

**AGENDA - FINAL**  
**WAUKESHA COUNTY PARK AND PLANNING COMMISSION - Regular Meeting**  
**Thursday, January 16, 2025 1:00 P.M. Room AC 255/259**  
**Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188**

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**CALL TO ORDER**  
**CORRESPONDENCE**  
**MEETING APPROVAL**  
**MINUTES**  
**PUBLIC COMMENT**

Approval of the December 12, 2024, Minutes

**CONDITIONAL USE AND PLAN OF OPERATIONS**

- **CU122 (Jared and Rebecca Tetzlaff) Town of Merton, Section 12**  
Lots 1 and 2, Certified Survey Map No. 12456, part of the NE ¼ of the SW ¼ of Section 12, T8N, R18E, Town of Merton. More specifically, the property is located at N83 W28695 Center Oak Rd. Request: Land altering activities associated with the construction of a single-family residence.
  
- **CU121 (Melissa and Lucas Harwick) Town of Ottawa, Section 24**  
Lot 28, Kettle Moraine Estates West Addition No. 1, part of the NE ¼ of Section 24, T6N, R17E, Town of Ottawa. More specifically, the property is located at W342 S4125 Moraine Hills Drive. Request: Unspecified Conditional Use for a greenhouse containing a specialty, organic cut flower operation.
  
- **SP258 (Melissa and Lucas Harwick) Town of Ottawa, Section 24**  
Lot 28, Kettle Moraine Estates West Addition No. 1, part of the NE ¼ of Section 24, T6N, R17E, Town of Ottawa. More specifically, the property is located at W342 S4125 Moraine Hills Drive. Request: Site Plan/Plan of Operation approval for a greenhouse containing a specialty, organic cut flower operation.

**ADJOURNMENT**

*Robert Peregrine*  
\_\_\_\_\_  
Robert Peregrine, Chairperson

**Park and Planning Commission**  
Thursday, January 16, 2025

*(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 548-7790).*

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

**DATE:** January 16, 2025

**FILE NO.:** CU122

**OWNER:** Jared and Rebecca Tetzlaff  
N83 W28695 Center Oak Road  
Hartland, WI 53029

**TAX KEY NO'S.:** MRTT 0335.998.001 and MRTT 0335.998.002

**LOCATION:**

The subject property is described as Lots 1 and 2, Certified Survey Map No. 12456, Volume 129, Page 102, being part of the NE ¼ of the SW ¼ of Section 12, T8N, R18E, Town of Merton. More specifically, the property is located at the Center Oak Road address cited above.

**ZONING CLASSIFICATION:**

R-1 Residential, partial Primary Environmental Corridor overlay.

**EXISTING LAND USE:**

Vacant land intended for single-family residential.

**PROPOSED LAND USE:**

Conditional Use for land altering activities associated with the construction of a single-family residence (See Exhibit B for proposed building elevations).

**PUBLIC HEARING DATE:** December 18, 2024

**PUBLIC REACTION:**

Prior to the public hearing, staff received requests for information and one neighbor called who expressed initial concern regarding drainage but seemed satisfied upon further explanation. There was no public reaction at the public hearing.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

At their meeting on December 18, 2024, the Town of Merton Plan Commission unanimously recommended to the Waukesha County Park and Planning Commission approval of the request.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCDP) AND THE TOWN OF MERTON COMPREHENSIVE DEVELOPMENT PLAN:**

The County CDP designates the subject property in the Low Density (LDR) category (1.4 acres per dwelling unit) and the Town CDP also designates the lots as LDR (20,000 sq. ft. to 1.4 acres per dwelling unit). A new single-family home is consistent with these designations. The Plans further recommend that slopes in excess of 12% be preserved. As conditioned, the proposed grading activities are in conformity with the Plan recommendations and allow for the redevelopment of the parcel.

**STAFF ANALYSIS:**

The land altering Conditional Use request is related to the 3.5-acre subject property that is located just east of the 90° turn Center Oak Road makes closest to Lake Keesus. It is adjacent to properties fronting Lake

Keesus and opposite from it is former farmland subdivided into three to five-acre parcels. To the east is the Deer Crossing Estates Subdivision which was subdivided in 1995. There are partial lake views and is at the top of a slope which has an approximate 50-foot grade difference between summit and shore.

The subject property is composed of two parcels which are the result of a minor land division in 2023. A land use plan amendment was also applied for in 2023 but the request was later withdrawn. Concurrent with the Zoning Permit, the applicant is seeking to recombine the two parcels by Certified Survey Map. The western property had a single-family dwelling on it which has since been razed. Most of the property is flat, however, the southern portion of the property is part of a Primary Environmental Corridor consisting primarily of the steep slope and a kettle just north of Lake Keesus.

