

TOWN OF OAKFIELD

Fond du Lac County, Wisconsin

Conservation Subdivision Ordinance



Final Adoption - April 9th, 2007

Prepared by: East Central Wisconsin Regional Planning Commission



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ABSTRACT

TITLE: TOWN OF OAKFIELD CONSERVATION SUBDIVISION
ORDINANCE

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LOCAL PLANNING AGENCY: East Central Wisconsin Regional Planning Commission

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TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Statutory Authorization	1
1.2	Title	1
1.3	Finding of Fact	1
1.4	Statement of Purpose	1
1.5	Abrogation and Greater Restrictions	2
	(1) Public Provisions	2
	(2) Private Provisions	2
1.6	Interpretation.....	3
1.7	Severability	3
1.8	Amendment/Repeal	3
1.9	Effective Date.....	3
2.0	DEFINITIONS.....	3
3.0	GENERAL PROVISIONS	5
3.1	Establishment of Districts	5
	(1) Areas to be Regulated	5
	(2) Restrictions.....	5
	(3) Additional Restrictions	6
4.0	APPLICATION PROCEDURE AND PROCEDURE PROCESS	6
4.1	Initial Conference	6
4.2	Initial Application.....	6
	(1) Inventory and Mapping	7
	(2) Development Yield Analysis.....	8
	(3) Site Analysis and Concept Plan	8
	(4) Location Map	8
4.3	Review of Initial Application.....	9
4.4	Preliminary Plat Review and Approval Procedures	9
4.5	Preliminary Plat Requirements	10
	(1) Proposed Name of Subdivision.....	10
	(2) Project Ownership and Development Information.....	10
	(3) Existing Site Conditions.....	11
	(4) Subdivision Design Features	12
	(5) Preliminary Construction Plans.....	12
4.6	Final Plat Review and Approval Procedures	13
4.7	Final Plat Requirements.....	14
4.8	Certified Survey Maps	15
5.0	REQUIREMENTS FOR DESIGN AND IMPROVEMENTS.....	16
5.1	Land Suitability.....	16
5.2	Development.....	16
5.3	Performance Standards	17
	(1) General Considerations	17
	(2) Residential Lot Requirements	17

	(3) Residential Cluster Siting Standards	19
	(4) Open Space Design	20
	(5) Street Standards	21
	(6) Sewage and Water Facilities	23
5.4	Financial Guarantee	23
6.0	OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES ..	24
6.1	Alternatives.....	24
6.2	Homeowners' Associations.....	24
6.3	Nonprofit Conservation Organizations.....	25
6.4	Public Dedication of Open Space and Streets	25
6.5	Individual Ownership	25
6.6	Maintenance Plan	26
7.0	MODIFICATIONS AND WAIVERS.....	27
7.1	General.....	27
7.2	Conditions.....	27
7.3	Fees	28
8.0	ENFORCEMENT, VIOLATIONS, PENALTIES & AMENDMENTS.....	28
8.1	Enforcement and Violations	28
8.2	Penalties.....	29
8.3	Appeals	29
8.4	Ordinance Amendments	29
9.0	APPENDICES.....	31
9.1	References and Related Technical Documents.....	31
9.2	Wisconsin's Native Tree Species	32
9.3	Natural History Inventory	33
9.4	Architecturally and Historically Significant Sites	34
9.5	IPAW Working List of Invasive Plants	51

1.0 INTRODUCTION

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authority contained in *Wisconsin State Statutes* s. 236.45, as amended from time to time. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Oakfield, Wisconsin. The ordinance does not apply to:

- (1) Transfers of interests in land by will or pursuant to court order.
- (2) Cemetery plats under *Wisconsin State Statutes* s.157.07.
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.
- (4) Assessors' plats made under *Wisconsin State Statutes* s.70.27, but such assessors' plats shall comply with s. 236.15(1)(a)--(g) and 236.20(1), (2)(a)--(c).

1.2 TITLE

This ordinance shall be known as the Conservation Subdivision Ordinance for the Town of Oakfield, Wisconsin.

1.3 FINDING OF FACT

Uncontrolled development in the rural areas of this municipality would impair the economic vitality of agribusiness, disrupt the rustic character of the town, hinder Niagara Escarpment preservation efforts, degrade water quality, destroy ecological habitats, and inhibit cost-effective delivery of public and community services.

1.4 STATEMENT OF PURPOSE

This ordinance is intended to regulate residential development to:

- (1) Guide the future growth and development of the community consistent with the Town of Oakfield's adopted comprehensive plan;
- (2) Guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation;
- (3) Preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- (4) Preserve scenic views by minimizing views of new development from existing roads;

- (5) Preserve the unique geological features associated with the Niagara Escarpment and the surrounding area;
- (6) Preserve prime agricultural land by concentrating housing on lands that have low agricultural potential;
- (7) Provide commonly-owned or public open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (8) Provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (9) Provide buffering between residential development and non-residential uses;
- (10) Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
- (11) Preserve significant archaeological sites, historic buildings and their settings; and
- (12) Meet demand for housing in a rural setting.

1.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by the Ordinance to repeal, abrogate, annul, impair, or interfere with any existing private easements, covenants, deed restrictions, or agreements, nor any ordinances, rules, regulations, or permits previously adopted or issued pursuant to law except as provided in Sec. 1.8. However, when this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

This ordinance does not apply to:

- (1) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- (2) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations

more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

1.6 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Town of Oakfield to promote the purposes for which they are adopted.

1.7 SEVERABILITY

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town of Oakfield hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 AMENDMENT/REPEAL

This ordinance implements the *Town of Oakfield Zoning Ordinance* adopted on August 16, 1982 with subsequent amendment in March 13, 2000. This ordinance shall repeal provisions and applications of other ordinances if and only if inconsistencies arise in the designated conservation subdivision districts within the Town of Oakfield.

1.9 EFFECTIVE DATE

This ordinance shall take effect upon the passage and adoption by the Town board and the filing of proof of posting or publication in the Office of the Town Clerk.

2.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

BUFFER: A legally required setback which is maintained with trees, shrubs, and/or herbaceous vegetation. To the extent practical, vegetation within the

buffer should include species native to Wisconsin that are non-aggressive and non-invasive. Vegetated buffers exist or are established to protect stream systems, lakes, reservoirs, wetlands, and other environmental features included with the "Resource Protection Areas" as indicated in the *Oakfield Area Joint Land Use Plan*. Alteration of this natural area is strictly limited.

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. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.

CONSERVATION EASEMENT: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

CONSERVATION SUBDIVISION: A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

DEVELOPMENT ENVELOPE(S): Areas within which grading, lawns, pavement and buildings will be located.

GROSS ACREAGE: The total area of a parcel including the area of perimeter street rights-of-way to the center line of the street.

HOMEOWNER'S ASSOCIATION: A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

NONPROFIT CONSERVATION ORGANIZATIONS: Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational 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.

PARENT PARCEL: The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

SUBDIVIDER: Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a conservation subdivision.

3.0 **GENERAL PROVISIONS**

3.1 **ESTABLISHMENT OF DISTRICTS**

(1) **AREAS TO BE REGULATED**

The conservation subdivision standards apply to all divisions of a parent parcel of 15 acres or more by a subdivider where the division creates at least three (3) new parcels. The number of new parcels that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision except for those conservation subdivisions which qualify for a development bonus under section 5.2. The provisions of this ordinance apply to residential development within the Town. Conservation subdivisions should not be allowed in either the Niagara Escarpment Management Zone, Horicon Marsh Viewshed Overlay Zone, and Resource Protection Areas as indicated in the *Oakfield Area Joint Land Use Plan* or areas where shoreland and floodplain zoning is currently enforced.

