

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
NOVEMBER 13, 2018**

1. Call to order & roll call: Meeting called to order at 6:00 p.m. by Chairman Krause. Commission members present: Kris Krause, Jack Pfister, James Layne, Tom Marx, James Bechen. Absent: Robert Robbins. Also present: (for the Town) Attorney Lawrence Bechler, Engineer Katie MacDonald, and (for Fern Glen Farms) Jim Grothman (Grothman & Associates S.C.) and Atty. Rick Schmidt.

2. Fern Glen Farms: Preliminary Plat involving Parcels 11022-453; 11022-455; 11022-465 (W11381 CTH J); 11022-465.A (W11373 CTH J); 11022-466; 11022-476 & 11022-480 all located off CTH J. Owned by Francis W Groves Rev. Trust; c/o Jackie Groves, 1365 E. Corniche Ct., Boise, ID 83706:

Grothman – I went through the Dan Schrum’s 11/13/18 Fern Glen Farms – Preliminary Plat Review report and tried to answer all his questions.

Clerk Note: see **ATTACHMENT A** at end of minutes; pages 7 through 11; shown in bold italics in minutes below.

Note:

*Initial Review 10/05/18 comments in **black***

*Second 10/15/18 Review comments in **green** (comment addressed) or **red** (further review required)*

*Third Review 11/08/18 comments in **blue***

"3. Per 10.05(a)(1), the scale is not acceptable for some sheets. Sheet 1 is the only sheet that shows the entirety of the plat, but the scale exceeds the allowable scale of 1" = 100'. The scale is not revised to 1" = 100', however, it is generally legible with the detail sheet (p. 3 of 4 on the 10/13/2018 preliminary plat is 1" = 100' scale). Some additional detail(s) may be necessary to accurately convey items. Note that some pages still exceed the 1"=100' scale, this was deemed acceptable by the plan commission in this instance.

Grothman - The displays I'm showing you tonight (and at the last meeting) is 1" = 300' scale. Your ordinances require a 1" = 100' scale. What I'm trying to do is show you the single family home parcels with their shared driveway easements (where pertinent), proposed building envelopes, proposed mound system areas, highway setbacks, access and utility easements; all other land in this plat is conservation easement. Pfister – I'd like to see it to the scale required by our ordinances. Grothman – I just want to know exactly how you want it prepared and I will do it. Bechler – another question is whether you want the larger scale required for town records or do you want it for recording the plat. Krause – the 1" = 100' is reasonable for the single family lots, but for the properties outside of that in the conservation easement I'd like to see the 1" = 300'. Bechler – there is almost no chance of development happening in the conservation easement lands. Krause – if there's no reason to review it at the 1" = 100' scale, then why require it for recording the plat. Bechler – you (Grothman) state that Lot 9 is unbuildable. Grothman – it's in the conservation easement. Bechler – then why isn't it called an Outlot? Bechen – there's a building envelope and proposed mound system area on Lot 9. Krause – I think that is something that needs to be fixed. Grothman – then not only Lot 9, but Lots 10 & 11 should be Outlots too, as there in the conservation easement. Krause – Outlot has always meant to us "unbuildable".

8. Per 10.05(a)(2)(D), easements should be shown on the plat. Please confirm no easements exist.

a. Highly encourage showing and labeling the "Ice Age Trail" through the property.

b. Drainage easement recording information should be shown (assuming its existing). Also, should be retraceable using only the plat. i.e. needs bearing and distances or dimensions that allow it to be recreated using the plat in its intended location.

c. Does the conservation easement on lots 9, 10, & 11 make them unbuildable/unimprovable?

d. Confirm the lot subdivision is in conformance with the existing Ice Age Trail Conservation Easement, specifically section A of the Covenants, which specifies the portion of this plat which falls within the conservation easement may only be subdivided once, and into not more than 2 tracts. Do Lots 9, 10, and 11 (which are shown as separate parcels in the easement) conform with this easement language?