Pending approval of this Conditional Use, the applicant has submitted a Zoning Permit for construction of a new one-story single-family dwelling with a 2,490 square foot foundation and a full-exposure walkout basement. The applicant proposes to build on top of the slope at the rear of the property. A Conditional Use for land altering activity is necessitated by the cuts and fills proposed to facilitate the full basement-level exposure for the walkout. Around four feet will be cut from the southwest portion of the building site and around four feet of fill is proposed near the northeast part of the home to achieve a level surface. A further three to four feet will be cut in the backyard to level it. The proposed front yard grade will be an elevation of 1008.83 and the rear yard will be approximately 1001. The Land Resources Division reviewed the project's proposed grading plan and is comfortable with the proposed design. Stormwater would be diverted around the dwelling and regrading would divert any runoff southward on the subject property toward the Primary Environmental Corridor (PEC).

In advance of the home's construction, the landowner cleared approximately 60 trees. These trees were outside of the mapped PEC. A review of historic aerial photos indicates that the area where cutting occurred is outside of the historically wooded portion of the property. The owner stated that the cleared stand of trees was composed primarily of dead ash trees, dead or dying conifers, and buckthorn, and observation of stumps confirms that. Because the cleared area is more than 300' from Lake Keesus and not zoned Environmental Corridor, no permits were required for the tree removal. At a site visit on December 10, 2024, the Planning and Zoning Division staff observed more dead ash trees, so additional cutting may be necessary in the future because of loss related to the Emerald Ash Borer. Other mature trees observed on the property included black cherry, different oak species, and shagbark hickory.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of the Conditional Use request subject to the following conditions. The basis for the recommendation is as follows:

- The proposed grading activity does not cause adverse drainage conditions.
- The proposed grading activities do not intrude into the Environmental Corridor.
- The proposed grading preserves the steep slope, just to the south of the area to be graded, consistent with plan recommendations.

Recommended Conditions:

1. Grading and land altering shall substantially comply with the grading plan depicted in Exhibit A.

2. Subject to documentation being submitted to the Waukesha County Planning and Zoning Division staff that a Stormwater Permit for Erosion Control has 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.
3. A Zoning Permit shall be issued prior to the construction of the new dwelling and other aspects of the project.
4. All land altering and grading activities shall not create adverse drainage conditions or have an adverse impact on an adjacent property. A flowpath for drainage must be provided along the southeast property line, as proposed, to accommodate drainage coming from the east. The plans for the flowpath shall be subject to the approval of the Waukesha County Land Resources Division.
5. Construction activities shall not extend into the Environmental Corridor.
6. A Vegetation Removal Permit shall be applied for prior to any future tree removal in or near the Environmental Corridor.
7. The site must be restored with grass seed or other vegetation within six months of occupancy of the home being obtained.

Respectfully submitted,

*Ken Smith*

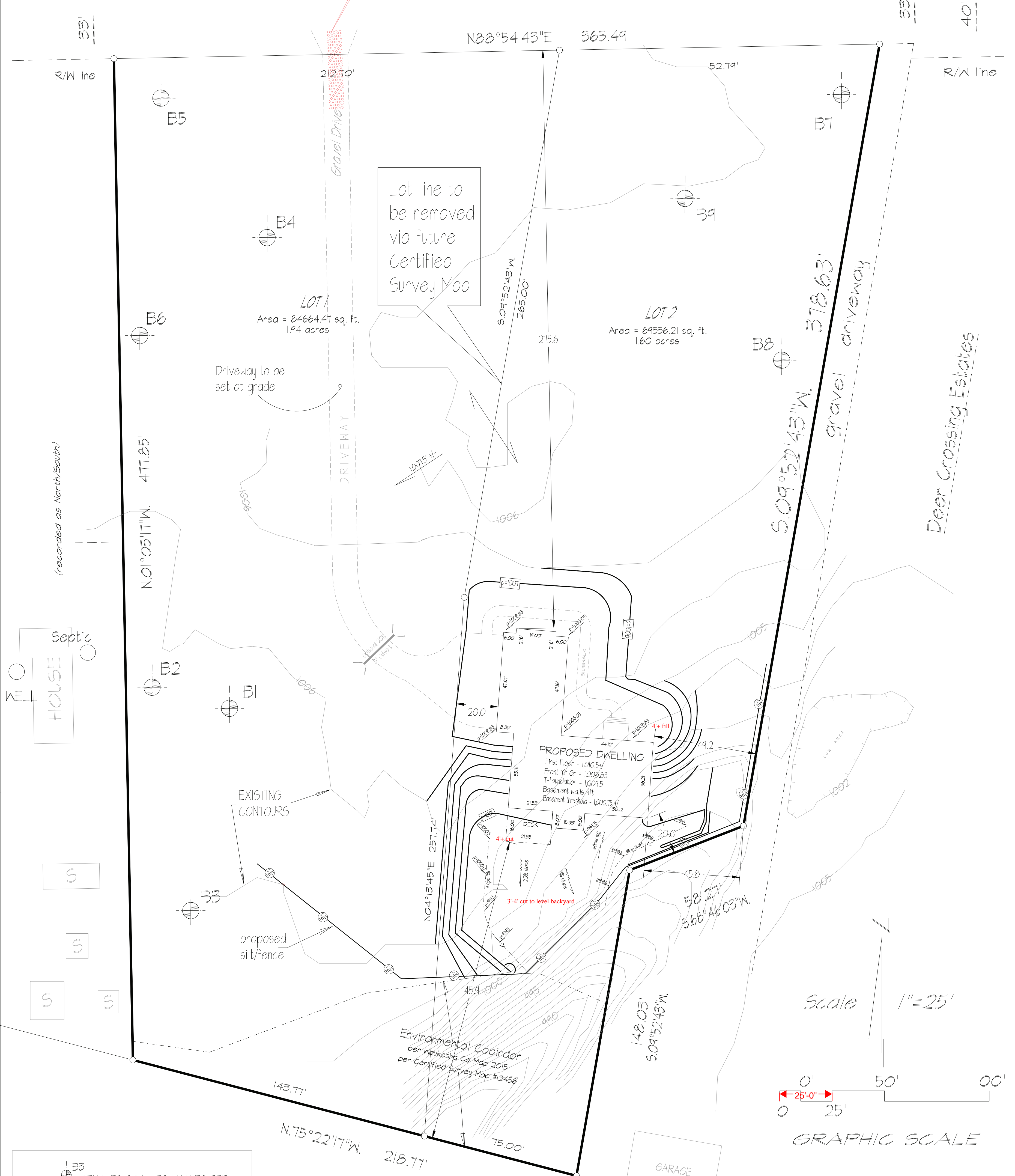
Kenneth Smith  
Senior Land Use Specialist

