TOWN OF COTTAGE GROVE
BOARD RESOLUTION 2016-04

CONDITIONAL APPROVAL OF PRELIMINARY PLAT FOR VINEY'S ADDITION TO SKY HIGH

WHEREAS, on June 29, 2016, Donald Viney ("Subdivider") submitted a preliminary plat for Viney's Addition to Sky High (the "preliminary plat"), which is located in the Town of Cottage Grove, Dane County, WI; and

WHEREAS, the Subdivider's application states that the preliminary plat will contain 15 single family residential lots, and maps indicate that the preliminary plat will be immediately adjacent to single family residential plats known as the Rolling Wheels 2nd Addition and the 3rd Addition to Sky High; and

WHEREAS, the Subdivider has requested approval of the preliminary plat and rezoning of the lots within the preliminary plat; and

WHEREAS, the Town Planner and Town Engineer have reviewed the request, and prepared separate reports to the Town Clerk for consideration by the Town Board (collectively hereafter, the "Reports"), which Reports are attached hereto as Exhibits and incorporated herein by reference; and

WHEREAS, the Plan Commission considered public input, the preliminary plat and the July 14, 2016 reports from the Town Engineer and Town Planner, and recommended to the Town Board conditional approval of the preliminary plat, subject to Subdivider satisfactorily addressing the concerns and issues raised in the July 14, 2016 reports to the satisfaction of the Town Board and the Town's consultants, all as set forth in Plan Commission Resolution 2016-01 and adopted on July 18, 2016; and

WHEREAS, the Town Board has considered the foregoing and shall take action as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cottage Grove as follows:

The Town of Cottage Grove Town Board **Conditionally Approves** the preliminary plat for Viney's Addition to Sky High (Subdivider Don Viney) located in Lot 1, CSM No. 3894, and in the SE ¼ of the SW ¼, Section 21, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, subject to the following conditions:

1. The Subdivider shall obtain approval for the plat from all other approving authorities, as required by law.
2. Prior to submission of the final plat to other approving authorities, the Subdivider shall satisfy each and all of the requirements set forth in this Resolution to the satisfaction of the Town Board. The Town Board shall consider the advice of the Town Attorney, Town Engineer and Town Planner prior to determining whether the final plat meets the requirements set forth in this Resolution.
3. It is possible that the Subdivider will need to make significant modifications to the preliminary plat in order to satisfy the conditions set forth in this Resolution. If significant modifications are required, as determined by the Town Attorney, Town Engineer, Town Planner or Town Board, the Subdivider may be required to submit a second preliminary plat that incorporates the necessary modifications.

4. The Subdivider shall address the technical comments set forth in the Town Planner's Reports dated July 14, 2016 and July 22, 2016, to the satisfaction of the Town Planner, Town Attorney and Town Board.

5. The Subdivider shall address the technical comments set forth in the Town Engineer's Reports dated July 14, 2016 and July 21, 2016, to the satisfaction of the Town Engineer, Town Attorney and Town Board.

6. As a condition of final plat approval, the Subdivider shall present to the Town Clerk the following fully executed original documents:

   a. A Development Agreement, in a form satisfactory to the Town Board, Town Attorney and Town Engineer, covering the installation of public improvements for the proposed development including security acceptable to the Town Board, Town Attorney and Town Engineer. The conditions set forth in this Resolution shall be and hereby are incorporated in the Development Agreement, by reference hereto.

   b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Town Board, Town Attorney and Town Planner, ensuring the quality of the development and the representations made to the Town during the review process, and providing for a homeowner's association which shall be responsible for maintenance of the stormwater facilities, landscape buffer, accessway and other similar requirements set forth herein. The Covenants shall also provide that the Town shall have the right, but not the obligation, to assume responsibility for the homeowner's association's responsibilities and to special charge all lots within the plat for costs incurred.

   c. A Stormwater Management Agreement, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Engineer, for all stormwater management facilities.

   d. TDR easements and notices, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Planner, as necessary to comply with the TDR Program.

7. The Subdivider shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Cottage Grove, Dane County, and the Wisconsin Department of Natural Resources (WDNR). To obtain approval of same from the Town, the Subdivider shall address the following to the satisfaction of the Town Engineer and Town Board:

   a. The drainage basins used for calculations do not include some portions of the development. One area of concern is that the area on the north half of Lots 2, 3 and 4 may result in an increase in flow to the area north of the plat. The Town Engineer recommends that the Subdivider route this drainage east to the stormwater management facilities or demonstrate the total volume of runoff and flow rate leaving the site does not increase.

   b. All stormwater treatment facilities shall be located within designated outlots. Stormwater conveyances or drainageways shall be contained in Town road rights-of-way or in <u>exclusive</u> drainage easements designated on the plat as such.

   c. The Town Engineer does not support use of the proposed bioretention device that is proposed to be located between lots 12 and 13. The Town Engineer does not recommend placement of this type of stormwater management device between lots because of the maintenance necessary for this type of device to operate as necessary to operate as represented by the Subdivider's engineer. Access and maintenance by those knowledgeable about such devices is essential to proper operation and function. The Subdivider is encouraged to consider alternatives and shall be required to obtain approval from the Town Engineer prior to recommendation of same to the Town Board.

d. Prior to discharging stormwater from the development to County Highway N right-of-way. The Subdivider shall obtain approval from the Dane County Highway Department with regard to any such discharge, and permit requirements shall require further approval by the Town Engineer.

