

Proposed Amendment for Conservation Development Design
June 18, 2004
Subdivision Ordinance, Walworth County, Wisconsin

Chapter 58

SUBDIVISIONS
TABLE OF CONTENTS
(excerpts)

Sec. 58-1	DEFINITIONS
<u>1.1</u>	<u>Definitions</u>
Sec. 58-2	INTRODUCTION
<u>2.3</u>	<u>Purposes and Policy</u>
<u>2.4</u>	<u>Intent</u>
Sec. 58-4	PROCEDURE
4.1	Pre-Application (<u>Non-Conservation Development Design</u>)
<u>4.11</u>	<u>Conservation Development Application, Procedure and Approval Process</u>
	<u>1) Initial Conference</u>
	<u>2) Initial Submittal</u>
	<u>3) Site Inspection and Informal Design Discussion</u>
	<u>4) A Combined Town and County Pre-application Conference</u>
	<u>5) Amendments</u>
	<u>6) Formal Application</u>
	<u>7) Review and Approval Process</u>
	<u>8) Preliminary Plat</u>
	<u>9) Final Plat</u>
Sec. 58-5-A	<u>Sketch Plan Submission Requirements</u>
	<u>5-A.1 Site Context Map</u>
	<u>5-A.2 Existing Resources/Site Analysis Map</u>
	<u>5-A.3 Sketch Plan Overlay Sheet</u>
	<u>5-A.4 Four-Step Design Process for Conservation (Open Space) Subdivisions</u>
Sec. 58-5	PRELIMINARY PLAT
<u>5.2</u>	<u>Plat Data</u>
<u>5.3</u>	<u>Soil and Water Conservation</u>
Sec. 58-11	DESIGN STANDARDS
	<u>11.9-A Conservation Design Review Standards</u>
	<u>11.9-B Conservation Land Ownership and Maintenance Standards</u>

Sec. 58-12 REQUIRED IMPROVEMENTS

12.8 Storm Water Drainage Facilities

12.15 Street Trees

DEFINITIONS

Sec. 58-1

1.1 Definitions

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Conservation Area/Unbuildable

That portion of the proposed subdivision parcel within the identified Conservation Land (Open Space) of the proposed development containing floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

Conservation Easement

A legal agreement between a landowner and a government agency or a qualified tax-exempt non-profit conservation organization, such as a land trust or conservancy that permanently limits uses of the land in order to protect its conservation or natural resource values. A conservation easement runs with the chain of title, in perpetuity and specifies the various conservation uses that may occur on the property. Land subject to a conservation easement remains privately owned and managed by the landowner, but monitoring and enforcement of the easement restrictions becomes the permanent responsibility and legal right of the holder of the conservation easement.

Conservation Land.

That portion of a tract that is set aside for the protection of sensitive natural features, land capable of use for agriculture, horticulture or silviculture, scenic views, and other unique or noteworthy features. Conservation land may be accessible to the residents of the development and/or public, or may be lands, which are not accessible to the public.

Conservation Lot.

A large, (10 acres or greater in size) privately owned lot-comprising part of an area of conservation land. The purpose of the conservation lot is to provide surrounding residents with visual access to conservation land, while keeping the land under private ownership and maintenance. Only a small portion of a conservation lot may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.

Conservation Development

A residential development in which 5 or more dwellings are located in a manner that reduces the area of land needed to be cleared, graded, and converted from agricultural, woodland, or wildlife habitat uses to building sites, driveways, and yardspace. In such developments, lot sizes, dimensions, and setbacks are reduced from those typically required for conventional developments, although the total number of dwellings is not increased (unless provided for through density bonuses specifically authorized under the county zoning ordinance). This term shall also encompass the concept of “conservation subdivision” and “conservation condominium”.

Owners Association (OA)

A legal and recorded membership organization, established by the subdivider, of all owners of interests within development. The OA is established and operated with a financial subsidy from the subdivider, before any sale of any building area within the development. Membership of the OA of all owners and their successors within a development is mandatory and automatic and is accomplished by making membership a condition of sale and the membership document must be signed by the purchaser at the closing or settlement. The OA is governed by bylaws which must authorize the OA to collect dues and fees and place liens on the real property of members who fail to pay their dues and fees. The OA may hold undivided land, including Conservation Land, in common. The term owners association is synonymous with such associations as a property owners association, homeowners association and condominium association.

Land Stewardship Plan

A site plan, narrative and supporting documents and details, depicting, specifying and describing the proposed conservation measures and methods required to protect and improve the natural, cultural, historic and scenic elements of the Conservation Land. The Land Stewardship Plan must include objectives, as stated in Section 11.9-B (4) (B) of this ordinance, for the resources and areas within the Conservation Land. The Land Stewardship Plan must identify monitoring, operation and maintenance activities needed to maintain the quality and the stability of the resources on the conservation land. The cost and schedule for implementing the proposed conservation measures and methods must be included in the Land Stewardship Plan.

Net buildable Area

The gross tract area minus all lands located within existing street right-of-ways, all lands located within existing utility and railway right-of-ways or easements, all wetlands, and all of the area located within a pond, lake, or stream channel.

Non-Common Conservation Land

Land designated as permanent open space, but not subject to common ownership by an association. Non-common conservation land is typically situated within large conservation lots or “limited common element” at least ten acres in size, or within nonresidential lots used for compatible rural resource uses such as agriculture, horticulture, silviculture, or equestrian boarding not including building areas and required building setbacks.

