TOWN OF NEW GLARUS PLAN COMMISSION MEETING THURSDAY, FEBRUARY 16, 2023, 6:00 PM AGENDA

Join by Zoom: https://us06web.zoom.us/j/85774789653?pwd=c0VSbU1vTFpIUnQ0RnpBN2ZiYklrUT09

New Glarus Town Hall DATE: Thursday, February 16, 2023

26 5th Avenue TIME: 6:00 PM

New Glarus, WI 53574

NOTICE IS HEREBY GIVEN that Town of New Glarus Plan Commission, County of Green, may act on the following matters if any required public hearing has been held:

- 1. Call to Order/Confirm Proper Proof of Posting
- 2. Approve Minutes from January 19, 2023
- 3. Concept Plan for STH 39 Property Under Consideration by Green County Highway Department
- 4. Updates from Ad-Hoc Subcommittee and Board Review of Ad-Hoc Recommendations
 - a) Concept Plan of STH 39 property
 - b) Progress for Knowles-Nelson Stewardship Grant application
- 5. Update Regarding Natural Heritage Inventory (NHI) Determination by Wisconsin Department of Natural Resources and any Restrictions on the Development for the Hustad Valley Road Property Owned by Collin Legler
- 6. Municipal Buildings in Open Space Language Recommendations
 - a) Add "municipal use" and/or "public use" to the definitions within 110-5
 - b) Open space definition: include specific public or municipal uses
- 7. Update on Holmes Draft Final Plat
- 8. Clarification of Town Process for Development Potential Questions
- 9. Adjourn

Pursuant to applicable law, notice is hereby given that a quorum or a majority of the New Glarus Town Board Members may attend this meeting. Information presented at this meeting may help form the rationale behind future actions that may be taken by the Town of New Glarus Board. Persons requiring additional services to participate in a public meeting may contact the Town Clerk for assistance at 527-2390.

Posted: 2/09/2023 New Glarus Town Hall Chris Narveson, Chair

New Glarus Maintenance

New Glarus Post Office

https://townofnewglarus.com/

Town of New Glarus Plan Commission

Tim Schleeper, Plan Administration

John Wright, Clerk-Treasurer

TOWN OF NEW GLARUS

PLAN COMMISSION MEETING THURSDAY, JANUARY 19, 2023 MINUTES

Members Attending: Chris Narveson: Chair; John Freitag, Craig Galhouse, Mark Pernitz, Robert Elkins, John Ott (virtually, departed at 7:28 PM), and Reg Reis

Absent: John Freitag (excused)

Also Attending: John Wright: Clerk-Treasurer; Tim Schleeper (virtually): planner, Vierbicher Associates; Bob Talarczyk: surveyor; Tom Myers/Paula and Collin Legler (departed at 6:54 PM): developers for Hustad Valley Road property; and Dale Hustad: Town of New Glarus resident

- 1. **Call to Order and Proof of Posting**: Chair Narveson called the meeting to order at 6:00 PM. Clerk-Treasurer Wright attested to proper proof of posting.
- 2. **Approve Minutes**: <u>Motion to approve</u> the meeting minutes from December 15, 2022, as presented, was made by Commissioner Elkins; <u>second</u> by Commissioner Pernitz. <u>Motion carried</u> 6-0.
- 3. Review and Possibly Recommend 4-Lot Cluster Division of Property by CSM to Town Board for Consideration and Approval for Klitzke Land on Legler Valley Road Surveyor Talarczyk stated that a revised concept and/or certified survey map (CSM) is not available at this time. Previously, this body had recommended the Town Board consider approval of a 3-lot CSM after a duly noticed public hearing. No action or further discussion took place at this time.
- 4. Review and Possibly Recommend 3-Lot Cluster Division of Property by CSM to Town Board for Consideration and Approval for Myers/Legler Land on Hustad Valley Road Town resident Dale Hustad, whose property abuts the subject property, is concerned that a cul-desac road is proposed instead of a through road for a property with the development potential of up to seven cluster lots. Chair Narveson noted that a through road is often preferred, but is not always practicable from an engineering approach or affordable based upon the marketability of future lots based upon the cost that would be added. It was noted that any future residential development would be to the southeast and immediately west of the proposed 3-lot cluster. This would preserve most of the arable land as deed-restricted open space. Surveyor Talarczyk noted that the private drive that provides access from Hustad Valley Road to the south has been shortened from what was proposed in the Concept Plan. Also, there is a jog that was added to proposed Lot 1 to accommodate a mound system.

Planner Schleeper introduced additional requirements for the developer per §110-7 of the Town of New Glarus Land Division and Subdivision Chapter for land suitability, protection of existing flora, and areas of special interest. Schleeper noted that the Technical Review Committee was not invoked to convene to review this proposed subdivision of property. There followed a brief discussion regarding the areas within proposed Lot 3 that are within the FEMA FIRM that contain existing buildings. The existing buildings do not require action unless there is a proposal to raze and replace within the same area designated as a floodplain. Schleeper would like the updated draft CSM to include a note that soil limitations will restrict the use of a conventional POWTS.

It was noted that Lot 1 and the east side of Lot 2 may contain areas where slopes exceed 20%. Per §110-9, those slopes cannot be disturbed during the development of the property. The building envelopes may need to be adjusted if it is found that those areas do contain slopes in excess of 20%. Graphically indicating the location of those slopes on the face of the CSM was requested. Now that Lot 2 has changed configuration from that presented in the Concept Plan and abuts Hustad Valley Road to the east, a note should be added to the CSM restricting access to

TOWN OF NEW GLARUS

the Lot from the road to the east. Schleeper also requests notes be added to the CSM that structures outside of the building envelopes shall not be allowed within deed-restricted open space. There followed a review of the draft language for adoption. Planner Schleeper stated that he had no objection using a floating deed restriction modeled after one used for the Town of Exeter to track open space obligations. There followed a brief discussion regarding how to comply with the requirements of §110-7.

<u>Motion</u> to recommend the proposed 3-lot cluster division of property to the Town Board for approval following a duly noticed public hearing was made by Commissioner Pernitz with the following conditions:

- 1. The Applicant shall provide a deed restriction for 12.4 acres of Open Space on the parent parcel to satisfy the Open Space requirements of the proposed CSM. The Deed Restriction shall be recorded concurrently with the Final CSM by the Applicant with copies provided to the Town Clerk.
- 2. The Applicant shall provide written confirmation that the proposed land division will not result in development of lands with archaeological, historical, or natural resource interest (endangered species).
- 3. The Applicant shall amend the CSM to address the following:
 - a. Include a note on Sheet 5 stating: "Lots within this land division may have areas of shallow depths to bedrock that preclude the installation of conventional waste disposal systems. All waste disposal systems shall be approved by the Wisconsin Department of Safety and Professional Services."
 - b. Adjust the CSM to exclude areas of 20% slope from proposed building envelopes and include linework depicting areas of greater than 20% slope on Lots 1 and 2.
 - c. Include a note on Sheet 2 stating: "No direct access is permitted from Lot 2 to Hustad Valley Road." This should be accompanied by hatching or linework added to the right-of-way along Lot 2.
 - d. If existing buildings are to be razed that should be noted as well.
 - e. On the 'Building Envelopes' page of the CSM, add the following notes:
 - i. "All areas designated as "Open Space" shall be left undeveloped and free from residential, commercial or Industrial structures. Permitted uses of Open Space are agriculture, recreation, passive recreation use, and preservation of environmentally sensitive features."
 - ii. "All buildings shall be limited to placement within the Building Envelopes shown. Additional building setbacks per the Green County Zoning Code shall also be met."
- 4. All revisions to the CSM and required supporting documents shall be provided to the Town Engineer and Planner for review prior to the Applicant requesting signature on the CSM by the Town Chair.

