

ORDINANCE # 1-2008
TOWN OF HOLLAND LAND DIVISION
AND SUBDIVISION ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL THE DIVISION OF LAND WITHIN THE TOWN OF HOLLAND.

SECTION 1.0 INTRODUCTION

1.01 Authority

These regulations are adopted under the authority granted by Chapter 236 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Holland does ordain as follows:

1.02 Purpose

The purpose of this Ordinance is to regulate and control the division of land within the Town of Holland in order to promote the public health, safety, prosperity, aesthetics and general welfare of the community. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town.

1.03 Intent

It is the general intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land to secure safety from fire, panic, flooding and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; to minimize flood damage to public and private property; to facilitate the division of larger tracts into smaller parcels of land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building codes and official maps in force in the Town of Holland.

1.04 Goal

It is the overall goal of this Ordinance to promote and encourage environmentally responsible development in order to assist in preserving the rural character, natural resource areas, farmland and other large acres of open land, while still permitting residential development. The Town has a preference to subdivide larger tracts of property using the "Open Space & Conservation/Cluster Development" approach (as detailed in Section 8.0).

1.05 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail, except that lots and subdivisions that have already received final approval by the Town Board shall be required only to conform to the terms set out in that approval. Plats that have received preliminary approval but have not completed the installation of infrastructure within two years of that approval shall be subject to this ordinance.

1.06 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.08 Repeal

All other ordinances or parts of ordinances of the Town of Holland inconsistent or conflicting with this Ordinance, to the extent of inconsistency only, are hereby repealed.

1.09 Title

This Ordinance shall be known as referred to, or cited as the Town of Holland Land Division and Subdivision Ordinance.

1.10 Definitions

(A) BOARD: The Town Board of the Town of Holland.

(B) CERTIFIED SURVEY MAP: A map of land division, not a subdivision, prepared in accordance with the Wisconsin Statutes, Section 236.34, and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision map.

(C) CLERK: The Town of Holland Clerk.

(D) CONSERVATION/CLUSTER DEVELOPMENT: A subdivision which sites houses on smaller parcels of land, with additional land remaining in agriculture or land converted to common shared open space.

- (E) **DIVIDE:** To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.
- (F) **FULL CUTOFF FIXTURES:** Outdoor light fixtures that emit no light above the horizontal plane and are used to illuminate a street or highway.
- (G) **FULLY-SHIELDED LIGHTS:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
- (H) **LAND DIVISION:** A division of a parcel of land which is not a subdivision and which creates less than two lots, parcels or building sites of 38 acres each or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites on 38 acres or more.
- (I) **LAND(S):** Any real estate or interest in real estate.
- (J) **OPEN SPACE:** An open area or undeveloped land within a Conservation Subdivision that has been designed, dedicated, reserved or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features.
- (K) **OUTLOT:** A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.
- (L) **PARCEL:** Contiguous lands under the control of a subdivider or subdividers not separated by streets, highway or railroad rights-of-way.
- (M) **PLAN COMMISSION:** The Town of Holland Plan Commission.
- (N) **PLAT:** A map of a subdivision prepared in conformity to the requirements of Wisconsin Statute, Chapter 236.
- (O) **PRELIMINARY PLAT:** A map showing the salient features of a proposed subdivision or land division, submitted to the Town for purposes of preliminary consideration, prior to all final plats, and when required, prior to all land divisions.
- (P) **RAIN GARDEN:** A planted depression that is designed to absorb rainwater runoff from impervious areas like roofs, driveways, walkways, and compacted lawn areas. This reduces rain runoff by allowing stormwater to soak into the ground.
- (Q) **RECORD:** To record and file the final plat or a certified survey map with the register of deeds.

- (R) REPLAT: As set forth in the Wisconsin Statutes, Section 236, and all subsequent amendments and revisions thereto.
- (S) ROADWAY: That portion of a street, road or highway that includes both the traveled lanes and shoulders or, if curb and gutter, the traveled lanes and gutters.
- (1) ARTERIAL STREETS: Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
- (2) COLLECTOR STREETS: Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
- (3) LOCAL (MINOR) STREETS: Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
- (4) CUL-DE-SAC: Streets closed at one end with turnarounds.
- (5) DEAD-END STREETS: Streets closed at one end with temporary turnarounds.
- (T) STRUCTURE: Anything which has the capacity to contain, be used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
- (U) SUBDIVIDER: Any person, firm, corporation, partnership or other entity which divides or proposes to divide land in any manner which results in a land division or subdivision.
- (V) SUBDIVISION: The division of a lot, parcel or tract of land by the subdivider thereof for the purpose of sale or of building development where the act of division creates three or more parcels or building sites of five acres or less in area, or three or more parcels or building sites of five acres or less in area are created by successive division within a period of five years.
- (W) SUB-WATERSHED: a distinct drainage area within a watershed.
- (X) TOWN: Town of Holland, La Crosse County, Wisconsin.
- (U) UTILITY: A public utility, as defined in Wisconsin Statutes, Section 196.01(5).
- (Z) UTILITY EASEMENT: An easement to place, replace, maintain or move utility facilities.

SECTION 2.0 GENERAL PROVISIONS

2.01 Jurisdiction

Jurisdiction of these regulations shall include all lands within the Town of Holland. The provisions of this Ordinance as it applies to divisions of tracts of land shall not apply to:

- (A) Transfers of Interest in land by will or pursuant to court order.
- (B) Leases for a term not to exceed ten years, mortgages or easements.
- (C) Sale or Exchange of parcels of land between owners or adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the County Zoning Ordinance, or other applicable laws or Ordinances.
- (D) Assessors Plats as defined under Wisconsin Statutes.

2.02 Waiver of Requirements

In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Town Board may relax such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the entire membership of the Town Board is required to grant any modification to these regulations.

2.03 Land Suitability

No land shall be subdivided which is held unsuitable by this Ordinance (refer to section 4.05) or by the Town Board for any proposed use for reason of flooding, inadequate drainage, adverse soil and rock formations with severe limitations for development, incompatible surrounding land use, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. The Town Board in applying the provisions of this Ordinance shall in writing cite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the sub-divider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability. Determinations under this subsection may be stricter than provision of the County Zoning ordinance.

2.04 Penalties

Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall upon conviction be required to

forfeit not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00) per offense, together with costs of prosecution. Each day of violation shall constitute a separate offense. In addition, the Town may seek injunctive relief from a court of competent jurisdiction, along with any other civil or criminal remedies available at law. Failure to prosecute any violation or seek a particular relief shall not act as a bar to subsequent actions by the Town.

In addition to such penalties, the Town Building Inspector shall not issue a building permit for construction on any premises laid out or subdivided contrary to this Ordinance. The Town Board may further order an Assessor's Plat to be made pursuant to the Wisconsin Statutes at the expense of the subdivider or his agent when a subdivision is created in violation of this Ordinance; and the Town Board may refuse to participate directly or indirectly in any road, street or alley development or maintenance in such area until the violation is corrected or cured.

2.05 Appeals

Any person aggrieved by an objection to a Plat or failure to approve a Plat may appeal therefrom as provided in Wisconsin Statutes.

2.06 Fees

All fees are set by Town resolution. Refer to fee schedule as published annually.

(A) Preliminary Plat Review Fee

The subdivider shall pay to the Town Clerk a fee for each lot or parcel within the Preliminary Plat at the time of first application for approval of said Plat to assist in defraying the cost of review. (Conservation subdivisions may reduce the costs. See fee schedule for details.)

(B) Final Plat Review Fee

The subdivider shall pay to the Town Clerk a fee for each lot or parcel within the Final Plat at the time of first application for approval of said Plat to assist in defraying the costs of review. (Conservation subdivisions may reduce the costs. See fee schedule for details.)

(C) Engineering Fee

The subdivider shall pay to the Town Clerk all engineering fees equal to the actual cost to review the preliminary and/or final plat before final approval of said Plat.

(D) Transportation Study Fee

The subdivider may be required to pay fees associated with transportation studies (traffic volume, safety, etc.) initiated by the Town. If the studies recommend upgrades to existing roadways, it will be the responsibility of the subdivider to pay all associated costs.

(E) Miscellaneous Fees

The Town may require the subdivider to pay to the Town Clerk fees equal to the actual cost of any administrative, legal, or fiscal work which may be undertaken by the Town in connection with the Plat.

SECTION 3.0 PROCEDURE

3.01 Pre-Application

Prior to filing for approval of a Preliminary Plat the subdivider must consult with the Town Plan Commission in order to obtain advice and assistance. The consultation is intended to inform the subdivider of the purpose and objectives of these regulations and to otherwise assist the developer in planning the subdivision. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and Town, and the subdivider will gain a better understanding of the subsequent required procedures. The Plan Commission may call upon any outside agency for technical assistance at this stage.

3.02 Preliminary Plat Review

(A) Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat as defined and in accordance with this Ordinance. The subdivider shall file a letter of application and two (2) 24"x36" copies and twelve (12) 11"x17" copies of the Preliminary Plat with the Town Clerk. These documents shall be filed at least fifteen (15) days prior to the date of the Plan Commission meeting, at which the request for approval is to be considered. The Town Clerk may distribute copies of the Preliminary Plat to those objecting and approving agencies, if deemed appropriate or as required under the Wisconsin Statutes, and to other agencies and organizations of whom the Town Board requests plat review.