Attachments:

- Exhibit A – Survey/Site Plan
- Exhibit B – Proposed Building Elevations

**EXHIBIT A**

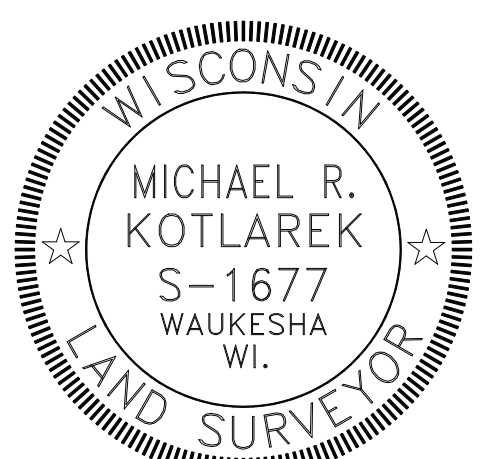
*E Center Oak Road*



**LEGEND:**

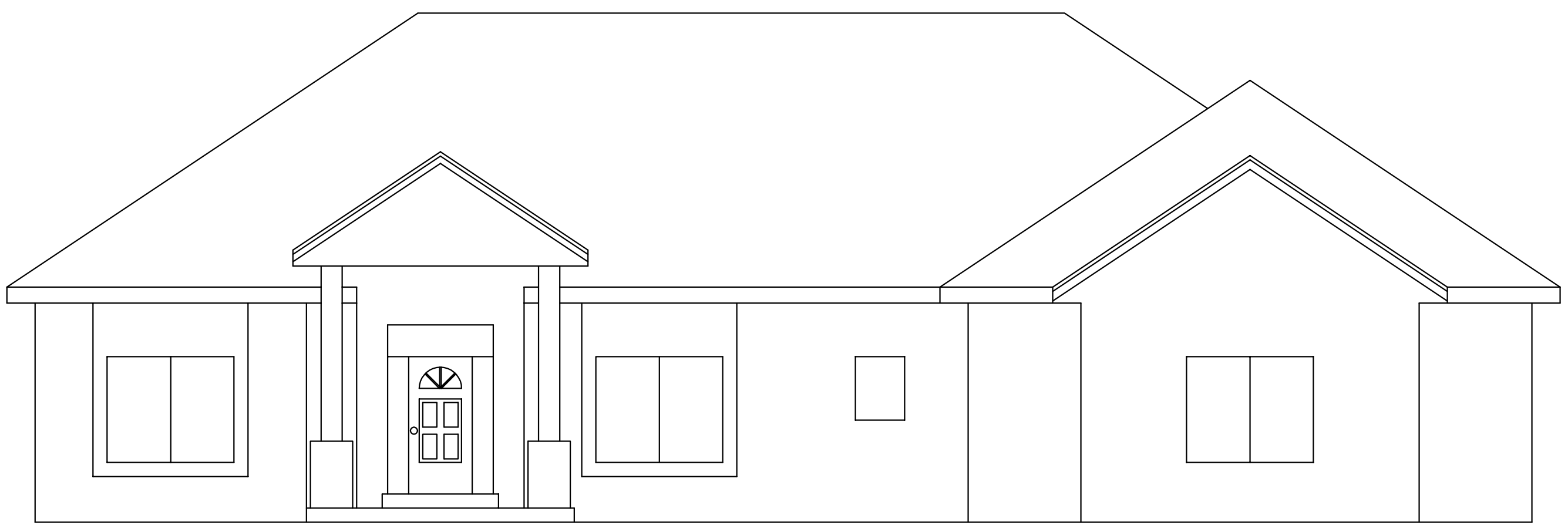
- DENOTES SOIL TEST HOLES PER... SOIL BORINGS PER LIETZAU INC DATED 2/21/2023 PREPARED BY TANNER SCHMIDT CST#1485893 P.O.B. 121 COLGATE, WI 53017 Phone - (262)355.5131
- DENOTES IRON PIPE SURVEY MARKERS FOUND.
- = DENOTES EXISTING SHED