Second by Commissioner Reis. Motion carried 6-0.

5. **Update on Holmes Utility Easement** – Surveyor Talarczyk received a response from Northern Natural Gas on December 13, 2022. The recorded Modification and Amendment of Easement for the Holmes property to the north of Airport Road is a 75' wide strip above the buried 3" diameter pipeline. The easement prohibits certain plantings, structures, or some types of vehicular access without written consent. There followed a brief discussion regarding the need to add a graphic representation of the easement on the Final Plat. If the cluster lots to the west have some vehicular access that is within the easement area, it was noted, the developer will need an agreement with the utility.

TOWN OF NEW GLARUS

- 6. **Review the 2023 Town of New Glarus Meeting and Election Calendar** it was noted that the Annual Town Meeting of the Electorate on April 24, 2023 conflicts with the regular schedule for the Parks Commission. The Parks meeting will begin at 4:30 PM so there is no overlap.
- 7. Update Regarding Town Board Review of the Recommendation from the Town Plan Commission to Have Contract Planner Schleeper Prepare Draft Policies Requiring the Rezoning of Land for Future Land Divisions with Residential Development Potential and Requiring Conditional Use Permits to Build in Deed-Restricted Open Space Planner Schleeper agreed to present this at the regular Commission meeting in February; without objection. It was noted that the amendments to Chapter 110 approved in December of 2020 have not be submitted to General Code. Until changes are submitted a disclaimer could be added to make those who navigate to the online Code that it may not be up-to-date and to check with the Town Clerk for the most recent version available. Any additional changes, such as the proposed addition of definitions for public facilities and the types of public facilities to add to the definition for open space, need to be included in an amendment by ordinance which can be adopted after a Class 2 publication for a preceding public hearing.

<u>Motion</u> to recommend to the Town Board that they authorize the Town Clerk-Treasurer to submit amendments to the Town Code already approved by the Board after duly noticed public hearings as well as to authorize the Town Clerk-Treasurer to post a notice on the Town website that the Code found on the General Code website (https://ecode360.com/NE2145) may not be current; second by Commissioner Pernitz. Motion carried 6-0.

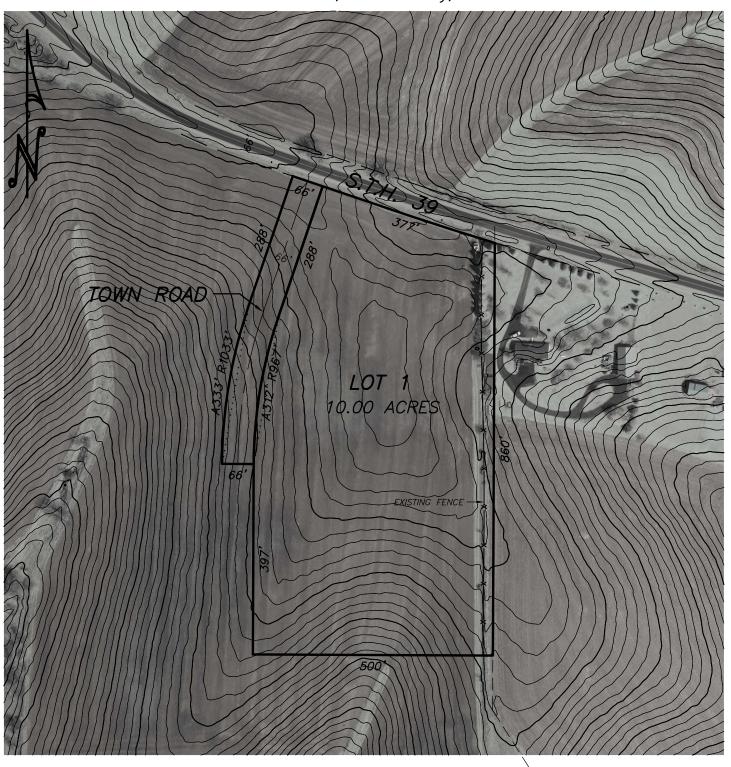
- 8. Update by Tim Schleeper Regarding Roger Arn Deed Notices Reviewed by Mark Roffers, Village Contract Planner Planner Schleeper had not update available.
- 9. **Determine Future Agenda Items and Adjourn** Agenda Items: approval of January minutes, review proposed Schleeper documents pertaining to structures in open space, amending cluster envelopes, and draft deed restrictions to document open space requirements, update on Arn notice of deed restrictions, and continued discussion of Comprehensive Plan implementation actions.

Motion to adjourn	by Co	mmission	er Elkins	at 8:20	PM;	second by	Commissioner	Pernitz
Motion carried 6-0).							

Approved:		John Wright, Clerk-Treasurer

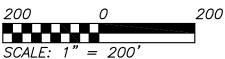
PROPERTY EXHIBIT

Part of Section 16, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.



PREPARED FOR: Chris Narveson Green County Highway Dept. 2813 6th Street Monroe, WI 53566 (608) 328-9411

CONTOUR INTERVAL = 2'





LAND SURVEYS LLC

517 2nd Avenue New Glarus, WI 53574 608-527-5216 www.talarczyksurveys.com





999 Fourier Drive, Suite 201 Madison, WI 53717 (608) 826-0532 phone (608) 826-0530 fax www.vierbicher.com

February 13, 2023

Mr. John Wright, Clerk Town of New Glarus 26 Fifth Avenue New Glarus, WI 53574

Re: Initial Concept Review – Green County Highway Department (Richard Hefty)

Town of New Glarus

Dear John:

I am writing to convey my opinions regarding the development concept proposed by Green County Highway Department. Richard Hefty was the owner of this property when the Town adopted the Land Use Plan. It is now owned by Randall Shotliff.

The concept proposed is a single 10-acre lot that would directly access STH 39. The property exhibit provided depicts a potential future "Town Road" at the western edge of the proposed lot. Presumably this is intended to eventually connect through to Ashley Lane. Ashley Lane currently ends in a cul-de-sac that appears to be constructed to Town standards. The right-of-way for Ashley Lane does continue to the property line of the Shotliff property which would enable the road to be continued to STH 39 as a through street.