(B) The Clerk shall forward seven copies of the preliminary plat to the Plan Commission and one copy to the Town engineer.

(C) No change by an applicant can be made once a preliminary plat has been submitted unless a re-plat fee has been paid (see Fee Schedule). A re-plat will cause a postponement of consideration until the next meeting.

3.03 Preliminary Plat Approval

(A) If objecting/approving agencies have been notified, they shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, they shall so certify on the face of a copy of the Plat and shall return that copy to the Town.

(B) The Town Plan Commission shall review the Plat for conformance with this Ordinance and all other ordinances, rules, regulations and adopted comprehensive plans or adopted plan components which affect the Plat and shall make a recommendation to the Town Board.

(C) The Town Board, within 90 days of the date of filing of the Preliminary Plat with the Town Clerk, shall approve, approve conditionally, or reject such Plat unless the time is extended by agreement with the subdivider. One copy of the Plat shall thereupon be returned to the subdivider with the date and action thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the Plat.

(D) Failure of the Town Board to act within 90 days of the filing date shall constitute an approval as provided in Chapter 236 of the Wisconsin Statutes.

(E) Approval or conditional approval of a Preliminary Plat shall not constitute submitted automatic approval of the Final Plat, except that if the Final Plat is within twelve (12) months of the approval of the Preliminary Plat and conforms substantially to the Preliminary Plat layout as indicated in Chapter 236 of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

(F) Plats that have received preliminary approval but have not completed the installation of infrastructure within two years of that preliminary approval shall be required to resubmit a new preliminary plat and fees.

3.04 Final Plat Review

(A) The subdivider shall prepare a Final Plat as defined and in accordance with this Ordinance and shall file three (3) 24"x36" copies and twelve (12) 11"x17" copies of the Final Plat and a letter of application to the Town Clerk. These documents shall be filed at least fifteen (15) days prior to the date of the Plan Commission meeting at which the request for approval is to be considered. One copy of the Final Plat shall be placed on mylar or such other suitable material as the Town Board may from time to time determine.

(B) The Town Clerk or developer shall, within five (5) business days after filing, transmit copies of the Plat to the agencies which are required to review the Plat under Chapter 236, Wisconsin Statutes.

(C) The Clerk shall forward seven copies of the final plat to the Plan Commission and one copy to the Town engineer.

(D) Partial platting. The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat, which the subdivider proposes to record at that time.

3.05 Final Plat Approval

(A) The objecting agencies shall, within 20 days of the date of receiving their copies of the Plat, notify the subdivider and all other approving and objecting agencies of any objections based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, they shall so certify on the face of a copy of the Plat and shall return that copy to the Town. The plat shall not be approved or deemed approved until any objections have been satisfied. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the Plat.

(B) The Town Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all ordinances, rules, regulations and adopted comprehensive plans or adopted plan components which may affect the Plat and shall make a recommendation to the Town Board.

(C) Town Board shall, within 60 days of the date of filing of the Final Plat, approve, approve conditionally or reject the Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting, a written statement of the reasons forwarded to the subdivider. If the Plat is approved, the Town Board shall not inscribe its approval on the face of the original Final Plat until the Town Clerk certifies on the face of the original Final Plat that copies were forwarded as required by this Ordinance, the date thereof, and that no objections have been filed within 20 days, or if filed, have been satisfied.

(D) Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved as provided in Chapter 236 of the Wisconsin Statutes.

3.06 Recordation

The subdivider shall record the Plat with the County Register of Deeds within thirty (30) days of its approval by the Town Board, or its approval is voided.

3.07 Division of Land Less than a Subdivision

(A) When it is proposed to divide land into two (2) parcels or building sites, any one of which is less than five (5) acres, with a minimum of 1.5 acres and no public roads are involved, the subdivider may subdivide by use of a Certified Survey Map. If a road is involved that will be deeded back to the Town, it must be parceled through a Plat. One Certified Survey Map shall be allowed on a single tract of land within one (1) year period after the Certified Survey Map was recorded with the Register of Deeds. The term "single tract of land" shall mean a maximum of forty (40) acres, contiguous to the land divided by the Certified Survey Map, owned by the same subdivider.

(B) The Town Clerk shall transmit a copy of the Map to all affected community boards, commissions or departments for their review and recommendations concerning

matters within their jurisdiction. The Town Board shall approve conditionally or reject such a Map within sixty (60) days from the date of the filing of the Map, unless the time is extended by agreements with the subdivider. If the Map is rejected, the reason shall be stated in the Minutes of the meeting, and a written statement supplied the subdivider. If the Map is approved, the governing body shall cause the Town Clerk to certify on the face of the original Map and return the Map to the subdivider. The subdivider shall record the Map with the County Register of Deeds within thirty (30) days of its approval by the governing body. The Certified Survey Map may not be used to divide land into more than two (2) parcels.

(C) When dividing land by use of a Certified Survey Map, as allowed for under this Section, the subdivider must comply with other requirements under this Ordinance for Subdivisions, including fees and required engineering data, and all provisions of this Ordinance are applicable, except as otherwise specified in this Section.

SECTION 4.0 PRELIMINARY PLAT

4.01 General

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the Plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (A) Title under which the proposed subdivision is to be recorded.
- (B) Location of proposed subdivision by: government lot, quarter section, township, range, county, state, and relative location to a nearby community.
- (C) Date, scale and north point.
- (D) Names and addresses of the owner, subdivider and land surveyor preparing the Plat.
- (E) Entire area contiguous to and within 200 feet of the proposed Plat shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

4.02 Plat Data

All Preliminary Plats shall show the following:

- (A) Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.

SLOPE RANGE	CONTOUR INTERVAL (FT.)
< 5%	.5
= 5% but <12%	1
= 12% but <20%	2
= 20% but <30%	5
= 30% and STEEPER	10

(B) Water elevations of adjoining lakes and streams at the date of the survey, used for approximate high and low water elevation, all referred to the same datum as the contours.

(D) Location, right-of-way, width and names of all existing and proposed streets, alleys or other public ways; all existing and proposed public utility and drainage easements, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(E) Location of restricted development areas (Town Ordinance 20%).

(F) Soil borings shall be required in areas of proposed infiltration.

(G) Listing of responsible entity for stormwater facility long-term maintenance.

(H) Location and names of any adjacent subdivisions, parks, schools and cemeteries, and owners of record of abutting un-platted land.

(I) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock out-crops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(J) Approximate dimensions of all lots together with proposed lot and block numbers.

(K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, or other public use or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring lotting.

(L) Approximate radii of all curves that have a radius of less than 500 feet.

(M) Existing zoning and proposed use on and adjacent to the proposed subdivision.

(N) Corporate limit lines.

(O) Brief description of any proposed restrictive covenants.

(P) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(Q) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning, and dredging within the exterior boundaries of the Plat.

(R) Seasonally wet areas and areas which will be subject to temporary or permanent flooding after Plat is developed.

(S) Existing and proposed water runoff patterns.

(T) The Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Chapter NR100 and all other applicable provisions of the Wisconsin Administration Code shall be complied with and the appropriate data submitted with the preliminary plat.

4.03 Street Plans and Profiles

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions when requested by the Town, and all elevations, plans and profiles shall meet the approval of the Town Board. Street designs to slow speed, such as roundabouts or curves, are encouraged by the Town and will be considered based on topography and land use. Design residential streets for the minimum required pavement width needed to support travel lanes; on-street parking; and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume and minimizing land disturbance.

4.04 Subdivision Grading Plan

The Town Plan Commission may require cross sections and a grading plan for the areas that are at a lower elevation than the established street grade directly opposite the proposed building site; the intent being to establish adequate drainage from the building area to the roadway.

4.05 Maximum Land Disturbance

(A) No land within the Town of Holland boundaries may be disturbed if the slope is greater than 20%.

(B) Exceptions to the 20% maximum slope include:

- (1) Easements for utilities.
- (2) All approved Quarry operations in which a Category C control plan has been submitted and an erosion control permit and nonmetallic mine reclamation permit (Chapter 27 of the La Crosse County Code) have been obtained.
- (3) All Timber/Logging Access Roads. These access roads must comply with the DNR and County Regulations.

4.06 Soil and Water Conservation Plan

The Town Plan Commission, 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 subject to the Department of Land Conservation standards and specifications. Plans for excavation, sloping, runoff, drainage, and protective cover (seeding, sodding, riprapping) shall be outlined. Where ever possible, the existing natural sub-watersheds should be maintained.

4.07 Stormwater Management

A stormwater permit shall be required and all stormwater provisions of the La Crosse County Stormwater Ordinance shall apply to all proposed land development activity on lands within the boundaries and jurisdiction of La Crosse County.

4.08 Utilities

The surveyor may show either on the Preliminary Plat or in a letter accompanying the Plat the nature of the proposed utilities that will be included in the Plat, and in which manner the utilities are to be installed, including sanitary sewers, storm sewers, water systems, natural gas mains, and electrical and telephone transmission lines. If no sewer or water system is located on or immediately adjacent to the Plat, the feasibility of extending the nearest sewer and water main the Plat shall be described.

4.09 Additional Information

Where the Town Board finds that additional information is required relative to a particular problem presented by a proposed development to review the Preliminary Plat, the Board may request in writing such information from the subdivider.

4.10 Affidavit

The surveyor preparing the Preliminary Plat shall certify on the face of the Plat that the provisions of this Ordinance have been fully complied with.