PRELIMINARY DRAWING  
**NOT FOR CONSTRUCTION**



PLAT OF SURVEY OF.... Lots 1 and 2 of Certified Survey Map # 12456 as Document #4724335  
 Part of the NE 1/4 of the SW Fractional 1/4 of Section 12, Town 8 North, Range 18 East.  
 Town of Merton, Waukesha County, State of Wisconsin.

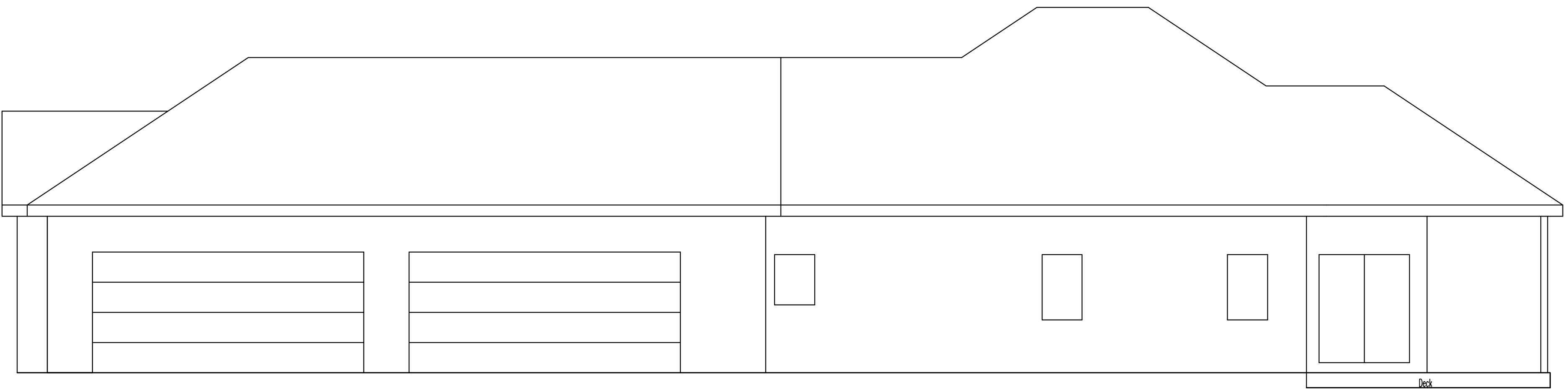
This survey is correct to the best of my knowledge and belief.  
 October 29, 2024  
 Revised November 7, 2024