Available Splits and Development Potential

The split calculation worksheet for the Richard Hefty (Shotliff) property is attached. As shown on the worksheet, there are approximately 58 acres of development potential available on the 88 acres of property (parcels 122 and 150). I am assuming the timing of this proposed division would allow the Town to approve the currently contemplated changes to Chapter 110 of the Town Land Division Ordinance. In this manner, this land division could be placed within 'open space' and would not count against the potential building site splits available to Mr. Shotliff. Given this scenario, there is potential for 4 clustered lots on the remaining acreage.

Comments Regarding Layout of Development

Access for the proposed County lot would be from STH 39. The Wisconsin DOT controls access for the State Highway system, and the County would have to work with DOT for this purpose. At the regular Town Board meeting on April 11, 2006, Kay Spidahl proposed development of the Hefty parcel (122) with access from STH 39 connecting to Ashley Lane. The meeting minutes have considerable discussion regarding this issue. My interpretation of those minutes is that the DOT would not approve a private road connection to STH 39. There was some local concern regarding connecting Ashely Road through to STH 39, and ultimately the Town Board approved a proposed access from STH 39 built to Town Road standards and terminated with a cul-de-sac bulb at the southern end.

While no development beyond the County parcel is proposed, I evaluated options for connecting STH 39 with Ashely Road. The existing end of Ashley Lane is approximately elevation 1018. The potential

February 13, 2023 Page 2 of 2

connection to STH 39 is approximately elevation 1086. These points are approximately 1,300 feet apart, therefore connecting them could be done with a street averaging a little over 5% grade. I have not done any evaluation of earthwork, and the intersection with STH 39 would likely be required to have acceleration / deceleration lanes. This may influence the final shape of the proposed County Highway parcel because these lanes may require additional right-of-way.

The current Town Ordinance allows access to one lot by private driveway. Two to four lots can be accessed by private drive as long as 66-feet of future right-of-way has been designated. At 5 or more lots, the private drive must be constructed to current Town Road Standards. Therefore, the Plan Commission may wish to consider requiring the developer to lay out the remaining four lots available to them at this time so that the type of access required for the County parcel is fully known.

Should you have any questions please feel free to contact me.

Sincerely,

Enclosures

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M:\New Glarus, Town of\170068 Land Division Reviews\Task 25 - County Highway Department\Reviews\2023-02-10 Initial Concept\2023-02-10 GCHD Initial Review.docx

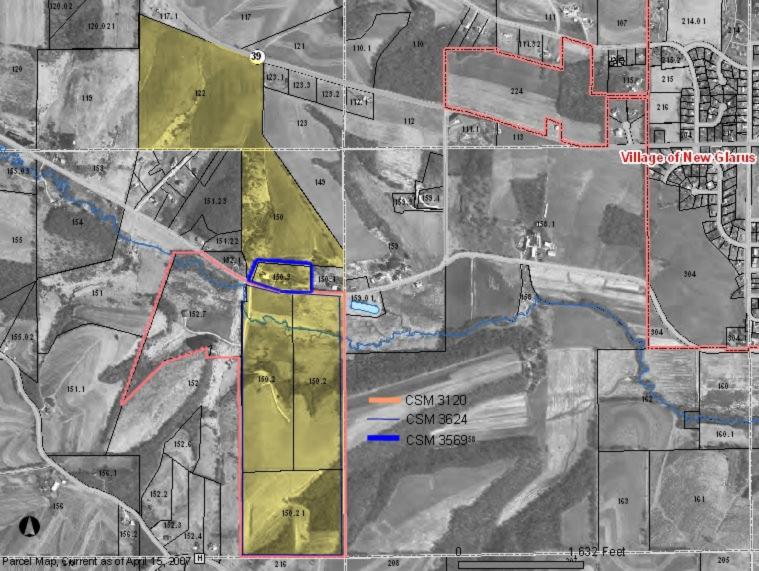
6/13/2007

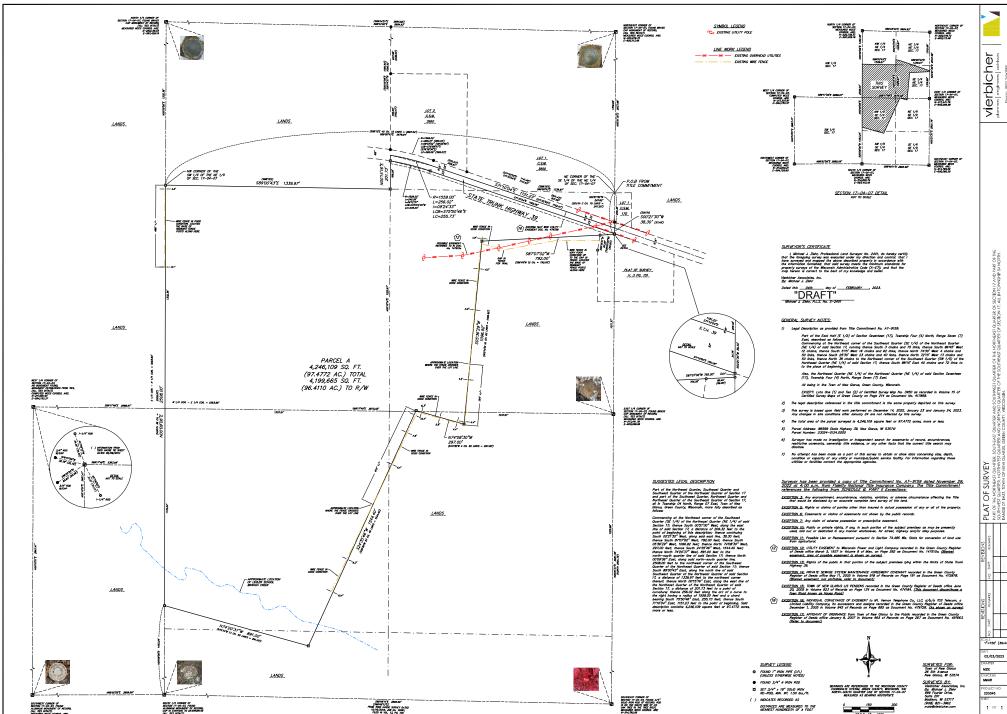
Split Computation-Richard and Mary Hefty Sect.16 & 21, Town Of New Glarus Green County, WI