(2) **RESTRICTIONS**

No person shall divide any land under the provisions of this ordinance without compliance with all requirements of this ordinance and the following:

- a) The provisions of *Wisconsin State Statutes* Ch. 236 and s. 80.08.
- b) The rules of the Wisconsin Department of Commerce, contained in Chapter COMM 83 and related chapters of the Wisconsin Administrative Code for land divisions not served by public sewer.
- c) The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
- d) The rules of the Wisconsin Department of Natural Resources contained in Chapter 118 of the Wisconsin Administrative Code for shoreland, shoreland-wetland, and floodplain management.
- e) Consistency with the Town of Oakfield's adopted Comprehensive Plan.
- f) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- g) All other applicable rules contained in the Wisconsin Administrative Code.

(3) ADDITIONAL RESTRICTIONS

In addition to the restrictions set forth above, the town board reserves the right to require the imposition of deed restrictions if deemed reasonably necessary to implement the provisions of the Ordinance. Said deed restrictions shall run with the land and be separately enforceable by the Town.

4.0 APPLICATION PROCEDURE AND PROCEDURE PROCESS

4.1 INITIAL CONFERENCE

Before submitting an application for a conservation subdivision, the subdivider shall schedule an appointment and meet with the plan commission to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards.

At this initial appointment, the subdivider and plan commission may also schedule a visit to the site with the subdivider to review the existing features of the site and the concept plan. To the extent practicable, the following parties should physically walk the site to inspect the proposed subdivision site as well as the surrounding areas: the subdivider, at least one member of the plan commission, at least one member of the Town Board, the current property owner, adjacent landowners, and any interested citizens. Professionals such as Wisconsin Department of Natural Resources staff, United States Fish and Wildlife Staff, and/or land trust employees may be invited if a proposed subdivision will affect a parcel owned by these entities, or if professional expertise regarding ecological issues on the site is desired.

All parties should walk the proposed property in order to create a "sketch plan" map of the prominent natural and man-made features which are located on the property and surrounding areas. The site walk should end with an informal design session in which lots and houses are identified using the following four stage process as described by Ardent (1994) in mapping including: 1.) identifying primary and secondary conservation areas; 2.) designing open space to protect them; 3.) arranging houses outside of these protected areas; and 4.) laying out streets, lots, and other infrastructure. After the "sketch plan" has been prepared, the subdivider shall present the proposal to the entire plan commission for final approval of the "sketch plan" before more detailed mapping occurs.

4.2 INITIAL APPLICATION

After the initial conference, site visit, and approval of the sketch plan, the subdivider shall submit a series of maps and descriptive information to the plan commission according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. The initial application must include the following data:

(1) Inventory and Mapping

All existing resources on a proposed development site shall be mapped at a scale of no less than one inch per 50 feet to include:

- (a) Topographic contours at 2-foot intervals.
- (b) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of heavy metals (i.e., arsenic), bacteria, nitrates, atrazine, or other pollutants.
- (c) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
- (d) Land cover on the site, according to general cover type (pasture, woodland, etc.), and tree species native to Wisconsin that are non-aggressive and non-invasive with a caliper of more than 10 inches measured four (4) feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Specific non-aggressive and non-invasive tree species are those sold by Wisconsin Department of Natural Resources state nurseries (Exhibit A, Appendix 9.2).
- (e) Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.
- (f) Known critical habitat areas for rare, threatened or endangered species (Exhibit B, Appendix 9.3).
- (g) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
- (h) Unique geological resources, such as rock outcrops and glacial features.
- (i) Publicly owned and conservation reserve program lands as indicated by the *Oakfield Area Joint Land Use Plan*, or other official sources such as NRCS, USDA, WDNR, etc.
- (j) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological

features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites (Exhibit C, Appendix 9.4).

(2) Development Yield Analysis

- (a) The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the town zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance as compared to the number of dwelling units proposed under the conservation requirements.
- (b) Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.

(3) Site Analysis and Concept Plan

- (a) Using the inventory in 4.2(1), the development yield analysis in 4.2(2), and applying the design standards specified in section 5 of this ordinance, the concept plans shall include the following information at a scale of no less than one inch equal 50 feet:
 - (i) Open space areas indicating which areas will remain undeveloped and trail locations.
 - (ii) Boundaries of areas to be developed and proposed general street and lot layout.
 - (iii) Number and type of single-family housing units proposed.
 - (iv) Proposed methods for and location of all water supply systems, stormwater management facilities (e.g., best management practices), and sewage treatment facilities. To the extent feasible, all facilities shall be community-based and centrally located. The subdivider must demonstrate the infeasibility of community-based, centrally located facilities. Increased cost is insufficient to overcome the legislative presumption of the desirability that all facilities shall be community-based and centrally located.
 - (v) Inventory of preserved and disturbed natural features and prominent views.
 - (vi) Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
 - (vii) Proposed methods for ownership and management of open space.

(4) Location Map

- (a) The subdivider shall submit a map showing the general location of the property to be subdivided. The map should include general outlines of existing buildings, land use, and natural features such as water bodies or

wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

4.3 REVIEW OF INITIAL APPLICATION

Within 30 days following the filing of a complete initial application the plan commission shall meet with the subdivider to review the initial application. Staff from appropriate state agencies may also be requested by the town to review the application. The plan commission shall make the determination of whether the initial application is complete. Within 30 days following the meeting, the plan commission shall provide a written report informing the subdivider of any additions, changes, or corrections to the concept plan submitted as part of the initial application.

4.4 PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES

Following review and comment of the plan commission on the initial application, the subdivider or subdivider agent shall file an application for review and approval of the plan commission of a preliminary plat with the town clerk. The application should include the following:

- (1) The proposal should be reviewed by administrative staff from appropriate governmental agencies and utility commission reviews. The town clerk shall provide copies of the preliminary plat to town and county department heads, to the appropriate objecting agencies under *Wisconsin State Statutes* s.236.12, and to the appropriate utilities for their review and comment. The town and county staff and utility comments will be forwarded to the plan commission and town board for consideration during the review process.
- (2) The town clerk shall schedule a public hearing on the preliminary plat before the plan commission. The town clerk shall give notice of the plan commission's review and public hearing on the preliminary plat by listing it as an agenda item in the plan commission's meeting notice published in the official local government newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action. All abutting property owners to the proposed land division shall receive written notice of the public hearing.
- (3) After review of the preliminary plat and negotiations with the subdivider on changes and the kind and extent of public improvements that will be required, the plan commission shall recommend to the town board disapproval, approval, or conditional approval of the preliminary plat within 60 days of the filing date. If the preliminary plat is approved, the plan commission shall endorse it for the town board.
- (4) After receipt of the plan commission's recommendation, the town board shall, within 90 days of the date the preliminary plat was filed with the town clerk,

approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the town board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat under *Wisconsin State Statutes* s.236.11(1)(a), unless other authorized agencies object to the plat. The town clerk shall communicate to the subdivider the action of the town board.

- (5) Approval of a preliminary plat shall be valid for six months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and town board at the time of its submission.
- (6) If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the plan commission of such scope as to constitute a new plat, in which case it shall be refiled.
- (7) Any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance may appeal, to circuit court, within 30 days of notification of the rejection of the plat.

