

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: October 15, 2020

FILE NO: CU46

OWNER: Linda Hecher
2218 Kayla Drive
Waukesha, WI 53188

APPLICANT: Timothy and Nicole Duchow
431 N. Golden Cedar Lane
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0549.021

LOCATION:

The subject property is described as Lot 6, Block 2, La Belle Acres, part of the NW ¼ and SE ¼ of Section 30, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W393 N5988 Mary Lane, Oconomowoc, WI 53066, containing approximately 0.6 acres.

ZONING CLASSIFICATION:

R-3 Residential District.

EXISTING LAND USE:

Single-family residence.

PROPOSED REQUEST:

Land altering activities associated with the construction of a new single-family residence with attached garage.

PUBLIC HEARING DATE: September 21, 2020

PUBLIC REACTION:

The adjacent neighbor to the north expressed some concern about the loss of run-off absorption with an increase in hard surfaces. It was noted by many, that a significant amount of runoff comes off of Mary Lane. The neighbors seemed satisfied that the plan addresses those concerns.

TOWN PLAN COMMISSION ACTION:

On October 5, 2020, the Town Plan Commission unanimously voted to approve the request, subject to a number of conditions.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC LAND USE PLAN:

In order to protect property owners from possible damage due to changes in the existing grade of adjoining lands, minimize erosion, sedimentation, and the impairment of wildlife habitat, and to aid in preserving and protecting the natural scenic beauty and character of the landscape, the WCDP calls for

a preservation of topography and recommends that development be directed away from steep slopes. With the recommended conditions at the conclusion of this report, it is felt that the proposal complies with these plan recommendations.

The property is designated in the Medium Density Residential category of the WCDP and the Town Land Use Plan.

STAFF ANALYSIS:

The subject parcel, served by sewer, is around 26,000 sq. ft. in size, is located on Mary Lane and has frontage on Lac La Belle Lake. The lot has a gentle change in elevation of around 10' from road to lake. There is an existing single family home with no lake side exposure, there is also a detached garage.

The petitioners are proposing to remove all existing structures and construct a new single family home with attached garage and fully exposed basement. According to the application, the proposed home has to be elevated in order to meet the minimum distance between the bottom of the basement floor and the seasonal high ground water/100-Year Floodplain and to fully expose the basement on lake side of the home. Both adjacent residences appear to have fully exposed basements.

The project requires a large amount of fill (6-7 ft.) on the road side of the residence to allow a proper access from the existing road to the proposed garage. The fill material will consist of clean stone, gravel and top soil. A landscape plan was not submitted with the application, but it is anticipated that a grass cover as well as some plantings/vegetation will be used to stabilize the area. A proposed swale will be constructed along the north and south property lines. A 2.5' tall retaining wall is proposed along the southern exposure. A proposed grading and drainage plan is attached as Exhibit A. It should be noted that a complete Zoning Permit application including architectural plans has not been submitted to date and would be required to authorize construction of the residence.

The lot sits at a low point of Mary Lane. Significant road drainage is conveyed to the lake across the subject property and adjacent lots. The plan is designed to accommodate this existing drainage pattern via swales. The Town Engineer and Land Resources Division Staff have reviewed the proposed grading and are satisfied with the overall plan and do not anticipate any adverse drainage as a result of the grading plan.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of this request in accordance with the Town of Oconomowoc's recommendations as modified below (modifications or additions to the Town's conditions are in **bold** and deletions are identified in a strikethrough format):

1. Subject to documentation being submitted to the Town Planner **and the Waukesha County Planning and Zoning Division** that a Storm water permit and an Erosion Control Permit have been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of a Conditional Use Permit.
2. Subject to all activities complying in all respects with any and all requirements of the Wisconsin Department of Natural Resources (DNR) chapter 30 Permit (If applicable).