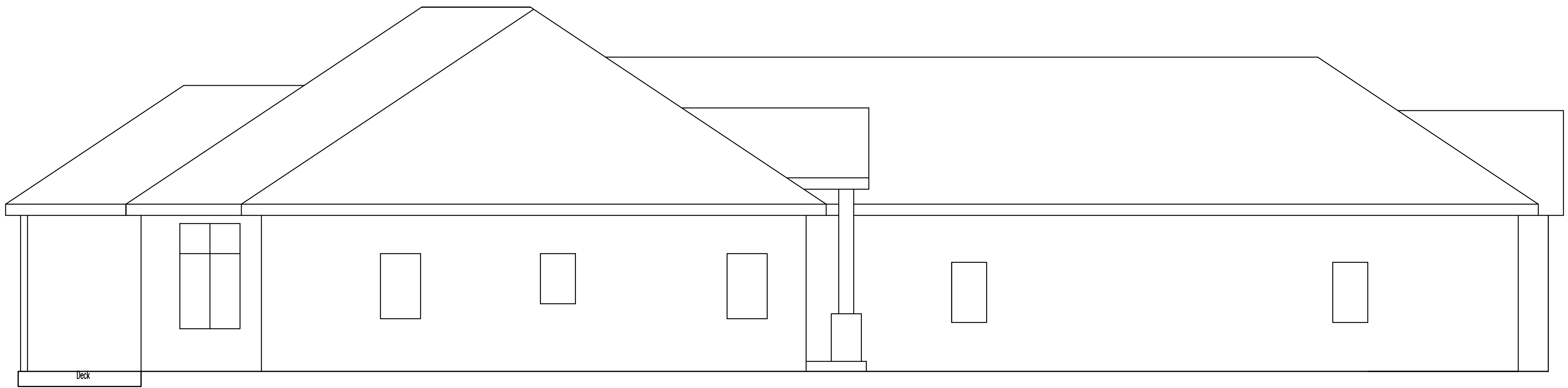
Front **North Elevation/Front**



Rear **South Elevation/Rear**



Right **West Elevation**



Left **East Elevation**

3/16" = 1'-0"

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION**

**DATE:** January 16, 2025

**FILE NOs.:** CU121 and SP258

**PETITIONER/OWNER/OPERATOR:** Melissa and Lucas Harwick  
W342 S4125 Moraine Hills Drive  
Dousman, WI 53118

**NAME OF OPERATION:** At Home Organics LLC

**TAX KEY NO.:** OTWT 1677.030

**LOCATION:**

Lot 28, Kettle Moraine Estates West Addition No. 1, part of the NE ¼ of Section 24, T6N, R17E, Town of Ottawa. More specifically, the property is located at the address cited above, containing approximately three acres.

**ZONING CLASSIFICATION:**

A-2 Rural Home District in the Waukesha County Zoning Code.

**EXISTING LAND USES:**

A 2,400 SF single-family residence with a 680 SF attached garage, a 10' x 12' shed to be removed, a 40' x 70' barn for personal storage, and a 48 SF chicken coop.

**REQUESTED LAND USE:**

In addition to the existing uses, the petitioner proposes to construct a 30' x 64' x 13' hoop framed polystructure (greenhouse) for growing flowers. Refer to Exhibit A. A polystructure on an A-2 property requires a Conditional Use for the unspecified use, and the horticultural business requires review as a Site Plan/Plan of Operation. The applicant states in her application that the items grown on the property would be sold online through shipping and delivery, wholesale, and at Farmers Markets. Their Facebook page states they also offer CSA member share.

**COMPLIANCE WITH THE WAUKESHA COUNTY AND TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLANS (CDP):**

The Waukesha County and the Town of Ottawa CDPs designate the property as Suburban Density II Residential (3.0 to 4.9 acres per dwelling unit). The proposal conforms with the plans as the property is three acres in size and the use, as proposed, is compatible with the residential land use designation.

**PUBLIC HEARING DATE:** December 2, 2024

**PUBLIC COMMENT:**

One neighbor voiced concern about not wanting to live next door to an active business. He understands this is an agricultural use permitted in a rural residential area, and living off of the land is great, but he does not want truck traffic, pickup and deliveries, visitors, noise, parking, retail, or anything else that may come with a business use. Having the greenhouse to support a limited business use as proposed is ok as long as the business is otherwise conducted at farmers markets and the like. A second neighbor echoed these thoughts.

Discussion ensued regarding the proposed use. While the owners grow their own product, they do receive about 10,000 bulbs as well as plugs and seeds that come in a couple of boxes that are able to be hand carried. There will be no heavy traffic. The flowers are organically grown, but they are not certified. They do not use any chemicals in their growing operation. Instead, they use ladybugs and other beneficial insects, seaweed and eggshells for fertilizer, etc. Because they use drip tape for watering with pressure valves designed by the USDA, water usage is not excessive. They will not have lights except in the garage where they do some flower arranging into the evening. There would be limited deliveries and pickups of these arrangements during the daylight hours only and they make some deliveries themselves.

**TOWN PLAN COMMISSION ACTION:**

On December 2, 2024, the Town of Ottawa Plan Commission unanimously recommended approval of the request to the Waukesha County Park and Planning Commission subject to the 29 conditions below.

**STAFF ANALYSIS:**

**SITE PLAN:**

As noted above, the property contains a single-family residence with an attached garage, barn, and chicken coop. The small shed is proposed to be removed. The proposed greenhouse will be constructed as a frame structure with a plastic covering and a dirt floor. It should be noted the site inspection revealed the frame has already been constructed. It will be located 40' from the south lot line whereas a minimum of 30 feet is required. The height of the greenhouse will be 13' whereas a maximum of 18' is allowed. The property is served by a conventional septic system and a private well. The County EHD has yet to approve a PSE for the greenhouse polystructure.