4.5 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not less than one (1) inch equals one hundred (100) feet. More than one (1) sheet may be used to present the information required in this section and shall include the following:

- (1) Proposed Name of the Subdivision.

The name shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the County.

- (2) Project Ownership and Development Information.
 - (a) Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
 - (b) Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
 - (c) Date of preparation.

(3) Existing Site Conditions.

The existing site conditions should be described on a property survey map including the following information:

- (a) Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
- (b) Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.
- (c) Show the type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
- (d) Location, widths, and names of all existing public and private easements to a distance of 100 feet beyond the site.
- (e) Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
- (f) Topographic data including contours at vertical intervals of not more than 2 feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
- (g) Significant natural resource features on the site, i.e. wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainage ways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.
- (h) Burial sites categorized under *Wisconsin State Statutes* s.157.70, Indian mounds, national and state register listed properties, and locally designated historic properties.
- (i) Existing soil classifications, including hydric soils.
- (j) Legal description of the property.
- (k) Existing zoning classifications for land in and abutting the subdivision.
- (l) Total acreage of the proposed site.
- (m) Provide graphic scale, north arrow, and date.

(4) Subdivision Design Features.

- (a) Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
- (b) Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
- (c) Layout of proposed blocks and lots within the plat.
- (d) Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
- (e) Minimum front, side and rear yard building setback lines for all lots.
- (f) Indication of the use of any lot.
- (g) Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.
- (h) Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
- (i) Development envelopes showing areas for grading, lawns, pavement and buildings.
- (j) Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
- (k) Management plan for restoration and long-term management of the open space areas.

(5) Preliminary Construction Plans.

Detailed preliminary construction plans should demonstrate the following:

- (a) Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
- (b) Existing and proposed grades, drainage patterns, and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres,

total impervious surface area of project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of 10 inches or more measured four (4) feet above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan.

- (c) Provisions for community based sewage disposal, water supply, stormwater management, and flood control.

4.6 FINAL PLAT REVIEW AND APPROVAL PROCEDURES

A final subdivision plat shall be filed in accordance with the following:

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance and shall file 20 copies of the plat and the application with the town clerk at least 21 days prior to the meeting of the plan commission at which action is desired. The owner or subdivider shall file the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the town. The subdivider or subdivider's agent shall also submit at this time a current certified abstract of title or such other evidence as the town may require showing ownership or control in the applicant.
- (2) The subdivider or the subdivider's agent shall submit the original plat to the Plat Review Section, Wisconsin Department of Administration, which shall forward two copies to each of the agencies authorized to object under *Wisconsin State Statutes* s.236.12(2). The department shall have the required number of copies made at the subdivider's expense.
- (3) Simultaneously with the filing of the final plat, the owner shall file with the town clerk four (4) copies of the final construction plans and specifications of public improvements required by the town and county.
- (4) The subdivider shall also submit plans for areas to be protected. Where feasible a detailed land stewardship plan should discuss a planting and maintenance schedule for introduced native vegetation. If these open areas are in close proximity to (less than or equal to 0.5 miles) federally or state owned lands, these plans shall be consistent with the recommendations established in the *Horicon National Wildlife Refuge Comprehensive Conservation Plan, Oakfield Area Joint Land Use Plan*, or current master planning documents completed by the Wisconsin Department of Natural resources.
- (5) The town clerk shall provide copies of the final plat to town and county department heads and to the appropriate utilities for their review and

comment. The town and county staff and utility comments will be forwarded to the plan commission and town board for their consideration during the review process.

- (6) The plan commission shall examine the final plat as to its conformance with the preliminary plat; any conditions of approval of the preliminary plat; this chapter; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect it and shall recommend approval, conditional approval, or rejection of the plat to the town board.
- (7) The plan commission shall, within 60 days of the date of filing the original final plat with the town clerk, approve or reject such 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 and a written statement of the reasons forwarded to the subdivider. The plan commission may not inscribe its approval on the final plat unless the town clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required in this section, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.
 - (a) The plan commission shall, when it determines to approve a final plat, give at least ten days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.
 - (b) If the plan commission fails to act within 60 days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (c) After the final plat has been approved by the plan commission and required improvements either installed or a contract and sureties ensuring their installation is filed, the town clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds along with all conservation easements and deed restrictions. The register of deeds cannot record the plat unless it is offered within six months from the date of last approval.
 - (d) The subdivider shall file eight (8) copies of the approved final plat with the town clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.

4.7 FINAL PLAT REQUIREMENTS

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of *Wisconsin State Statutes s. 236.20* and this ordinance. The final plat shall show correctly on its face in addition to the requirements of s. 236.20, the following:

- (1) Exact length and bearing of the centerline of all streets.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Exact location and description of utility and drainage easements.
- (4) Railroad rights-of-way within and abutting the plat.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
- (6) Restrictions relating to access control along public ways.
- (7) Setback or building lines.
- (8) Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat.
- (9) The legal instruments detailing the ownership of the common open space, as required in section 5, which shall be filed with the final plat.
- (10) All final plats shall meet all the surveying and monumenting requirements of *Wisconsin State Statutes* s. 236.15.
- (11) Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the town, 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 state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat.
- (12) All final plats shall provide all the certificates required by *Wisconsin State Statutes* s.236.21. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.
- (13) The final plat shall be recorded within 30 days of its approval by the plan commission.

4.8 CERTIFIED SURVEY MAPS

Conservation subdivisions shall not be created by certified survey maps under *Wisconsin State Statutes* s. 236.34.

5.0 REQUIREMENTS for DESIGN and IMPROVEMENTS

5.1 LAND SUITABILITY

No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

- (1) All areas mapped as 100 Year Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.
- (2) All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100 foot buffer.
- (3) All areas within 100 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources Water Management Specialists.
- (4) All areas having slopes equal to or greater than 12 percent.
- (5) Areas that are known to provide habitat for rare, threatened or endangered species.
- (6) Burial sites and Native American mounds.
- (7) Drainage ways that contain running water during spring runoff, during storm events or when it rains. A 100 foot buffer from the edge of the drainage way shall be included.

Areas determined to be environmentally sensitive may be included as common open space in a conservation subdivision but shall not be included in the development yield analysis in section 4.2. These lands shall be identified as an outlot or other designation that indicates the land is not available for development. All buffers around environmentally sensitive areas shall be maintained in natural vegetation with preference given to species native to the Town of Oakfield.

5.2 DEVELOPMENT

The number of residential units for a parcel shall be determined in accordance with the following:

- (1) The development yield analysis in section 4.2(2) shall establish the base development yield for the parcel.
- (2) The base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a

development yield bonus of 5% in addition to the base development yield. The maximum bonus permitted is 20%.

- (a) Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.).
- (b) Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses. The individual homeowners associations (or other owner) may establish a trail fee system for trail usage by non-owners if desired.
- (c) Providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
- (d) Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

5.3 PERFORMANCE STANDARDS

Several general physical, spatial, and social parameters shall be used to evaluate the implementation of conservation subdivisions within the town.

- (1) General considerations.
 - (a) Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The plan commission shall have the ability to specify which areas shall be preserved.
 - (b) The residential lot shall be large enough to accommodate a house and two car garage.
- (2) Residential Lot Requirements.
 - (a) Lots using community septic system should be a minimum of 0.25 acres but not exceed a maximum of one (1) acre; lots served by a private on-site septic system should be a minimum 0.5 acres but not exceed a maximum of one (1) acre.