SECTION 5.0 FINAL PLAT

5.01 General

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

5.02 Additional Information

The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin State Statutes, the following:

- (A) Setbacks or building lines where deemed necessary by the Town.

(B) All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat. If common property is located within the Plat, then provisions for its use and maintenance must also be provided with the Plat. These lands shall also include any lands set aside as drainage easements. All private roads shall be so indicated on the face of the Plat. All easements shall be shown as per part 7.08(A).

(C) Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.

(D) Maximum Land Disturbance Areas as defined in part 4.05 shall be noted in narrative on the final plat.

5.03 Deed Restriction

Any deed restrictions attached to the subdivision shall be filed with, or placed, on the face of the Final Plat.

5.04 Surveying and Monumenting

A Final Plat shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

5.05 State Plane Coordinate System

Where the Plat is located within a quarter section the corners of which have been relocated, monumented, and coordinated, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section of quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System.

5.06 Certificates

A Final Plat shall provide all the certificates required by Section 236.21, Wisconsin Statutes; and, in addition, the surveyor shall certify that all the provisions of this Ordinance have been fully complied with.

SECTION 6.0 CERTIFIED SURVEY MAP

6.01 General

A Certified Survey Map prepared by a land surveyor registered in Wisconsin shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivisions shall comply with the design standards and the improvement requirements established for Subdivision Plats in the Ordinance.

6.02 Additional Information

The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- (A) Date of map and name and address of the owner, subdivider and surveyor.
- (B) All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
- (C) Names and adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
- (D) Setbacks or building lines where deemed necessary by the Town.
- (E) Floodland and shoreland boundaries and the contour lines lying at 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, at a vertical distance of five (5) feet above the elevation of the maximum flood of record.
- (F) The Town may require such additional information relative to a particular problem presented by a proposed development as is needed to review the Certified Survey Map.

6.03 State Plane Coordinate System

Where the minor subdivision is located within a quarter section the corners of which have been relocated, monumented, and coordinated, the Survey shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter to which the Survey is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System.

6.04 Stormwater Management

A stormwater permit shall be required and all stormwater provisions of the La Crosse County Stormwater Ordinance shall apply to all proposed land development activity on lands within the boundaries and jurisdiction of La Crosse County that may ultimately result in the addition of .5 acres or more of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times.

6.05 Certificates

The surveyor shall certify on the face of the map that all provisions of this Ordinance have been fully complied with.

SECTION 7.0 DESIGN STANDARDS

7.01 Street Arrangement

The subdivider shall dedicate land for and improve streets as provided herein. Street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses, and public convenience and safety. The subdivision shall be so designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangements in all proposed subdivisions. No building permit shall be issued unless the parcel has at least 40 feet of access onto a paved Town, County or State road.

(A) Arterial streets shall be arranged so as to provide ready access to centers of employment; high density residential areas; centers of government activity, community shopping areas; community recreation; and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(B) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. Driveway access shall be kept to a minimum or grouped to decrease the number of access points.

(C) Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(D) Proposed streets shall extend to the boundary lines of the tract being subdivided unless, in the opinion of the Town, such extension is prevented by topography or other physical conditions or necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of at least 35 feet roadway radius, with the 50 feet temporary limited easement radius required to accommodate any area of the turnaround that extends beyond the minimum street right-of-way required in section 7.03. Such easement shall remain in place until the street is extended and the temporary turnaround is no longer needed. (See Appendix A for detailed diagram)

(E) Arterial streets and highway protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through traffic and local traffic shall be provided.

(F) Reserve strips controlling access to streets or alleys shall be prohibited except where their control is placed with the Town or County.

(G) Alleys may be required in commercial and industrial districts to provide off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved, and alleys shall not connect to a Federal, State or County Highway.

(H) Street names shall not duplicate or be similar to existing street names in the County, and existing street names shall be projected or continued wherever possible. Long or continuous thoroughfares running North and South shall be named Avenues; those running East and West shall be named Streets; diagonal thoroughfares shall be named Roads; and curving thoroughfares shall be named Drives. Short and non-continuous thoroughfares running North and South shall be named Courts; those running East and West shall be named Places.

7.02 Limited Access Highway and Railroad Right-of-Way Treatment

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(A) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the Plat: "This strip reserved for the planting of trees and shrubs and the building of all structures, excepting public or private utility structures, hereon is prohibited."

(B) Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad, but not less than 150 feet.

(C) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of grades by means of appropriate approach gradients.

(D) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad right-of-way shall be avoided in residential areas.

7.03 Street Design Standards

(A) Right-of-way. The minimum right-of-way of all proposed streets and alleys, public or private, shall be as specified by the adopted Comprehensive Plan; or if no width is specified therein, the minimum width shall be as follows:

<u>Type of Street</u>	<u>Minimum Right-of-Way</u>
Arterial Streets	120 feet
Collector Streets	80 feet
Minor Streets	66 feet
Frontage Streets	45 feet
Minor Streets	49.5 feet

(B) Minimum standards. All new subdivision roads and bridges, public or private, shall comply with the following minimum standards:

<u>Design ADT</u>	<u>Roadway Width</u>	<u>Surface Width</u>	<u>Bridge Design</u>	<u>Bridge Width</u>
Under 100 ADT	26 feet	22 feet	H-15	28 feet
100-250 ADT	28 feet	24 feet	H-15	28 feet
251-400 ADT	32 feet	24 feet	H-20	30 feet
401-1000 ADT	34 feet	24 feet	H-20	30 feet
1001-2400 ADT	44 feet	24 feet	H-20	44 feet
Over 2400 ADT	State Trunk Standards			

(C) Street construction. Each site shall include a pavement design report to be reviewed and approved by the Town Engineer. The pavement shall be set based upon the report. In addition, commercial and industrial street construction shall be based on a traffic analysis reviewed and approved by the Town Engineer. Minimum standards are as follows (also refer to diagram in Appendix B):

- (1) Minimum Residential streets (in sandy soil):
 - a. 9” compacted sand subbase
 - b. minimum 9” crushed aggregate compacted to 6” base and shoulders
 - c. base must be approved by the Town before asphaltic is applied
 - d. 2½ ” to 3” compacted asphaltic concrete pavement (in two lifts)
 - e. All slopes and ditches are to be stabilized according to the erosion control plan approved by the County Department of Land Conservation.

- (2) Minimum Commercial and Industrial streets:
 - a. 9-12” compacted sand subbase
 - b. minimum 9” crushed aggregate compacted to 6” base and shoulders
 - c. base must be approved by the Town before asphaltic is applied

- d. 4" compacted asphaltic concrete pavement (in two lifts)
- e. All slopes and ditches are to be stabilized according to the erosion control plan approved by the County Department of Land Conservation.

(D) Shoulder width & thickness. Shoulder width shall be a minimum of two feet wide on each side and wider when required by the Town Engineer or by the "Town Road Standards" as noted in Wisconsin Statutes Section 82.50.

(E) Culverts.

(1) Street culverts shall be constructed and sized as directed by the La Crosse County Department of Land Conservation. All culverts shall be provided with concrete or metal aprons.

(2) Driveway culverts shall be sized as directed by the Town Inspector. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and provided with concrete or metal endwalls.

(3) Where the height of driveway fill to the top of the drive is 3 feet or less culverts shall be of a length adequate to provide for fill slopes of no steeper than 3:1. For fill in excess of 3 feet the initial fill material may be placed at 2.5:1 with the final 3 feet to be placed at 3:1. The slope of all fill material within the right-of-way shall be stabilized within 14 days after being placed, or earlier if required by the county's erosion control plan.

(4) Head walls are not allowed.

(F) Cul-de-sac streets. Cul-de-sac streets are discouraged and shall be granted only if the use of a cul-de-sac street is necessary to overcome limitations imposed by the physical characteristics of the land. All cul-de-sacs shall incorporate recessed landscape areas to reduce their impervious cover and provide for stormwater and snow melt storage. (See Appendix C). If cul-de-sac streets are used, they shall be designed to not normally exceed 750 feet in length. Such streets shall terminate in a circular turn-around having a minimum right-of-way diameter of 100 feet and a minimum road-way diameter of 70 feet. A reversed curve shall be introduced on the right-of-way at a minimum distance of 25 feet preceding the circular curve. All cul-de-sac streets shall have a ditch slope not to exceed 3:1, flat ditch bottom at least 3' wide and ditch bottom elevation at least 2' lower than nearest pavement elevation. Preference shall be given to alternative turnaround designs such as T-shaped turnarounds or loop roads. No parking shall be allowed on turnarounds. T-shaped turnarounds shall not be located on streets longer than 350 feet in length.

(G) Street grades.

(1) Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public-way shall not exceed the following:

Arterial Streets:	6 percent
Collector Streets:	8 percent
Minor & Frontage Streets:	8 percent (or variances)

(2) The maximum town road grade shall be no greater than 4% within 150 feet of an intersection on all newly constructed roadways that are proposed to be stop or yield controlled or potentially may be stop or yield controlled at some time in the future.

(3) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of topography. All changes in street grades shall be connected by vertical parabolic curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.

(H) Radii of curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial Streets and Highways	500 feet
Collector Streets	300 feet
Minor Streets	100 feet

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(I) Roundabouts. Roundabouts and traffic circles should be considered as alternative intersection designs at all intersections on arterial and collector streets.

(J) Half streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets shall not be permitted.

7.04 Street Intersections

Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Town Board.