It should be noted that additional accessory buildings can be approved through the Conditional Use request per the Waukesha County Zoning Code.

**PROPOSAL/OPERATION:**

The petitioner is proposing to expand their specialty cut organic flower growing operation to a year round operation with the construction of the greenhouse as they will be able to grow cold season flowers. There will be no customers on site. The owners wholesale to local florists and transport the flowers directly to them and will be able to expand to international sales as well. The petitioner states they are licensed and insured.

The site inspection also revealed at least 11 chickens. The size of the property allows for 20 chickens.

**ACCESS/PARKING:** The entrance to the property is from Moraine Hills Drive via the existing driveway. After reviewing the aerial photography of the property, it appears that visitors can pull into the property and park on the driveway, but would have to back out onto Moraine Hills Drive when they leave. No parking is allowed on or along Moraine Hills Drive which, being a major collector road in the area, could see traffic as much as several thousand vehicle trips per day, and therefore parking on or along Moraine Hills Drive would be a hazard to passing traffic, not to mention dangerous to visitors. All parking must be a minimum of ten (10) feet from all property lines.

A minimum of three parking spaces is deemed sufficient for the horticultural operation.



**SCREENING:** The site inspection revealed the horticultural use of the property appears to be very well screened to the south and west with solid evergreen vegetation, and also to the north with a broken line of evergreen vegetation, but still fairly well screened. There is also deciduous vegetation between the horticultural operation and the house with additional deciduous vegetation between the house and Moraine Hills Drive.

**SANITATION:** The property is served by a conventional septic system and private well. There are no dumpsters serving the site but waste will be removed using the household garbage and recycling service.

**LIGHTING:** No lighting details have been provided however only normal household lighting currently exists on the property. If new lighting is proposed in the future, the SPPO must be amended.

**SIGNAGE:** No signage is proposed or permitted herein.

**OUTDOOR STORAGE/OUTDOOR USES:** The only outdoor use of the property proposed herein is the general use of the property for the horticultural business operation.

**NUMBER OF EMPLOYEES:** The owners will be the only two employees.

**DAYS/HOURS OF OPERATION:** The days and hours of the operation, as with most agricultural operations, will be daily in order to keep the operation functioning. No hours have been specified.

**STAFF RECOMMENDATION:**

Based upon the above information and analysis, the Planning and Zoning Division (PZD) staff recommends **approval** of the request, subject to the following conditions:

1. The Town of Ottawa's recommendation on this request shall be forwarded to the Waukesha County Park and Planning Commission for consideration in their decision relative to the Conditional Use and the Site Plan/Plan of Operation Use request. The ultimate decision in regard to the Conditional Use (CU) and the Site Plan and Plan of Operation (SPPO) and conditions attendant thereto are limited to the subject property known as Tax Key No. OTWT 1677.030.
2. An up to date Conditional Use and Site Plan and Plan of Operation must be on file, at all times, with the Town of Ottawa and Waukesha County.
3. The only outdoor use permitted is the general horticultural business operation proposed herein.
4. No roadside stand is proposed or permitted herein.
5. The petitioner shall comply with the Town of Ottawa's Noise Ordinance and the Town of Ottawa shall be responsible for enforcing the Town's Noise Ordinance relative to any noise complaints received regarding the subject property whether from pumps, fans, air handlers, generators, etc. as they may relate to the greenhouse, if any.

6. Since there are no dumpsters provided for the operation, the petitioner shall properly dispose of all trash and recyclables. The subject property shall be kept clean and free of all debris, litter, and junk as defined in the Zoning Code on a daily basis. In addition, there shall be no storage of junk, as defined in the Waukesha County Zoning Code, on the subject property. Further, the road setback (50' from the base setback line of Morine Hills Road) and offset (30' from all other lot lines) areas shall be landscaped, maintained, and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material.
7. The days and hours of the operation, as with most agricultural operations, may operate daily as necessary in order to keep the operation functioning, but no earlier than 6:00 a.m. and no later than 9:00 p.m.
8. No signs are proposed or permitted herein, and no temporary signs, flags, banners, or other advertising media of any type related to the business use of the property shall be located on the subject property, and no off premise signage is allowed or permitted.
9. All parking shall be located a minimum of ten (10) feet from the base setback line of Moraine Hills Drive and all other property lines. Parking on, along, or within the right-of-way of Moraine Hills Drive is prohibited.
10. This approval is granted specifically to the current property owners, Melissa and Lucas Harwick, for operations to be conducted by them as the operators in accordance with the Conditional Use and Site Plan and Plan of Operation approved herein. This approval is not transferable to different owner(s) or to different operator(s). The approval terminates upon any transfer of the property or of the operation.
11. The petitioner shall allow the subject premises to be available for inspection by Town of Ottawa and Waukesha County officials at any reasonable time and upon reasonable notice.
12. The Western Lakes Fire Chief shall inspect the entire premises to ensure all applicable fire codes are complied with. All compliance violations shall be corrected to the Fire Chief's satisfaction, **prior to the issuance of an Occupancy Permit**. *This condition is enforceable by the Town only.*
13. The petitioner shall submit to and receive approval from the Town Planner and the Waukesha County Planning and Zoning Division a list of chemicals used in the operation, as applicable, and where they will be stored onsite, **prior to the issuance of any permits**.
14. The Town Building Inspector shall inspect the premises to ensure that all applicable building codes are complied. All compliance violations shall be corrected to the Building Inspector's satisfaction, **prior to the issuance of an Occupancy Permit**. *This condition is enforceable by the Town only.*
15. Activities on the subject property shall at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reason of appearance, noise, dust, smoke, illumination, odor, or other similar factors.
16. No special events are proposed or permitted herein.