8. The Subdivider shall obtain approval of the Grading Plans and Specifications, in a form satisfactory to the Town Engineer, for all land within the subdivision.

9. The Subdivider shall obtain approval of the Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements prior to construction. The Construction Plans and Specifications shall include:
   a. A plan for the Subdivider's improvement of Bass Road between Crestview Drive and the west plat boundary that matches the street improvement standard for new streets within the plat, unless another standard is approved by the Town Engineer; and,
   b. Plans for construction of the proposed street with a hammerhead end to permit turnaround of snow plows and similar vehicles.

10. The Town Engineer acknowledges receipt of a map of future roadway development to the north of the plat, as provided by Birrenkott Surveyors on July 19, 2016 confirming that the proposed street can reasonably connect to Gladeview to the north. Based on this submission, the Town Engineer has recommended, and the Town Board hereby confirms that the length of Bass Road to the end of the cul de sac should be measured starting at the proposed street rather than the intersection to the west of the proposed street. The length of Bass Road from the proposed street to the cul de sac meets the requirements in the current Town ordinances.

11. The Subdivider shall obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee). The Subdivider shall comply with any and all recommendations made by the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee), as confirmed by the Town Board, prior to the Town signing the final plat.

12. The Subdivider shall satisfy the Town of Cottage Grove's requirement for Fees in Lieu of Land Dedication, prior to the Town signing the final plat. Stormwater facilities do not and shall not count as parkland dedication.

13. The Subdivider shall satisfy the requirements of the Dane County Transfer of Development Rights ("TDR") Program, as opted-in to by the Town of Cottage Grove, prior to the Town signing the final plat. The Town Planner shall administer the TDR Program with the assistance of the Town Clerk, and the Town Attorney shall prepare appropriate easements and other TDR documents.

14. The Subdivider shall obtain rezoning from Dane County so that all lots in the plat are zoned as R-1 Residential and are located within a TDR Receiving Area.

15. Prior to submittal of the final plat, the Subdivider shall:
   a. Submit soil tests verifying that the soils are suitable for septic systems on each lot, subject to verification by the Town Engineer in consultation with the County Sanitarian. The results of such testing and verification may require adjustments to the preliminary and final plat.
   b. Determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures in the plat area.
   c. NOTE: Depending on the results of such efforts, a second preliminary plat may be required, and the final plat or the remaining development process shall be adjusted accordingly.

16. The Subdivider shall submit, prior to or with the final plat:
   a. A mature tree preservation plan. Such plan shall indicate the locations of all non- invasive trees with a diameter of 12 inches or greater for deciduous trees and a height of 10 feet or

greater for evergreen trees and include proposed strategies for maximizing mature tree preservation during site development, home construction, and beyond. Such strategies shall be approved by the Town Planner and Town Engineer, and will be included in engineering plans, development agreement, plat, and/or covenants as determined by the Town Attorney.

b. A detailed landscape plan for the 30 foot landscape buffer and Outlot 1 of the preliminary plat. Such plan shall utilize existing mature vegetation, include berming and all-season vegetative screening between the proposed stormwater basin and the Highway N right-of-way, and be coordinated with the stormwater plan for Outlot 1.
c. The stormwater outlot shall be thoughtfully designed to appear as a landscape element as well as a stormwater element.
d. In addition to meeting ordinance requirements and engineering best practices, the final grading and stormwater plans shall be prepared with an effort to maintain pre-existing topography to the extent practical and encourage stormwater management treatment systems that focus on Best Management Practices (BMPs).

17. The final plat shall:
    a. Include a "building setbacks" exhibit that clearly indicates the front yard, the back yard, that the side yards are intended as interior (and not corner) side yards, that corner side yards shall meet front yard setback requirements, and that any unique building setback/buildable area indicated on any lot in the plat will control in the event of conflict with the exhibit.
    b. Delineate and label a "landscape buffer strip" along the 30 feet of the plat that is closest to the Highway N right-of-way, and include a note as follows: "Landscape buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner. The building of structures hereon is prohibited, except where approved by the Town Board."
    c. Delineate a specific "buildable area" for preliminary plat Lot 7 so that new house placement will be no closer than 80 feet from the Highway N right-of-way, based on the ordinance requirement that the rear 30 feet of the landscape buffer strip shall not be counted as any required yard and the Town's desire to minimize development visibility from Highway N.
    d. Indicate the intended owner and function(s) of preliminary plat Outlot 1 in a manner satisfactory to the Town Board.
    e. Provide a 20-foot wide public access easement between preliminary plat Lots 7 and 8 to Outlot 1. (Engineering plans shall be designed to provide a suitable base to enable future paving of part of that easement and/or vehicular use.)
    f. Include all existing and proposed utility, stormwater/drainage, and other easements.
    g. The street name for the "proposed street" stub to the north shall be Vinney's Trail.