- (b) Specific setbacks shall be required for principal buildings. The front lot line set back shall be 30 feet, side lot lines shall be 10 feet and rear lot lines shall be 10 feet.
- (c) Specific setbacks shall be required for accessory buildings. These structures shall be setback 10 feet from the side lot lines and 10 feet from the rear lot line. Accessory building should preferably be placed in the rear yard.
- (d) Lots shall be configured to minimize the amount of impervious surfaces including buildings, driveways, patios, and other impermeable surfaces. Roads and other community features should not exceed 20% of the overall parcel which is being subdivided. The maximum allowable impervious surfaces per individual lot shall be determined by the overall lot size

<u>Lot size</u>	<u>Impervious Surface</u>
0.25 acre	50%
0.50 acre	35%
1.00 acre	20%

- (e) The maximum building height shall be 35 feet.
- (f) Most lots shall take access from interior neighborhood streets as defined in 5.3(5)(b). Existing farmsteads which will be preserved may have a driveway as part of the historic landscape that does not access a local street.
- (g) Lots shall be configured to minimize the amount of road length required for the subdivision.
- (h) Development envelopes shall be configured to minimize the loss of woodlands.
- (i) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (j) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- (k) Lots shall be oriented around one or more of the following:
 - (i) A central green or square
 - (ii) A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

- (l) Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
 - (m) Residential structures shall be oriented to maximize solar gain in the winter months.
 - (n) A 100 foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
 - (o) Stormwater management best management practices (BMPs).
 - (i) Minimize the use of curb and gutter and maximize the use of open swales.
 - (ii) Roof down spouts should drain to porous surfaces.
 - (iii) Peak discharges during the 2 and 10 year storm events shall be no more than pre-developed conditions.
 - (iv) The development should capture 80% of the sediments/pollutants from the 1 year storm event.
 - (v) Landscape plantings should be used to increase infiltration and decrease runoff. Where feasible, native plants should be utilized.
 - (vi) Natural open drainage systems shall be preserved.
- (3) Residential Cluster Siting Standards.
- (a) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and no less than three (3) units.
 - (b) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
 - (c) Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
 - (d) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
 - (e) Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - (i) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - (ii) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.

- (iii) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
- (iv) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- (v) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

- (f) Landscaping around the cluster may be necessary to reduce off site views of residences.

(4) Open Space Design.

- (a) The minimum open space required shall be owned and maintained under one of the alternatives listed in section 6, as approved by the town. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 6.
- (b) Open space shall be designated as part of the development. The minimum required open space is 50 % of the gross acreage, but varies with parcel size. Additional density bonuses may be offered if the subdivider exceeds these requirements. Open space requirements are as follows:
 - (i) 50% for parcels less than or equal to 40 acres.
 - (ii) 55% for parcels between 40 and 80 acres.
 - (iii) 60% for parcels greater than 80 acres.
- (c) The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site. The open spaces shall be ranked on their conservation merit according to the following order of significance:
 - (i) First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
 - (ii) Second priority will be given to areas providing some plant and wildlife habitat and open space values.
 - (iii) Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.

- (d) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (i) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - (ii) Privately-held buildings or structures provided they are accessory to the use of the open space.
 - (iii) Shared septic systems and shared potable water systems.
 - (e) Road rights of way shall not be counted towards the required minimum open space.
 - (f) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
 - (g) That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
 - (h) Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
 - (i) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
- (5) Street Standards.
- (a) Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.
 - (b) Neighborhood streets shall provide main subdivision ingress and egress. Neighborhood streets may be constructed perpendicular to existing Town roads, county highways, or state highways.
 - (c) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
 - (d) Streets shall have the following design standards:

- (i) Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, sidewalks, trails, and walkways, utilities, and snow storage. The minimum right-of-way shall be provided in accordance with the following:

<u>Right-of-Way</u>	<u>ADT less than 250</u>	<u>ADT over 250</u>
Two-way roadway	66'	66'

- (ii) Travel lane widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

<u>Travel Lanes</u>	<u>ADT</u>		
	<u><100</u>	<u>100-250</u>	<u>>250</u>
Two-way roadway*	18'-24'	20'-26'	22'-28'
Shoulder width	2'-4'	2'-4'	2'-4'

*Does not include shoulder or gutter pan

- (e) Additional standards:

- (i) Design Speed: Maximum 25 miles per hour.
- (ii) Vertical Curves: Minimum 50' (when grade difference less than 1%, no curve is needed).
- (iii) Horizontal Curves: Minimum radius of 125'.
- (iv) Road Grades: Maximum grade 8%.
- (v) Super-elevation: Maximum $e = 0.04$ feet/foot.
- (vi) Pavement Strength: 15 ton minimum.
- (vii) Clear Zones: Shoulder sections: 10' from edge of travel lane
- (viii) Bridges: Width shall be traveled way, plus 2' each side. Design Loading for Structural Capacity HS-20, plus 5' sidewalk necessary to maintain pedestrian crossing.
- (ix) Cul-de-sacs should be designed as semi-circular and circular loop roads. Minimum 30' outside radius around a landscaped island with an minimum 10' radius. Open space internal to these road features can be counted toward the open space requirements.
- (x) Trails and other walkways should have a minimum width of 5 feet.

- (f) If determined necessary by the planning commission, shade trees shall be planted on both sides of the street.

- (g) Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.

- (h) Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the town's standards for collector roads.
 - (i) Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
- (6) Sewage and Water Facilities.
- (a) Water for a conservation subdivision shall be provided by a community owned onsite wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and the town. The use of shared or community wells is required to the extent feasible. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
 - (b) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting the standards of the town and county and the permit requirements of the Wisconsin Department of Commerce and the Department of Natural Resources. Where sewage treatment may not be provided by a publicly owned wastewater treatment works, to the extent feasible, a common sewage treatment and disposal unit located on the common open space lands is required.

5.4 FINANCIAL GUARANTEE

In order to secure the performance of the various obligations imposed on the subdivider by this ordinance, the subdivider shall submit to the Town a performance bond, certificate of deposit, or other suitable financial surety ("Security") in an amount equal to 150% of the amount necessary to secure the cost of improvements for the subdivision. The Security shall be submitted to the Town prior to the Town's approval of the preliminary plat. The Security shall provide that if the improvements are not completed within the specific deadline contained the Town's approving resolution, the amount of the Security shall be paid to the Town, and the Town shall have the authority to complete the necessary improvements. Furthermore, the subdivider shall be personally liable for the excess of the cost of the improvements over the amount of the Security, if any. The Security submitted by the subdivider shall be in a form satisfactory to the Town's legal counsel. If the Security defined above is inadequate to fulfill the obligations defined herein, the subdivider consents to the Town taking one or more of the following additional steps in order to secure the repayment of the obligations imposed:

- (a) The Town is hereby granted the authority to add the deficiency to the real estate taxes in the year when the deficiency has been determined; or

- (b) The subdivider hereby consents to the imposition of a special assessment against the relevant property in an amount equal to the deficiency, with said special assessment deemed perfected without further notice or hearing, which notice and hearing are hereby waived. The Town may enforce the provisions of this section by injunction or through any remedy at law. If it is necessary for the Town to enforce this section, the Town shall be entitled to recover its reasonable attorneys' fees and costs of the action.

6.0 OWNERSHIP and MAINTENANCE of OPEN SPACE and COMMON FACILITIES

6.1 ALTERNATIVES

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) A homeowners' association.
- (2) A nonprofit conservation organization.
- (3) The Town of Oakfield or another governmental body empowered to hold an interest in real property.
- (4) An individual who will use the land for open space purposes as provided by a conservation easement.