17. No new exterior lighting has been proposed or is permitted herein.
18. There shall be no loading/unloading or staging of pick-ups or deliveries on Moraine Hills Drive. All pick-ups/deliveries and loading/unloading shall take place on the subject property using the existing driveway.
19. Subject to the petitioner keeping the property in compliance with all Federal, State, County, and local laws, codes, statutes, rules, ordinances, and regulations, including but not limited to the Town of Ottawa ordinance regulating noise. Copies of all required licenses and permits shall be on file with the Town and the County prior to the issuance of any permits, and shall be kept current.
20. The 120 SF shed shall be properly removed and the site properly restored immediately **upon occupancy** of the greenhouse.
21. The Waukesha County EHD shall approve of a PSE for the greenhouse and business operation, as applicable, **prior to the issuance of any permits.**
22. A Zoning Permit for the greenhouse shall be issued **prior to** any further work being done to the structure.
23. The Town of Ottawa and the Waukesha County Planning and Zoning Division reserve the right to review any condition imposed as part of this approval if said use becomes a problem in the area. Waukesha County and/or the Town Plan Commission may modify, change, delete, add, etc., any conditions which they find may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area. Likewise, expansion of the use is not guaranteed, and any request for expansion must be considered by the Town and County prior to implementation by submitting a CU and/or SPPO amendment.
24. Minor amendments consistent with Condition No. **29F** below shall be considered through the SPPO process only, and anything considered a major amendment consistent with Condition No. **29F** below shall be considered by applying for a Conditional Use amendment and a SPPO amendment attendant thereto.
25. A violation of any condition established herein or if the activities on the property become a nuisance to the surrounding area, the Town and the County have the authority to revoke or terminate their approvals of the Conditional Use and Site Plan/Plan of Operation.
26. All uses permitted in the zoning district designated on the property that is the subject of this Conditional Use/SPPO request are still permitted in conjunction with the approval of this request.
27. The CU and SPPO Permits shall be issued within one year from the date of the final approval or the approval of the CU and SPPO shall be null and void, unless an extension is granted by the Town of Ottawa Plan Commission and Waukesha County.
28. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.

29. Subject to and compliance with the following Town of Ottawa Standard CU/SPPO Conditions:
- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division for determination.
  - B. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, code, regulation, order, or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America, or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This Permit shall not be deemed to constitute a Zoning or Building Permit, nor shall this Permit constitute any other license or permit required by Town ordinance or other law.
  - C. This Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division as being in compliance with all pertinent ordinances.
  - D. Should the permitted Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Use may be terminated by action of the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division.
  - E. Any change, addition, modification, alteration and/or amendment of any aspect of this Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands, or owners, other than as specifically authorized herein, shall require a new Permit and all procedures in place at the time must be followed.
  - F. Unless this Use Permit expressly states otherwise, plans that are specifically required by this Use Permit may be amended upon the prior approval of the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division if the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division find the plan amendment to be minor and consistent with the Use Permit. Any change in any plan that the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division feel, in their sole discretion, to be substantial shall require a new Permit, and all procedures in place at the time must be followed.

- G. Should any paragraph or phrase of this Use Permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Use Permit and the remainder shall continue in full force and effect.
- H. If any aspect of this Use Permit or any aspect of any plan contemplated and approved under this Use Permit is in conflict with any other aspect of the Use Permit or any aspect of any plan of the Use Permit, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Department of Parks and Land Use – Planning and Zoning Division.
- I. The Petitioner is obligated to file with the Municipal Clerk a current mailing address and a current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this Use Permit. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this Use Permit, including proceedings to terminate this Use Permit.
- J. The petitioner shall accept the terms and conditions of the Use approval in its entirety, in writing, **prior to the issuance of any permits**. This CU/SPPO shall not be effective until and unless the Petitioner accepts the terms and conditions in writing as required.
- K. Professional Fees. The petitioner shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this Use Permit, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions. ***This condition is enforceable by the Town only.***
- L. Payment of Charges. Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their agents, tenants, operators, or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***This condition is enforceable by the Town only.***