18. As a component of the development, the Subdivider shall remove existing improvements and/or modify existing improvements as follows:
    a. Demolish all existing buildings, foundations, septic systems, and other structures, including the white fence near County Highway N.
    b. Unless the Town Engineer determines it may be reused for new construction in the plat, close the existing wells in the plat in accordance with WDNR requirements.
    c. Dane County has verbally agreed that the Town may use the existing driveway opening onto Highway N to access to the stormwater outlot for maintenance, provided that a locked gate is installed near Highway N to County specifications. Subdivider shall install such gate at Subdivider's expense and provide all existing keys to the locks to the gate to the Town Clerk. {NOTE: This does not satisfy the requirement that the Subdivider provide access easements from Bass Road to all stormwater facilities in the Plat, including the outlot.]

d. As part of such removal efforts, existing mature, non-invasive trees shall be preserved to the extent practical according to the mature tree preservation standards established in Section 16 above.
e. The above requirements expressly survive the Town's inscription of the final plat and are hereby incorporated in the Development Agreement by reference.

19. The Subdivider shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary and final plat, including, but not limited to, the cost of professional services incurred by the Town of Cottage Grove for the review and preparation of required documents, attendance at meetings or other related professional services.

20. This conditional approval by the Town Board shall expire at termination of the Village of Cottage Grove's Waiver of its ETJ over the area included in the preliminary plat. If the final plat has not been recorded prior to such termination, the Subdivider shall be required to obtain approval from the Village of Cottage Grove and the Town of Cottage Grove shall have an opportunity to reconsider and adjust the terms and conditions set forth herein.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 1st day of August, 2016, by a vote of 4 in favor and 0 opposed. [Note: One Town Supervisor was absent for medical reasons.]

TOWN OF COTTAGE GROVE

Kris Hampton

Kris Hampton, Town Chairperson

Attested by:

Kim Banigan, Town Clerk

Incorporated by Reference: [available from Town Clerk]

Exhibit A	Town Engineer Report dated July 14, 2016
Exhibit B	Town Planner Report dated July 14, 2016
Exhibit C	Town Engineer Report dated July 21, 2016
Exhibit D	Town Planner Report dated July 22, 2016

ACKNOWLEDGMENT BY SUBDIVIDER

I, Donald Viney, the Subdivider, hereby acknowledge receipt of this Town Board Resolution 2016-04, and understand that compliance with the terms and conditions set forth in Town Board Resolution 2016-04 is required by the Town of Cottage Grove prior to its approval of the final plat.

Dated: 8-17-16

Donald Viney

TOWN & COUNTRY
ENGINEERING, INC.

July 14, 2016

Ms. Kim Banigan
Town Clerk
Town of Cottage Grove
4058 C.T.H. N
Cottage Grove, WI 53527

Subject: Viney's Addition to Sky High
Preliminary Plan Review

Dear Kim:

Town & Country Engineering, Inc. has reviewed the following documents:

- A preliminary grading plan and erosion control plan dated June 1, 2016 that was received from the Town via email on June 15th.
- A preliminary plan entitled 'Viney's Addition to Sky High' dated June 15th, 2016 received from the Town via email on June 16th, 2016.
- A conceptual plan entitled 'Conceptual Plan Viney's Addition to Sky High' not dated but labeled 160062-PPv3.dwg, received from the Town via email on June 16th, 2016.
- A preliminary plan entitled 'Preliminary of Viney's Addition to Sky High' dated June 15th, 2016 received from the Town via email on June 30th, 2016.
- An undated, untitled plan with aerial background received from the Town via email on June 30th, 2016.

We have reviewed these documents with respect to the preliminary plat provisions of Chapter 15 of the Town's Code of Ordinances—Land Division and Planning Cod—and submit the following comments for your consideration. It is our understanding, that the Town's planner, Mark Roffers, has reviewed these documents with respect to relevant zoning ordinances and the Town's Comprehensive Plan so our comments do not address these areas.

We have received additional documents regarding grading and stormwater management within the last three days from the developer's engineer. However, because this technical submittal is not yet complete and was not submitted through the Town office, we have not completed a formal review of these documents.

The following comments reference a specific ordinance section.

15.3.2.1 This section requires that the developer file ten (10) copies of the plat with the Town clerk and send copies of the plat to local utilities such as gas,

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Madison, Wisconsin • Rhinelander, Wisconsin

electric and telephone. We are not aware of comments being received from these utilities. This utility review may help avoid costly conflicts and not having appropriate easements to accommodate utilities or have utility easements in conflict with drainage easements. Other authorities such as the Dane County Highway Department should be contacted in the event grading is necessary within County Highway N right-of-way or if drainage from the development discharges into County right-of-way. If discharge from potential stormwater facilities located in Outlot 1 onto County right-of-way is not permitted by the County, this could be a considerable obstacle in accommodating the drainage for the development. This issue should be resolved early in the development process to confirm that proposed drainage will work.

15.4.1.2 The location sketch should include existing streets to show the relationship between the plan and the surrounding area.

15.4.2.1 The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby shall be shown on the plat.

15.4.2.2 The elevation Datum shall be plainly labeled on the plat.

15.4.2.4 All section lines and quarter section lines within the exterior boundaries or immediately adjacent to the plat should be labeled appropriately on the plat.

15.4.2.6 The type, width and elevation of existing street pavements on streets or roadways adjacent to the plat should be noted on the plat.