Non-profit Conservation Organization

A qualified tax-exempt conservation organization, organized as a non-profit organization under federal tax laws that, in all or part of its mission, actively works to conserve lands by undertaking or assisting direct land transactions. Non-profit conservation organizations purchase land or acquire conservation easements on land for its natural, recreational, scenic, historic and productive value.

Sketch Plan Overlay Sheet.

A sketch map drawn on translucent or transparent material, to be overlain on top of an *Existing Conditions and Site Analysis Map*, to determine the extent to which the proposed layout of house sites, streets, lot lines, and protected open space avoids negatively impacting the property's principal and noteworthy natural and cultural features.

Stewardship Fund

An endowment or fund that is established along with a conservation easement agreement and is used to cover the expense of monitoring, enforcing, compliance and legal defense of the easement.

Stormwater Management Plan

A plan that includes structural and non-structural stormwater best management practices selected to match overall site management objectives and site conditions with the storm water performance criteria specified in the Walworth County Land Disturbance, Erosion Control and Stormwater Management Ordinance. The plan includes scaled site plans, narrative, construction details, design computations, inspection, operation and management requirements for the structural and non-structural stormwater management practices selected to the serve the development. The costs and schedule for constructing, operating and maintaining the selected structural and non-structural stormwater best management practices selected to service the site, must be included in the Stormwater Plan.

Stormwater Best Management Practice

Structural and nonstructural practices and methods that are designed, constructed and maintained to control the quantity and quality of storm water. Stormwater best management practices selected are based the physical suitability of a site, the overall site management objectives and the performance criteria specified in the Walworth County Land Disturbance, Erosion Control and Stormwater Management Ordinance.

Subdivider

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, Replat, or proposing to develop a Conservation Development.

Wetlands

Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands, which are wet and spongy due to a high water table. An area where water is at or near the surface long enough to be capable of supporting aquatic or hydrophilic (Water loving) vegetation and which has soils indicative of wet conditions.

Woodland

Those upland acres one acre or more in size having 17 or more deciduous trees pre acre, each measuring at least 4 inches DBH (diameter at 4.5 feet above the ground) and having 50 percent or more tree canopy coverage. Coniferous tree plantations and reforestation projects are also considered woodlands. (/SEWRPC)

INTRODUCTION

2.3 Purpose and Policies

The purpose of this Ordinance is to regulate and control the division of land within the unincorporated areas of Walworth County in order to promote the public health, safety, ~~morals~~ prosperity, aesthetics and general welfare of the County, and to protect the natural and agricultural resources, as identified and mapped in the County Land Use Plan, the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the County Zoning Map.

Further purposes include utilizing conservation design to encourage restoration of previously drained wetlands, reforesting former woodlands, replanting native species of grasses and wildflowers in reclaimed prairies, and utilizing stormwater management strategies to replenish aquifers and to recharge groundwater supplies through infiltration measures, and to minimize surface runoff, wherever feasible.

In addition, conservation development design is recognized as a practical tool to help protect interconnected networks of open space, to protect water resources, to sustain a diversity of native vegetation and wildlife, and to help establish substantial buffers along scenic roadways, existing protected land, and actively-worked farmland.

2.4 Intent

It is the general intent of this Ordinance to regulate the division of land so as to: ~~Obtain~~ Achieve the Wise Use, conservation, protection, and proper development of the County's soil water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

Lessen Congestion in the streets and highways;

Further the Orderly layout and appropriate use of land;

Secure Safety from fire, panic and other dangers;

Provide Adequate Light and air;
 Prevent the Overcrowding of land;
 Avoid Undue Concentration of population;
 Facilitate Adequate Provision for housing, transportation, water, sewerage, schools, parks, playgrounds, and other public requirements;
 Secure Safety from flooding, water pollution, disease, and other hazards;
 Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects;
 Prevent and Control Erosion, sedimentation, and ~~other pollution~~ reduce stormwater runoff and of-surface and subsurface waters pollutant loads;
 Preserve Natural Vegetation and Cover and promote the natural beauty of the County;
 Restrict Building Sites on flood lands, shoreland, areas covered by poor soils, or in other areas poorly suited for development;
 Facilitate the Further Division of larger tracts into smaller parcels of land;
 Ensure adequate legal description and proper survey monumentation of subdivided land;
 Provide for the Administration and enforcement of this Ordinance;
 Provide Penalties for its violation; and
 Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the County, and in general to facilitate enforcement of County development standards as set forth in the adopted regional and County comprehensive plans, adopted plan components, Walworth County Zoning Ordinances, Town building codes, and the highway width map of Walworth County.
Preserve the beauty and rural character through the permanent preservation of meaningful open space and sensitive natural resources.
Preserve prime agricultural land by concentrating housing on lands that have low agricultural potential.
Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
Provide a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
Provide buffering between residential development and non-residential uses.
Meet demand for housing in a rural setting.
Provide an opportunity to create an interconnected network of protected lands.
Protect the quality and abundance of ground water resources.
Protect and restore environmentally sensitive areas, biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.

3. GENERAL PROVISIONS

3.6 Land Suitability

All provisions of Chapter COMM 85 of the Wisconsin Administrative Code entitled "Subdivisions Not Served By Public Sewers", are adopted by reference

and are made a part hereof, except all lots shall be a minimum of one hundred fifty (150') feet in width at the building line and provide a minimum lot area of forty thousand (40,000) square feet, unless different dimensional standards are allowed in a Conservation Development.

The Walworth County Land Use and Resource Management Department, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Walworth County Land Use and Resource Management Department may affirm, modify, or withdraw its determination of unsuitability.