3. Subject to no further ~~earth~~ **land** altering activities being completed on the site unless specifically approved by the Town of Oconomowoc Plan Commission and Waukesha County **Planning and Zoning Division** Staff.
4. The applicant shall allow the premises to be available for inspection by the Town of Oconomowoc and Waukesha County officials at any reasonable time and upon reasonable notice.
5. Subject to all Land Altering Activities, being completed and the site completely restored and vegetated no later than September 15, 2021, unless extended by the Town Planner and Waukesha County Staff.
6. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
7. The Town **and Waukesha County** ~~reserve~~ **reserves** the right to review any condition imposed as part of this Conditional Use if said use becomes a problem in the area. The Town Plan Commission **and Waukesha County Planning and Zoning Division Staff** may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Shoreland and Floodland Protection Ordinance.
8. Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Oconomowoc is required to take to enforce the conditions in this conditional use permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing. ***The condition is enforceable by the Town only.***
9. Payment of Charges. 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 the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***The condition is enforceable by the Town only.***

Based on the site conditions and existing pattern of development, the additional fill proposed will not adversely impact drainage patterns and should not appear out of place when viewed from nearby properties and the road. This authorization strikes a balance between the preservation of natural topography and the petitioner's interest in constructing a new residence with full height basement on a lot with challenging topography and high groundwater conditions.

Therefore, as conditioned, approving this request meets the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and County Development Plan.

Respectfully submitted,

Benjamin Greenberg

Ben Greenberg
Senior Land Use Specialist

Attachments: Exhibit A

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EXHIBIT A

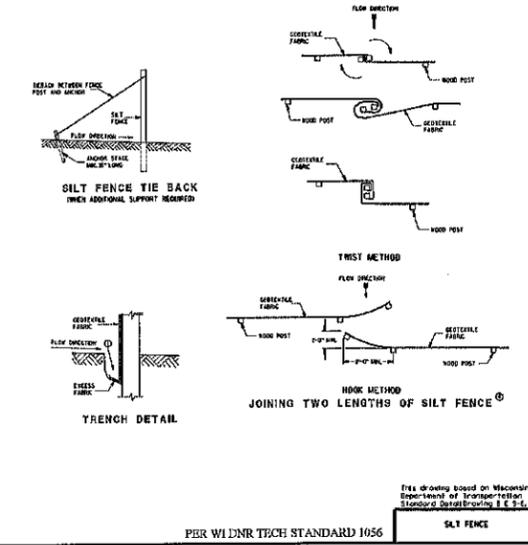
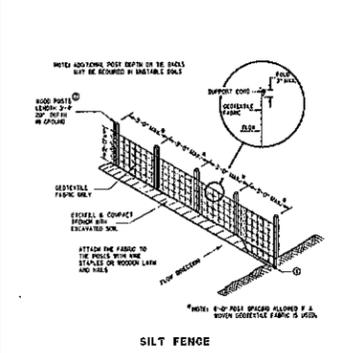


GENERAL NOTES

1. Survey prepared for: Linda Hecher
2. Field work completed on JULY 29, 2020
3. Construction Permit - Limited Easement Document No. 1581686 grants a Right-of-Entry for the purpose of construction and maintenance of an individual Grinder Station and pressure laterals. No buildings or structures shall be allowed to be constructed over the facilities. Exact location of easement not stated in the recorded document.
4. Ordinary High Water Mark (OHWM) Elevation per Lake County Engineering Inc. Plat of Survey - Project No. 10-2082 dated MAY 12, 2014. Flag set by Wisconsin Department of Natural Resources on MAY 2, 2011, EL.=852.55.
5. Flood Zone Classification: The property lies within Zone "AE" of the Flood Insurance Rate Map Community Panel No. 5551330010G with an effective date of NOVEMBER 5, 2014. Zone "AE" areas have Base Flood Elevations determined, EL.=854.2 (NGVD29).
6. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmarks: Concrete monument with brass cap at the southeast corner of the Southeast 1/4 Section 30, Town 8 North, Range 17 East, Elevation = 878.36.
7. Underground utility locations shown are based on field location markings by Digger's Hotline ticket 2020310916 with a clear date of JULY 24, 2020. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC. does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.
8. THE SHORELINE OF LAC LA BELLE WAS MEASURED ON JULY 29, 2020 AND THE BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.