6.2 HOMEOWNERS' ASSOCIATIONS

A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- (1) The legal description of the common land;
- (2) A description of common facilities;
- (3) The restrictions placed upon the use and enjoyment of the lands or facilities;

- (4) Persons or entities entitled to enforce the restrictions;
- (5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
- (6) A mechanism for resolving disputes among the owners or association members;
- (7) The conditions and timing of the transfer of ownership and control of land facilities to the association; and
- (8) Any other matter the developer deems appropriate.

6.3 NONPROFIT CONSERVATION ORGANIZATION

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

6.4 PUBLIC DEDICATION of OPEN SPACE and STREETS

If the common open space is to be held by the town, there are several implications of how the open space is transferred to the town. Streets shall be owned by the town.

- (1) The town may accept the dedication of fee title or dedication of a conservation easement to the common open space. The town may accept the common open space provided:
 - (a) The common open space is accessible to the residents of the town;
 - (b) The town agrees to and has access to maintain the common open space.
- (2) Streets or other public ways which have been designated on a duly adopted official map or element of the town comprehensive plan shall be dedicated or reserved by the subdivider to the town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

6.5 INDIVIDUAL OWNERSHIP

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

6.6 **MAINTENANCE PLAN**

Every conservation subdivision must include a property maintenance plan (master plan) that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by, the plan commission prior to final plat approval.

- (1) The master plan shall do the following:
 - (a) Designate the ownership of the open space and common facilities in accordance with section 6.1.
 - (b) Establish necessary regular and periodic operation and maintenance responsibilities.
 - (c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - (d) Include specific long-term management goals for common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in section 4.2, describing:
 - (i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - (ii) The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 - (iii) Conservation strategies for all natural areas with specific habitat goals similar to goals adopted by adjacent conservancy areas which delineate desirable species and ecosystems native to the Oakfield area.
 - (iv) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion and invasive species; and measures for restoring historic features and habitats or ecosystems.
 - (v) The operations needed for maintaining the stability of the resources, including: mowing schedules; invasive species/noxious weed control; planting schedules; clearing and cleanup; at the town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
 - (vi) For invasive species, the master plan shall reference definitions and species promulgated by the Invasive Plant Association of Wisconsin (IPAW). All species included on IPAW's Working List of the Invasive Plants of Wisconsin (Exhibit D, Appendix 9.5).
- (2) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain

all or any portion of the common facilities in reasonable order and condition, notice shall be give to the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the 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 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.

- (a) The costs of corrective action by the town shall be assessed ratably, in accordance with *Wisconsin State Statutes* s.66.0627. as amended, against the properties that have the right of enjoyment of the common facilities. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of the delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement.
- (3) Master plans can be amended by the owner identified under section 6.1 with the approval of the plan commission.

7.0 MODIFICATIONS AND WAIVERS

7.1 GENERAL

The town board may change or supplement this conservation subdivision ordinance in the manner provided by law. Where, in the judgment of the town board it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the town board may waive or modify any requirements to the extent deemed appropriate.

Application for any such modification or waiver shall be made in writing to the plan commission by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data that may aid the plan commission in the analysis of the proposed project. The plan commission shall provide its recommendation to the Town Board.

7.2 CONDITIONS

The town board of the town shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- (2) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, if the strict letter of this ordinance were carried out.
- (4) Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by similar properties in the vicinity.
- (5) The town board approves of the modification to this ordinance, shall do so by motion or resolution and shall notify the subdivider.
- (6) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the town consistent with the town comprehensive plan or this ordinance.
- (7) Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

A majority vote of the town board shall be required to grant any modification of this ordinance, and the reasons shall be entered in the minutes.

7.3 FEES

The town board may, by resolution, establish reasonable fees for the administration of this ordinance. An initial filing fee of \$500 shall be charged for each application. Additional fees may be requested from the petitioner to reimburse the Town for actual costs incurred during the plat review process should they exceed this amount (including, without limitation, reasonable attorneys' fees, engineering fees, independent review fees, public meeting costs, public notifications, etc.)

8.0 ENFORCEMENT, VIOLATIONS, PENALTIES AND AMENDMENTS

8.1 ENFORCEMENT AND VIOLATIONS

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or state law, and no person shall be issued a building permit by the town authorizing the building on or improvement of any subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this chapter have been fully met. The town may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

8.2 PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10 and not more than \$200, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. If any person is in default of this payment of forfeiture and costs, he shall be imprisoned in the Fond du Lac County Jail until payment thereof, for a period not to exceed thirty (30) days. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to *Wisconsin State Statutes* s. 87.30.

Penalties for violation of this ordinance shall be as follows:

- (1) Any person who fails to comply with this chapter shall, upon conviction, be subject to the penalties as provided by the town.
- (2) Recordation improperly made has penalties provided in *Wisconsin State Statutes* s. 236.30.
- (3) Conveyance of lots in unrecorded plats has penalties provided for in *Wisconsin State Statutes* s. 236.31.
- (4) Monuments disturbed or not placed have penalties as provided for in *Wisconsin State Statutes* s. 236.32.
- (5) Assessor's plat made under *Wisconsin State Statutes* s. 70.27 may be ordered by the town as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

8.3 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance may appeal, to circuit court, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

8.4 ORDINANCE AMENDMENTS

By majority vote of the Town Board, any portion of this ordinance may be amended upon recommendation by the plan commission. Modification requests may be initiated by the Town Board, Plan Commission, or general public and will be reviewed and considered in a reasonable timeframe

9.0 **APPENDIX**

9.1 **REFERENCES AND RELATED TECHNICAL DOCUMENTS**

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Wisconsin Historical Society. 2006. *Wisconsin's Architecture and History Inventory*. <http://www.wisconsinhistory.org/ahi/>.

9.2 WISCONSIN'S NATIVE TREE SPECIES

Exhibit A. Native Trees of Wisconsin.

Species		Type
Common Name	Scientific Name	
Cedar, White	<i>Thuja occidentalis</i>	Conifer
Hemlock, Eastern	<i>Tsuga canadensis</i>	Conifer
Pine, Jack	<i>Pinus banksiana</i>	Conifer
Pine, Red	<i>Pinus resinosa</i>	Conifer
Pine, Red	<i>Picea resinosa</i>	Conifer
Pine, White	<i>Pinus strobus</i>	Conifer
Spruce, Black	<i>Picea mariana</i>	Conifer
Spruce, White	<i>Picea glauca</i>	Conifer
Tamarack	<i>Larix laricina</i>	Conifer
Ash, Black	<i>Fraxinus nigra</i>	Deciduous
Ash, Green	<i>Fraxinus pennsylvanica</i>	Deciduous
Ash, White	<i>Fraxinus americana</i>	Deciduous
Aspen, Quaking	<i>Populus tremuloides</i>	Deciduous
Birch, River	<i>Betula nigra</i>	Deciduous
Birch, White	<i>Betula papyrifera</i>	Deciduous
Birch, Yellow	<i>Betula alleghaniensis</i>	Deciduous
Cherry, Black	<i>Prunus serotina</i>	Deciduous
Maple, Silver	<i>Acer saccharinum</i>	Deciduous
Maple, Sugar	<i>Acer saccharum</i>	Deciduous
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous
Oak, Red	<i>Quercus rubra</i>	Deciduous
Oak, Swamp White	<i>Quercus bicolor</i>	Deciduous
Oak, White	<i>Quercus alba</i>	Deciduous
Walnut, Black	<i>Juglans nigra</i>	Deciduous
Dogwood, Red Osier	<i>Cornus stolonifera</i>	Shrub
Dogwood, Silky	<i>Cornus amomum</i>	Shrub
Hawthorn	<i>Crataegus spp.</i>	Shrub
Hazlenut	<i>Corylus americana</i>	Shrub
Juneberry	<i>Amelanchier spp.</i>	Shrub
Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Plum, American	<i>Prunus americana</i>	Shrub

9.3 WDNR NATURAL HERITAGE INVENTORY

The Wisconsin Department of Natural Resources Natural Heritage Inventory (NHI) is an on-line database which provides statewide inventory of KNOWN locations and conditions of rare, threatened, and endangered species and natural communities. All areas of the state have not yet been inventoried. Thus, the absence of a species within this database does not indicate that particular species or communities are not present within the listed towns. Nor does the presence of one element imply that other elements were surveyed for but not found.* Despite these limitations, the NHI is the state's most comprehensive database on biodiversity and is widely used. Species are listed by their type, scientific name, and common name; the last observed record is indicated. Plants species are not listed below; WDNR personnel must be consulted for individual developments.