15.4.2.7 The location, size and invert elevations of all existing culverts should be shown on the plat. Any existing utility poles, pedestals or underground utilities should be shown on the plat. (The preliminary plan extends out to the centerline of County Highway N.)

15.4.2.8 Locations of all existing structures and driveways and other significant features within the area being subdivided or immediately adjacent to should be shown on the plat. Note that Lots 7 and 8 have existing buildings and the certified survey maps north of Lots 6 and 7 also have buildings that should be shown.

15.4.2.9 Location, width, length, bearing and names of all proposed streets should be shown on the plat. Only the right-of-way width is shown.

15.4.2.12 Where street have curves, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. Curves should show chord lengths, bearings and arc lengths and be labeled. This was not done.

15.4.2.16 All lots and outlots should be labeled with dimensions and bearings as well as lot numbers. This was not done.

15.4.3 Street Plans and Profiles. This section requires the submittal of preliminary street plans and profiles. We have not received any of this information.

15.4.4.2 Dane County will determine if the site is suitable for private onsite wastewater treatment systems in compliance with Wis. Admin. Code. However, the Town may also want to require that prior to approval of the preliminary plat, the subdivider confirm that the site is suitable for septic systems, that there is enough space for each system, and that adequate spaces for potential replacement systems exist.

15.8.4.2.1 Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length. The extension of Bass Road ending in a cul-de-sac exceeds this length as measured from the Crestview Drive intersection. (The cul-de-sac is over 1200 feet from the center of the intersection to the center of the turn-around.) The length from the new stub "proposed street" intersection with Bass Road to the end of the cul-de-sac is less than 1000 feet, however, the new "proposed street" stub is also a dead end street as it is presently shown. Functionally, this development will be a dead end street greater than 1,000 feet in length.

15.8.6.2 Blocks in residential areas shall not be less than 600 feet. The location of the "proposed street" intersection with Bass Road is roughly 450 feet from the center of the intersection of Bass Road with Crestview Drive.

15.8.9.5 Drainage easements should be labeled as such and the Town should consider limiting these easements to drainage purposes only. Prohibitions against planting trees or shrubs, construction of any structures or placement of any septic systems within easement areas should be considered. The easement areas should not be allowed to be considered as eligible 'replacement area' for septic fields or overlap with utility easements.

15.9.3.3 This section specifies that at the time of the preliminary plat, the Town Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities. Although Town & Country Engineering, as Town Engineer, could do such a study, the developer's engineer will have to do the same work in order to obtain County and State stormwater management permits. Therefore, this

ordinance requirement is best handled by the developer's engineer preparing the plan subject to review and approval by the Town Engineer.

Drainage and stormwater management is a major concern in this development. It is apparent from the contours that drainage easements will be required between lots in some locations and along some back lot lines. County and State stormwater management regulations require public body maintenance guarantees for all stormwater management facilities. As a practical matter the Town will be assuming responsibility for function and for major maintenance of primary drainage channels, detention ponds and biofiltration facilities within the development. Truck access to allow such maintenance is a paramount concern. The development configuration shown on the preliminary plan does not allow a lot of room for drainage easements. We suggest that if the Town decides to approve the plan as submitted as a preliminary plat, any approval be contingent upon creation of a satisfactory drainage/stormwater management plan with contingencies structured such that changes in the lot dimensions and layout can be mandated by the Town to address future stormwater management maintenance concerns. Again, it is strongly recommended that utility easements and drainage easements do not overlap.

Another concern we wish to raise is the relationship of this development and the "proposed street" to possible future development to the north. Construction of stub streets, such as the "proposed street" can be very problematic with regard to design, use and maintenance unless there is a specific development plan, including drainage consideration, for the area to which that street will connect. We recommend that any approval of the preliminary plan, as submitted, be contingent upon the developer or the Town doing sufficient planning for the property to the north that we can all be assured that this stub street is not only in the logical location, but also can be constructed so that it isn't a problem in the future.

We have received some submittals directly from the developer's engineer. We respectfully request that, in the future, all submittals go through the Town office with an appropriate number of copies, so that we might all stay "on the same page" regarding which versions of which documents are being reviewed.

Please feel free to contact me with any questions regarding our review.

Sincerely,
TOWN & COUNTRY ENGINEERING, INC.

Thomas J. TeBeest

Thomas J. TeBeest, P.E.
Project Engineer

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MDRoffers Consulting

To: Town of Cottage Grove Board and Plan Commission

From: Mark Roffers, Town Planner

Date: July 14, 2016

Re: Viney's Addition to Sky High Subdivision

Requested Approvals: Preliminary plat and rezoning.

Scope of My Review: I reviewed this preliminary plat against provisions, maps, and other information in the Town's Comprehensive Plan and the County's zoning ordinance. The Town Land Division and Planning Code requires that plats be consistent with the Town's Comprehensive Plan and with zoning regulations. In this memo, I offer some technical and procedural comments for consideration against the Town Land Division and Planning Code. I did not comprehensively review the plat against Town ordinances or procedures, as the Village Engineer and Attorney are charged with these assignments.