4. PROCEDURE

4.1 Pre-Application (Non-Conservation Development)

4.11 Conservation Development Application, Procedure, and Approval Process

In order to the file application for the approval of a Conservation development, the subdivider or surveyor shall comply with the following steps:

- 1) **Initial Conference.** Before submitting an application for a conservation development, the subdivider shall schedule an appointment and meet with the Walworth County Land Use and Resource Management staff to discuss the procedure for approval of a conservation development. At this meeting, the subdivider shall receive the submittal requirements and design standards and obtain requirements for conservation development site plans including the Site Contexts Map, Existing Resources and Site Analysis Map, and the Sketch Plan Overlay Sheet.
 - a) The Site Context Map shall be prepared according to the requirements of Section 5-A.1. The Site Context Map must be made available at the scheduled Site Inspection. This is a general map of known information of the site.
 - b) The subdivider shall be required to submit an *Existing Resources and Site Analysis Map* no later than the date of the scheduled Site Inspection. The Existing Resources and Site Analysis Map shall be prepared in accordance with the requirements contained in Section 5-A.2. The purpose of this key submission is to familiarize officials with existing conditions on the subdivider's tract, and to provide a complete and factual reference for them in making a site inspection. Staff shall discuss the potential concept for the ownership operation and management of the conservation lands proposed to be created by the development with the subdivider. Staff shall inform subdivider's of the necessity of providing complete and accurate information regarding the location of wetland boundaries and navigable waterways on all maps and plans except the Site Context Map, which is more general in nature. The wetlands and navigable waters issues may require Department of Natural Resources (DNR) involvement prior to completion of the Existing Resources and Site Analysis

Map. This map shall form the basis for the development design as shown on the Sketch Plan.

c) The subdivider shall meet with the County Land Use and Resource Management Department staff to discuss the requirements of this ordinance for street improvements, drainage, sewerage, water supply, fire protection, and related matters, as well as the availability of existing services, potential density, lot sizes and other pertinent information to be shown on the Sketch Plan (Sec 5A3).

d) Staff shall discuss pre-application conference requirements and sets, meeting dates, and times for the initial submittal.

2) Initial Submittal. After the initial conference, the subdivider shall submit the Site Context Map, Existing Resource Site Analysis Map, and Sketch Plan and descriptive information pertinent to the development to the Walworth County Land Use and Resource Management staff for consistency review according to ordinance standards. The initial submittal shall include narrative of the proposed ownership, operation and management proposal for the conservation land to be created.

a.) Before submitting a Preliminary Plat for review and approval, subdivider shall first submit a conceptual Sketch Plan. The purpose of the Sketch Plan is to ensure that the layout is proceeding in a manner consistent with this ordinance, the zoning ordinance, other relevant regulations or statutory requirements, and with the County Land Use Plan and other adopted plans.

b.) Calculation of Site Capacity. Before preparing a Sketch Plan, the subdivider must determine the Site capacity. The calculation of site capacity, or the number of dwelling units permitted on a site, shall be based on net buildable area. The subdivider shall determine the net buildable area (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:

Gross Tract Area: _____ acres

From the gross tract area, subtract the following:

All lands located within existing street rights-of-way: _____ acres

All lands located within existing utility and railway rights-of-way or easements: _____ acres

All wetland areas: _____ acres

All of the area located within a pond, lake, or stream channel: _____ acres

The result is the net buildable area (NBA): _____ acres

Note: Where two or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification.

c.) The subdivider is strongly encouraged to meet with the relevant Town officials as well at this early and critical stage of the process.

d.)The County Land Management staff shall classify the *Sketch Plan* as a Certified Survey Map or Subdivision as defined in this Ordinance. When it deems it necessary for protecting the public health, safety, and welfare (including the maintenance of conservation land connections and continuity), staff may require that Certified Survey Maps shall comply with some or all of the requirements specified for Subdivisions, including those pertaining to conservation design.

e.) If the *Sketch Plan* is classified as a Certified Survey Map the Subdivider shall then comply with the procedure described in Subsection 58-7.1 of this ordinance. If it is classified as a Subdivision, the Subdivider shall comply with the procedure described in Subsection 58-5.A of this ordinance.

3) Site Inspection and Informal Design Discussion After preparing the *Existing Resources and Site Analysis Map*, the subdivider shall arrange for a site inspection of the property by County Land Use and Resource Management Department staff, a representative of the County Land Conservation Office, the Town Board or Plan Commission members, the subdivider, and the subdivider's design team. The design team shall include a registered landscape architect or a land use planner experienced in designing conservation developments, in addition to the usual engineering and/or surveying professionals.

The subdivider shall distribute copies of the Existing Resources and Site Analysis Map at this meeting, which shall be publicized in the same manner as all other Town Board or Plan Commission meetings and workshops. The Town may invite the landowner and abutting landowners.

The purpose of the site inspection is to familiarize everyone involved in the development proposal with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of conservation lands and potential locations for proposed buildings and street alignments. Comments made by officials or staff and consultants shall be interpreted as only informal. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection, which is essentially an outdoor workshop session. Following the site inspection and prior to the submission of a *Sketch Plan* for official review, the subdivider shall meet with Town officials and County staff to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in Section 5-A.4 of this ordinance. To expedite the process, this conference may be combined with the site inspection, and may include an informal design session at which time the subdivider's design team works together to rough out a very conceptual sketch based on input received from all those attending the site inspection. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, during this informal design discussion, which is essentially a workshop session. At the

subdivider's discretion, the results of this review may form the basis for the *Sketch Plan* that would be submitted for formal review during the next step of this process.