(A) Intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1200 feet.

(B) Street jogs with centerline offsets of less than 125 feet shall not be approved.

7.05 Blocks

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and topography.

(A) Length. Blocks in residential areas shall not as a general rule be less than 700 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography of other limiting factors.

(B) Pedestrian ways. Pedestrian ways may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town to provide adequate pedestrian circulation or access to schools, shopping centers, churches, transportation facilities, or recreation facilities. Pedestrian ways may not be less than 6 feet in width and located on an easement not less than 10' in width. They shall be constructed of Town approved materials [see Section 8.3(c)]

(C) Width. Blocks shall have sufficient width to provide two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic, public grounds, railroad rights-of-way, shoreline of waterways, corporate boundaries or except as may be necessary due to extreme topography. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service parking required by the use contemplated and the area zoning provisions for such use.

7.06 Lots

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated, but no lot shall be less than 22,000 square feet in area. Compliance with this subsection in no way obviates the need for the subdivider to comply with provisions of the County Zoning Ordinance.

(A) Side lot lines shall generally be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(B) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(C) Access. Every lot shall front or abut for a distance of at least forty (40) feet on a public street and shall not be less than one hundred (100) feet in width at the building setback line.

(D) Area and dimensions of all lots shall conform to the requirements of the County Zoning Ordinance or Town Ordinance, whichever is more restrictive, and those building sites not served by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the County Sanitary Ordinance.

(E) Floodlands. No lot one (1) acre or less in area shall include floodlands. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of 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.

(F) Shoreland shall not be divided into building sites which are to be served by deep soil absorption waste disposal systems.

(G) Each lot shall have 50% of its required lot area or 20,000 square feet, whichever is less, in slopes of less than fifteen (15) percent, prior to any earth movements.

(H) Whenever a tract is subdivided into parcels, five acres or less in area and more than twice the minimum lot area required for the zoning district in which such parcel is located, the Town Board may require such parcels to be arranged and dimensioned so as to allow re-subdivision of any such parcels in accordance with the provisions of this Ordinance and the County Zoning Ordinance.

(I) Depth. Lot shall have a minimum depth of one hundred fifty (150) feet. Lots that abut County, State or Federal Highways shall have a minimum depth of two hundred (200) feet.

7.07 Building Setback Lines

Building setback lines, appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the zoning district in which the Plat is located, may be required by the Town Board.

7.08 Easements

(A) The Town Board may require easements of width deemed adequate for the intended purpose on the property side of front lot lines, on each side of all rear lot lines, on each side of all lot lines or across lots where necessary or advisable for electric power and communication facilities; storm sanitary sewers; water mains; gas lines; and any other utility line. All easements shall be noted on the Final Plat.

(B) Drainage easements. Where a subdivision is traversed by a drainageway or stream, an adequate easement shall be provided as may be required by the Town Board. The location, size, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Board.

(C) All drainage easements shall have inspection and maintenance plans including the entity responsible for the maintenance. Each landowner is responsible for any drainage easements located within that landowner's lot.

7.09 Public Sites and Open Space

(A) In the design of the Plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Consideration shall also be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(B) Each subdivision of land will include:

- (1) Ample park space for the type of park as described in D below OR
- (2) Preservation of green space/open space through cluster/conservation development as defined in Section 8.0 of this ordinance
- (3) Exception: It is the goal of this ordinance to maintain open space or park space. However, in rare instances due to the topography of the land, etc. where neither of the two options are available, a variance may be granted as follows:

When neither parkland nor open space is dedicated, the developer may contribute a cash payment in lieu of land at a rate as prescribed by the Board for each dwelling unit. The fee imposed shall be set annually and shall be used only for acquisition or capital improvement of parks, playgrounds, schools or other public recreational uses. The Town shall place any fee collected pursuant to the provisions of this section in a fund which may be used for any park purpose within the Town, including land acquisition and development of adequate park, playground, school, recreation and open space to meet the needs created by the land division, subdivision or commercial development.

(C) The Preliminary Plat should include the design of the park and/or open space and joint access to open space in its plans when presented to the Plan Commission and Town Board.

(D) If park space is being developed in the Plat, then all land divisions and subdivisions shall be required to dedicate developable land to the Town for park, playground, open space, school sites, or other specific public recreational uses deemed desirable by the Town Board, at a rate of 0.04 acres (1,742 square feet) per dwelling or

commercial building. The Town Board, upon the recommendations of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainage ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(E) When parklands are dedicated, the subdivider shall, if necessary, grade and contour for proper drainage, provide surface contour suitable for anticipated use of the area and establish suitable vegetation. When deemed necessary by the Town Board, the subdivider shall install 6" topsoil.

(F) When open space(s) is dedicated through either cluster or conservation subdivisions, the subdivider shall designate, dedicate, reserve or restrict in perpetuity the land from further development so that it will be set aside for the use and enjoyment by residents of the development or for agricultural purposes. Subdivisions that meet the definition of a cluster or conservation subdivision per section 8.0 of this ordinance will not be required to provide park land as described in sections D and E above. The open space that is being preserved in the cluster or conservation development must have some type of accessibility for residents and/or farming equipment to access the open space.

7.10 Erosion Control & Stormwater

All erosion control and stormwater practices shall be enforced according to the Department of Land Conservation standards and specifications. A stormwater permit shall be required and all stormwater provisions of the La Crosse County Stormwater Ordinance shall apply to all proposed land development activity on lands within the boundaries and jurisdiction of La Crosse County.

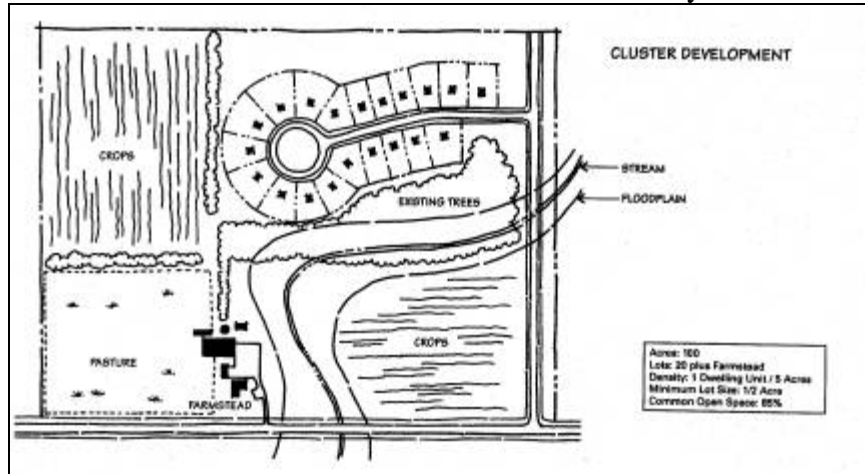
SECTION 8.0 OPEN SPACE & CONSERVATION/CLUSTER DEVELOPMENT

8.1 General Information

This section is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development. Conservation Subdivisions are the preferred method for subdividing large tracts of land in the Town of Holland unless the Planning Commission and Town Board have agreed otherwise for special circumstances.

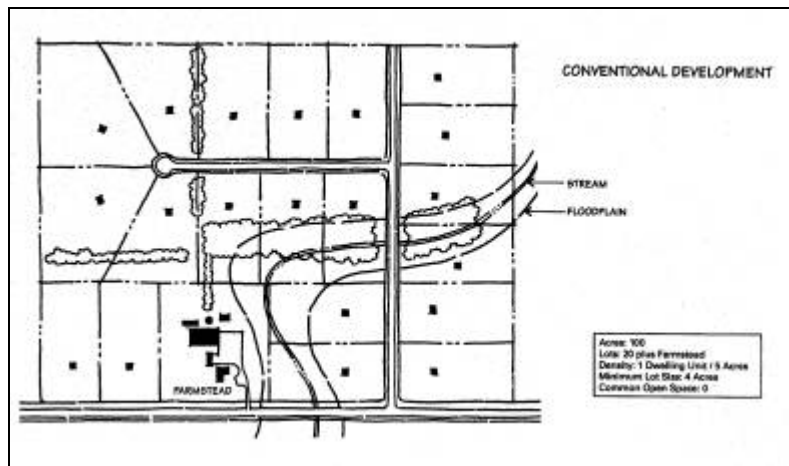
The regulations in this section shall be followed wherever conservation subdivisions are encouraged in the Town's Comprehensive Plan. All provisions of this section and all provisions of this Ordinance not in conflict with this section shall apply to any conservation subdivision.