Splits= Exist. Parcel Acreage/35= 5.58 Round down to 5 potential splits

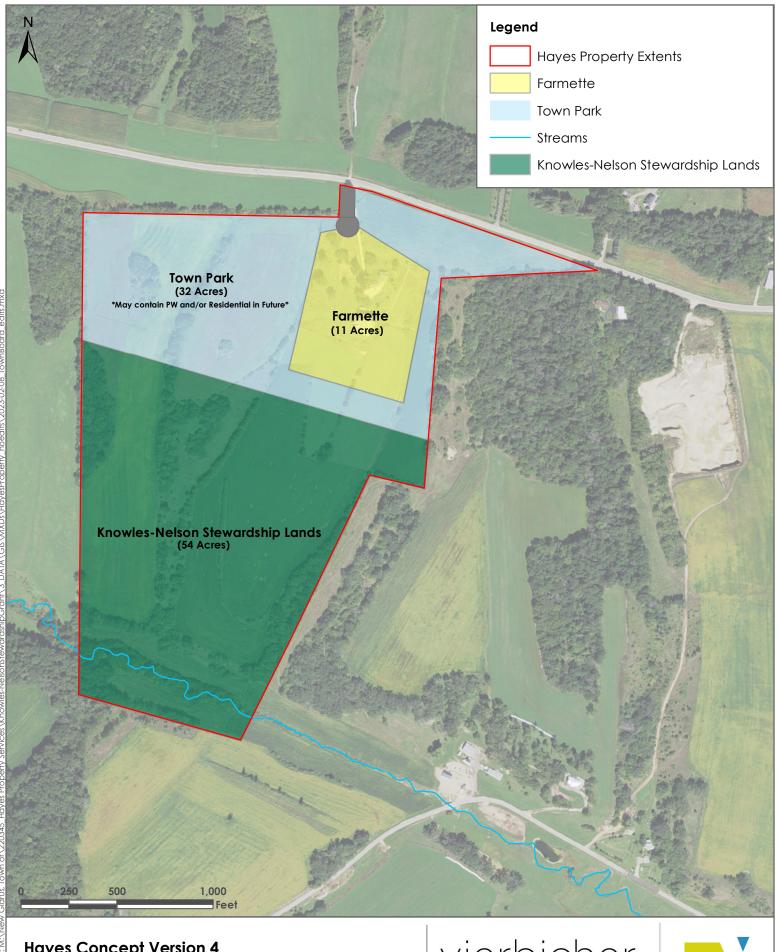
Parcel #s, 0122.0000 (55 A) and 0150.0000 (140.33 A)

Split #	Existing	Split	Identity	Date	Deficit	CSM or	Remarks	Deed
	Parcel-A.	Acres	Sold to		Acres	parcel #		Restricted? Y/N
	195.330							
1	35.00	35.000	Monroe Highfliers			CSM 3120	lot 3 subsequently	N
			Hubanks	2003		152.7000	swapped to Howden for	
							Lot 1- 35.53 acres	
2 & 3	70.00	71.270	Monroe Highfliers	1/5/2001	-1.270	CSM 3120	parcel 150.2000, Lot 2	N
			Joffman Walls	10/0/2002		CCM 2624	35.68 Acres	
	lot 2 subseqei	ntly colit	Jeffrey Wells	10/8/2003		CSM 3624	parcel 150.2000, Lot 2	N
	iot z subseqei	iitiy Spiit	William Oemichen	10/8/2003		CSM 3624	35.60 Acres	IN
			William Gemichen	10/0/2003		C3M 3024	parcel 150.2200, Lot 1	
4	35.00	5.603	Keith Schmid	4/26/2003	29.400	CSM 3569	parcel 150.2200, Lot 1	N
				.,,			Need 28.247 deed	
							restricted on remaining.	
5	35.00	55.33*	Randall Shotliff		-20.660	122.0000*	7.8 acres deed restricted	on Shotliff?
		33.78*				150.0000*	*New plat of survey 2008	3
							V12/P22	
							195.330 acres sold	
	swap with Hig	infliers reduc	ed acreage by53	acres			20.33 remnant acres	
	romaining 00	70 A sold to	Chatliff of which EQ	A can be de	walanad			
	remaining 88.	76 A Solu to	Shotliff of which 58	A Call be de	veloped			
		Total			Total			
		111.873			7.470			
							revised 150928	





1 OF 1 S-960



Hayes Concept Version 4

Town of New Glarus February 10, 2023

vierbicher planners | engineers | advisors







999 Fourier Drive, Suite 201 Madison, WI 53717 (608) 826-0532 phone (608) 826-0530 fax www.vierbicher.com

January 27, 2023

Mr. John Wright, Clerk Town of New Glarus 26 Fifth Avenue New Glarus, WI 53574

Re: **Updated** Development Potential Analysis – Hayes Property (Town of New Glarus Property)

Town of New Glarus

Dear John:

I am writing to update the development potential of the Hayes Property (now the Town of New Glarus property) on STH 39. At the time of the Town's Land Use Plan, the property was owned by Markland Hayes. It was subsequently deeded to Kathleen Hayes and is now owned by David Kratz and Rosalyn Pertzborn. A graphic depicting the parcel at date of ordinance is attached. The parcel acreage at that time was listed as 140 acres.

As you know, two large lot splits were taken by the Hayes' through CSM 3950 in April of 2005. The total areas of Lots 1 and 2 in that CSM were 40.5237 acres. We have completed our preliminary boundary survey of the remaining lands and determined that the remaining parcel amounts to 97.4340 acres. The boundary that is shown on the Green County GIS website does not accurately reflect the true parcel configuration based on surveys of record. Further, the size of the parcel as listed on the Green County site (99.40 acres) is also inaccurate.

In consideration of the actual size of the parcel, I have updated the split computation spreadsheet the Town maintains to reflect the corrected parcel size. The significant implication is that the homestead must be considered as part of the cluster in future development options.

As shown on the attached split computation sheet, the developable acreage remaining south of STH 39 is 97.4340 acres. Removing the Open Space deficit acreage from CSM 3950 leaves 67.94 acres available for cluster density development. Following the computation example in Section 110-35 D.9.(c) the building site potential is: 67.94 acres x 15% = 10.19 acres. Dividing by 2 acre minimum lot sizes leaves 5 potential clustered building sites. With the existing building taking up 1 site, this option leaves new 4 building sites to be clustered with the existing building.

Should you have any questions please feel free to contact me.

Sincerely,

Timothy L. Søhleeper, PE

Enclosures

M:\New Glarus, Town of\170068 Land Division Reviews\Task 23 - Hayes\Communications\2023-01-27 Hayes Development Potential-amended.docx

Split Computation- Markland Hayes Sect. 17 Town Of New Glarus Green County, WI # Splits= Exist. Parcel Acreage/35= 3.9416 Round down to 3 potential splits

10/1/2007

Split #	Existing	Spli	t Identity	Date	Deficit	CSM or	Remarks	Deed
	Parcel-A.	Acres	Sold to		Acres	parcel #		Restricted? Y/N
	137.9577							
1	97.43	2.00	kept by owner		33.00	124.0000	existing home	N
2	35.00	34.80	Mark Smith	4/11/2005	0.20	124.1000	CSM 3950, Lot 1	N
3	35.00	5.71 Total 42.51	Mark Smith	4/11/2005	29.29 Total 62.49	124.2000	CSM 3950, Lot 2	N

Smith could have clustered with three lots; Smith still holds undeveloped lot potential and could still cluster Further development on Hayes limited to clustering with the exiting homestead

Current Open Space Requirement with homestead=> 62.490 acres deed restricted

Current remaining parcel size=> 97.43

Normal Density Acres available for development=> 34.94

Cluster Density Acres available (must include homestead)=> 67.94

15% Developable=> 10.1916 (4 + existing)

No Good

revised 1-27-2023



Endangered Resources Preliminary Assessment

Created on 1/30/2023. This report is good for one year after the created date.