Grothman - the boundaries we show, are exact as drawn.

9. Per 10.05(a)(2)(F) & (G) & (H), require topography to be shown. Please address as applicable. Some culverts and topo were added.

a. Per (F), the type, width, and centerline elevations of any street pavements within or immediately adjacent to the exterior boundary must be given. This would include CTH J.

b. Recommend showing the Ice Age Trail centerline.

Grothman - Columbia County Highway Dept. has recently rebuilt CTH J and are in agreement with the locations of the driveway depictions shown (email from Chris Hardy dated 11/13/18 @ 3:32 PM).

Bechler – the more transparent the plat is the better. Krause – you could demarcate it and state “this is approximately where a trail was at the time of recording the plat”. Bechler – this is a private trail that is made accessible to the public. Krause – and the owners could relocate trails in the future if they so choose. Bechler – yes. Grothman – so I will mark the trails as they are now.

Atty. Rick Schmidt re: making Lots 9, 10 and 11 “Outlots” I’d rather leave them lots. Bechler – Outlots would not allow any residential development on them unless approved by the County and Town. (Clerk Note: See WSS 236.02(7) at end of minutes). Bechen – so why are those 3 lots zoned R-1 Single Family Residential. Bechler – again, that’s a possible error, and they should be downzoned. Bechler – it seems wrong to show them zoned R-1 with proposed building envelopes, proposed mound system areas, and shared driveway easements where applicable on each lot. Krause – Atty. Schmidt, can you remind me why Lot 9 is not buildable. Atty. Schmidt - because of a private restriction. Krause – then again, why zoned R-1 with building and mound system areas shown and shared driveway. This plat should clarify this now, so there’s no problems in the future. Atty. Schmidt - it doesn’t hurt the Groves family, it hurts the Ice Age Trail. It’s possible they had plans for a possible building or buildings in the future on those 3 lots.

13. The wetland/ESA source is from GIS. Should they have a setback? This has been addressed with the 11/13/18 submittal

a. Per discussion at the 10/16/18 plan commission meeting, a 35-foot wetland setback should be shown, not a 25-foot setback.

b. Show a 75-foot building setback from all navigable waters within or immediately adjacent to the exterior plat boundary (pond in Lot 11).

Grothman re 13.a. above - I have corrected the discrepancy

Grothman re 13.b. above – Do I really need to show this? Krause – I see no problem with not showing this building setback.

14. Show extents of proposed shared driveway. Is an easement being created? Dimensions needed. Is the easement being formalized through the plat or another document?

a. Driveway locations were revised with this submittal per discussion at the 10/16/18 meeting.

b. A shared driveway agreement should be provided for review.

c. Correct Notes B and C on all sheets

Grothman – email received today: **From:** Chris Hardy, PE, Commissioner, Columbia County Highway and Transportation Dept. > **Sent:** Tuesday, November 13, 2018 3:32 PM > **To:** James Grothman > **Cc:** Dan Schrum > **Subject:** CTH J Encroachments Fern Glen Farm Plat: After looking over the plat and the Ordinance closer, the relaxation of the Highway setback request for the Septic mound construction(s) would be an exception to County policy (ord. Table 16-105-030(2)) and would require the Highway Committee to approve in order for that to take legal effect. I can place this on the next meeting agenda which would be December 6th at 9 am. Regarding the driveway depictions on the Plat, we would be in agreement with the locations as shown. Any questions, please let me know. I will place this on the agenda unless/until I hear differently.

Bechler – we should have the joint driveway agreements prior to final approval of the plat.

17. Lot 1 and Lot 3 have a common boundary line with a portion of a building/shed/garage on each Lot. Will this structure be moved? These comments still need to be addressed.

a. This is addressed but additional topo shows an existing septic and well on proposed Lot 1. It would appear they are for the house on proposed Lot 3. Are any easements or agreements necessary?

b. The “area reserved for septic system used by Lot 2” is physically on Lot 1. This would require some form of easement or agreement for access and maintenance.

c. Lot 1 is zoned residential, where is it septic/mound location?