Figure 1: Preferred Method of Conservation Subdivision Layout



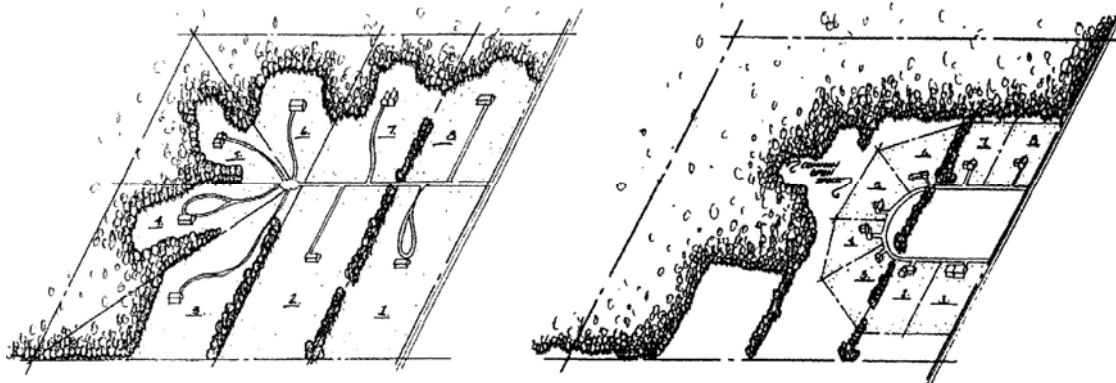
Source: SEWRPC. 2002. Model Zoning Ordinance For Rural Cluster Development
www.sewrpc.org/modelordinances/default.htm

Figure 2: Poor method of development



Source: SEWRPC. 2002. Model Zoning Ordinance For Rural Cluster development
www.sewrpc.org/modelordinances/default.htm

Figure 3: “Old way” Conventional Subdivision Preferred Conservation Subdivision



8.2 Definitions

(A) **COMMON OPEN SPACE:** Undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common Open space shall not be a part of individual residential lots. It shall be substantially free of structures, but may contain historical structures an archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a Stewardship Plan shall be prepared for the open space.

(B) **CONSERVATION EASEMENT:** A non-possessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in Wis. Stats. §700.40 (Uniform Conservation Easement Act) and Section 170(h) of the Internal Revenue Code.

(C) **HOMEOWNERS' ASSOCIATION:** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property.

(D) **NON-PROFIT CONSERVATION ORGANIZATION:** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protection the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreation or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

(E) **STEWARDSHIP PLAN:** A comprehensive management plan for the long term enhance and sustainability of natural ecosystems (uplands – including forests, prairies, meadows, wetlands, shorelands, river systems and similar ecosystems). Such plans shall include but not be limited to management goals, monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.

8.3 Ownership and Maintenance of Common Open Space

To ensure adequate planning for ownership, operation and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets and other common community facilities, the following methods may be used, either alone or in combination, in ownership of common open space. Common facilities 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 common open space.

Natural and open space areas shall be maintained in perpetuity and shall not be improved with any buildings or structures unless approved by the Town and where such buildings or structures will not negatively impact the natural and open space areas. This restriction shall run with the land and be binding on future owners, successors and assigns of the grantee.

(A) **HOMEOWNERS' ASSOCIATION:** Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners' association, subject to the provisions set forth herein. The application shall provide to the Town a description of the association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. The association shall be established by the owner or application and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns. The association shall be responsible for maintenance and insurance of common facilities. The members of the organization shall share equitably the costs of maintaining, insuring and operating common facilities. The organization shall have adequate means of maintaining common open space. The application for any conservation design subdivision proposed to contain common open space shall arrange with the Town Assessor a method of assessment of the common facilities that will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities must be given to all members of the organization and to the Town at least 30 days prior to such event.

(B) **CONDOMINIUM AGREEMENTS:** Common open space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the Town and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All common open space and other common facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.

(C) **DEDICATION OF CONSERVATION EASEMENTS TO A PUBLIC AGENCY:** The Town, or other public agency acceptable to the Town, may but shall not be required to accept easements for public use of any portion of the common open space, title of which is to remain in private ownership, provided that:

- (1) There is no cost of easement acquisition, 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 Town.
- (3) Lands under a Town easement must be accessible to residents of the Town.

(D) **DEDICATION TO A NONPROFIT CONSERVATION ORGANIZATION:** With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a non-profit conservation organization, provided that:

- (1) The organization is acceptable to the Town Board.
- (2) The conveyance contains appropriate provisions for proper reverting or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
- (3) A maintenance agreement acceptable to the Town Board is established between the owner and the organization.

(E) **OWNERSHIP RETAINED BY THE ORIGINAL LANDOWNER:** Ownership of common open space and facilities may be retained by the original landowner provided that:

- (1) The town and residents of the development shall hold conservation easements on the land protecting it from 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.

(F) **OTHER ACCEPTED METHODS:** A plan and narrative for the use, maintenance and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to preliminary plat approval. Such plans 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 long term management of open space lands. A draft land stewardship plan shall be submitted with a preliminary plat, and a final plan shall be submitted with the final plat.

(G) **LEASING OF COMMON OPEN SPACE LANDS:** Common open space lands may be leased to another person or other entity for use, operation and maintenance, provided that:

- (1) 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.
- (2) The common open space lands to be leased shall be maintained for the purposes set forth in this section.
- (3) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.

- (4) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
- (5) 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 filed with the Town Clerk.

(H) **CONSERVATION:** Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement or other agreements in a form acceptable to the Town Board and duly recorded in the office of the County Register of Deeds. The legal instruments detailing the ownership of the open space shall be submitted with the preliminary plat and shall be recorded with the Register of Deeds upon final plat approval.

(I) **STEWARDSHIP PLAN:** Every conservation design development must include a plan that provides a means to properly manage dedicated open space in perpetuity and the long-term means to properly manage and maintain all dedicated open space. The plan shall be approved as part of the applicable development review process. The plan shall be in textual form and may include graphic renderings. The plan shall provide specific details and methods regarding the preservation, re-establishment, maintenance and management of open areas and natural resources in perpetuity on the subject site. It shall be in a format that is easily understood and shall identify specific tasks which must be completed in order to ensure the viability of current and future resources on the site. It shall allocate responsibility and guidelines for performing said tasks, and shall include provisions for long-term capital improvements. It shall also serve as an educational resource for future residents and property owners. The plan shall do the following:

- (1) Designate the ownership of natural features and dedicated open space.
- (2) Establish necessary regular and periodic operation and management responsibilities.
- (3) Estimate staffing needs, insurance and other associated costs and define the means for funding these on an on-going basis.
- (4) Allocate responsibility and guidelines for the maintenance and operation of the dedicated open space and any facilities located thereon, including provisions for ongoing maintenance and long term capital improvement.
- (5) Estimate the cost and staffing requirements needed for maintenance and operation of, and insurance for, the dedicated open space and describe the means by which such funding will be obtained or provided.
- (6) Provide that the plan shall not be changed without the approval of the Town and describe how the plan will be enforced.

8.4 Failure to Maintain Open Space

In the event that the organization established to own or manage the Common Open Space and/or Common Facilities, or any successor organization, fails to manage all or any portion of the Common Open Space and/or Common Facilities in reasonable order and condition in accordance with the management plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the Common Open Space and/or Common Facilities, setting

forth the manner in which the organization has failed to manage the Common Open Space and/or Common Facilities in reasonable condition. 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 organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action after 15 days written notice.

In the event the party responsible for maintenance of the dedicated open space fails to maintain all or any portion of it in reasonable order and condition, the Town may assume responsibility for its maintenance. The costs of corrective action by the Town shall be charged against the properties within the subdivision as a special charge pursuant to sec. 66.0627, Wis. Stats., or through any other method allowed by law and shall become a lien on said properties.

8.5 Required Minimum Common Open Space

Common Open Space shall be designated as part of the development. The minimum required Common Open Space is 35% of the gross acreage. The following areas will not be included as part of the required minimum common open space: road right-of-ways, retention ponds, utility easements, drainage easements, etc.

8.6 Density Bonus(es) and Fee Reductions

The more land that is preserved as common open space, the more the developer will be allowed increase density per the table below. The increase in density will be from the original land use designations.

Total Amount of Open Space Area	Allowable Increase in Density
35% - 39%	3%
40% - 49%	6%
50% - 59%	9%
60% - 69%	12%
70% and above	15%

After the review of the preliminary plat, the total fee for the final plat review will be reduced as follows for the developer providing some of the traits listed below that the Town feels are desirable:

Design Feature	Reduction in Final Plat Fees
Porous Payment	Up to 50%
Planting/Preserving of Native Vegetation	Up to 20%
Connecting Open Spaces to Existing Ones	Up to 20%
75% of Lots Abut Open Space on at Least One Side	Up to 20%
Rain Barrels and Rain Gardens	Up to 10%
Providing Recreation Materials and Enhancements	Up to 20%
Combinations of or additions to the above, or other innovative designs consistent with the goals of this section	Subject to a Case-by-Case Basis up to 100%

SECTION 9.0 REQUIRED IMPROVEMENT

9.01 Survey Monuments

Before Final Plat approval, the subdivider shall have installed, by a registered land surveyor, monuments in accordance with the current requirements of the Wisconsin State Statutes and as may be required by the Town Board.

9.02 Grading

After the installation of temporary block corner monuments by the subdivided and establishment of street grades by the Town Board, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance by the Town Board. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

9.03 Surfacing

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways including shoulders as prescribed in section 7.03 of this Ordinance. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Board.

9.04 Curb and Gutter

The subdivider shall construct concrete curbs and gutters, if required, in accordance with the plans and standard specifications approved by the Town Board.

9.05 Street Cross Sections

When permanent street cross sections have been approved by the Town Board, the County Highway Commission or the State Department of Transportation, as appropriate, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Board.

9.06 Sewage Disposal System

All lots in the Town shall be served by onsite disposal systems authorized under the County Sanitary Ordinance.

9.07 Storm Water Drainage Facilities

The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required by either the Town Board or the County Department of Land Conservation. All such facilities are to be of adequate size and grade to hydraulically accommodate the ten year frequency storm; drainage shall be designed to accommodate the ten year frequency storm and shall be sized so that the 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, storm water swales and ditches may be sized from 25 to 100 year, 24-hour duration, frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur.