DNR staff will be reviewing the ER Preliminary Assessments to verify the results provided by the Public Portal. ER Preliminary Assessments are only valid if the project habitat and waterway-related questions are answered accurately based on current site conditions. If an assessment is deemed invalid, a full ER review may be required even if the assessment indicated otherwise.

Results

A search was conducted of the NHI Portal within a 1-mile buffer (for terrestrial and wetland species) and a 2-mile buffer (for aquatic species) of the project area. Based on these search results, below are your next steps.

An ER Review is needed to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43). Therefore you should request an Endangered Resources Review https://dnr.wi.gov/topic/ERReview/Review.html The ER Review will list the endangered resources that have been recorded within the vicinity of the project area and follow-up actions may be necessary.

One (or more) of the following situations apply:

- The species recorded are state or federal threatened or endangered animals.
- The species recorded are state threatened or endangered plants on public land.
- The species recorded are federal threatened or endangered plants on federal land or involve federal funds or a federal permit.
- The project site overlaps the Karner Blue Butterfly High Potential Range.
- The project overlaps the Rusty Patched Bumble Bee High Potential Zone.

A copy of this document can be kept on file and submitted with any other necessary DNR permit applications to show that the need for an ER Review has been met. This notice only addresses endangered resources issues. This notice does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.

Landowner name	Collin Legler				
Project address	N9371 Hustad Valley Road New Glarus, WI 53574				
Project description Residential development.					
Project Questions					
Does the project involve a public property?					
Is there any federal involvement with the project?					
Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project?					
Is the project property in Managed Forest Law or Managed Forest Tax Law?					
Project involves tree or shrub removal?					

Is project near (within 300 ft) a waterbody or a shoreline?

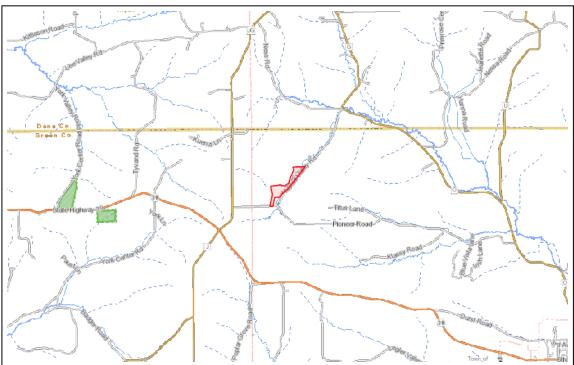
Is project within a waterbody or along the shoreline?

Project Information

Yes

Yes





The information shown on these maps has been obtained from various sources, and is of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. Users of these maps should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: http://dnr.wi.gov/legal/.

https://dnrx.wisconsin.gov/nhiportal/public

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921

From: DNR ER Review

To: Robert Talarczyk; Rossler, Anna C - DNR

Cc: tsch@vierbicher.com; Chris Narveson; Clerk Treasurer; t c; Paula Legler; collinlegler@hotmail.com

Subject: RE: Legler - Endangered Resources Review Request

Date: Tuesday, January 31, 2023 11:31:15 AM

Dear Bob,

On 1/31/23, the Bureau of Natural Heritage Conservation received your request for an Endangered Resources Review for the proposed Collin Legler project in Green County, WI.

Our response to you will entail a letter listing any rare species, high-quality natural communities, and other significant natural resources that have been found at or near the proposed project area. The review will also detail any specific measures required for the project to be in compliance with Wisconsin Endangered Species Laws, as well as recommendations to further enhance potential conservation measures.

We recommend that you include a copy of this review letter with any applications for permits or formal approvals for the project that you submit to other DNR programs.

Your project has been assigned an ERR Log # 23-073. Please reference this log number in any correspondence or inquiries to us regarding this project. Please note that our turnaround time is 15 business days or less.

Please contact me with any questions.

Angela

We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Angela White

Phone: 608-266-5241 AngelaL.White@Wisconsin.gov

From: Robert Talarczyk <bob@talarczyksurveys.com>

Sent: Tuesday, January 31, 2023 10:35 AM

To: DNR ER Review < DNRERReview@wisconsin.gov>

Cc: Timothy Schleeper <tsch@vierbicher.com>; Chris Narveson <cnarveson@greencountywi.org>; Clerk Treasurer <clerk@townofnewglaruswi.gov>; t c <thomascmyers@outlook.com>; Paula Legler collinlegler@hotmail.com

Subject: Legler - Endangered Resources Review Request

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

For your review, find the attached Endangered Resources Review Request along with supporting documents. Please have the request reviewed as soon as possible. Time is of the essence.

Thank you.

Bob Talarczyk

Professional Land Surveyor

Talarczyk Land Surveys 517 2nd Avenue New Glarus, WI 53574 608.527.5216 office bob@talarczyksurveys.com www.talarczyksurveys.com

TOWN OF NEW GLARUS, WISCONSIN ORDINANCE NUMBER _____ AN ORDINANCE TO ADOPT AMENDMENTS TO CHAPTER 110 OF THE TOWN OF NEW GLARUS CODE OF ORDINAINCES

WHEREAS, on	_ the Town of New Glarus Board voted to amend Chapter 110
Land Division and Subdivision	, of the Town of New Glarus Code of Ordinances to amend §110-
5 Definitions to insert Municip	al Use and to amend Open Space; to modify §110-7 Land
Suitability to include municipa	l uses; to modify §110-9 Hillside Protection to include municipal
uses; §110-28 Partition Fences	to include municipal use requirements; §110-34 Nonresidential
Land Divisions to include mun	icipal use requirements; §110-34 Nonresidential Land Divisions
to include lot standards for Mu	nicipal Uses; §110-35 Normal and Cluster Density to define
where Municipal Uses may be	considered; and §110-39 Private Road Standards to add
Municipal Use and Industrial u	se to requirements for road standards. The recommendations are
as follows:	

ARTICLE II. Definitions.

§110-5. Definitions.

Insert:

"MUNICIPAL STRUCTURES

Buildings used for support of a municipal use which are owned and operated by a Town, Village, County or School District."

"MUNICIPAL USE

Uses of land by a Town, Village, County or School District to include, but not be limited to, active and passive recreation activities and structures, operation of facilities and structures for the maintenance of parks, natural areas, and roads, and other similar public or community uses."

Amend:

"OPEN SPACE

The 85% or more of the existing parcel (or 91% of the original parcel in a Large Lot Division) that remains undeveloped or free of residential, industrial, or commercial structures. Permitted uses of open space are agriculture, recreation, passive recreation use, <u>municipal use</u>, and preservation of environmentally sensitive features."

ARTICLE III. General Provisions

§110-7. Land suitability; protection of existing flora and areas of special interest.