Location: Parcel #0711-213-9720-7. Immediately west of CTH N, north of the Rolling Wheels 2nd Addition plat, and east of the 3rd Addition to Skyhigh plat. The proposed plat area is near the southern edge of the Village of Cottage Grove's extraterritorial plat review jurisdiction, though the Village has waived its review authority for this property for two years.

Current Land Use: West side of 11.4 acre parcel is used as cropland, and east side as single family house and outbuildings with driveway onto CTH N.

Proposed Use: Demolition of existing residence and outbuildings, and closure of driveway on CTH N. Development of 15 single family lots ranging from 0.51 to 1.10 acres each. Easterly extension of Bass Road from 3rd Addition to Skyhigh, and road stub to undeveloped lands to north. 0.73 acre outlot along CTH N, presumably for stormwater management purposes.

Current Zoning: A-2(8) Agriculture

Proposed Zoning: R-2 Residence District, which has a 20,000 square foot minimum lot size and 100 foot minimum lot width at the setback line. R-2 differs from the more commonly used R-1 district as follows:

Standard	*R-1*	*R-2*
Maximum impervious surface	30% for interior lots; 35% for corner lots	35% for interior lots; 40% for corner lots
Interior side yard building setbacks	10 feet	Total 25 feet on both sides, with neither less than 10 ft
Rear yard building setback	50 feet	35 feet

The TDR-R Receiving Area overlay zoning district will also be required for this site; see analysis below.

Surrounding Existing Land Use (and Zoning):

North: Two residences and cropland (zoned A-2(8))

East: CTH N, farmland (mostly zoned A-1 Ex)

South: Rural single family residential subdivision, with lots typically in the ¾ acre range, and with no access into proposed Viney plat area (zoned R-1 Single Family Residential)

West: Mostly rural single family residential subdivision, with lots typically in the ¾ acre range, and with road access into proposed Viney plat area (zoned R-1 Single Family Residential, except for 1 lot immediately to west of proposed plat that is zoned B-1)

Analysis Against Town Comprehensive Plan:

1. Future Land Use Designation: The proposed rezoning and plat are consistent with the future land use recommendations in the Town's Comprehensive Plan. Per Map 10 in Comprehensive Plan, this 11.4 acre plat area is within a larger "Neighborhood Development Area" (see attached Map 10). Per Figure 7 of the Comprehensive Plan, also attached, the purpose of the Neighborhood Development Area designation is as follows:

   - Map over and near pre-existing areas of rural residential subdivisions, for residential uses served by private waste treatment systems.
   - Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.
   - Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.

   Figure 7 suggests that the requested R-2 zoning district can be an acceptable option for mapped Neighborhood Preservation Areas. That being said, surrounding subdivisions are all zoned R-1; the need for R-2 (versus R-1) zoning is unclear, and the setbacks that are shown on the preliminary plat map are consistent with R-1 requirements. For these reasons, and others I mention later in this report, R-1 may still be the better option. If R-2 zoning is what is ultimately applied, the discrepancy between setbacks on the plat and those allowed under R-2 zoning should be reconciled. In any case, the "building setbacks" exhibit on the plat should clearly indicate which is the front yard and which is the back yard, and that the side yards are intended as interior (and not corner) side yards.

   Map 10 also maps "Resource Protection Corridors" over wetlands, floodplains, steep slopes, and shoreland setback areas. There is no Resource Protection Corridor mapped within the proposed plat area. The Comprehensive Plan also does not include any recommended park space in the plat area.

   The proposed plat area is also designated within a "Non-farm planning area" within the Dane County Farmland Preservation Plan, which is consistent with the Town's Neighborhood Preservation Area designation.

2. Proposed Lot Sizes: Through Figure 7, the Town has the following lot size policies for mapped

Neighborhood Preservation Areas, including my analysis in italics:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended). *All proposed lots are over 20,000 square feet, which is also the minimum in the R-1 and R-2 zoning districts. If not already done, the applicant should submit soil tests verifying that the soils are suitable for septic systems on ½ acre lots. Upon receipt, I suggest that the Town Engineer verify that each lot is suitable for an on-site waste treatment system. If unsuitable, the final plat may need to be adjusted accordingly. This recommendation is consistent with, and detailed within, Section 15.4.4 of the Town's Land Division and Planning Code.*
- Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character, as determined by the Town Board. *There is only one proposed lot that would be over 1 acre in area (Lot 7), and in my opinion it meets these Town Plan criteria. Rural character is better preserved through the added lot depth on CTH N, and zoning dimensional standards would not allow Lot 7 to instead be divided into two lots.*

There is a pending amendment to Section 15.8.7.4 of the Town Code, regarding lot sizes/plat density, to refer to the above provisions.

3. Relationship to Town's TDR Program: Because the proposed plat area being within a Neighborhood Development Area on Map 10, it also requires the acquisition and transfer of development rights ("Residential Density Units") to develop. In my opinion, the subdivider will be required to acquire two Residential Density Units from lands mapped in the Agricultural Preservation Area in the Town's Plan. The Town's TDR program rules are described in Figures 3 and 7 of the Town's Comprehensive Plan, and supplemented by TDR rules and procedures in the Dane County zoning ordinance. The TDR program has some very specific procedures that need to be followed, as documented in the "TDR Program Procedures" section of Figure 3. The Town and subdivider should refer to these procedures regularly during the rezoning, preliminary platting, and final platting process. The Village Attorney's memo also addresses TDR.