4) A Combined Town & County Pre-application Conference. The subdivider shall present the Existing Resource Inventory Map, Sketch Plan, and descriptive information pertinent to the development to the County and Town officials and necessary Land Use and Resource Management Department staff. It shall be responsibility of the Subdivider to present the resource merits of the proposal for Town and County review and recommendations. Land Use and Resource Management Department staff shall give an over view of the Sketch Plan with regard to compliance with the established ordinance standards. The combined Town & County agency meeting allows for a greater level of intergovernmental concurrence on proposed conservation development design.

a) Review of *Sketch Plan*

1) Copies of a *Sketch Plan* meeting the requirements set forth in Section 5-A.3, shall be submitted to the Land Use and Resource Management Department Office during business hours for distribution to the staff. The *Sketch Plan* should diagrammatically illustrate initial thoughts about a conceptual layout for conservation lands, house sites, and street alignments, and shall be based closely upon the information contained in the *Existing Resources and Site Analysis Map*. The *Sketch Plan* shall also be designed in accordance with the four-step design process described in 5-A.4 and with the Conservation Design Review Standards listed in Section 11.9-A of this ordinance.

2) The County Land Use and Resource Management Department shall review the *Sketch Plan* in accordance with the criteria contained in this ordinance and with other applicable county ordinances. Their review shall informally advise the subdivider of the extent to which the proposed development conforms to the relevant standards of this ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:

a) The location of all areas proposed for land disturbance (streets, foundations, yards, sewerage treatment and disposal systems, storm water management/infiltration and groundwater recharge areas, etc.) with respect to notable features of natural or cultural significance as identified on the subdivider's *Existing Resources and Site Analysis Map*;

b) The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;

c) The location of proposed access points along the existing street network;

- d) The proposed building density and impervious surface coverage;
- e) The compatibility of the proposal with respect to the objectives and policy recommendations of the County Land Use Plan and Park and Open Space Plan;
- f) Recommendations regarding the proposed ownership, operation and maintenance plan of the conservation land.
- g) The desirability of the proposed conservation lands as it relates to the importance of site features and connecting conservation land.

The Land Use and Resource Management Department shall submit its written comments to the subdivider after accepting a complete application, advising him/her of modifications that are highly recommended prior to submitting a Conditional Use application.

- 5) **Amendments.** The subdivider shall revise the plans based on the Town and County recommendations.
- 6) **Formal Application.** The subdivider shall submit the revised plan(s), all necessary applications, and fees for Conditional Use permit review.
- 7) **Review and Approval Process.** Necessary public hearings shall be held by the County Zoning Agency in accordance with the requirements of Chapter 74 of the Walworth County Code of Ordinances. Recommendations regarding requested rezones shall be referred to the County Board in accordance with Chapter 59.69 of the Wisconsin Statutes.
- 8) **Preliminary Plat submittal.** If the plat is submitted within 6-months of the conditional use approval date and is substantially the same form as approved by the existing conditional use permit, it shall be subject to Land Use and Resource Management Department staff review and approval only.

5-A. SKETCH PLAN SUBMISSION REQUIREMENTS for Conservation Development

The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map. All maps submitted shall be based on a Plat of Survey of the exterior boundary of the project.

5-A.1. Site Context Map

A map showing the location of the proposed development within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1"= 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site.

For sites of 100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from S.E.W.R.P.C. or U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the Wisconsin D.N.R., S.E.W.R.P.C., U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements, floodlands, natural areas, critical species habitat sites, environmental corridors, and isolated natural resource areas.

5-A.2 Existing Resources and Site Analysis Map

For all development (except those in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis Map shall be prepared to provide the subdivider and the County with a comprehensive analysis of existing conditions, on the proposed development site.

The County shall review the map to assess its accuracy, conformance with local ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the County Land Use and Resource Management Department, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). This map shall be based on the Plat of Survey. The following information shall be included in this Map:

- 1) A vertical aerial photograph enlarged to the map scale, with the site boundaries clearly marked.
- 2) Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from S.E.W.R.P.C. or U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the County Land Use and Resource Management Department, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes that are 12 percent or greater and wooded and slopes exceeding 20 percent shall be clearly indicated. Topography for major development shall be prepared by a Wisconsin registered land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be referenced to National Geodetic vertical Datum (NGVD) of 1929.
- 3) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains, wetlands, and navigable waterways. Additional areas of wetlands on the proposed development parcel, specifically including vernal pools (which are only seasonally wet), shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

- 4) Indicate on the site plan map and with narrative description, the vegetative cover conditions on the property according to general land cover type, including cultivated land, permanent grass land, meadow, pasture, prairie, old field, hedgerow, woodland and wetland. An on-site inventory of any woodland community shall include a general description of the density and diversity of the tree canopy and the understory and comments on the health and condition of the vegetation. Any stand-alone trees located within a proposed building envelop or street or utility right-of-way, with more than 24 inches DBH (diameter at breast height or 4.5 feet above the ground) should be located and described by scientific name, crown spread (canopy line) and condition. The edge or boundary of any woodland within the parcel should be shown on the site plan.
- 5) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
- 6) Ridge lines and watershed boundaries.
- 7) The location and extent of views into the property from public streets and from public parks, public forests and public waters.
- 8) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, and glacial features such as eskers, kames, drumlins, and kettles, based upon available published information including the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, or more detailed data obtained by the subdivider.
- 9) All existing man-made features including but not limited to streets, driveways, farm roads, forest roads, trails, buildings, foundations, stone walls, wells, drainage fields, dumps and waste disposal areas (both existing and abandoned), utilities, storage tanks (both above and below ground), fire hydrants, and storm and sanitary sewers.
- 10) Proposed streets, unimproved platted streets, or highways shown on the Regional Transportation System Plan, the County Jurisdictional Highway System Plan, or a city, village official map adopted pursuant to Section 62.23(6) of the Wisconsin Statutes.
- 11) Locations of all historically or archaeologically significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks, and graves.