All stormwater facilities shall be designed to meet the water quality standards of NR 151. A stormwater permit shall be required and all stormwater provisions of the La Crosse County Stormwater Ordinance shall apply to all proposed land development activity on lands within the boundaries and jurisdiction of La Crosse County.

Storm drainage facilities shall be so designed as to present no hazard to life or property; minimize shoreland erosion and siltation of surface waters; shall prevent excess run-off on adjacent property; and shall provide positive drainage away from on-site sewage disposal facilities. Stormwater shall not be discharged at a velocity to cause off-site erosion. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board upon recommendation of the Department of Land Conservation. The subdivider shall put in fencing at his expense if required by the Town.

9.08 Other Facilities

The subdivider shall cause electrical power and telephone facilities, and if available and desirable, cable and gas, to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, cable or telephone service

shall be located on overhead poles unless otherwise allowed by the Town Board due to exceptional topography or other physical barrier.

Plans indicating the proposed location of all gas, electrical power, cable and telephone distribution and transmission lines required to service the Plat shall be approved by the Town Board.

9.09 Street Lamps

The subdivider shall install and pay for street lamps at intersections of all streets that feed onto County or State roads or at other intersection as the Town Board determines necessary or desirable. Such lamps shall be fully-shielded or full cutoff fixtures.

9.10 Street Signs

Street signs shall be installed by the Town, at the cost of the subdivider.

9.11 Non-motorized postings

Signs identifying walking/bike trails specifying that only “non-motorized vehicles allowed” shall be installed either by the subdivider or by the Town (at the cost of the subdivider).

9.12 Subdivision Sign(s)

The subdivider may design and install a sign identifying the subdivision’s official name at the street entrance(s). Ground-mounted, identity monument signs shall be placed on wall panels with a solid base constructed of acceptable materials, which include: stone, brick or metal. The size of the wall panel and base shall not exceed thirty-two (32) square feet. Ground-mounted signs shall include a landscaped setting of ornamental shrubs, flowers, ground cover or a combination of the three, in an area a minimum of two times the area of the overall sign structure. Identity signs shall be approved by the Town Board so as to promote a harmonious appearance.

If lighting is desired, signs must be illuminated from above with the lighting source hidden from view from the street. Individual letters may be illuminated through back lighting consistent with the Town of Holland Sign Ordinance.

9.13 Erosion Control

No cuts shall exceed 2:1 slopes and no fills shall exceed 3:1 slopes unless prior approval is granted by the Town Board. Road layout shall conform to topography insofar as practical subject to Town Board approval. All cuts, fills, and exposed areas shall be established to vegetation or otherwise protected according to the Department of Land Conservation standards and specifications. The Town Board shall establish time frames for installing conservation practices specified in the soil and water conservation plan prepared under subsection 4.06 of this Ordinance.

9.14 Contract Requirements for Installation of Improvements

Prior to final approval of a Plat, the Town may require the subdivider to enter into a contract with the Town agreeing to install all required improvements. The subdivider shall file with said contract a bond, certificate of deposit, irrevocable letter of credit, certified check or other security in an amount equal to the estimate or the cost determined by the Town Board as a guarantee that such improvements will be completed by the subdivider not later than eighteen (18) months from the date of recording of the Plat. Governmental units to which these bond and guarantee provisions apply may file in lieu of said contract, a letter from officers authorized to act on its behalf, agreeing to comply with the provisions of this section (see Residential Developer's Agreement, Appendix D).

9.15 Acceptance of Improvements

After the subdivider has installed all required improvements, the subdivider shall notify the Town in writing that the work is complete and ready for final inspection. The Town Engineer shall inspect the improvements and forward a letter to the Town indicating approval or disapproval. When the improvements have been approved by the Town Engineer, the clerk will prepare a final billing for engineering, inspection and legal fees and submit it to the subdivider for payment. In addition, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owed to any surveyor, mechanic, subcontractor, material suppliers or laborer.

SECTION 10.0 CONSTRUCTION

10.01 Commencement

No building permits will be issued in any proposed subdivision until the final plat has been approved by the Town Board.

10.02 Building Permits

No land-use permit and/or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

10.03 Access

The Town Building Inspector and the Town Engineer shall have access to premises and structures during reasonable hours to make those inspections necessary to ensure compliance with this Ordinance. If, however, the inspector is refused entry after presentation of identification, a special inspection warrant in accordance with Wisconsin Statutes may be procured.

10.04 Construction Practices

(A) Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.

(B) Earth movements, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, ditching, drain tile laying, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, and topography.

Review of such cutting, clearing and movement may be requested by the Department of Land Conservation or other persons or agencies deemed appropriate by the Town.

10.05 Noise

The Town of Holland Noise Ordinance may apply to activities involving the operation of construction equipment.

SECTION 11.0 SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 12.0 REPEAL

Except as provided herein, any ordinances not in conformity with this ordinance or heretofore enacted on the same subject matter are hereby repealed.

SECTION 13.0 EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 7th day of May, 2008.