4. Development Policies for Neighborhood Preservation Area: Figure 7 indicates that the Town will require that at least 80% of the following conservation neighborhood design standards be met in the development of new residential subdivisions. The following are these standards, plus in italics my analysis of the performance of this plat against these standards. In my opinion, with further effort in later development stages, this project will be able to meet 80% of standards.

    a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields. *This standard can be met, in my opinion. See also standard b. below. The proposed subdivision is nestled among existing subdivisions, and two residences on larger lots near CTH N to the north. I recommend that the final plat delineate specific "buildable areas" for Lots 7 and 8 so that new house placement is close to the cul-de-sac bulb, not CTH N. Relatedly, Section 15.8.3.1 of the Town Code indicates that, "in residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30*

feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner." This area and note should be included on the final plat.

b. Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas. *The proposed plat is designed according this standard. I recommend that, with the final plat, the engineering plans for the Outlot 1 include appropriate basin and tree plantings, perhaps to allow it to resemble a savannah habitat. The existing white fence along CTH N should either be repaired or removed. Proposed Lot 7 already has dense vegetation along CTH N. I also recommend that, with the demolition of existing buildings on Lot 7, adequate protections (e.g., deed restriction, note on plat, and/or development agreement) require that existing trees near the west and north property lines be preserved. Also, could the proposed septic tank and drain field shown on the concept plan be moved west to better facilitate tree preservation?*

c. Preserve mature trees and tree lines wherever possible. *Nearly every mature tree on the 11.4 acres is in a perimeter location that should enable preservation, with careful planning and grading. In addition to the trees described above, there are also mature trees near the south property line (near rear lines of proposed Lots 8-15). The minimum rear yard building setback in the R-1 district of 50 feet would help with tree preservation there. The R-2 minimum of 35 feet would be less helpful, and would be different than what existing lots in the Rolling Wheels plat to the south had to meet. Further, the concept plan suggests that septic systems would be no closer than 20 feet from the south property line. If there is not already a regulation that requires a 20 foot system setback, I suggest consideration of a final plat restriction or covenant to this effect. Also, within the proposed covenants for the subdivision, I recommend inclusion of mature tree preservation provisions, and a note on the final plat referring to provisions. Covenants should be submitted with the final plat, per Sections 15.4.5 and 15.5.3 of the Town Code.*

d. Include an interconnected network of streets meeting Town road standards. *Standard met, pending Town Engineer confirmation that roads meet Town Road standards in subdivision ordinance. The proposed plat includes Bass Road extension, and future road connection to the north, into lands that the Town also plans within this same "Neighborhood Development Area." A road name for that street stub should be indicated on the final plat. The development pattern of the Rolling Wheels subdivision does not allow a direct road connection to the south. Dane County has indicated that it would allow a Bass Road connection to CTH N only if two unrelated driveways to the north and Natvig Road were closed to CTH N. Even were that unlikely event to happen, such a connection may conflict with other Town standards, and/or would increase through traffic in the area by providing a direct connection between CTH N and Vilas Road. The cul-de-sac ending near CTH N seems reasonable with this information.*

e. Design streets and lot layouts to blend with natural land contours. *Standard met at this stage, but the final grading plan should be prepared with this standard in mind. There may need to be some regrading to meet street design standards in the Town Code. The size and shape of this 11.4 acre parcel does not provide many other layout alternatives.*

f. Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use. *Plat includes a cul-de-sac, which may not be necessary, but is reasonable here.*

g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements. *Standard can be met with thoughtful design and restrictions. Based on my initial screening, the site does not appear to have significant natural resource elements (but see further comments below). The project should meet the above recommendations regarding mature tree preservation. Further, the stormwater outlot should be thoughtfully designed to appear as much as a landscape as a functional element, particularly given its visibility along CTH N.*

h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands. *No known degraded environmental areas, based on my Dane County DCIMap and Town Comprehensive Plan screening.*

i. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites. *This standard should influence the design of the stormwater management system, to be prepared by the applicant's engineer and reviewed by the Town Engineer. In addition, I recommend that the covenants to be submitted with the final plat include provisions to promote on-lot progressive stormwater management and infiltration techniques, such as native vegetation, maximum impervious areas, or others. The lower impervious surface ratios in the R-1 district would seem more in line with this standard that the R-2 ratios, which is another reason I believe R-1 is the better option.*

j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams. *Not applicable.*

k. Provide wide areas for public access to parks and common open spaces. *Not applicable. No parks are proposed in the plat area (stormwater outlot does not qualify). Instead, this plat will be subject to fees-in-lieu of parkland dedication. The plat area is within ½ mile of the existing Bass Park, which suggests that it is adequately served by parkland.*

l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements. *The only "common space" in the proposed subdivision would be Bass Road and the stormwater Outlot 1. The final plat should clearly indicate the intended owner and function of Outlot 1. Maintenance responsibilities for the outlot and associated stormwater basin should be specified in the development agreement and perhaps a separate, ongoing maintenance agreement. Also, as suggested above, I advise that Outlot 1 double as a landscape element too given its visibility from CTH N. Particularly if the stormwater design allows for a fair amount of upland area in that outlot, I suggest consideration of a public access easement on the final plat between Lots 7 and 8, extending from the cul-de-sac bulb and the outlot. An easement in this location for outlot maintenance might be warranted anyway, depending on Town Engineer review.*

m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town. *Proposed open space areas do not really allow for an internal trail network. Roads should be designed with an eye to accommodating pedestrians as well as cars.*

n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development. *I recommend that this standard be*

addressed through appropriate provisions in the covenants. There are different models of energy and water-efficient covenant standards that could be included in covenants. Coordinating with the strengths and capabilities of proposed home builders may make sense before developing specific standards.