Grothman – I will put a building envelope on Lot 2, a fairly large one.

Bechler – given the grades off CTH J to these lots are you going to prohibit access off CTH J except where approved access/driveways are located? Grothman – I can put a note on the plat. Bechler – Plat notes become invisible and I detest them, especially when the plat is copied down to 8.5” x 11” size. I’d much prefer to have it recorded clearly on each lot exactly where the access/driveways will be allowed. Atty. Schmidt – I’ll check with the County and see if they want the access/driveways limited like that. Atty. Bechler – I believe they will.

21. Do Lots 1, 2, and 11 have access from CTH J approved by the County? This comment still needs to be addressed.

a. It appears Lots 4 and 3 have existing drives.

b. Add “FOR LOT 1” to the access/utility easement on Lot 2 that benefits Lot 1. This comment still needs to be addressed.

Grothman - Lot 4 has an existing home on it. Krause – does the County have to approve a farm access drive?
Grothman – I prefer they do and are. I can map it on the plat.

22. Do the proposed driveway turnarounds adhere to 5.12(i)? This has not been addressed. Need to show that the proposed turnarounds will adhere to the ordinance. This comment still needs to be addressed.

Grothman – this is hard for me to answer or map until I know where the houses are going to go. I’m not sure how to map this requirement. Krause – I suggest this is something that we put in the covenants “the driveway must conform with 5.12(i)”.

23. The mounds shown for Lots 5, 6, 7, 8, & 9 are within the highway setback. The setback is meant to protect the County from having to move items should they expand the roadway footprint in the future outside of the existing right of way. Has the County been contacted about this issue?

a. Per discussion at the 10/16/18 meeting, please provide documentation from the County approving the proposed mound system locations within the highway setback.

Grothman – I’ve talked to the County and I still need clarification from them as to whether a mound system is a structure.

24. Applicant should submit soil reports as mentioned at the 10/16/18 plan commission meeting for review.

Grothman – I did submit this today to you. For preliminary plats we don’t do soil samples for each lot. I have done some soil borings and soil tests.

25. Applicant should provide further written explanations and supporting documents for the “yes” items marked on the Environmental Assessment for review.

Grothman - I went through the Environmental Assessment and provided answers. Krause – we still need to review this.

Miscellaneous discussions:

Atty. Bechler: Looking to the east of this plat there is unplatted land owned by Ryan Ryan? I’m also still concerned, even with your new driveway profiles, that you are disturbing the road bank in areas (A2). You’re proposing to grade it to eliminate that problem. Should you ask for a variance from the Town to do this? There’s a conventional septic system on Lot 1, but on Page 3 you show a force main – to what. Grothman – to the conventional septic system, works like a grinder pump. Atty. Bechler – let’s make sure the location of the force main is clearly indicated. My next questions is on Lot 5 you show both a proposed mound system area and a replacement mound system area. Grothman – to cover my bases. I want that whole area reserved for septic. Atty. Bechler – why didn’t you do that for Lots 6, 7 & 8? Grothman – they have better soil.