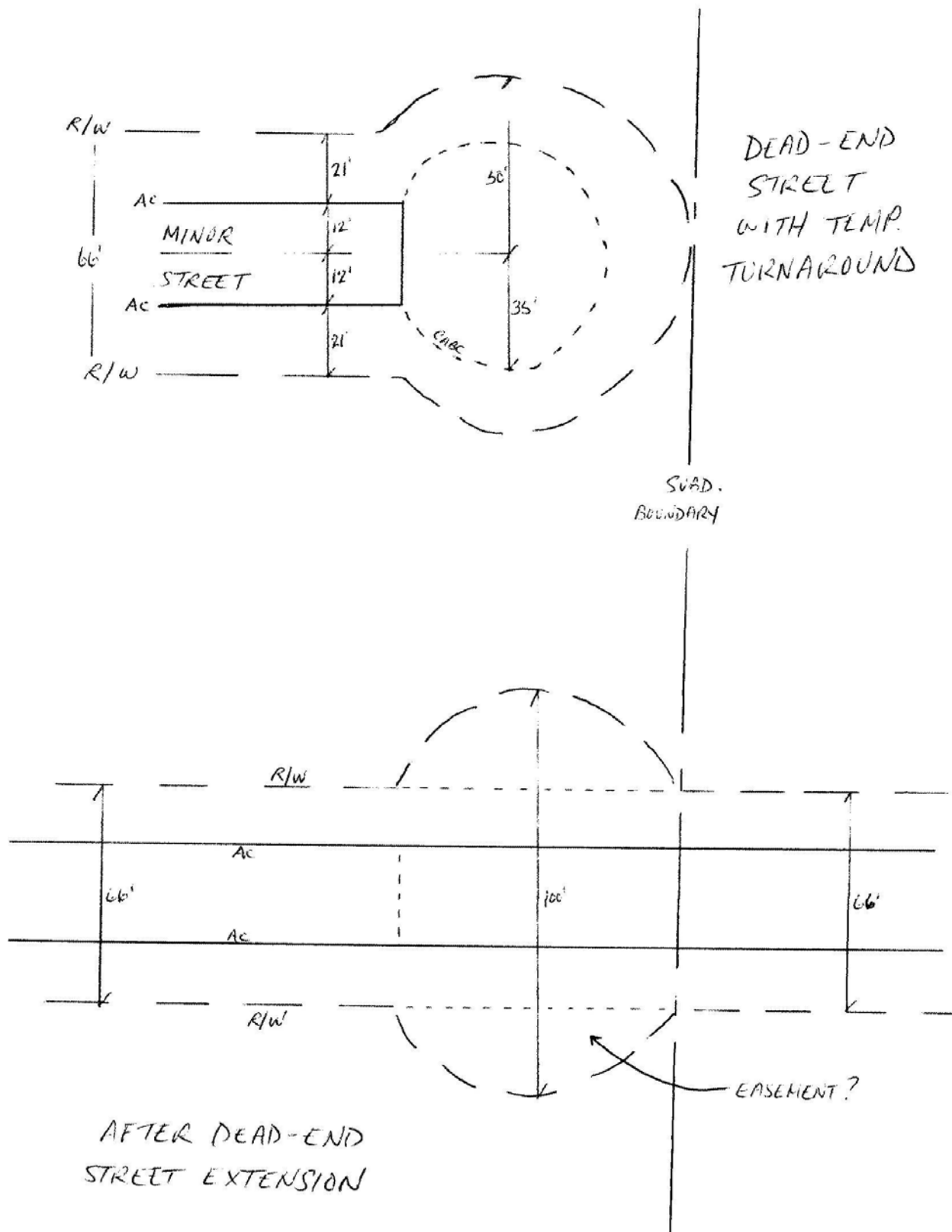
George Hammes, Town Chairman

Attest:
Marilyn Pedretti
Town Clerk

Date Published: 5/16/08

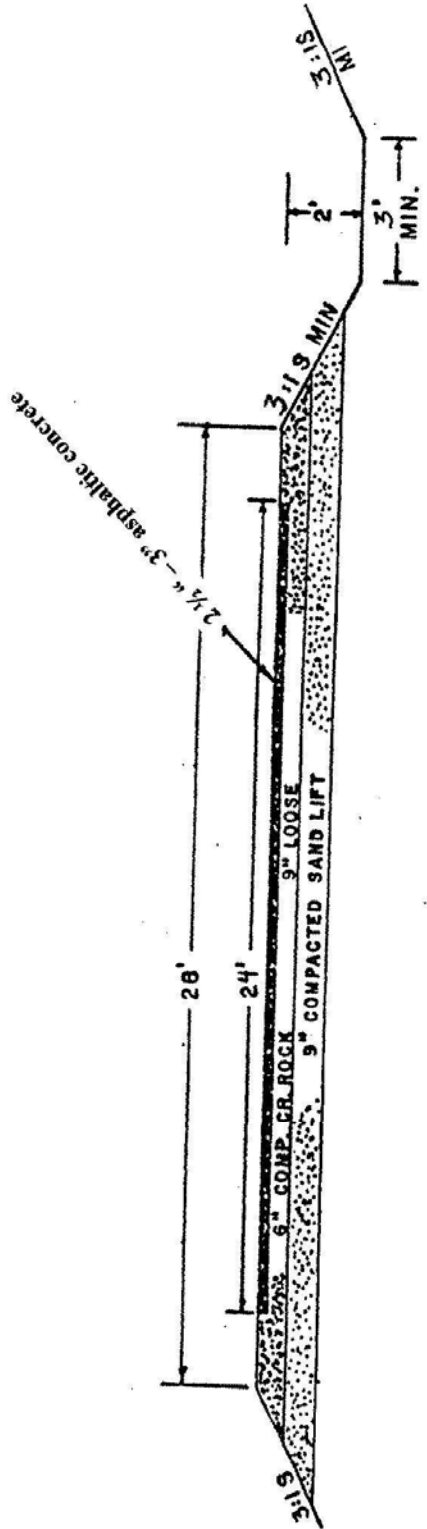
Appendix A-D following

APPENDIX A



APPENDIX B

TOWN OF HOLLAND
ROAD REQUIREMENTS

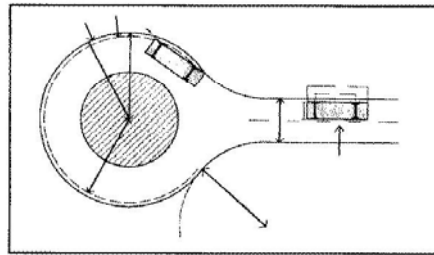


TYPICAL SECTION

ALL SLOPES AND DITCHES TO BE
SEEDED ACCORDING TO COUNTY
HIGHWAY PLANS AND SPECIFICATION

APPENDIX C

Cul-de-Sac Design



Description

Careful cul-de-sac design can greatly reduce the amount of impervious surface in subdivisions. To do this, cul-de-sacs (also called turn-arounds or dead-ends) should use the smallest practical radius. A 40-foot turning radius will accommodate turning of most emergency, service, and maintenance vehicles, while a 30-foot radius will require the largest of these vehicles to make one backing movement in order to turn around.

Simply changing the radius from 40 feet to 30 feet can reduce the impervious coverage by about 50 percent (Schueler, 1995).

Additionally, a landscaped island can be created in the center of the cul-de-sac, where driving does not occur. This island can be designed as a depression to accept stormwater runoff from the surrounding pavement, thus furthering infiltration. A flat apron curb will stabilize roadway pavement and allow for runoff to flow into the cul-de-sac's open center.

A T-shaped (or hammerhead) turnaround reduces impervious surface even further—yielding a paved area less than half that of a 30-foot radius turnaround. Since vehicles need to make a three-point turn to drive out, T-shaped turnarounds are most appropriate on streets with ten or fewer homes.

Advantages

- Cul-de-sac designs like those suggested here result in less stormwater runoff requiring management and less impact on downstream water bodies.
- Planted cul-de-sac islands are attractive amenities
- Less paving can lower development costs

Purpose

Water Quantity

- Flow attenuation
- Runoff volume reduction

Water Quality

- Pollution prevention
 - Soil erosion
 - Sediment control
 - Nutrient loading

<input checked="" type="checkbox"/>	Primary design benefit
<input type="checkbox"/>	Secondary design benefit
<input type="checkbox"/>	Little or no design benefit

Cul-de Sac Design

- Reducing pavement lessens the urban heat island effect—the increase in air temperature that can occur when highly developed areas are exposed to the sun.
- Reducing pavement can help reduce the increased runoff temperature commonly associated with impervious cover.

Limitations

- City ordinances may not accommodate small radii cul-de-sacs, due to accommodations for emergency vehicles. (Some older vehicles require very large turning radii.)
- Hammerhead turnarounds require vehicles to make a three-point-turn to drive out.
- In first two to three years, planted islands require more maintenance than paving.

Design

- If traffic volume is low (10 or fewer homes), consider a T-shaped turnaround. A dimension of 20 by 60 feet will accommodate most vehicles. (See Fig. 4)
- Design circular cul-de-sacs with a radius of 30 feet or less whenever possible. (See Fig. 2)
- Include an unpaved, depressed island, using whatever radius will allow a 20-foot-wide road. (See Fig. 3)
- To make turning easier, the pavement at rear of center island may be wider. (See Fig. 2)
- In the island, plant attractive, low-maintenance perennials or shrubs appropriate for the soil and moisture conditions.

Construction

- During paving, care should be taken to avoid compacting soil in center island. Should compaction occur, it may be necessary to rip or till soils to a depth of 2 feet.
- Choose plants that will thrive when rainfall is high, as well as during droughts without watering. See On-Lot Infiltration BMP for plant list.

Maintenance

- Cul-de-sac island planting areas must be weeded monthly during the first two to three years. After that, weeding once or twice a growing season may suffice.

Cul-de-Sac Design

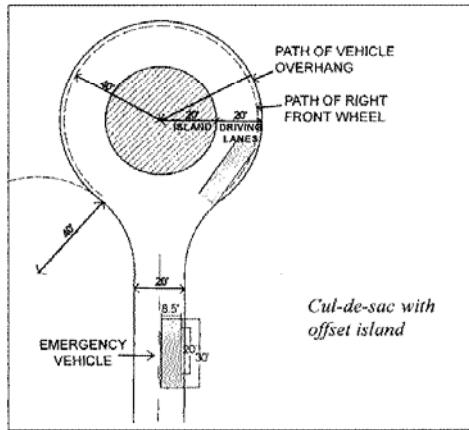


Figure 1

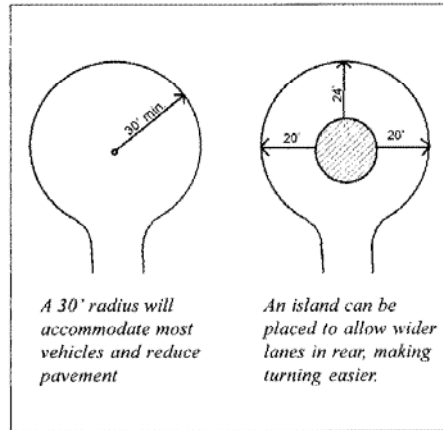


Figure 2

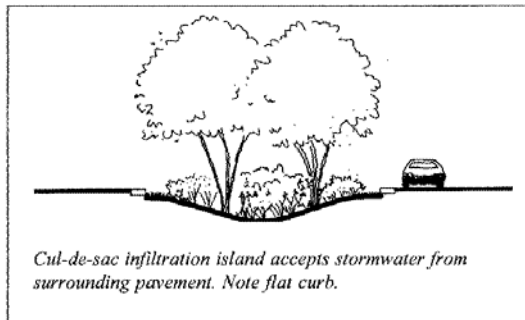


Figure 3

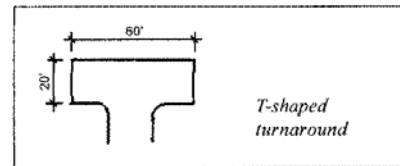


Figure 4

Sources: Adapted from Schueler, 1995, and ASCE, 1990.

Cul-de Sac Design

Sources

1. American Society of Civil Engineers, National Association of Home Builders and Urban Land Institute. 1990. *Residential Streets*. Washington, D.C.
2. Harris, Charles W. and Nicholas T. Dines. 1988. *Time-Saver Standards for Landscape Architecture*. McGraw-Hill, New York.
3. Schueler, Tom. 1995. *Site Planning for Urban Stream Protection*. Center for Watershed Protection, Silver Spring, MD.
4. Valley Branch Watershed District. 2000. *Alternative Stormwater Best Management Practices Guidebook*. Lake Elmo, MN.

Town of Holland, Wisconsin

Agreement for By

THIS AGREEMENT, made this ____ day of _____, _____, between the Town of Holland, Wisconsin (TOWN), through the Town Chairman and Clerk, as authorized by the TOWN and (DEVELOPER)

IN CONSIDERATION of the following mutual agreements and covenants, the parties hereby agree as follows:

1. In consideration of the TOWN accepting the plat or development described as _____, the DEVELOPER shall provide storm drainage facilities and street improvements including street lighting, paving, landscaping, and other improvements as specified herein, all in conformance with current TOWN standards, and more specifically outlined in the Special Conditions, Plans and Specifications attached to this Agreement [Exhibit(s) ____].

2. IT IS AGREED that the DEVELOPER will furnish the TOWN with an escrow consisting of a certified check or irrevocable letter of credit in a form approved by the TOWN Attorney in the amount of the estimated cost of the improvements, as a guarantee of performance. It is understood that the funds so deposited or so committed shall guarantee all costs of the improvements specified herein including engineering and inspection expenses.