- 12) Locations of existing trails and parks, plus trails and parks proposed in the County Park and Open Space Plan.
- 13) Locations of Natural Areas and Critical Species Habitat Areas identified in the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin.
- 14) The boundaries of primary and secondary environmental corridors and isolated natural resource areas, as identified by S.E.W.R.P.C.
- 15) All easements and other encumbrances of property, which are or have been filed of record with the Register of Deeds of Walworth County, shall be shown on the plan.
- 16) Total acreage of the tract, the acreage of each zoning district within the tract, the Net Buildable Acreage, and all other information necessary to determine the density, with detailed supporting calculations.

5-A.3. Sketch Plan Overlay Sheet

- 1) A Sketch Plan Overlay Sheet, to scale, shall be submitted by the subdivider as a diagrammatic basis for initial discussion with the County Land Use and Resource Management Department staff, regarding the design of a proposed conservation development. The purpose of the Sketch Plan Overlay Sheet is to help subdivider's and officials develop a better understanding of the property and to assist in establishing an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the county zoning ordinance.
- 2) To provide a full understanding of the site's potential and to facilitate the most effective exchange with the County Land Use and Resource Management Department staff, the Sketch Plan shall include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Map, a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plat.
- 3) To facilitate review, enabling officials to see clearly and quickly how well (or not) the Sketch Plan succeeds in designing around critical site features and potential Conservation linkages, the diagrammatic Sketch Plan shall be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Map. Both of these drawings shall be produced at the same scale. The Sketch Plan Overlay Sheet shall show the following information:
 - a) Name and address of the legal owner, the equitable owner, and the subdivider;

- b) Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- c) Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
- d) Approximate tract boundaries, sufficient to locate the tract on a map of the County;
- e) Zoning district(s);
- f) Streets on and adjacent to the tract (both existing and proposed);
- g) 100-year floodplain limits, and approximate location of wetlands, if any;
- h) Schematic layout indicating a general concept for land conservation and development, which may be hand-drawn, to scale;
- i) Proposed general street and lot layout;
- j) In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.
- k) General location and description of proposed method of water supply, sewage disposal, and stormwater management.

5-A.4 Four-Step Design Process for Conservation Development

All Preliminary Plats shall include documentation of a four-step design process in determining the layout of proposed Conservation lands, house sites, streets and lot lines, as described below.

- 1) Step One: Delineation of Conservation Lands
 - a) The minimum percentage and acreage of required Conservation Lands shall be calculated by the subdivider and submitted as part of the Sketch Plan or Preliminary Plat in accordance with the provisions of this ordinance and of the county zoning ordinance. Conservation lands shall include all Conservation Areas both buildable and unbuildable.
 - b) Proposed Conservation lands shall be designated using *the Existing Resources and Site Analysis Map* as a base map and complying with the Conservation Design Review Standards listed in Section 11.9-A of this ordinance. The County Land Use Plan and Park and Open Space Plan shall also be referenced and considered. Conservation Areas/Unbuildable shall be delineated comprising floodlands, wetlands and wooded slopes 12 percent or greater

and/or all slopes over 20 percent. Conservation Areas/Unbuildable are areas unsuitable for the location of structures within identified conservation lands (open space). (See section 1.1 Definitions)

- c) In delineating Conservation lands, the subdivider shall prioritize natural resources on the tract in terms of their highest to least suitability in consultation with the County Land Use and Resource Management Department staff and in accordance the Conservation Design Review Standards listed in Section 11.9-A of this ordinance.
- d) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the subdivider's development objectives, Conservation lands shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.

2) Step Two: Location of House Sites

Potential house sites shall be located, using the proposed Conservation lands as a base as well as other relevant data on the Existing Resources and Site Analysis Map such as topography and soils. House sites are required to meet the 75 feet minimum shoreyard setback from navigable waters. Shoreland setback averaging with adjacent parcels shall not be allowed. Lots or units which are partially located in the shoreland must meet with the larger shoreland lot size Conservation Design Standard. A buffer area of 75 feet between other wetland areas and structures, streets or other major improvements is strongly encouraged. A buffer area of 50 feet from conservation lands should be maintained to the greatest extent possible, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

3) Step Three: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, while bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed Conservation lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 12%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining parcels.

4) Step Four: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. The subdivider shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process, if so requested by the County Land Use and Resource Management Department.

5.0 PRELIMINARY PLAT

5.2 Plat Data

All Preliminary Plats shall show the following:

Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two (2) corners established in U.S. Public Land Survey and the total acreage encompassed thereby.

Locations of all Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto.

Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

Type, Width and Elevation of any existing street pavements within the exterior boundaries of the Plat or immediately adjacent thereto together with any legally established centerline elevations, all referenced to Mean Sea Level Datum.

Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

Corporate Limits Lines within the exterior boundaries of the Plat or immediately adjacent thereto.

Existing Zoning on and adjacent to the proposed subdivision.