Krause – what’s important is that if the mound systems get approved that’s one point. With a few other items we should be able to approve the preliminary plat at the December 11th meeting. Krause – in order to get to that approval you need to settle the outlots issue, septic, going back through Schrum’s notes and your answers memorialized. Bechen – zoning issue for Lot 9 also? Also, at last month’s meeting, we discussed Lot 5 (21 acres) not being able to be subdivided, you were going back to your client and see what they thought. Grothman – that WILL NOT happen. Atty. Bechler – so then why not agree to and memorialize it. Krause – we’ll need to do a Comp Plan amendment for this all, and I prefer that zoning and land use agree, so that in the future someone doesn’t see a R-1 zoned lot and think that’s what the Town wanted, when there really was no thought behind some of these zonings back in the 1970’s and 1980’s. Atty. Schmidt – the land is zoned R-1 but you’re saying you don’t want R-1 there. I don’t think you can do that. Atty. Bechler – you have to follow how amendments to Comprehensive Plans are done. This is not a clear and simple test saying that our Comp Plan failed. But if you can get what you want and we can get what we want (making Lot 5 not being divided further). Bechen – I can see in the future someone looking at this and seeing the land zoned R-1 and it’s 21 acres, they’re going to think that the Town must have wanted residential development there, as usually no one builds a home on 21 acres of land zoned R-1. Krause – if there’s anyplace in the Town where there shouldn’t be residential development it’d be on Lot 5 in this plat, this is not good for residential development. Atty. Schmidt – when I talked to the fiduciary, she said she could agree to not letting that Lot 5 be divided further “for a period of time”. Grothman – the soils in Lot 5 would not allow 5, 10 or 20 lots on that land, 3 or 4 maybe, but no more. Marx – so the compromise needed for the Town to get what we want and you to get what you want is to restrict Lot 5 from being further divided. Krause – my preference is for Lot 5 to be rezoned so that the 21 acres is not all R-1. You could rezone where the house is to go to RR-1 and the rest rezoned to A-1 w/Ag overlay. Grothman – the RR-1 would have to be 5 acres or less of the lot. You have to realize this land has already been divided out in the estate among family members. There’s a Groves family member currently living in the house. Krause – I’m getting tired of discussing this issue, and I suggest you go back and talk to your client about restricting further division of Lot 5, or I could make a motion to deny the preliminary plat. Atty. Schmidt – how about saying no divisions for 5 or 10 years? Krause – years doesn’t matter. We’re going back and forth and back and forth, and you’re basically telling us to approve what you have before us now and you’re not negotiating. Pfister – what is the hardship of asking for Lot 5 to be restricted? Krause – do you (Atty. Schmidt) want to go walk that land with me, it may change your opinion as to whether it’s land that is suitable for residential subdivision, it is WET land. I thinking the Town is being quite fair even considering this preliminary plat. Grothman – we’ll talk to Jackie Groves and get back to you at the December 11th meeting.

Marx – Krause has already expressed that he will not be continuing as Plan Commission Chairman in the near future, and thus we will lose the person on the PC with the Engineering expertise and has been through all this many times over the years. I envision that when that happens we will lean more on input from our staff (attorney and engineer) and be much more conservative.

Krause – Grothman could create an outlot from the large portion of Lot 5 that is not buildable/developable and show that at the next meeting. I have a problem with leaving undevelopable land zoned as if it is developable.

Pfister/Bechen motion to table until the December 11th Plan Commission meeting; MC 6-0.

3. Ordinance 2018-02 "An Ordinance to Update and Modernize the Lodi Erosion Control Ordinance":

Clerk Note: See [ATTACHMENTS A & B](#), pages 7 through 11, at end of minutes

Discussion consensus: Section 11.11(m)(4) insert \$250/day fee in town's Fee Ord.

Atty. Bechler - once Plan Commission recommends approval to the board a public hearing has to be scheduled, as a Class 2 Notice, with 2nd notice to be at least 1 full week before the Public Hearing/Town Board meeting. Therefore, possibly not able to comply with the publishing and be ready for the December 18th Town Board meeting (date of regular monthly meeting moved up one week due to Holidays).