A. Suitability.

Amend:

"(1) No land division shall be allowed for residential, commercial, <u>municipal</u>, or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, unsuitable soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the community. The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, <u>municipal</u>, or industrial use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability."

§110-9. Hillside Protection.

Amend

"No land division for residential, commercial, <u>municipal</u>, or industrial purposes shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on hillsides with a slope of 20% or more, unless the land divider has submitted and the Town Engineer and the Town Board have approved construction plans and specifications, including an erosion control plan. For purposes of this section, 20% means a vertical elevation differential of 10 feet in 50 horizontal feet, the horizontal distance being measured perpendicular to the slope."

ARTICLE VI. Required Improvements

§110-28. Partition Fences

Amend:

"When land that is developed for residential, municipal, or commercial use and abuts upon or is adjacent to land used for agriculture, farming or grazing purposes, the land divider shall, if requested by adjacent landowners, erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agriculture, farming or grazing purposes, shall be included upon the face of the final plat or certified survey map. Land included in a major subdivision that requires partition fences under state statue 236.02 will be required to construct partition fencing as outlined in state statue 60.23. Details and specifications of these improvements will be included in the developer's agreement (see 110.20) for the plat or certified survey."

ARTICLE VII. Design Standards

§110-34. Nonresidential land divisions.

A. General.

Amend:

- (1) "If a proposed land division includes land that is zoned for commercial or industrial purposes, or will be used for a Municipal purpose, the layout of the land division with respect to such land shall make such provisions as the Town may require."
- (2) "A nonresidential land division, or Municipal Use lands, shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A nonresidential land division shall be subject to all the requirements of this chapter as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Master, Land Use Plan, the Green County Zoning Code, or ETZ Ordinance as applicable."

B. Standards

Amend:

(5) "Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial land divisions, and land used for municipal purposes, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary."

§110-35. Normal and	d cluster Density
Insert:	
	icipal Use in areas of normal or cluster density does not consume a building and may occur in open space."
ARTICLE IX. Varia	nces, Enforcement
§110-39. Private Roa	ad Standards
Amend:	
	amercial, <u>Industrial and Municipal Use</u> enterprises along a private road d be counted the same as a residence for the purposes outlined above."
NOW, THEREFORI	E, BE IT RESOLVED
0 0	nendments to the Town of New Glarus Land Division and Subdivision Code gular meeting of the Town Board of New Glarus on
Vote: For Aga	inst
Amendment Adopted	d:
Posted:	

By: _____ Chris Narveson, Town Chair

Attested: ______ John Wright, Town Clerk-Treasurer

Clerk Treasurer

From: DNR ER Review <DNRERReview@wisconsin.gov>

Sent: Friday, February 10, 2023 10:33 AM

To: Robert Talarczyk

Cc: tsch@vierbicher.com; Chris Narveson; Clerk Treasurer; rcholmes@tds.net; Rossler, Anna

C - DNR

Subject: RE: Holmes - Endangered Resources Review Request

Follow Up Flag: Follow up Flag Status: Flagged

Dear Robert,

On 2/10/23, the Bureau of Natural Heritage Conservation received your request for an Endangered Resources Review for the proposed Holmes Development project in Green County, WI. Development for Lot 5 only.

Our response to you will entail a letter listing any rare species, high-quality natural communities, and other significant natural resources that have been found at or near the proposed project area. The review will also detail any specific measures required for the project to be in compliance with Wisconsin Endangered Species Laws, as well as recommendations to further enhance potential conservation measures.

We recommend that you include a copy of this review letter with any applications for permits or formal approvals for the project that you submit to other DNR programs.

Your project has been assigned an ERR Log # 23-115. Please reference this log number in any correspondence or inquiries to us regarding this project. Please note that our turnaround time is 15 business days or less.

Please contact me with any questions.

Angela

We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Angela White

Phone: 608-266-5241 AngelaL.White@Wisconsin.gov

From: Robert Talarczyk <bob@talarczyksurveys.com>

Sent: Friday, February 10, 2023 9:50 AM

To: DNR ER Review < DNRERReview@wisconsin.gov>

Cc: Timothy Schleeper <tsch@vierbicher.com>; Chris Narveson <cnarveson@greencountywi.org>; Clerk Treasurer

<clerk@townofnewglaruswi.gov>; rcholmes@tds.net
Subject: Holmes - Endangered Resources Review Request

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

For your review, find the attached Endangered Resources Review Request along with supporting documents. Ple have the request reviewed as soon as possible.	ase
Thank you.	
Bob Talarczyk Professional Land Surveyor	
Talarczyk Land Surveys 517 2nd Avenue New Glarus, WI 53574 608.527.5216 office bob@talarczyksurveys.com www.talarczyksurveys.com	

Save a copy of the file, open Adobe Reader, select File > Open and browse for the file you saved.

State of Wisconsin Department of Natural Resources Bureau of Natural Heritage Conservation Attn: Endangered Resources Review Program PO Box 7921, Madison WI 53707-7921 dnr.wi.gov

Endangered Resources Review Request

Form 1700-047 (R 9/22)

Page 1 of 2

Notice: Pursuant to s. 23.27(3)(b), Wis. Stats., this form must be completed and submitted to the Department of Natural Resources (DNR) to request an Endangered Resources (ER) Review of proposed development, management, planning or similar type of project. An ER Review provides the requester with information from Wisconsin's Natural Heritage Inventory (NHI) database and other sources on rare plants and animals, high quality natural communities, and other endangered resources that may be impacted by the proposed project. The ER Review will also include specific recommendations and requirements to help projects comply with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.) and other laws and regulations protecting endangered resources. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law (ss. 19.31-19.39 Wis. Stats.)

