the CSM.
 - Further, a note shall be placed on the CSM stating the slopes 12% or greater as identified on the CSM shall be preserved in permanent open space.
 - It is recommended this information be placed on the separate detail map/sheet with the required 2' topo contours to clearly identify this information.
6. The petitioner shall submit all information required by the Town Building Inspector and the Town Engineer for their review in order to approve of the most appropriate and safe location of an access point for the southern parcel. This location shall be finalized **prior to the submittal of the Preliminary CSM.**
7. Three accessory buildings and two silos are proposed to be removed in conjunction with this CSM in order to comply with the zoning ordinance regulations. Once this occurs, all debris shall be removed from the property and the areas restored **prior to the town signing the Final CSM.**
8. If further divisions of either 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 and Waukesha County. Further, a note may need to be placed on the face of the CSM stating that there shall be no further land divisions involving either lot without Town and County approval of the 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 and the County.

9. There are specific requirements for conducting activities within the C-1 and EC zoned areas, and particularly within the Shoreland and Floodland Protection jurisdiction as noted on the CSM. Please contact the Planner of the Day (POD) in advance of planning any activities in these areas of the property as permits and/or regulations may apply.
10. The Other Open Lands to be Preserved CDP category shall be identified for preservation on the CSM. A note shall be placed on the CSM indicating the OOLP shall be preserved in open spaces uses unless detailed soil investigation and analysis is conducted by the property owner to determine that the actual on-site soil conditions are suitable to accommodate development in which case an adjustment to the land use category may be warranted.
11. The established road rights-of-way for both roads abutting the property shall be excluded from the lot sizes.
12. The County does not require the zoning districts to be shown on CSMs so they like to have a footnote added below the town's zoning district table similar to the following: "These zoning districts and the requirements are subject to change."
13. Since we discussed in the pre-submittal meeting that the wetland and PEC areas did not have to be field delineated at this time, the wetland and PEC areas shown on the CSM shall be labeled as "Approximate Wetland (or PEC) Limits, as designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) 2010 Regional Wetland (or PEC) Inventory and shown on the Waukesha County Internet Mapping Site". Further, the CSM shall note that: "The wetland boundary shown on this Certified Survey is an approximate boundary. If a building is proposed to be constructed in close proximity to the wetland, it may be necessary for the wetland boundary to be field delineated."
14. Preservation Restrictions similar to the sample **below** shall be placed on the CSM and a note referencing said restrictions shall be added to the CSM on the sheets that contain the wetlands, PEC and INRA features (i.e., the areas containing wetlands, PEC, and INRA on this CSM are subject to the preservation restrictions on Sheet X of X).
15. A portion of the property is currently enrolled in CRP. This issues will have to be resolved to the satisfaction of the County LRD **prior to the Town signing the Final CSM.**
16. A portion of the southern parcel is designated for non-profit ownership on the County's Park and Open Space Plan. The owner has agreed to an easement with the WCLC and has reviewed the document. The only disturbance of the PEC will be for the driveway access to School Section Lake Road and to remove a fieldstone pile form the woods.
17. Regarding the portion of the lot north of CTH Z, a note shall must be placed on the CSM

indicating that the outlot (Outlot 1) cannot be sold separately from the lot abutting CTH Z (Lot 1) except to the owner(s) of another adjacent parcel as long as that sale does not violate any existing laws, ordinances, codes rules, or regulations. The use of the outlot shall also be noted on the CSM.

18. 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 90 days to conduct their review. *Marion Igl Conceptual Land Division* *January 4, 2016*
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It is the responsibility of the petitioner to submit the CSM for review to the County. Refer to No. 1 under the Town's Standard CSM Conditions below. The Town cannot sign the CSM until the County has reviewed the same.

19. No more than 50% of the lot can have slopes of 10% of greater. The surveyor should calculate this and if necessary the petitioner shall request a waiver when the Preliminary CSM is submitted.

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

Town of Ottawa Standard CSM Conditions:

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

improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

2. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
3. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, as applicable, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
4. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to prior to
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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.

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

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

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Town Planner

Marion Igl Conceptual Land Division

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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- ISOLATED NATURAL RESOURCE AREA RESTRICTIONS

Those areas of land which are identified as a Wetland-Primary Environmental Corridor -

Isolated Natural Resource Preservation Area 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-Isolated Natural Resource 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.

Jim Siepmann was present representing the Igl's. Mr. Siepmann had a question regarding #7 and whether or not escrow money needs to be in place to remove the accessory buildings, and not to be a condition of the CSM as they need to wait until Spring to remove the accessory buildings. Planner Scherer responded that they need to get an estimate plus 15%. The Town can determine an extended deadline for removal tonight. Commissioner Hausser asked if July 1, 2016 would be enough time? Mr. Siepmann responded, "yes". Commissioner Kershek made a motion to grant a waiver for items #2 and #19 for future CSM's. Commissioner Hausser seconded the motion and it carried.

The list of zoning violations was reviewed.

There was no correspondence.

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There was no public comment.

Planner Scherer noted minor edits to the minutes from November 2, 2015. Commissioner Mundschau made a motion to approve the minutes as amended. Commissioner Hausser seconded the motion and it carried.

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

Respectfully submitted,

Lori Geyman, Deputy Clerk, Town of Ottawa