4. Ordinance 2018-03 "An Ordinance to Update and Modernize the Lodi Storm Water Management Ordinance":

Redlined section from redlined version of ORDINANCE SECTION 11.15 STORM WATER MANAGEMENT

(4) Permit Requirements

(F) ~~The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Town Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement. Where any storm water management practice is installed in connection with a land division under Chapter 10 of the Code, the responsible party shall clean-out any basins or swales no earlier than after 80 percent and no later than after 95 percent of the lots or units are occupied by a principal structure. The clean-out shall return the basins or swales to their original design capacities. The responsible party shall notify the Town prior to the clean-out and shall certify that the basins and/or swales are in their original design capacity before the practices become the responsibility of the Town or subsequent property owners.~~

Discussion consensus: need more clarification, extension of basins, swales, etc...

Bechen/Marx motion to table Ordinances 2018-02 and 2018-03 to the December 11, 2018 Plan Commission meeting; MC 6-0.

5. Minutes of October 16, 2018 meeting: *Pfister/Marx motion to table until the December 11, 2018 Plan Commission meeting; MC 6-0.*

6. Next meeting date is: Tuesday, December 11, 2018 @ 6:00 p.m. in Lodi Town Hall:

7. Adjourn: *Bechen/Pfister motion to adjourn at 8:30 p.m.; MC 6-0.*

April D. Goeske
Clerk-Treasurer

NOTE:

Wisconsin State Statute 236.02 Definitions. In this chapter, unless the context or subject matter clearly requires otherwise:

(7) An "outlot" is a parcel of land, other than a lot or block, so designated on the plat.

ATTACHMENT A
FERN GLEN FARMS PRELIMINARY PLAT REVIEW

MEMORANDUM

To: Town of Lodi Plan Commission
From: Ayres Associates, Inc
Date: November 13, 2018 Project No.
Re: Fern Glen Farms – Preliminary Plat Review

This memo reflects Ayres Associates third review* of the Fern Glen Farms Preliminary Plat submitted by Grothman & Associates, pertaining to the version submitted on 11/6/2018. Updates to the initial comments are included along with additional comments and questions. This review is based on the attached documents.

Note:

- Initial Review comments in **black** – provided 10/5/2018
- Second Review comments in **green (comment addressed)** or **red (further review required)** - provided 10/15/2018
- Third Review comments in ***blue** – provided 11/8/2018

Comments:

1. Plat caption is not correct. **This has been addressed with the 10/13/18 submittal.**
 - a. It is not “All of the SE ¼” Exception in NW/SE; it is only part of the SW/NE
 - b. Add SE/NE Section 20
2. Approving Authority - listed state “City of Lodi” as Approving Authority. Should be Town of Lodi. The City of Lodi does not have extraterritorial review. **This has been addressed with the 10/13/18 submittal.**
3. Per 10.05(a)(1), the scale is not acceptable for some sheets. Sheet 1 is the only sheet that shows the entirety of the plat, but the scale exceeds the allowable scale of 1” = 100’. **The scale is not revised to 1”= 100’, however, it is generally legible with the detail sheet (p. 3 of 4 on the 10/13/2018 preliminary plat is 1” = 100’ scale). Some additional detail(s) may be necessary to accurately convey items. Note that some pages still exceed the 1”=100’ scale, this was deemed acceptable by the plan commission in this instance.**
4. Per 10.05(a)(2)(A), the exterior boundary needs to be shown. **This has been addressed with the 10/13/18 submittal.**
 - a. In the NW/SE the lands owned by Hartjes/Bartman are only partially defined by bearing and distance. The centerline of CTH J and the ties from the existing r/w to them are needed.
5. Per 10.05(a)(2)(A), a total acreage of the plat needs to be shown. Should also show or state if the acreage is inclusive or exclusive of right of way. **This has been addressed with the 10/13/18 submittal.**
 - a. If the current 1.5 Acres is the Gross Land Area, then the lots may not satisfy 10.07(c)(3).