and may be	e provided	to requesters	to the exte	ing endangered resource ent required by Wisconsir	es. Personal info n's Open Recor	ormation collected will be used f ds Law (ss. 19.31-19.39, Wis. S	or admiı tats.).	nistrative pu	ırposes
Instruction email (DN	ons: The IRERRevi	following m ew@wiscor	aterials ar nsin.gov).	re required to process Do <u>not</u> include payme	this request.	Submit all materials by mail t m.	to the a	ddress ab	ove or
		signed form							
☐ Ma	p(s) delin	eating the p	roject are	a, preferably an aerial	photo				
Submission	on of the f	ollowing ma	terials are	strongly encouraged	and will facilita	ate review of your project:			
				essment Printout		• • • • • • • • • • • • • • • • • • • •			
☐ Ph	otographs	that clearly	show the	project area, including	natural featu	res and vegetation present of	n site		
☐ Add pla	ditional re	levant inforr	mation and	d reports (e.g., detailed	d project and h	nabitat descriptions, wetland	delinea	ition, and s	site
		tor Informa	tion (ED E	Ovious parragnandana	o and in his			AND STREET STREET	
Name	. Reques	ter imorma	ווטוו (בול ר	keview, correspondenc	Organization	will be sent to this person)			
Robert A.	Talarczyk				_	and Surveys LLC			
Mailing Ac	dress				City		State	ZIP Code	
517 2nd A	Avenue				New Glarus		WI	5357	
Telephone	Number				Email Addres	SS			
608-527-5	5216				bob@talarcz	yksurveys.com			
	: Landow	ner Informa	ation (if dif	ferent than Section 1)		AVERT STREET	Section .		- A 1-3 m
Name					Organization				
Carol Hol									
Mailing Ad					City State ZIP Code				
	irport Roa	d ————			New Glarus WI 53574				
Telephone					Email Address				
608-527-2					rcholmes@to	ds.net			
Section 3 Project Na		Information			Droject Addre			A CHARLES	Sheet L
	evelopmer	nt			Project Address (if applicable) W4988 Airport Road, New Glarus, WI 53574				
Project Ty					W4700 / Miport Road, New Glatus, W1 33374				
Reside) Commerc	ial 🔘 I	ndustrial O Utility/Er	neray O Tr	ransportation (roads, railroads,	troile k	anhana air	
NRCS		Other:		riddotridi	iergy O II	ansportation (roads, railroads,	trails, r	iarbors, air	ропѕ)
	-	/Energy only	1)		IDOT FUNA	10 A 1 1 1 1 1			
O Appro ○ Ye	- 4		•		DOT or FHWA Administered				
71.5-20.	(on-site dist			e (on-site disturbance)	O Yes	No O Unknown			
otart Date	03/01/202	-	10/01/20		Yes	, Funding or Permit O No Unknown			
County	03/01/202				10.	<u> </u>			
- - 2					llage of:	Land Types (Select all that a		ROWs, scho	oole
Green			New	Glarus		☐ Public (e ci	ty/county	/ land, etc.)	, , , , , , , , , , , , , , , , , , ,
Township	Range	Direction	Section			Comments on TRS Location itional information if necessary)			
N	7	⊙ W	24	Part of NW and NE 1/	4s of the SE 1	/4			
N		O E							

Form 1700-047 (R 9/22)

Page 2 of 2

Section 3: Project Information, continued

Provide a <u>detailed</u> description of the proposed project and associated disturbance, including acres to be disturbed. Attach additional pages as needed.

This plat is being prepared for estate planning purposes. Carol Holmes is in her 80s, lives in the farmhouse on Lot 4 and wishes to plan out her development rights for her estate. There is no plan to develop any part of this plat at this time other than Lot 5, on which Carol wishes to build a new home and live with one of her two daughters. Lots 1-6 can be built on, and Lot 7 has to remain in cultivation and greenspace.

Provide a <u>detailed</u> description of the habitat types and current land use within the limits of the project area (e.g., 50% in active agriculture-currently corn, 20% floodplain forest, 15% industrial area, 10% hardwood swamp dominated by black ash, 5% fallow field in active agriculture until one year ago). Attach additional pages as needed.

Approximately 65% in active agriculture - currently corn and alfalfa, and approximately 35% in in woodland.

List all wetlands and waterbodies (e.g., rivers, intermittent streams, lakes, marshes) within or adjacent to the project area. List any known or suspected impacts of the proposed project to these wetlands and waterbodies. Indicate the location(s) of any point source discharge(s) into wetlands or waterbodies.

There is a small wetland area near the SW corner of Lot 7 at the culvert that delivers water under Airport Road. This area will remain undisturbed. Ward Creek is not on the property but is near the NE corner of Lot 7.

List any reports or correspondence concerning endangered resources or habitat that may be impacted by the proposed project (e.g., wetland delineation, endangered resources reviews, habitat assessments, and rare species surveys). Attach copies if available.

None

Section 4: Related Permits, Licenses or	Regulatory Approvals (DNR or other state/federal ager	ıсу)
Permit, License or Approval	Permitting Agency Contact Person	Status

Section 5: Terms and Conditions

The requested ER Review may contain NHI data and information (including specific locations of endangered resources) which are considered sensitive and are not subject to Wisconsin's Open Records Law (per s. 23.27, Wis. Stats.). The information contained in the ER Review is solely for planning and implementation of the proposed project. As such, the information contained in the ER Review shall only be shared with individuals who need this information to carry out specific roles in the planning, permitting, and implementation of the proposed project. The requester must agree to not reproduce or disseminate the ER Review or the specific locations of endangered resources contained in the ER Review to any other parties or individuals without prior written permission from the DNR Bureau of Natural Heritage Conservation. (Contact the Endangered Resources Review Program at 608-419-2755 if you have any questions about sharing information contained in the ER Review.)

Section 6: Certification by Requester

I agree to pay, within 30 days of receipt of an invoice, the \$75/hour fee charged by the Department per s. NR 29.04(1), Wis. Adm. Code, for this ER review. I am the owner, authorized representative of the owner, or utility representative of the property for which I am requesting an Endangered Resources (ER) Review. I accept the terms and conditions outlined in Section 5 (above). To the best of my knowledge, the information I have provided is complete and accurate.

NOTE: If submitting this request electronically, please type your name on the signature line. Your typed name, along with the email message generated from electronic submittal of this form, will be used as an electronic signature which is the legal equivalent to an actual signature.

Signature of Requester

Date Signed

Robert A. Talarczyk

Printed Name

Submit by Email

HOLMES FINAL PLAT

I. Robert A. Talarczyk, Professional Land Surveyor, hereby certify:

That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of New Glarus and Green County, and at the direction of Carol Holmes, I have surveyed, divided, and mapped Holmes Development; that such Plat correctly represents all exterior boundaries and the subdivision of land surveyed; and that this land is located in that part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, bounded and described as follows:

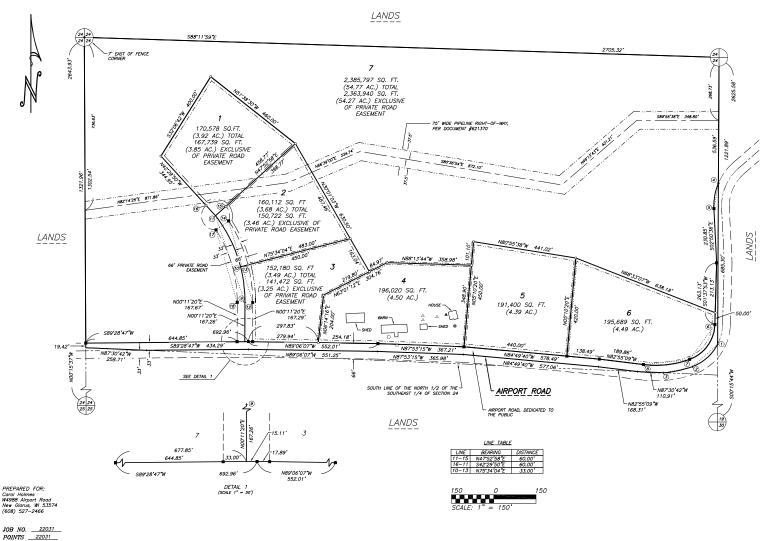
Beginning at the East 1/4 corner of said Section 24; thence S00'15'44"W along the East line of Section 24, 1221.89' to the centerline of Airport Road; thence Southwesterly, 147.71' along said centerline and the arc of a curve to the right whose radius is 196.00' and whose chord bears \$48'23'25'W, 144.24'; thence Southwesterly, 125.55' along said centerline and the arc of curve to the right whose radius is 456.00' and whose chord bears \$7752'04'W, 125.15' to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87'30'42'W along said centerline, 50'15' bear to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87'50'9''W along said centerline, 51.25'; thence N87'53'15''W along said centerline, 365.98'; thence N87'50'9''W along said centerline, 557.70'', thence N87'53'15''W along said centerline, 434.29' to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87'30'42'W, 1321.96' to the center of Section 24; thence S87'8'', 258.71' to the Southeast 1/4 of Section 24; thence N00'15'37'W, 1321.96' to the center of Section 24; thence S88''15'9''E, 2705.32' to the point of beginning; subject to a public road right of way as shown and to any and all easements of record.