Exhibit B. Town of Oakfield NHI Inventory.

Classification	Scientific Name	Common Name	Date Observed
Community	Mesic Prairie		1978
Community	Moist Cliff		2000
Community	Southern Mesic Forest		1976
Invertebrate	Catinella gelida	A Land snail	1997
Invertebrate	Succinea bakeri	A Land snail	1997
Invertebrate	Vallonia perspectiva	Thin-lip vallonia	1997
Invertebrate	Vertigo hubrichti	Midwest pleistocene vertigo	1997
Invertebrate	Vertigo iowaensis	Iowa pleistocene vertigo	1997
Invertebrate	Vertigo tridentata	Honey vertigo	1997
Plant	Draba arabisans	Rock Whitlow-grass	2000

* In most cases, locations for species and natural communities surveyed and listed in the NHI are available down to the town level. The exception are those species whose locations are considered to be sensitive (particularly vulnerable to collection or disturbance). Locations of these species or natural communities are generalized down to the county level in order to minimize impacts to them. The WDNR will need to be contacted to do a more thorough examination of the NHI database to determine if rare, threatened, or endangered species would be present within the section the proposed development is located. Further studies may also be deemed necessary by the WDNR.

9.4 **ARCHITECTURALLY and HISTORICALLY SIGNIFICANT SITES**

Wisconsin's Architecture and History Inventory (AHI) provides historical and architectural information on approximately 120,000 properties in Wisconsin. The AHI (<http://www.wisconsinhistory.org/ahi/>) contains data on buildings, structures and objects that illustrate Wisconsin's unique history. The AHI documents a wide range of historic properties such as the round barns, log houses, metal truss bridges, small town commercial buildings, and Queen Anne houses that create Wisconsin's distinct cultural landscape. It is a permanent record maintained by the Wisconsin Historical Society.

This is not a comprehensive list of all old Wisconsin buildings and structures. The inventory has been assembled over a period of more than 25 years from a wide variety of sources. In many cases, the information is dated. Some properties may be altered or no longer exist. Inclusion in this inventory conveys no special status, rights or benefits to owners of these properties. Determinations on the cultural significance of buildings and properties to be protected as common open space or private residences within a conservation subdivision must be made on a case-by-case basis. The following properties in the Town of Oakfield have been incorporated into the AHI.

Exhibit C. T. Oakfield AHI Search Results.

County: FOND DU LAC	Record #: 58714	Location: STATE HIGHWAY. 103, SOUTH SIDE, .5 MILES EAST OF COUNTY HIGHWAY C	
City or Village:	Town, Range, Section: 1416E-06	Quarter Sections: NE NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Waupun North		Historic Name:	Wall Material: Asbestos
Map Code: 37/23		Construction Date:	Structural System:
Survey Date: 1974		Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58715	Location: N4795 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-04	Quarter Sections: NE SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: J. Krueger House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 41/11	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58716	Location: N4158 WOLF RD
City or Village:	Town, Range, Section: 1416E-08	Quarter Sections: SW SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Wolf House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 41/13	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58717	Location: N4312 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-08	Quarter Sections: NE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: V. Flood House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 41/12	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58718	Location: COUNTY HIGHWAY Y, W SIDE, .5 MILE N OF COUNTY HIGHWAY D, JUST S OF CITY LIMITS
City or Village:	Town, Range, Section: 1416E-11	Quarter Sections: SE SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/33	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58719	Location: COUNTY HIGHWAY B, .5 MILE EAST OF THE VILLAGE OF OAKFIELD	
City or Village:	Town, Range, Section: 1416E-13	Quarter Sections:	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: None	Historic Name: Roy Hubbard	Wall Material: Wood	
Map Code: 0/0	Construction Date: 1900c	Structural System:	
Survey Date: 1976	Designer Name:	Other Buildings on Site?: N	
Style or Form: Astylistic Utilitarian Building		Cultural Affiliation:	
Resource Type: silo		Demolished Date:	

County: FOND DU LAC	Record #: 58720	Location: COUNTY HIGHWAY B, NORTH SIDE, .6 MILES SOUTHWEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-14	Quarter Sections: SW SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/34	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58721	Location:
City or Village:	Town, Range, Section: 1416E-14	Quarter Sections:
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:	District:	
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 45/22	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58722	Location: WOLF RD, EAST SIDE, .2 MILES NORTH OF PRAIRIE RD
City or Village:	Town, Range, Section: 1416E-17	Quarter Sections: NE SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:	District:	
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/32	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58723	Location: DEHRING RD, EAST SIDE, .5 MILES SOUTH OF US HIGHWAY. 151
City or Village:	Town, Range, Section: 1416E-17	Quarter Sections: SW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/31	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Front Gabled		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58724	Location: N1294 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-19	Quarter Sections: NW NW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Waupun North	Historic Name: F.R. Shepard House	Wall Material: Asphalt
Map Code: 41/15	Construction Date: 1873c	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58726	Location: SOUTHEAST CORNER OF WOLF RD AND COUNTY HIGHWAY AS	
City or Village:	Town, Range, Section: 1416E-20	Quarter Sections: SW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 42/4	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58727	Location: COUNTY HIGHWAY D, EAST SIDE, .4 MILES SOUTH OF COUNTY HIGHWAY AS	
City or Village:	Town, Range, Section: 1416E-21	Quarter Sections: SW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community: Oak Center		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/30	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Queen Anne		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58729	Location: COUNTY HIGHWAY Y, WEST SIDE, .7 MILES NORTH OF COUNTY HIGHWAY F	
City or Village:	Town, Range, Section: 1416E-23	Quarter Sections: NE SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/24	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58731	Location: NORTHWEST CORNER OF COUNTY HIGHWAY Y AND BREAKNECK RD	
City or Village:	Town, Range, Section: 1416E-26	Quarter Sections: SE SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/21	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58733	Location: SCHOEPKE ROAD, SOUTH SIDE, .7 MILE WEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-26	Quarter Sections: NW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick	
Map Code: 45/29	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Italianate		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58735	Location: COUNTY HIGHWAY B, EAST SIDE, .5 MILES NORTHEAST OF BREAKNECK RD	
City or Village:	Town, Range, Section: 1416E-28	Quarter Sections: SE NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding	
Map Code: 41/36	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58737	Location: COUNTY HIGHWAY B, EAST SIDE, .5 MILES NORTHEAST OF BREAKNECK RD
City or Village:	Town, Range, Section: 1416E-28	Quarter Sections: SE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 41/36	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58739	Location: COUNTY HIGHWAY D, NORTH SIDE, .2 MILES NORTH OF INTERSECTION WITH BREAKNECK RD
City or Village:	Town, Range, Section: 1416E-29	Quarter Sections: SE SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt
Map Code: 45/18	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Queen Anne		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58740	Location: COUNTY HIGHWAY D, SOUTH SIDE, 1.3 MILES EAST OF TOWNSHIP LINE	
City or Village:	Town, Range, Section: 1416E-32	Quarter Sections: NW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt	
Map Code: 45/17	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58741	Location: COUNTY HIGHWAY B, EAST SIDE, .3 MILES NORTHEAST OF COUNTY LINE	
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: SW NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt	
Map Code: 41/32	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58742	Location: COUNTY HIGHWAY B, EAST SIDE, 1/4 MILE NORTHEAST OF COUNTY LINE
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: SW SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt
Map Code: 41/31	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58743	Location: SOUTHWEST CORNER OF COUNTY HIGHWAY B AND BREAKNECK RD
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: NW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name: Stone School	Wall Material: Stone - Unspecified
Map Code: 41/35	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate		Cultural Affiliation:
Resource Type: one to six room school		Demolished Date:

County: FOND DU LAC	Record #: 58745	Location: COUNTY HIGHWAY B, WEST SIDE, .7 MILES NORTHEAST OF COUNTY LINE	
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: NW SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Stucco	
Map Code: 41/34	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Other Vernacular		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58747	Location: BREAKNECK RD & HIGHLAND RD, SOUTHWEST CORNER	
City or Village:	Town, Range, Section: 1416E-34	Quarter Sections: NE NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name: Highland School		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Cream Brick	
Map Code: 45/19	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Front Gabled		Cultural Affiliation:	
Resource Type: one to six room school		Demolished Date:	

County: FOND DU LAC	Record #: 58749	Location: KINWOOD RD, SOUTH SIDE, .5 MILES WEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: SE NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/26	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58751	Location: KINWOOD RD AND HIGHLAND RD, SOUTHEAST CORNER	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: SW NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt	
Map Code: 45/27	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58753	Location: HIGHLAND RD, EAST SIDE, .2 MILE NORTH OF KINWOOD RD	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: NW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/28	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58755	Location: NORTHEAST CORNER OF COUNTY HIGHWAY Y (NORTH) AND COUNTY HIGHWAY Y (EAST)	
City or Village:	Town, Range, Section: 1416E-36	Quarter Sections: NW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/25	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 59014	Location: .8 MILE NORTH OF COUNTY HIGHWAY F
City or Village:	Town, Range, Section: 1416E-24	Quarter Sections: NE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 22/17	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120138	Location: N3840 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-18	Quarter Sections: SW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Bresser House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 61/7	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Bungalow		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120142	Location: N4487 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-09	Quarter Sections: NE NW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Zills House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 61/9	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Queen Anne		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120143	Location: N3741 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-18	Quarter Sections: SW SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Waupun North	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 61/6	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Side Gabled		Cultural Affiliation:
Resource Type: house		Demolished Date:

9.5 IPAW WORKING LIST of INVASIVE PLANTS

The mission of the Invasive Plants Association of Wisconsin (IPAW) is to advance understanding of invasive plants and encourage their control to promote stewardship of the natural resources of Wisconsin. A recognized key to accomplishing this mission is to develop a *working* list of the plants that are invasive in the natural plant communities and wild areas of the state. A listing of the invasive plants of Wisconsin will serve several useful functions. As stewards of the natural and wild areas of the state, many of us have watched some plant species become established and begin to spread at our sites long before we became aware that the species was already known to act invasively in natural communities. A list will provide a reference for species that we should consider managing at an early stage of establishment while they can be effectively controlled. This list will give IPAW a focus for our educational efforts.

IPAW has already developed clear **definitions** of various categories of troublesome plants:

- ***Invasive Plants*** are non-indigenous species or strains that become established in natural plant communities and wild areas and replace native vegetation.
- ***Weeds*** are undesirable and troublesome plants growing in disturbed areas, especially cultivated ground.
- ***Potentially Invasive Plants*** (for Wisconsin) are species that are invasive in parts of North America having similar climates and plant communities, and that are thought to have the potential to colonize and become invasive in Wisconsin.
- ***Sometimes Invasive Natives*** are native plants that can become overly abundant in a plant community to which they are indigenous, often in response to a change in the disturbance regime.
- ***Indigenous*** means occurring naturally in a specific area or plant community, not introduced.

Of the 66 species catalogued on the "IPAW Working List of the Invasive Plants of Wisconsin", only two species (*Crepis tectorum*, Hawksbeard; and *Leonurus cardiaca*, Motherwort) are not listed as invasive plants on the Wisconsin DNR website, and all 66 species are catalogued as invasive in the draft list contained in Czarapata (In press). Sixteen of the 66 species listed in Table 1 are not on the Wisconsin State Herbarium database list of "Ecologically Invasive" plants, however, all but three of these 16 species are described as "potentially invasive" in the Herbarium's species description, and these three are described as "naturalized".

This list was assembled by a large "panel of experts" on the invasive plants of the state. The list identifies the habitats or communities in which the observed the species occurs. It also scores species based on: 1) the ecological impact of the species in sites where it currently occurs and 2) the level of disturbance required for a species to become established and spread. The "invasiveness" of a species increases as the "Impact" increases. The "Disturbance" level indicates how often

sites where invasive species are located have been altered by human activities. Scores of 5.0 or greater indicate these species are frequently found in sites that have not been disturbed within the past 10 years. For a full description of the form and questions of the survey see the IPAW website: www.ipaw.org.

Exhibit D. IPAW Invasive Plant Working List – March 2003.

Table 1. IPAW Working List of the Invasive Plants of Wisconsin.

Number of survey respondents (**Obs. No.**) and average scores for the **Impact** and **Disturbance Level** survey variables are shown. **(nn)** following a species name indicates a non-native strain of a species that also has native strains occurring in Wisconsin.

Growth Form F, forb; G, grass; S, shrub; T, tree; V, vine.

Wet. Ind. Status, Wetland Indicator Status for Region 3 from the "National List of Plant Species that Occur in Wetlands"; plants with no indicator status listed are presumed to be upland, or species that occur >99% of the time in upland habitats.

Habitats Invaded: A, Aquatic; B, Barrens; G, Grassland; F, Forest; W, Wetland. Taken from the most common responses on the IPAW-GLIFWC survey; almost all species were recorded as also occurring in disturbed habitats (not reported here).