Contours within the exterior boundaries of the Plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2') feet. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the Plat; the location of the benchmarks shall be indicated on the Plat, together with their elevations referenced to Mean Sea Level Datum, and the monumentation of the benchmarks clearly and completely described.

High-Water Elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the Plat or located within one hundred (100') feet therefrom referenced to Mean Sea Level Datum.

Water Elevations of all streams, ponds, lakes, flowages and wetlands within the exterior boundaries of the Plat or located within one hundred (100') feet therefrom, at the date of the survey based on Mean Sea Level Datum.

Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2') feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5') feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within one hundred (100') feet therefrom.

Wetland Boundaries with proof of concurrence by S.E.W.R.P.C., Army Corp of Engineers, or Wisconsin Department of Natural Resources.

Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture's Soil Natural Resource Conservation Service for the Southeastern Wisconsin Regional Planning Commission.

Location and Results of Soil Boring Tests within the exterior boundaries of the Plat made to a depth of six (6') feet, or three (3') feet below the bottom of a proposed deep absorption system, whichever is greater. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and ground water from the natural undisturbed surface. The number of such tests shall be not less than required by COMM-85 of the Wisconsin Administrative Code or as required by the Administrator upon an examination of the soils as shown on the operational soil survey maps prepared by the U. S. Department of Agriculture Soil Conservation Service for the SEWRPC.

Location and Results of Percolation Tests within the exterior boundaries of the Plat conducted in accordance with COMM-85.06 of the Wisconsin Administrative Code, taken at the location and depth in which the soil absorption waste disposal system is to be installed. The number of such tests shall be not less than required by COMM-85 of the Wisconsin Administrative Code.

Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.

Approximate Dimensions of All Lots together with proposed lot and block numbers.

Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

Approximate Radii of All Curves.

Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

Any Proposed Lake and Stream Access improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

Where the Walworth County Land Use and Resource Management Department finds that it requires additional information relative to a particular problem presented by a

proposed development to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.

5.3 Soil and Water Conservation

The Walworth County Land Use and Resource Management Department, upon determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications prepared by a registered professional engineer, architect or the U. S. D.A. Natural Resource Soil Conservation Service which meets the standards of the Walworth County Land Disturbance Erosion Control and Stormwater Management Ordinance.

Tree Cutting and Shrubbery Clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities. Tree cutting, shrubbery clearing, and earth movement shall be conducted in accordance with the County Shoreland Zoning Ordinance requirements.

Paths and Trails shall not exceed ten (10') feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty, where permitted by ordinance.

Earth Movements, such as grading, topsoil removal, mineral extraction, ~~stream course changing~~, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography by meeting the standards of the Walworth County Land Disturbance Erosion Control and Stormwater Management Ordinance and Wisconsin Department of Natural Resource requirements.

Review of Such Cutting, Clearing, and Movement may be requested of the County ~~Soil and Water Conservation District Supervisors~~ Land Conservation Office, the State District Fish and Game Managers, and the State District Forester by the Walworth County Land Use and Resource Management Department as it deems appropriate.

11. DESIGN STANDARDS

11.9-A Conservation Design Review Standards

Any proposed conservation design development with 5 or more dwellings meeting the definition of subdivision shall comply with the following standards:

1. Prioritized List of Resources to be Conserved.
 - a. Primary Conservation Areas. The design of Conservation Lands in any conservation development shall incorporate and preserve to the greatest extent possible the following resources if they occur on the tract:

- 1) Stream channels, floodlands, wetlands, wet soils, swales, springs, vernal pools, and lowland environmental corridors. An absolute minimum setback of 75 feet shall be provided from the ordinary high water mark of navigable waters. A buffer area of 75 feet between other non-zoned (isolated) wetland areas and structures, streets, or other major improvements is strongly encouraged. Shoreland setback averaging with adjacent parcels shall not be allowed.
 - 2) Significant natural areas, critical species habitat sites, and other sites containing species listed as endangered, threatened, or of special concern, including such sites identified in the Walworth County Park and Open Space Plan, the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin. If any resources are identified, the subdivider shall be required to contact the proposed acquisition agency identified in the adopted plan.
 - 3) The following moderate to steep slopes:
 - a) All slopes of 20 percent or greater.
 - b) Slopes of 12 percent or greater adjacent to streams and water bodies, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - c) Slopes of 12 percent or greater and wooded (classified as environmental corridors or isolated natural resource areas).
 - 4) Archaeological and burial sites.
- b. Secondary Conservation Areas. The design of Conservation Lands in any conservation development should incorporate the following resources to the extent possible (listed in order of priority):
- 1) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
 - 2) Primary environmental corridors.
 - 3) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - 4) Existing trails connecting the tract to other locations in the County. An alternative trail location within Conservation Lands may be provided in lieu of preserving an existing trail not shown on the Walworth County Park and Open Space Plan.
 - 5) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
 - 6) Historic buildings or indigenous forms of architecture and other structures older than 100 years.
 - 7) Visually prominent topographic features such as knolls, kames, eskers, drumlins, hilltops, and ridges, and scenic viewsheds as seen from public streets, public parks, public forests, and public waters.
 - 8) Class I, II, and III agricultural soils as defined by the USDA Natural Resources Conservation Service.