Dated this 30th day of January, 2023.

DRWG 22031_2

DRAWN BY FLS





Cast aluminum monument found

Cast aluminum monument with brass cap found

3/4" solid round iron rod found

3/4" solid round iron rod set, weighing 1.50 lbs per lineal foot

1-1/4" x 24" solid round iron rod set, weighing 1.50 lbs per lineal foot

Well

Septic cover

Septic cover

New 12" wide utility easement

New 12" wide utility easement

New 12" wide utility easement 6" on either side of lot line

NOTES:

1.) Bearings are referenced to the Wisconsin County Coordinate System, Green County Zone, NAD83 (2011), in which the East line of the Southeast 1/4 of Section 24 bears S00'15'44'W.

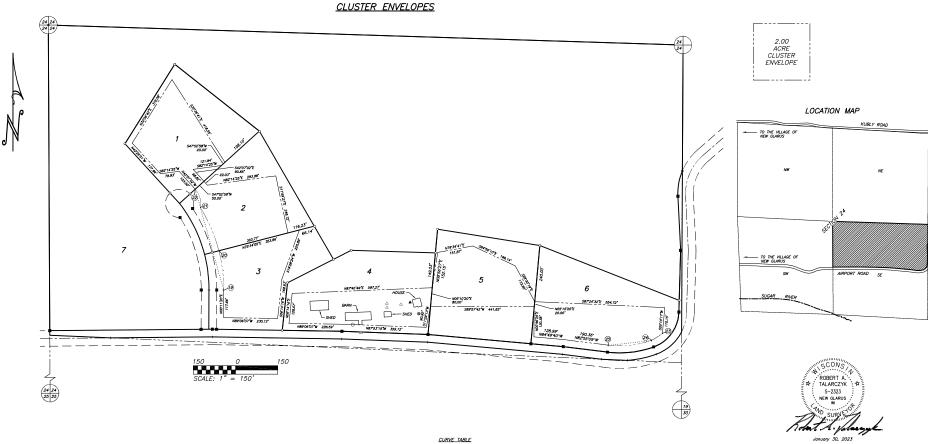


TALARCZYK
LAND SURVEYS 115
517 2nd Avenue

www.talarczyksurveys.com

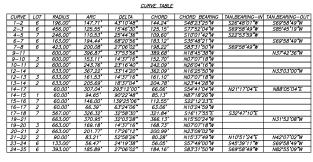
HOLMES FINAL PLAT

Part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.



PREPARED FOR: Carol Holmes W4988 Airport Road New Glarus, WI 53574 (608) 527-2466

JOB NO. 22031
POINTS 22031
DRWG. 22031_2
DRAWN BY FLS





517 2nd Avenue New Glarus, WI 53574 608-527-5216 www.talarczyksurveys.com

HOLMES FINAL PLAT

Part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION: As owner, I hereby certify that I have caused the land described on this Plat to be surveyed, divided, mapped and dedicated as represented hereon. I also certify that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: The Town of New Garus, The Willage of New Garus, The Country of Green, and the Wisscansin Operatment of Administration. WITNESS the hand and seal of said owner this _____ day of _ In the presence of: Carol L. Holmes SINIE UT MISCURISM) Personally came to me this day of 20 the above named Carol L. Holmes to me known to be the same person who executed the foregoing instrument and ocknowledged the same. My commission expires TOWN TREASURER'S CERTIFICATE: TOWN TREASURER'S CERTIFICATE: STATE OF MISCONSINIATY) Selected qualified and acting town clerk-treasurer of the Town of New Clarus, do hereby certify in accordance with the records of my office, there are no unpoid taxes or unpoid special assessments as of this day of one of the Town of the land included in the plot of Holmes Development. Town Treasurer TOWN BOARD APPROVAL CERTIFICATE: Resolved, that the plat of Holmes Development in the Town of New Glarus is hereby approved by the town board. Town Chair I hereby certify that the foregoing is a copy of a resolution adopted by the town board of the Town of New Clarus. . 20 Town Clerk VILLAGE APPROVAL: Approved for recording this _____ day of ____ the Village of New Glarus.

Village Clerk

PREPARED FOR: Carol Holmes W4988 Airport Road New Glarus, WI 53574 (608) 527-2466

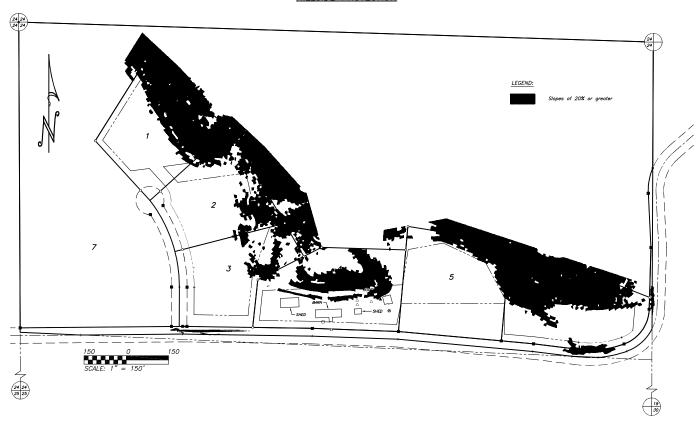
 JOB NO.
 22031

 POINTS
 22031

 DRWG.
 22031_2

 DRAWN
 BY
 FLS

HILLSIDE PROTECTION



, 20 Zoning Administrator

REGISTER OF DEEDS CERTIFICATE:

Received for record this _____ day of ____ Volume ____ of Plats on Pages ____ _____, 20____ at _____ o'clock ___,M. and recorded in -

CTALARCZYK LAND SURVEYS ...

ROBERT A

TALARCZYK ★ S-2323

NEW GLARUS

January 30, 2023

517 2nd Avenue New Glarus, WI 53574 608-527-5216 www.talarczyksurveys.com

This instrument drafted by Talarczyk Land Surveys LLC.
SHEET 3 OF 3