GENERAL NOTES

1. THERE SHALL BE A MINIMUM OF 12" OF 3/4" FRACTURED LIMESTONE CLEAR UNDER TRACKING PADS.
2. 8000 PILES SHALL BE A MINIMUM SIZE OF 1/2" x 3/4" OF ONE INCH.
3. CONTRACTOR SHALL VERIFY A COMPASS PILE IS PLACED BY CUTTING THROUGH TO THE CENTER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF THE PILE IS CORRECT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF THE PILE IS CORRECT.



LAC LA BELLE
 (PER WIS DNR SURFACE WATER VIEWER LAC LA BELLE IS AN AREA OF SPECIAL NATURAL RESOURCE INTEREST (ASNRI) ALONG THIS PROPERTY. THEREFORE THE TOP OF BANK OF THE LAKE IS 300' FROM THE OHWM. THE ENTIRE PROPERTY IS WITHIN THE BANK)

Erosion Control Plan Narrative

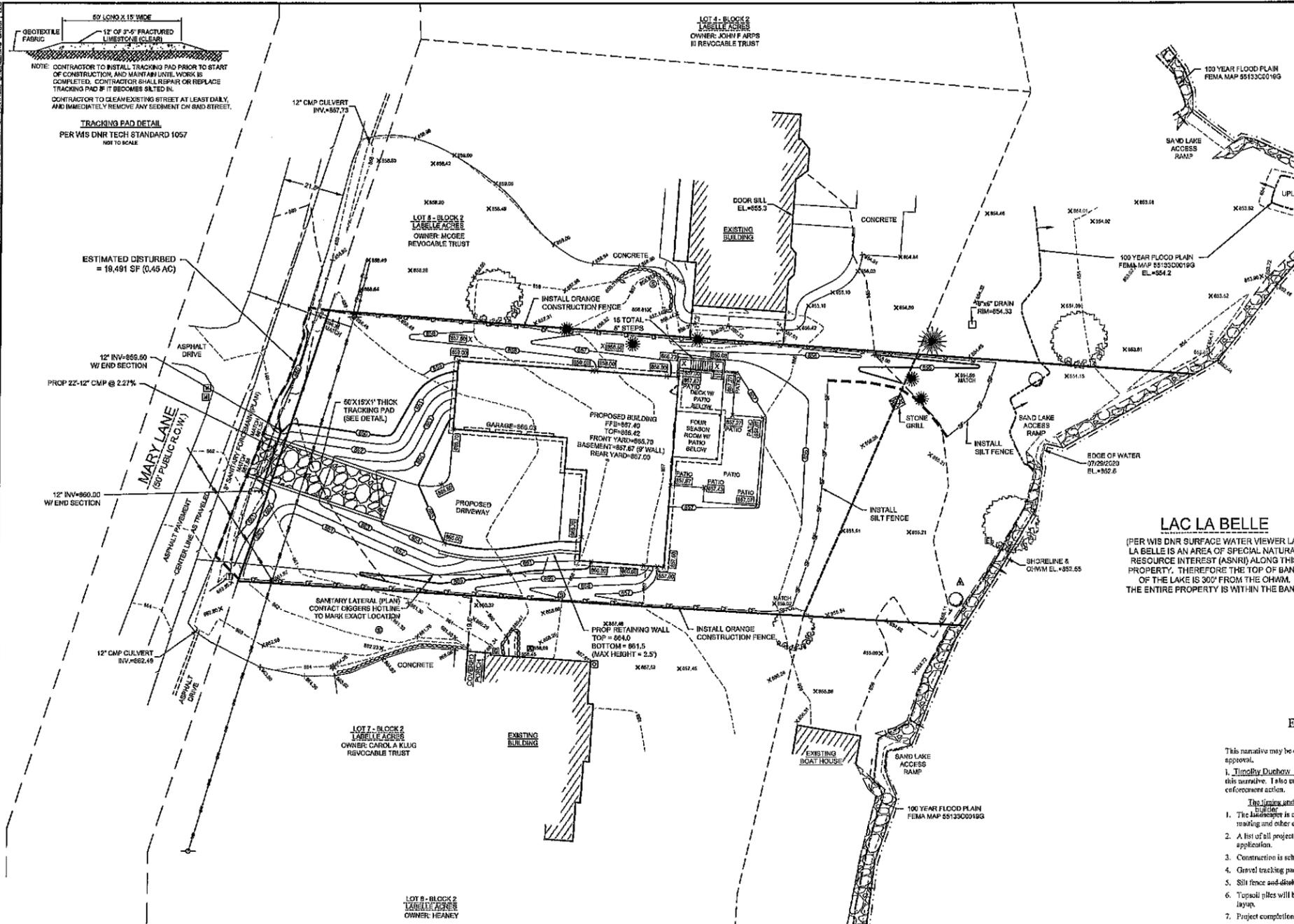
This narrative may be edited by crossing out inapplicable items, subject to LRD review and approval.