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
Acer platanoides	Norway maple	15	3.8	10.2	T		F
Alliaria petiolata	Garlic mustard	44	9.4	12.6	F	Fac	F
Arctium minus	Common burdock	38	3.3	6.4	F		F,G
Berberis thunbergii	Japanese barberry	29	3.8	10.7	S	FacU-	F
Bromus inermis	Smooth brome	36	6.5	9.9	G		G,B
Campanula rapunculoides	Creeping bellflower	11	3.6	5.7	F		F,G
Celastrus orbiculatus	Oriental bittersweet	14	6.3	9.4	V		F
Centaurea maculosa	Spotted knapweed	44	7.5	6.4	F		G,B
Cirsium arvense	Canada thistle	44	6.3	6.6	F	FacU	G,B
Convallaria majalis	Lily of the valley	13	5.8	10.2	F		F
Convolvulus arvensis	Field bindweed	24	2.3	5.0	F,V		G
Coronilla varia	Crown vetch	37	7.9	7.6	F,V		G
Crepis tectorum	Hawksbeard	13	3.9	5.0	F		G,B
Daucus carota	Queen Anne's lace	38	3.8	6.9	F		G
Dipsacus laciniatus	Cut-leaved teasel	15	7.0	6.8	F		G,W
Dipsacus sylvestris	Common teasel	18	5.8	6.0	F		G
Elaeagnus angustifolia	Russian olive	15	4.2	8.1	T,S	FacU-	G
Elaeagnus umbellata	Autumn olive	19	6.7	8.3	S		G,F
Elytrigia repens	Quackgrass	30	5.6	7.3	G		G
Epipactis helleborine	Helleborine	12	2.5	11.8	F		F
Euphorbia cyparissias	Cypress spurge	18	5.4	8.3	F		G,B
Euphorbia esula	Leafy spurge	29	8.3	8.5	F		G,B
Festuca elatior	Tall fescue	10	5.6	8.1	G		G
Glechoma hederacea	Creeping Charlie	19	3.8	7.5	F	FacU	F,G
Hemerocallis fulva	Orange day-lily	13	5.0	7.3	F		G
Hesperis matronalis	Dame's rocket	33	5.9	8.5	F		F,G
Hieracium aurantiacum	Orange hawkweed	28	4.4	9.7	F		G,B
Hieracium caespitosum	Yellow hawkweed	11	4.0	8.5	F		G,B
Hypericum perforatum	St. John's wort	32	2.3	7.9	F		G,B
Iris pseudacorus	Yellow Iris	15	3.6	8.8	F	Obl	W,A
Leonurus cardiaca	Motherwort	19	2.5	6.0	F		F
Lonicera maackii	Amur honeysuckle	13	8.3	10.8	S		F,G
Lonicera morrowii	Morrow honeysuckle	21	8.4	11.6	S		F,G
Lonicera tatarica	Tartarian honeysuckle	33	8.5	11.0	S	FacU	F,G
Lonicera x bella	Bell's honeysuckle	14	8.9	12.3	S		F,G
Lotus corniculatus	Bird's-foot trefoil	32	4.8	5.5	F	Fac-	G
Lysimachia nummularia	Moneywort	12	5.7	10.6	F	FacW+	W,F
Lythrum salicaria	Purple loosestrife	45	9.3	11.6	F	Obl	W,A
Melilotus alba	White sweet clover	41	6.9	9.5	F	FacU	G,B

(Table 1 continued)

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
Melilotus officinalis	Yellow sweet clover	41	6.6	9.5	F	FacU	G,B
Morus alba	White mulberry	15	2.8	8.2	T	Fac	F,G
Myosotis scorpioides	Forget me not	17	4.4	8.8	F	Obl	W,F
Myriophyllum spicatum	Eurasian water milfoil	25	9.3	11.7	F	Obl	A
Pastinaca sativa	Wild parsnip	40	6.6	8.9	F		G
Phalaris arundinacea (nn)	Reed canary grass (nn)	47	9.9	11.6	G	FacW+	W,G
Phragmites australis (nn)	Common reed grass (nn)	16	8.4	9.2	G	FacW+	W
Pinus sylvestris	Scotch pine	13	2.7	9.2	T		F,G
Poa compressa	Canada bluegrass	23	2.5	10.6	G	FacU+	G,B
Poa pratensis	Kentucky bluegrass	34	4.8	10.0	G	Fac-	G,B
Polygonum cuspidatum	Japanese knotweed	17	7.7	5.2	F	FacU	F,G
Populus alba	White poplar	10	5.5	8.5	T		G
Potamogeton crispus	Curly-leaf pondweed	18	5.3	12.5	F	Obl	A
Rhamnus cathartica	Common buckthorn	40	9.3	12.0	S,T	FacU	F,G,W
Rhamnus frangula	Glossy buckthorn	25	9.0	12.7	S	Fac+	W,F
Robinia pseudoacacia	Black locust	33	7.5	10.9	T	FacU-	G,F
Rosa multiflora	Multiflora rose	27	6.5	10.4	S	FacU	G,F
Rumex acetosella	Sheep sorrel	21	3.2	7.8	F	Fac	G,B
Saponaria officinalis	Soapwort	19	3.3	6.4	F	FacU	G
Solanum dulcamara	Climbing nightshade	19	3.3	7.9	F	Fac	W,F
Tanacetum vulgare	Tansy	22	4.2	5.1	F		G,B
Trifolium pratense	Red clover	29	3.1	6.7	F	FacU+	G
Trifolium repens	White clover	29	2.9	5.7	F	FacU+	G
Typha angustifolia	Narrow-leaved cattail	21	7.4	9.1	F	Obl	W,A
Typha x glauca	Hybrid cattail	11	7.7	9.1	F	Obl	W,A
Ulmus pumila	Siberian elm	17	4.8	8.0	T,S		G
Vinca minor	Common periwinkle	10	6.9	7.5	F,V		F

(Table 1 continued)

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
Melilotus officinalis	Yellow sweet clover	41	6.6	9.5	F	FacU	G,B
Morus alba	White mulberry	15	2.8	8.2	T	Fac	F,G
Myosotis scorpioides	Forget me not	17	4.4	8.8	F	Obl	W,F
Myriophyllum spicatum	Eurasian water milfoil	25	9.3	11.7	F	Obl	A
Pastinaca sativa	Wild parsnip	40	6.6	8.9	F		G
Phalaris arundinacea (nn)	Reed canary grass (nn)	47	9.9	11.6	G	FacW+	W,G
Phragmites australis (nn)	Common reed grass (nn)	16	8.4	9.2	G	FacW+	W
Pinus sylvestris	Scotch pine	13	2.7	9.2	T		F,G
Poa compressa	Canada bluegrass	23	2.5	10.6	G	FacU+	G,B
Poa pratensis	Kentucky bluegrass	34	4.8	10.0	G	Fac-	G,B
Polygonum cuspidatum	Japanese knotweed	17	7.7	5.2	F	FacU	F,G
Populus alba	White poplar	10	5.5	8.5	T		G
Potamogeton crispus	Curly-leaf pondweed	18	5.3	12.5	F	Obl	A
Rhamnus cathartica	Common buckthorn	40	9.3	12.0	S,T	FacU	F,G,W
Rhamnus frangula	Glossy buckthorn	25	9.0	12.7	S	Fac+	W,F
Robinia pseudoacacia	Black locust	33	7.5	10.9	T	FacU-	G,F
Rosa multiflora	Multiflora rose	27	6.5	10.4	S	FacU	G,F
Rumex acetosella	Sheep sorrel	21	3.2	7.8	F	Fac	G,B
Saponaria officinalis	Soapwort	19	3.3	6.4	F	FacU	G
Solanum dulcamara	Climbing nightshade	19	3.3	7.9	F	Fac	W,F
Tanacetum vulgare	Tansy	22	4.2	5.1	F		G,B
Trifolium pratense	Red clover	29	3.1	6.7	F	FacU+	G
Trifolium repens	White clover	29	2.9	5.7	F	FacU+	G
Typha angustifolia	Narrow-leaved cattail	21	7.4	9.1	F	Obl	W,A
Typha x glauca	Hybrid cattail	11	7.7	9.1	F	Obl	W,A
Ulmus pumila	Siberian elm	17	4.8	8.0	T,S		G
Vinca minor	Common periwinkle	10	6.9	7.5	F,V		F

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