2. Other Design Considerations. The configuration of proposed Conservation Lands set aside for common use in residential development shall comply with the following standards:
- a. They shall be free of all structures except historic buildings, stonewalls, and structures related to Conservation uses. The County Land Use and Resource Management Department may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Conservation lands provided that such facilities would not be detrimental to the development. The acreage of lands required for such uses shall not be credited towards the minimum Conservation land area requirements for the tract, unless the land they occupy is appropriate for passive recreational use. The County Land Use and Resource Management Department may also grant permission to construct modest buildings for recreational uses, such as shelters for the use of ice skaters, etc., provided they are not located within Conservation Areas/Unbuildable.
 - b. They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
 - c. They shall be directly accessible to the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to Conservation Land.
 - d. They shall be suitable for passive recreational uses to the extent deemed necessary by the County Zoning Agency, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - e. They shall be interconnected wherever possible to provide a continuous network of Conservation Lands within and adjoining the development.
 - f. They shall provide buffers to adjoining farmland, parks, preserves or other protected lands.
 - g. Except on Conservation Lots, Conservation land shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the County. Provisions should be made for access to the Conservation lands, as required for land management and emergency purposes.

h. They shall be undivided by public or private streets, except where necessary for proper traffic circulation.

i. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect Conservation resources. Any landscaping shall emphasize the planting of native trees, shrubs, and wildflowers.

11.9-B Conservation Land Ownership and Maintenance Standards

1. Permanent Protection.

All Conservation Land shall be permanently restricted from further development and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the County Land Use and Resource Management Department. Under no circumstances shall any development be permitted at any time within Conservation Lands, except for those uses listed in Section 74-185(6)(d) of the County Zoning Ordinance.

2. Ownership Options.

The following ownership options may be used, either alone or in combination, to protect the Conservation Land. Conservation Land shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection, and then only when there is no change in the Conservation Land. Ownership methods shall conform to one or more of the following:

a. Homeowners Association.

Conservation Land may be held in common ownership as undivided proportionate interests by the members of a homeowners association or up to half of the conservation land may be held on conservation lots 10 acres in size or greater, subject to the following requirements:

- 1) The subdivider shall provide to the County a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for Conservation Land.
- 2) The organization shall be established by the owner or subdivider and shall be operating, with financial subsidy by the subdivider, if necessary, prior to the sale of any dwelling units in the development.
- 3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- 4) The organization shall be responsible for maintenance and implementation of the land stewardship plan and property insurance of Conservation Land.
- 5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating Conservation Land.
- 6) The organization shall have or hire adequate staff to administer, maintain, and operate Conservation Land.
- 7) The subdivider for any conservation development shall arrange with the Tax Assessor a method of assessment of the Conservation Land which will allocate to each tax parcel in the development a share of the total assessment for such Conservation Land.
- 8) Written notice of any proposed transfer of Conservation Land by the homeowners association or the assumption of maintenance of

Conservation Land must be given to all members of the association, the Town Board, and the County Land Use and Resource Management Department at least 30 days prior to such event.

b. Condominium Agreements.

Conservation Land shall be controlled through the use of condominium agreements. Such agreements shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. Conservation Land shall be held as "common elements" or "limited common element" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. Up to 50 percent of the conservation land may be held as a limited common element provided the land held within the limited common element is 10 acres or greater in size. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

c. Fee Simple Dedication to a Public Agency.

Pursuant to Section 58-3.3, the County may require the dedication of lands identified in the County Park and Open Space Plan for development of a County park or trail, or for protection through County ownership of natural areas, critical species habitat sites, or primary environmental corridors. Conservation Lands may also be dedicated to the Town, if approved by the Town Board, or to another public agency, if approved by the County and the accepting agency. In addition:

- 1) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
- 2) Any Conservation Lands so dedicated shall be accessible to the public, if approved by the accepting public agency.
- 3) The accepting public agency shall maintain such Conservation Lands.
- 4) The residents of the development shall hold a conservation easement on the Conservation Lands so dedicated, protecting the Conservation Lands from development in perpetuity.

d. Dedication of Conservation Easements to a Public Agency.

The County or other public agency acceptable to the County may, but shall not be required to, accept easements for public use of any portion of the Conservation Land, title of which is to remain in private ownership, provided that:

- 1) There is no cost of easement acquisition to the public agency, other than costs incidental to the transfer of ownership, such as title insurance.
- 2) A satisfactory maintenance agreement shall be reached between the owner and the accepting agency.
- 3) Lands under an easement to a public agency may be accessible to the public, if approved by the accepting agency.

e. Fee Simple Dedication to a Nonprofit Conservation Organization.

With the approval of the County, an owner may dedicate any portion of the Conservation Land to a nonprofit conservation organization, provided that:

- 1) The organization is acceptable to the County.
- 2) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
- 3) A maintenance agreement acceptable to the County may be established between the owner and the organization.

f. Dedication of Conservation Easements to a Nonprofit Conservation Organization.

With the approval of the County, an owner may dedicate conservation easements on any portion of the Conservation Land to a nonprofit conservation organization, provided that:

- 1) The organization is acceptable to County.
- 2) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
- 3) A maintenance agreement acceptable to the County is established between the owner and the organization.
- 4) Consideration is given to the establishment of a Stewardship Fund or other financial support used to cover the expenses of the Nonprofit organization to monitor and enforce the conservation easement.

g. Ownership Retained by a Private Landowner.