1. **Timothy Durbow** (signature of permit applicant) 8/5/20 (date), have read and understand this narrative. I also understand that failure to follow the approved narrative may be subject to enforcement action.
2. The **Timing and sequence of construction is scheduled as follows (see attached map):**
3. The **landscaper** is charged with installing and maintaining all silt fences, seeding, erosion control and other erosion control practices.
4. A list of all project contacts, phone numbers, e-mail addresses, etc. is on the permit application.
5. Construction is scheduled to begin on **10/19/20** (date).
6. Gravel tracking pad will be installed at the entrance first.
7. Silt fence and ditch-checks will be installed as shown on the plan map.
8. Topsoil piles will be located as shown on the map, and seeded down within one week after layup.
9. Project completion is anticipated on **09/18/21** (date).
10. Any disturbed site that remains inactive for greater than 7 days shall be stabilized with temporary measures such as soil treatment, temporary seeding or mulching. "Inactive" means that no site grading, landscaping or utility work is occurring on the site and that rain is not limiting these activities. Project activities do not include the site from this requirement.
11. The **topsoil** will be reappplied and **Ascend LLC** (name) will complete seeding/fertilizing and install erosion control matting and mulch in all road ditched, cut slopes and other disturbed areas as per approved plans and specifications.
12. Restoration will be completed by **09/18/21** (date).
13. After grass is well established all silt fences will be removed and permittee will request final inspection by the county.
14. Seeding rates and mixes shall conform to WisDOT Roadway Standard Section 630.

- Land Seeding Stabilization**
- The objective is to stabilize the site with 70% vegetative coverage of all previous disturbed areas before the end of the growing season. After November 15, no land disturbing activity is permitted outside of active building envelopes, and all other disturbed areas must be stabilized by November 15 per the following schedule.
1. **Permanent Vegetation (before September 15):**
 1. **Seeding:** Prepare seedbed and sow seeds per the rates and mixes of Wisconsin Department of Transportation (WisDOT) Roadway Standard Section 630.
 2. **Erosion Control:** Immediately apply mulch, erosion control matting, or other permanent stabilization BMPs as specified in the approved erosion control plans and per DNR technical standards.

1. **Maintenance:** Inspect all seeded areas weekly. Ensure adequate water is provided until full vegetative cover is obtained, and repair any erosion problems, wash outs, etc.
2. **Temporary Vegetation (September 15 - October 15):**
 1. **Seeding:** The above noted seeding mix must include a minimum of 2 lbs. per 1,000 sq. ft. of a temporary cover (i.e. winter wheat or annual ryegrass for fall plantings) per Section 630.
 2. **Erosion Control:** Immediately apply mulch, erosion control matting, or other stabilization BMPs as specified below, following DNR technical standards. The approved plans may be more restrictive:
 1. **Channel Flow (roadside swales, etc.) and Backslopes:** Stake erosion control matting over all the entire channel, cross-section and all backslopes using a minimum WisDOT Erosion Control Product Acceptability (PAL) Class 3 Type A matting, unless otherwise called for in the approved plan.
 2. **Other disturbed areas:** Apply Type B Soil Stabilizer, mulch and tackifier from the WisDOT Product Acceptability List to all disturbed areas that remain exposed.
 3. **Inlets/Outfalls:** Install sod posts (2 rolls) at all culvert outfalls, and other high-erosion locations in accordance with County standards.
3. **Maintenance:** Inspect all seeded areas weekly. Ensure adequate water is provided until full vegetative cover is obtained, and repair any erosion problems, wash outs, etc.
4. **Permanent Seeding (October 15 - November 15):**
 1. **Seeding Rate:** Same seed mix as subsection (b) (including temporary cover crop) except the rates for perennial species must applied at 1.5 x WisDOT section 630 rate (apply rates of 3-5 lbs./1,000 sq.ft.).
 2. **Erosion Control:**
 1. **Channel Flow (roadside swales, etc.) and Backslopes:** Apply Type A soil stabilizer and staked PAL Class 3 Type A erosion matting over the entire channel and all backslopes.
 2. **Other Areas:** Apply Type A Soil Stabilizer from the WisDOT Product Acceptability List to all other disturbed areas that remain exposed.
 3. **Inlets/Outfalls:** Install sod posts (2 rolls) at all culvert outfalls, and other high-erosion locations in accordance with County standards.
 3. **Maintenance:** Inspect all seeded areas weekly. Ensure adequate water is provided until full vegetative cover is obtained, and repair any erosion problems, wash outs, etc.

