



Department of Planning & Development  
**Planning Unit**

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August 21, 2006

Mike Marty  
Calkins Engineering, LLC  
5010 Voges Road  
Madison, Wisconsin 53718

RE: Approval of the final plat of "Badger Mill Creek" creating 23 single-family lots, one lot for future multi-family development and one outlot for public stormwater detention. (Rick McKy).

Dear Mr. Marty:

At its July 18, 2006 meeting, the Common Council **approved** your client's final plat for the "Badger Mill Creek" subdivision subject to the following conditions of approval from reviewing agencies:

**Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-eight (28) items:**

1. Change the proposed street name from Ethan "Court" to Ethan "Circle".
2. The proposed plat does not conform with existing ownership parcels of record. This plat is "part of" larger parcels and requires submittal of a map and legal description (including land area in square feet) of the remnant lands to City Engineering and Assessor.
3. PLSS land tie references WCCS Dane Zone "1991". Revise "1991" to read "1997".
4. The applicant may be required to acquire additional right-of-way for Jeffy Trail north of this plat to the satisfaction of the City Engineer prior to signoff.
5. The applicant may be required to make improvements to Jeffy Trail north of this plat.
6. All wetlands and navigable streams shall be shown on the plat with the statutory setbacks (wetland 75-feet, streams 35-feet) shown on the plat. This shall affect the ability to develop proposed Outlots 1 and 2.
7. Lands within this plat are subject to Storm Water Impact Fees associated with the Upper Badger Mill Creek Storm Water Improvement Impact Fee District.
8. An off-plat sanitary sewer main is required to serve this development. City Engineering recommends serving development to the south and connecting to the MMSD main.
9. These lands are not presently within the Central Urban Service Area and cannot be platted or developed until brought into the CUSA.

10. Stormwater Management Lands are being used but not dedicated to the public (private lands). This requires an easement be dedicated to the City over these lands prior to sign-off.
11. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
12. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
13. It is anticipated that the improvements on Jeffy Trail required to facilitate ingress and egress to the plat will require additional right of way and/or grading easements located outside the plat boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
14. The plat shall show a temporary limited easement for a temporary cul-de-sac at the south end of Jeffy Trail.
15. The developer shall construct Madison standard street improvements for all streets within the plat.
16. Developer shall make improvements to Jeffy Trail north of the plat considered temporary to facilitate ingress and egress to the plat until such time as the ultimate improvement of the roadway is undertaken by the City.
17. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Pre-construction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
18. The following notes shall be included on the final plat:
  - a.) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

Note: In the event of a city of madison plan commission and/or common council approved re-division of a previously subdivided property, the underlying public easements for drainage

purposes are released and replaced by those required and created by the current approved subdivision.

- b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

- 19. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

*“For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. ”*

No building permits shall be issued prior to City Engineering’s approval of this plan.

- 20. A portion of this plat may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat. Contact the WDNR & USACOE for a jurisdictional determination.
- 21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100-year storm events; control 80% TSS (5 micron particle); provide infiltration in accordance with NR-151, and; provide substantial thermal control.
- 22. This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 23. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
- 24. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 25. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.

26. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
27. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums and be consistent with previous formats delivered to the City by the Applicant and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).
- \*This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.
- \*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
28. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

**Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following six items:**

29. The plat shall provide a 15-foot wide pedestrian bike easement along the southern edge of Lot 1 from Jeffy Trail to westerly property line.
30. The plat is subject to special assessments or impact fees for Midtown Road Area-wide Assessment and Impact Fee District for traffic signals and associated intersection improvements based on Council adopted resolutions. These shall be cleared prior to final plat approval.
31. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
32. Utility easements shall be provided on the final plat as follows:

| Between Lots            | Between Lots | Between Lots           | Between Lots |
|-------------------------|--------------|------------------------|--------------|
| 8 & 9                   | 10 & 11      | 12 & 13                | 23 & OL 1    |
| Easterly Line of Lot 20 |              | Westerly Line of Lot 2 |              |

33. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
34. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following two items:**

35. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lay off the truck. See MGO 34.20 for additional information.
36. All portions of the exterior wall of newly constructed one and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances measured along the path traveled by the fire truck as the hose lay off the truck. See Section 34.20 of the Madison General Ordinances for more information.

**Please contact Alan Larson, Madison Water Utility, at 266-4653 if you have any questions regarding the following two items from the preliminary plat approval:**

37. All public water mains and water service laterals shall be installed by a standard City subdivision contract. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.
38. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with Madison General Ordinance 13.21.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following three items:**

39. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots in the amount of thirteen hundred square feet per R1 lot, and 800 square feet per R2T lot. Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard and required street side yards do not count toward usable open space. Note: Most of the lots east of Street "B" do not meet grade slopes less than 10% slope in the rear portion of the lot that counts toward usable open space.
40. The face of the final plat shall include a statement "Inclusionary Zoning applies to this plat. The restriction is via a separate instrument."
41. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit, to CDBG, a copy of the approved plan for recording prior to zoning sign off of the plat.

**Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following four items:**

42. The park dedication along the Ice Age Trail corridor will meet the requirement for the entire preliminary plat but is not in the first final plat. The proposed park dedication is not owned by the developer, but is under contract to be purchased in 2007. The developer shall provide a legal promise to provide the dedication in the next final plat, secured by bond or letter of credit.
43. Park Development Fees will be \$815.36 per single-family lot, or \$18,753.28 for the 23 lots proposed. Park development fees for the multi-family lot shall be paid as part of the final approval of plans for that lot.

44. Utility easements shall not be allowed across parkland or along the boundary of Outlot 5 without the prior approval of the Parks Division.
45. The development shall meet the requirements for aesthetic management zones and backyard planting buffers as required by the High Point-Raymond Neighborhood Development Plan.

**Please contact my office at 261-9632 if you have questions about the following ten items:**

46. That final approval and recording of the final plat of Badger Mill Creek subdivision not occur until such time as the subject site has been added to the Madison Central Urban Service Area, as approved by the Wisconsin Department of Natural Resources.
47. That the applicant submit a revised preliminary plat for the entire Badger Mill Creek Subdivision showing all mapped or field-located perennial and intermittent streams and environmental corridors affecting this property and all setbacks required therefrom for approval by the Planning Unit prior to recording of this final plat.
48. That the exterior of all buildings in this subdivision be constructed of materials to match an exterior materials palette to be approved by the Planning Unit prior to the recording of the final plat of Badger Mill Creek and that those materials be detailed on any building permit submittals for these lots.
49. That the applicant submit to the Community Development Block Grant Office a final marketing plan and deed restriction requiring compliance with the inclusionary housing provisions of the Zoning Ordinance for the proposed multi-family lot. The IDUP for the multi-family lot shall establish the nature of the multi-family housing proposed (owner-occupied/ rental), the approximate number of units envisioned, the sale and/ or lease price of those units and a marketing plan for the lot that shall not begin until final development plans for that lot are approved for construction following Plan Commission approval.
50. That the applicant execute a Land Use Restriction Agreement (LURA) for this final plat as required by the Community Development Block Grant Office.
51. That the applicant receive final approval by the Community Development Block Grant Office of an Inclusionary Dwelling Unit Plan for the entire Badger Mill Creek subdivision (as shown on the approved preliminary plat) prior to the recording of this first final plat.
52. That the final plat be graded in accordance with the grading plan dated June 8, 2006 and as approved by the City Engineer and Planning Unit. As part of the grading, tree zones (A-D) shall be preserved per the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006. The report shall be made part of the Subdivision Improvement Contract for this development. The Planning Unit reserves the right to require remunerative tree planting per staff approval to replace any trees located within the identified zones that are damaged or lost during construction.
53. That the final plat be revised to show the 15-foot area at the rear of Lots 16-24 as a "tree planting and maintenance easement" for the planting of two three to four-inch caliper bur, white, swamp white or Schuettei oak trees per lot within said easement. This requirement shall be noted on the face of the plat, in the subdivision covenants and restrictions to be approved by the Planning Unit prior to recording of the plat and shown on the building plans approved by the Planning and Inspection units prior to the issuance of building permits for Lots 16-24. The planting of these trees shall occur at the time that the final grade of each lot is set and grass is installed on the lot as is customary following construction and within one year of the issuance date of the building permit unless altered by the Planning Unit Director. **The open space easements corresponding to Zones A-D of the "Tree Protection Recommendations..." shall be shown on the plat as Tree Preservation Easements.**

54. That the "Action Plan for Tree Protection" section included in the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006 be incorporated into the Developer's Agreement/ Subdivision Improvement Contract for this subdivision.
55. That, at the time of development, a detailed landscaping plan for Lot 1 be submitted with any application for land use approval. Said plan shall follow the recommendations for Zone E as noted in the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006.

**Please note that the City Real Estate Office is reviewing the report of title provided with this plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.**

**Please contact Hickory Hurie or Barb Constans, Community Development Block Grant Office, at 267-0740 regarding the preparation of any materials necessary to comply with Inclusionary Zoning, including the Land Use Restriction Agreement that must be executed and recorded prior to final approval of the plat.**

Specific questions regarding comments or conditions should be directed to the commenting agency. Any appeal regarding the plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Janet Dailey, City Engineering  
John Leach, Traffic Engineering  
Si Widstrand, Parks Division  
John Lippitt, Madison Fire Department  
Kathy Voeck, Assistant Zoning Administrator  
Alan Larson, Madison Water Utility  
Jeff Ekola, Real Estate Unit  
Barb Constans, CDBG Office  
Norb Scribner, Dane County Land Records and Regulations