6. Per 10.05(a)(2)(B), contours shown on Sheet 3 need to be referenced to USGS Datum. Recommend that the vertical datum of the contours be listed on the sheet. **This has been addressed with the 10/13/18 submittal.**
7. Per 10.05(a)(2)(C), wetland water elevations need to be shown. Are there any areas of permanent water within the wetlands/ESA depicted on the plat? If so, please show the elevation of the water line. **This has been addressed with the 10/13/18 submittal.**
8. Per 10.05(a)(2)(D), easements should be shown on the plat. Please confirm no easements exist.
 - a. **Highly encourage showing and labeling the “Ice Age Trail” through the property.**
 - b. **Drainage easement recording information should be shown (assuming its existing). Also, should be retracable using only the plat. i.e. needs bearing and distances or dimensions that allow it to be recreated using the plat in its intended location.**
 - c. **Does the conservation easement on lots 9, 10, & 11 make them unbuildable/unimprovable?**
 - d. **Confirm the lot subdivision is in conformance with the existing Ice Age Trail Conservation Easement, specifically section A of the Covenants, which specifies the portion of this plat which falls within the conservation easement may only be subdivided once, and into not more than 2 tracts. Do Lots 9, 10, and 11 (which are shown as separate parcels in the easement) conform with this easement language?**
9. Per 10.05(a)(2)(F) & (G) & (H), require topography to be shown. Please address as applicable. **Some culverts and topo were added.**
 - a. **Per (F), the type, width, and centerline elevations of any street pavements within or immediately adjacent to the exterior boundary must be given. This would include CTH J.**
 - b. **Recommend showing the Ice Age Trail centerline.**
10. Per 10.05(a)(2)(J), it is requested that acreage be shown in sq. ft. The current acreage is also good to show, perhaps to two or three significant digits. **This has been addressed with the 10/13/18 submittal.**
11. Per 10.05(a)(2)(J), approximate lot dimensions should be shown. **This has been addressed with the 10/13/18 submittal.**
12. Per 10.05(a)(2)(Q), please identify or draw attention to the contour lying 2 feet about the 100- year flood elevation. **This has been addressed with the 11/13/18 submittal**
 - a. **It would be good to show which FIRM Map/Panel the elevation was derived from.**
13. The wetland/ESA source is from GIS. Should they have a setback? **This has been addressed with the 11/13/18 submittal**
 - a. **Per discussion at the 10/16/18 plan commission meeting, a 35-foot wetland setback should be shown, not a 25-foot setback.**
 - b. **Show a 75-foot building setback from all navigable waters within or immediately adjacent to the exterior plat boundary (pond in Lot 11).**

14. Show extents of proposed shared driveway. **Is an easement being created? Dimensions needed. Is the easement being formalized through the plat or another document?**

- a. Driveway locations were revised with this submittal per discussion at the 10/16/18 meeting.
- b. A shared driveway agreement should be provided for review.
- c. Correct Notes B and C on all sheets.

15. Show the monuments to be set near NW corner of Lot 10 and around the exception. **This has been addressed with the 10/13/18 submittal.**

16. Pipe size shown in the legend for exterior boundary points is deficient per 236-.15(1)(AG) of state statutes. **This has been addressed with the 10/13/18 submittal.**

17. Lot 1 and Lot 3 have a common boundary line with a portion of a building/shed/garage on each Lot. Will this structure be moved? **These comments still need to be addressed.**

- a. **This is addressed but additional topo shows an existing septic and well on proposed Lot 1. It would appear they are for the house on proposed Lot 3. Are any easements or agreements necessary?**
- b. **The “area reserved for septic system used by Lot 2” is physically on Lot 1. This would require some form of easement or agreement for access and maintenance.**
- c. **Lot 1 is zoned residential, where is it septic/mound location?**

18. Driveway culverts shall be installed per Town Ordinance(s). **Concurrence needed.**

General Questions:

19. Will the roadway be dedicated? **This has been addressed with the 10/13/18 submittal.**

- a. This would be specific to CTH J and Bilkey Roadways, which based on the current plat boundary, exist in easement.
- b. In the SE corner of Lot 10, a parcel of unusable land exists southeast of Bilkey Road. This is an existing condition to the parcel today. **This has been addressed with the 10/13/18 submittal.**
- c. If we are dedicating the roadway then Lots 3 and 4 may become too deficient in size related to 10.07(c)(3); if they are not already per note above. **This has been addressed with the 10/13/18 submittal.**

20. Should setback lines be shown? **This has been addressed with the 10/13/18 submittal.**

21. Do Lots 1, 2, and 11 have access from CTH J approved by the County? **This comment still needs to be addressed.**

- a. It appears Lots 4 and 3 have existing drives.

b. Add “FOR LOT 1” to the access/utility easement on Lot 2 that benefits Lot 1. This comment still needs to be addressed.

22. Do the proposed driveway turnarounds adhere to 5.12(i)? This has not been addressed. Need to show that the proposed turnarounds will adhere to the ordinance. This comment still needs to be addressed.

23. The mounds shown for Lots 5, 6, 7, 8, & 9 are within the highway setback. The setback is meant to protect the County from having to move items should they expand the roadway footprint in the future outside of the existing right of way. Has the County been contacted about this issue?

a. Per discussion at the 10/16/18 meeting, please provide documentation from the County approving the proposed mound system locations within the highway setback.

24. Applicant should submit soil reports as mentioned at the 10/16/18 plan commission meeting for review.

25. Applicant should provide further written explanations and supporting documents for the “yes” items marked on the Environmental Assessment for review.

**ATTACHMENT B
EMAIL**

From: Katie MacDonald, PE, Ayres Associates. > Sent: Monday, November 12, 2018 4:09 PM > To: Deborah Zeegers > Cc: Town of Lodi, Tom Marx, Kris Krause, Lawrence Bechler > Subject: Erosion Control Ordinance for the Town of Lodi

I had several notes from the last meeting asking for further definition of the enforcement section for this ordinance. It's the last section in the ordinance, and I think is fairly clear and gives the Town power to post stop work orders and bring the site into compliance at the landowner's expense if they don't on their own. A comment was made at the last meeting asking if we could add a penalty if a site isn't brought into compliance within a certain number of days. I just wanted to get your heads working on that before tomorrow night.

I'd recommend adding wording to the last section, Enforcement (4) that the stop work order etc. may be retracted when the site has been brought back into compliance with the approved EC plan at the responsible parties' expense. The site must be brought back into compliance within X days or a fee of \$XXX/day (or at a rate authorized by the town) may be charged. See the added highlighted text below. For final discussion tomorrow. I had no other comments.

31. Section 11.11(m) is hereby repealed and recreated to read as follows:

“(m) **Enforcement.**

(1) The Town may post a stop work order if any of the following occurs:

- (A) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
- (B) The erosion and sediment control plan is not being implemented in good faith.
- (C) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Town may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Town, or if a responsible party violates a stop work order posted under sub. (1), the Town may request the town attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Town may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2) at their discretion or when the site has been brought back into compliance with the approved plan at the responsible parties' expense. The site must be brought back into compliance and approved by the Town Engineer within 14 days or an additional fee of \$XXX per day may be levied against the responsible party until compliance is approved.

(5) After posting a stop work order under sub. (1), the Town may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Town, plus interest at the rate authorized by Town shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk-treasurer shall enter the amount due on the tax rolls as a special charge against the property pursuant to Wis. Stats. §66.0627.

(6) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(7) Performance of Work by the Town Engineer. Where the Town Engineer determines that the holder of a permit issued pursuant to this Ordinance has failed to make any improvements or to follow practices as approved in the plan; or has failed to comply with the time schedule as included in the plan, the Town Engineer or a party designated by the Town Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said land into conformity with the requirements of the approved plan. The Town Engineer shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627 and collected with any other taxes levied thereon for the year in which the work is completed.”

Katie MacDonald, PE, Civil Engineer
Ayres Associates