If approved as conditioned, the use will serve to promote the rural character of the town by providing horticultural material to the surrounding community, while not adversely affecting the health, safety, sanitation, comfort, general welfare, or general desirability of the surrounding area. Therefore, the request complies with the Town and County Comprehensive Development Plans and meets the purpose and intent of the Waukesha County Zoning Code and the Town and County CDPs.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Senior Planner

Attachment: Exhibit A

N:\PRKANDLU\Planning and Zoning\Conditional Uses\PROJECT FILES\Ottawa\CU121 Harwick\Staff Report\_Exhibits\_Decision Letter\CU121 Harwick Staff Report.doc

# Exhibit A

PLAT OF SURVEY  
 LOT 28, KETTLE MORRAINE ESTATES WEST ADDITION NO 1, BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN.  
 SURVEYED FOR: LUCAS HARWICK  
 SURVEY ADDRESS: W34254125 MORRAINE HILLS DRIVE

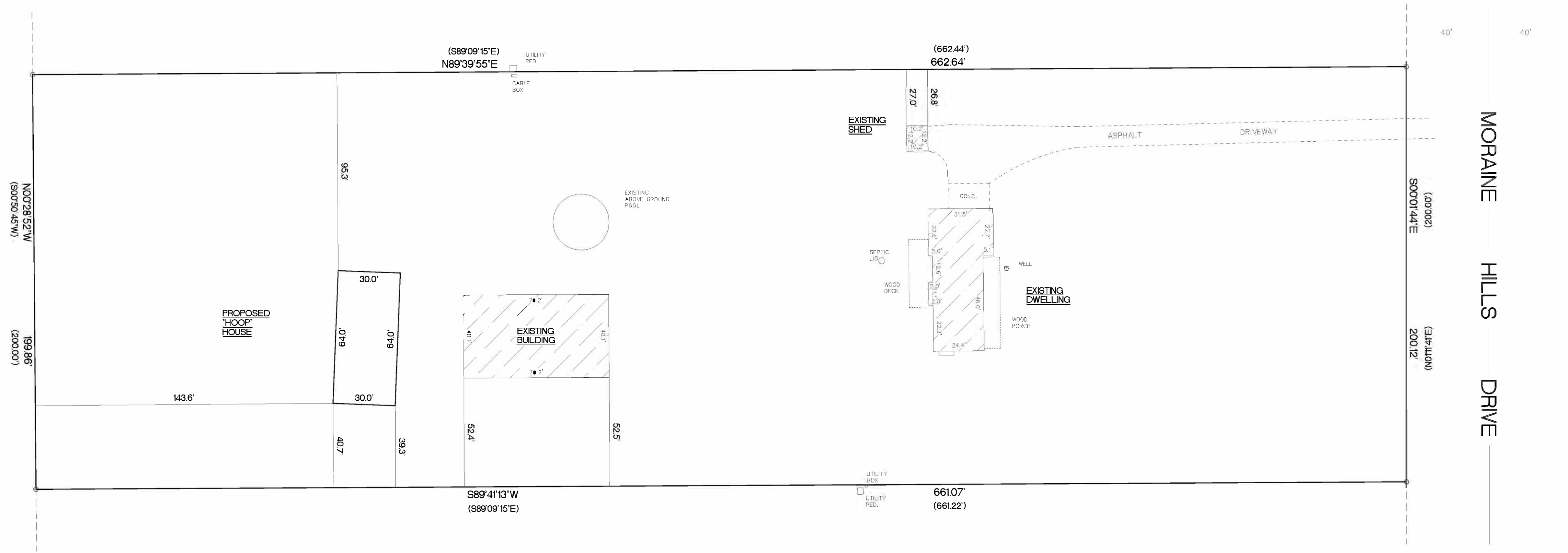


SCALE 1"=30'  
 15' 0' 15' 30' 60'

BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 24-6-17 AND IS ASSUMED TO BEAR N00°23'10"W, (NAD83).

3.04 ACRES

- FOUND 1 1/4" O.D. IRON PIPE
- ( ) RECORDED AS DIMENSIONS



I hereby certify that I have surveyed the above property and that the above map is a true representation thereof as to the size and location of the property, exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary lengths, easement encumbrances, and encroachments if any.

This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof.

**Kettle Moraine Surveying Inc.**  
 P.O. BOX 337  
 Eagle WI 53119  
 (262)594-3484

THIS IS NOT AN ORIGINAL SURVEY UNIT.

11/10/2024  
 DATE FIELD WORK BY: TCR DRAWN BY: JEP 2409#  
 JOB NUMBER