If construction schedules should change significantly, this plan narrative will be updated and resubmitted.



CONSTRUCTION SEQUENCE:

1. Install silt fence, tracking pad and construction fences. Continuous inspections throughout the project. The builder shall inspect erosion and sediment control practices weekly, and within 24 hours after every rain event that produces 0.5 inches of rain or more in a 24 hour period. Written documentation of each inspection shall be maintained at the construction site and shall include the time, date and location of inspection, the phase of land disturbance at the construction site, person conducting the inspection, assessment of control practices, and description of any erosion or sediment control measure installation or maintenance performed in response to the inspection. Use Wisconsin DNR report forms.
2. Perform demolition.
3. Strip topsoil.
4. Begin building construction.
5. Rough grade the site and install driveway.
6. Finish grade disturbed areas.
7. Topsoil, seed and stabilize any remaining disturbed areas with erosion mat.
8. Contractor to remove and dispose of all temporary erosion control measures once the site is 80% stabilized.

Estimated Start Date: October 2020
 Estimated Completion Date: September 2021
 Estimated Disturbed area = 19,491 S.F. (0.45 AC.)
 Estimated fill = 830 cy

NOTES:

1. All construction practices shall comply with the Town of Oconomowoc, Waukesha County and the Wisconsin DNR Technical Standards.
2. All disturbed areas shall be topsoiled (4" thick), seeded and stabilized with Wisconsin DOT Class 1, Type B erosion mat per Wisconsin DNR Technical Standard 1052. See Lake Superior Stabilization requirements.
3. Any stockpile left inactive for more than seven days shall be seeded and mulched using agricultural ryegrass with a seeding rate of 3lbs/1,000 square feet. Any stockpiles placed after October 15 shall be seeded with dormant seed and either stabilized with Wisconsin DOT Class 1, Type B erosion mat or seeded with dormant seed, covered with straw and staked biodegradable netting.
4. All construction traffic is to enter/exit the site from Mary Lane over the tracking pad. Install tracking pad per Wis DNR Tech Standard 1057. All public streets to be kept clean at all times.
5. The permanent seed mixture shall be Wisconsin DOT seed mixture No. 40 and sown at a rate of 4 lbs/1,000 square feet. Seed mixture No. 40 consists of 33% Kentucky bluegrass, 20% red fescue, 20% hard fescue and 25% improved fine perennial ryegrass.
6. Fertilize soil with 10 lbs/1,000 square feet of 20-0-10 fertilizer. The fertilizer used for restoration shall be free of any phosphorus.
7. Any dewatering that may be required due to building construction shall be completed so that the water is pumped into a type II geotextile bag. Follow DNR Technical Standard 1061.
8. All building and waste material shall be disposed of off site to prevent runoff of material into the lake.

PLAN | DESIGN | DELIVER
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PINNACLE ENGINEERING GROUP
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 BROOKFIELD, WI 53185
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CHICAGO | MILWAUKEE | NATIONWIDE

W393 N5988 MARY LANE
 LOT 6, BLOCK 2 IN LA BELLE ACRES, LOCATED IN THE SW 1/4 OF THE NE 1/4 AND THE NW 1/4 OF THE SE 1/4 OF SEC. 30, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN

GRADING & EROSION CONTROL PLAN

REVISIONS				SHEET
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				4
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