Reduction in the cash escrow guarantee may be granted upon written request by the DEVELOPER based upon the value of the completed and paid for improvements at the time of the requested reduction. The TOWN Clerk with input from the Engineer will determine the amount of the reduction.

3. The DEVELOPER shall provide the TOWN with plans and specifications for the required improvements prepared by a Registered Professional Engineer licensed in the State of Wisconsin. The plans and specifications to be prepared in accordance with this agreement are subject to review and written approval by the TOWN Engineer. Upon written approval, said plans and specifications are hereby incorporated and made a part of this Development Agreement. No deviation from the approved plan and specifications will be permitted unless approved in writing by the TOWN Engineer.

4. No work shall commence on the project until written approval of the plans and specifications is obtained and the Development Agreement has been executed including the required insurance and financial guarantees. The DEVELOPER further agrees that written approval and authorization to

proceed shall be secured from the TOWN Chair prior to each of the following construction operations:

- (a) Rough grading.
 - (b) Construction of storm drainage facilities and appurtenances.
 - (c) Construction of aggregate base for streets.
 - (d) Street pavement.
 - (e) Turf and landscaping establishment.
5. The DEVELOPER shall submit, for TOWN approval, a written progress schedule indicating the proposed order of completion of the work covered by this Agreement [Exhibit ____]. Upon approval, said schedule and completion dates are hereby made a part of this agreement. No deviation from this schedule will be permitted unless approved in writing by the TOWN. Upon receipt of written notice from the DEVELOPER of the existence of causes over which the DEVELOPER has no control, the TOWN, at its discretion, may extend the completion date and any financial sureties required shall be continued to cover the work during the extension of time. No construction (including grading) shall start until the schedule is received.
6. The DEVELOPER shall furnish all engineering services for the project, including but not limited to:
- (a) Preparation of complete plans and specifications for the required improvements by a registered Professional Engineer licensed to practice in the State of Wisconsin.
 - (b) Construction administration and supervision to assure compliance with the approved plans and specifications.
 - (c) Full-time resident inspection (inspector to be approved by the TOWN) during all construction operations. No work shall be performed within the public right-of-way unless the inspector is present on the site. **The inspector shall keep daily inspection records, a copy of which must be submitted to the TOWN on a weekly basis.**
 - (d) Meeting with TOWN or providing a written status report on a weekly basis to update the construction status. Failure to inform the TOWN will constitute a violation of this agreement and may be grounds for issuance of a stop work order on the project.
 - (e) Upon completion of work, provide the TOWN with a full set of As-Built for TOWN record, and, also, one computer disk copy in AutoCAD format. Said As-Built Plans shall be submitted within thirty (30) days of final project acceptance by the TOWN.

TOWN will not exercise direct supervision and inspection of the work during the construction operations. The TOWN Chair, or representative, will make periodic inspections of the work and may require certain tests to be made to assure compliance with TOWN standards and the approved plans and specifications. The TOWN will work with the DEVELOPER'S Engineer as the official representative of the DEVELOPER concerning engineering design. The TOWN will work with an independent resident engineer for inspection services and construction engineering.

7. The DEVELOPER agrees that the work shall be completed to the highest quality and performed in a skilled manner and that all materials and labor shall be in strict conformity with the approved plans and specifications and improvement standards of the TOWN. All materials, labor and workmanship

shall be subject to the inspection and approval of the TOWN. Any materials or labor rejected by the TOWN as defective or unsuitable shall be removed and replaced with approved materials and workmanship to the satisfaction and approval of the TOWN. Said removals and replacements shall be at the sole expense of the DEVELOPER.

8. Upon completion of all the required improvements, the TOWN Engineer (or designated representative), a representative of the Contractor, and a representative of the DEVELOPER'S Engineer, will make a final inspection of the work. Before final payment is made to the contractor by the DEVELOPER, the TOWN Engineer shall be satisfied that all work has been completed in accordance with the approved plans and specifications. The DEVELOPER'S Engineer shall submit a written statement attesting to the same prior to final acceptance by the TOWN.
9. Prior to starting any work the DEVELOPER and/or his Contractor, shall furnish to the TOWN a bond guarantee for the work competed. The DEVELOPER shall supply the TOWN with a copy of the signed contract from the contractor prior to starting any work (including grading). The contract shall include the language:

GUARANTEE

Under this guarantee the Contractor agrees to make good without delay at his own expense any failure of any such work due to fault materials, construction or installation or to the failure of any such equipment to successfully perform all the work put upon it within the limits of the specifications and further shall make good any damage to any part of the work caused by such failure. Owner/ Developer shall provide the TOWN with a five (5) year guarantee for improvements in the following form: A letter of credit shall be furnished to the TOWN by the Owner/Developer for twenty-five (25%) percent of the total cost of improvements, including, but not limited to, roadway construction, utilities, etc., for a period of three (3) years from the date of final acceptance of said improvements by the TOWN. The Owner/Developer shall also provide a lump sum of \$100.00 for each catch basin or storm water facility as part of the same letter of credit for an additional two (2) years.

10. The DEVELOPER shall furnish the TOWN with proof of insurance in the amount as required by the approved specifications covering any public liability or property damage by reason of the operation of the DEVELOPER, or the DEVELOPER'S Contractors' equipment, laborers, and hazard caused by said improvements. No Construction (including grading) may start until proof of insurance is received. Insurance required is as follows:
 1. **INSURANCE REQUIREMENTS**
Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance is the Contractor's responsibility.
 2. **MINIMUM SCOPE OF INSURANCE**
Coverage shall be at least as broad as: Insurance Services Office commercial general liability coverage, "occurrence" form CG 0001. Insurance Service Office form number CA 0001 covering automobile liability, code 1 "any auto" and endorsement CA 0025. Workers' compensation insurance, as required in Wisconsin State Statutes, and employers' liability insurance.

3. MINIMUM LIMITS OF INSURANCE
Contractor shall maintain limits no less than general liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. A combination of primary and excess to meet this limit is acceptable. Automobile liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. Workers' compensation and employers' liability: Workers' compensation limits as required by Wisconsin State Statutes and employers' liability limits of \$500,000 per accident.
4. VERIFICATION OF COVERAGE
The Contractor shall furnish the TOWN with certificates of insurance as evidence of the required coverage. The certificates are to be on the form provided by the TOWN and must be received and approved by the TOWN before work commences. The TOWN reserves the right to require and the Contract shall furnish, complete, certified copies of all required insurance policies, at any time. The form of certificate is included in the Invitation for Bids for this project. The TOWN'S failure to notice or notify the Contractor of any coverage deficiencies that may be apparent in the documents submitted to the TOWN shall not relieve the Contractor of responsibility to provide coverages required in this contract.
11. DEVELOPER shall indemnify, save and hold harmless the TOWN, its officers, employees, agents and representatives, from and against any and all claims, demands, losses, liability, costs (including attorneys fees), or expenses of any kind whatsoever (including any arising under any workers' compensation or other occupational disease law), which arise out of, are connected with, or are attributable to the activities undertaken by the DEVELOPER as provided herein, including such claims, demands, losses, liability, cost or expenses which arise from the deposit, release or discharge by DEVELOPER or DEVELOPER'S officers, employees, agents, representatives or assigns of any hazardous substances, environmental pollution, or sources of environmental pollution, as a result of the project described herein.
12. The DEVELOPER understands and agrees that, except as may be otherwise expressly stated in this agreement, the improvements provided under the terms of this agreement will become public facilities and may be used as are similar public improvements constructed or installed by the TOWN itself. The public improvements provided under this agreement can be utilities, as may be permitted or required by the TOWN, by or on behalf of persons or entities other than the DEVELOPER without payment of consideration to the DEVELOPER, including the reimbursement of costs assumed under this agreement by the DEVELOPER unless otherwise indicated in the special provisions.
13. The DEVELOPER, in consideration of the construction of said improvements hereby admits that such improvements will benefit the subdivision and consents to the levying of special assessments against the subdivision under Chapter 66 of Wisconsin Statutes for the cost of such construction of the improvements. The DEVELOPER hereby waives all special assessment notices and hearing required by Chapter 66 of the Wisconsin Statutes. Special assessments will only be used upon default on the part of the DEVELOPER, or the financial institution providing the financial guarantee, and will be levied to be paid in one year and consist of a lien on the property.

- 14. If for any legal reasons not within the control of the DEVELOPER or the TOWN the project cannot be completed, this agreement shall become void and all cash escrow released, only after all costs incurred by the TOWN have been paid by the DEVELOPER.
- 15. Exhibit(s) ____ attached hereto is/are incorporated into and made a part of this Agreement by reference.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and date first written above.

FOR (DEVELOPER _____)

By: _____

Title: _____

STATE OF WISCONSIN)

) ss:

COUNTY OF LA CROSSE)

Personally came before me this ____ day of _____, _____, the above-named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, _____
My Commission expires _____

FOR: TOWN OF HOLLAND

By: _____

Town Chair

By: _____

Town Clerk

Approved as to form:

Town Attorney

STATE OF WISCONSIN)

) ss:

COUNTY OF LA CROSSE)

Personally came before me this ____ day of _____, _____, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, La Crosse County, Wisconsin
My Commission expires: _____

ACKNOWLEDGMENT: (Financial Institution)

By: _____

Title: _____

ACKNOWLEDGMENT: (DEVELOPER'S Engineer)

By: _____

Title: _____