5. Compliance with Other Town Plan Recommendations

   a. The Town's vision statement on Page 4 "guides housing development away from farming areas and towards developed areas." The Plan also indicates a Town desire to "direct new subdivisions and other major non-agricultural developments away from the Agricultural Preservation Area, by planning for denser developments in other areas and via the Town's Transfer of Development Rights (TDR) program" (page 7) and "direct rural subdivisions and other non-farm rural developments close to already-developed lands—specifically Neighborhood Development Areas and Commercial Development Areas on Map 10." *Residential development on these 11.4 acres is consistent with this broad vision and goals.*

   b. Policy 4 on page 11 indicates that "before approving any changes in land use, consider the impact of the change on wildlife habitat, potential locations of rare plant and animal species, and archeological sites. The presence and locations for rare species are available from the Wisconsin Department of Natural Resources and for archaeological sites from the State Historical Society." And Policy 2 on page 12 indicates that he Town will "encourage preservation of historically significant structures and archeological resources when specific sites are proposed for development and during highway projects." *Prior to the submittal of the final plat, the subdivider should determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures on the property. If found, the final plat or the remaining development process should be adjusted accordingly.*

   c. The transportation policies on page 42, discourage use of Town roads for through traffic, support access control and rural character objectives by discouraging large amounts of "side of the road" development and multiple driveways on main roads, and require interconnected new roads in planned development areas to control highway access. *The proposed development, including the cul-de-sac, appears to advance these policies. As anticipated from the original design of the 3rd Addition to Skyhigh, Bass Road was always intended to be extended. The extension of Bass Road with a cul-de-sac near CTH N promotes interconnectivity between subdivisions—or perhaps more appropriately different phases or additions of the same neighborhood. The proposed street layout does not promote "through traffic" of non-neighborhood traffic through the neighborhood. The alternative of direct access to CTH N to this new plat area—perhaps as the only access—is both inconsistent with Town Plan policies and with County rules.*

   d. Policy 6 on page 49 indicates that the Town will "carefully evaluate proposed large on-site wastewater treatment systems, or groups of more than 20 systems on smaller lots (<2 acres) in the same area, to ensure that groundwater quality standards are not impaired. The Town may require that the property owner or developer fund the preparation of a groundwater impact analysis from an independent soil scientist or other related professional." *This supports the earlier recommendation that soil tests be submitted and analyzed to determine the suitability of the lots for on-site systems. The concept map that has already been submitted, showing how septic systems may fit on the lots, is not in my opinion sufficient.*

TOWN & COUNTRY
ENGINEERING, INC.

July 21, 2016

Ms. Kim Banigan
Town Clerk
Town of Cottage Grove
4058 C.T.H. N
Cottage Grove, WI 53527

Subject: Viney's Addition to Sky High
Follow-up to Previous Preliminary Plan Review and Additional Review Comments

Dear Kim:

Following our previous review, Town & Country Engineering, Inc. has received and reviewed the following documents:

- A preliminary grading plan and erosion control plan dated July 12, 2016 that was received directly from the developer's engineer via email on July 12th.
- Exhibit #2 to the preliminary grading plan and erosion control plans showing drainage basins used for ditch calculations dated July 12th and received directly from the developer's engineer via email on July 13th.

We recommend that should the Town choose to approve the previous submittals as a preliminary plat, the Town make its approval contingent upon the developer addressing our previous comments in our review letter dated July 14th, 2016 as well as the following comments. Because the Town will be obligated to approve a final plat if it is in substantial conformance with an approved preliminary plat, we recommend that, for the record, the developer file a new complete preliminary plat submittal through the Town Clerk with these comments addressed.

We have the following additional comments for your consideration:

1) The drainage basins used for calculations do not include some portions of the development. One area of concern is that the area on the north half of Lots 2, 3 and 4 may result in an increase in flow to the area north of the development. We'd suggest that the developer route this drainage east to the stormwater management facilities or demonstrate the total volume of runoff and flow rate leaving the site does not increase.

2) We recommend that all stormwater treatment facilities be located within outlots dedicated to the Town. Stormwater conveyance or drainageways should be contained in Town road rights-of-way or in exclusive drainage easements labeled as such.

3) A bioretention device is proposed between lots 12 and 13. Placement of this type of stormwater management practice between lots is not recommended because of the maintenance necessary for this type of device. While you could require by covenants that a homeowner keep a ditch mowed, the Town should expect to

maintain all of the stormwater treatment facilities. Again, access to such facilities is paramount.

4) The map of future development to the north provided via email by Birenkott on July 19th shows that the 'proposed street' stub could reasonably connect to Gladeview to the north.