Ownership of Conservation Land within a Conservation Lot may be retained by a private landowner provided that:

- 1) The County or local unit of government or non-profit conservation agency and residents of the development shall hold conservation easements on the land protecting it from any further development.
- 2) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

3. Maintenance and Operation of Conservation Land.

a. A plan and narrative for the use, maintenance, and insurance of all Conservation Land, including provisions for funding, shall be provided to and approved by the County prior to preliminary plat approval. Such plan shall:

- 1) Define ownership.
- 2) Establish necessary regular and periodic operation and maintenance responsibilities.
- 3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- 4) Include a Land Stewardship Plan specifically focusing on the long-term management of Conservation Land. A draft Land Stewardship Plan shall be submitted with a preliminary plat, and a final Plan shall be submitted with the final plat. The Land Stewardship Plan shall comply with the requirements of Subsection 4 below.
- 5) At the discretion of the County, the subdivider may be required to escrow sufficient funds for the maintenance and operation costs of Conservation Land for up to one year.

b. In the event that the association established to own and maintain Conservation Land, or any successor organization thereto, fails to properly maintain all or any portion of the Conservation Land, the County may serve written notice upon such association setting forth the manner in which the association has failed to maintain the Conservation Land. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the County shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the County shall be

assessed against the properties that have the right of enjoyment of the Conservation Land.

4. Land Stewardship Plan.

The Land Stewardship Plan shall include a narrative and site plan to be reviewed and enforced by the County Land Conservation Office, based on the site analysis required by Subsection 58-5-A.2, describing:

- a. Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape.
- b. Objectives for resources and areas within Conservation Land, including:
 - 1) The proposed end state for specific areas and resources and the measures proposed for achieving the end state.
 - 2) Proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring historic features.
 - 3) A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.
 - 4) The County Zoning Agency may require filing of an annual report describing accomplishments and goals for continued maintenance and operation of the Land Stewardship Plan.

5. Leasing of Conservation Land.

Conservation Land may be leased to another person or other entity for use, operation, and maintenance, provided that:

- a. The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
- b. The Conservation Land to be leased shall be maintained for the purposes set forth in Section 74-185(6)(d) of the County Zoning Ordinance and the terms of all applicable permits, easements, and agreements.
- c. The operation of such leased Conservation Land may be for the benefit of the residents of the development, or may be open to the public if so determined by the residents.
- d. The lease, and any transfer or assignment thereof, shall be subject to the approval of the County Land Use and Resource Management Department.
- e. Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be provided to the County Land Use and Resource Management Department and the Town Board.

12. REQUIRED IMPROVEMENTS

12.8 Stormwater Management Facilities

The subdivider shall select and construct storm water best management practices adequate to serve the subdivision for the collection, conveyance and treatment of storm

water runoff. Storm water best management practices may include, but are not limited to, filtering and infiltration systems, open channels, road ditches, storm sewers, curb and gutters, catch basins, wet and dry ponds, or rain gardens. All best management practices shall be of adequately located and sized to hydraulically accommodate the maximum potential volumes of flow and shall be selected, designed, constructed and maintained to protect surface and ground water resources and present no hazard to life and property. The collection, conveyance, storage, treatment and discharge of storm water from the subdivision must meet the standards of the Walworth County Land Disturbance, Erosion Control and Storm Water Management Ordinance.

The selection, design criteria, construction plans, operation and maintenance of selected Storm Water Best Management Practices shall be prepared in accordance with the all Walworth County Ordinances and must be approved by the Walworth County Land Use and Resource Management Department. Storm Water Management Plans must be prepared and stamped by a Wisconsin Professional Engineer, pursuant to Chapter 443 of the Wisconsin Statutes. Where a Town Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing drainage improvements, such as storm sewers or channels, such plans and standard specifications shall be further subject to approval by the Town sanitary district commissioners.

The Subdivider shall assume the cost of installing all Storm Water Best Management Practices required to serve the proposed subdivision.

An operation and maintenance plan for all storm water best management practices must be prepared and approved by the Walworth County Land Use and Resource Management Department. This plan must designate the entity responsible for operation and maintenance of the storm water management plan and the describe the means to finance the maintenance tasks required.

All storm water management components necessary to serve the subdivision must be shown on the recorded plat, certified survey or land title and labeled as storm water easements. Storm water easements must be used exclusively for storm water conveyance and should not be combined with other uses, (i.e. pedestrian access) The use of the Conservation Land for the construction of structural storm water management practices, such as wet or dry basins or ponds, shall be limited to those that provide auxiliary benefits such as habitat wildlife or passive recreation, such as bird watching and hiking and are not detrimental or do not distract from the aesthetic qualities of the Conservation Land.

12.15 Street Trees

1. The coordinated planting of deciduous shade trees within the right-of-way of all streets is a central unifying feature of residential neighborhoods, and may be required by the Town.
2. Such trees shall be 2" to 2.5" in diameter, measured at chest height, when planted, and shall be spaced at intervals no greater than forty feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.

3. Species shall be selected according to the following criteria:
- a. cast moderate shade to dense shade in summer;
 - b. long-lived (over 60 years);
 - c. mature height of at least 50 feet;
 - d. be tolerant of pollution and direct or reflected heat;
 - e. require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant.
 - f. be able to survive two years with no irrigation after establishment; and/or provide an irrigation plan for review.
 - g. be of native origin, if possible, provided they meet the above criteria

Appropriate species are referenced in the University of Wisconsin Extension publication No. A285 (A Guide to Selecting Landscape Plants for Wisconsin), and the Wisconsin DNR publication "Forest Trees of Wisconsin: How to Know Them".

4. Shade trees shall generally be planted in planting strips (sometimes called "curb lawns") at least four feet wide, located between the pavement or curb and the continuous sidewalk or footpath system.