5) We have tried to make contact with the Dane County Highway Department with regard to discharging stormwater from the development to County Highway N right-of-way and have not received a response at this time. We will continue to try to get their input.

Please feel free to contact me with any questions regarding our review.

Sincerely,
TOWN & COUNTRY ENGINEERING, INC.

Thomas J. TeBeest, P.E.
Project Engineer

cc: Ms. Connie Anderson, Anderson Consults, LLC *(P.O. Box 3004, Madison, WI 53704)*

Mr. Mark Roffers, AICP, MDRoffers Consulting *(4324 Upland Drive, Madison, WI 53705)*

TJT
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MDRoffers Consulting

To: Connie Anderson, Town of Cottage Grove Attorney

From: Mark Roffers, Town Planner

Cc: Tom TeBeest, Town Engineer; Kim Banigan, Town Clerk

Date: July 22, 2016

Re: Suggested Conditions for Viney's Addition to Sky High Subdivision

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You had requested that I provide you with a list of potential preliminary plat approval conditions, most related to the "amenities" as you describe them. I assume you will add these to those other suggested conditions that you have already generated or will generate. I intended that the following would replace those provisions you had under your "amenities" condition in the draft Town Board approval ordinance. I may delve too much into engineering issues, so I ask Tom to comment on or overrule me where I have done that.

Anyway, here is my list:

1. As a component of development of the plat, the subdivider shall remove existing improvements as follows:
    a. Demolish all existing buildings, foundations, septic systems, and other structures, including the white fence near County Highway N.
    b. Unless the Town Engineer determines it may be reused for new construction in the plat, close the existing well in the plat in accordance with WisDNR requirements.
    c. Unless allowed by Dane County for Town access to the stormwater outlot, remove the existing driveway opening onto Highway N, and restore the area to County specifications.
    d. As part of such removal efforts, existing mature, non-invasive trees shall be preserved to the extent practical according to the mature tree preservation standards below.

2. The final plat shall:
    a. Include a "building setbacks" exhibit that clearly indicates the front yard, the back yard, that the side yards are intended as interior (and not corner) side yards, that corner side yards shall meet front yard setback requirements, and that any unique building setback/buildable area indicated on any lot in the plat will control in the event of conflict with the exhibit.
    b. Delineate and label a "landscape buffer strip" along the 30 feet of the plat that is closest to the Highway N right-of-way, and include a note as follows: "Landscape buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner. The building of structures hereon is prohibited, except where approved by the Town Board.

Maintenance of this strip and the landscaping within it is a responsibility of the lot owner."

c. Delineate a specific "buildable area" for preliminary plat Lot 7 so that new house placement will be no closer than 80 feet from the Highway N right-of-way, based on the ordinance requirement that the rear 30 feet of the landscape buffer strip shall not be counted as any required yard and the Town's desire to minimize development visibility from Highway N.
d. Indicate the intended owner and function(s) of preliminary plat Outlot 1.
e. Provide a 20 foot wide public access easement between preliminary plat Lots 7 and 8 to Outlot 1. (Engineering plans shall be designed to provide a suitable base to enable future paving of part of that easement and/or vehicular use.)
f. Include all existing and proposed utility, stormwater/drainage, and other easements.
g. Indicate a street name for the "proposed street" (street stub to north).
h. Restrict driveway access to the "proposed street" stub to the north until and unless the lands to the immediate north of the plat are also platted and include an extension to such street.

3. Prior to submittal of the final plat, the subdivider shall:
   a. Submit soil tests verifying that the soils are suitable for septic systems on each lot, subject to verification by the Town Engineer in consultation with the County Sanitarian. The results of such testing and verification may require adjustments to the final plat.
   b. Determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures in the plat area.

   Depending on the results of such efforts, the final plat or the remaining development process should be adjusted accordingly.

4. The subdivider shall submit, prior to or with the final plat:
   a. A mature tree preservation plan. Such plan shall indicate the locations of all non-invasive trees with a diameter of 12 inches or greater for deciduous trees and a height of 10 feet or greater for evergreen trees and include proposed strategies for maximizing mature tree preservation during site development, home construction, and beyond. Such strategies shall be approved by the Town Planner and Engineer, and will be included in engineering plans, development agreement, plat, and/or covenants as determined by the Town Attorney.
   b. A detailed landscape plan for the 30 foot landscape buffer and Outlot 1 of the preliminary plat. Such plan shall utilize existing mature vegetation, include berming and all-season vegetative screening between the proposed stormwater basin and the Highway N right-of-way, and be coordinated with the stormwater plan for Outlot 1. The stormwater outlot shall be thoughtfully designed to appear as a landscape element as well as a stormwater element.

5. In addition to meeting ordinance requirements and engineering best practices, the final grading and stormwater plans shall be prepared with an effort to maintain pre-existing topography to

the extent practical and encourage stormwater management treatment systems that focus on Best Management Practices (BMPs).

6. The engineering plans accompanying the final plat shall include a plan for the subdivider's improvement of Bass Road between Crestview Drive and the west plat boundary that matches the street improvement standard for new streets within the plat, unless another standard is approved by the Town Engineer.

7. Covenants to be submitted with the final plat shall include provisions to include Energy Star standards or other energy efficiency techniques into the development of lots in the plat.