VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **REGULAR MEETING OF THE VILLAGE BOARD**

DATE AND TIME: ***MONDAY, August 20, 2018*** ***7:00 p.m.***

LOCATION: **Germantown Village Hall Board Room**

I. CALL TO ORDER: *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. ROLL CALL:

III. PLEDGE OF ALLEGIANCE:

IV. PRESIDENT'S REPORT:

V. ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST COMMITTEE AND DEPARTMENT REPORTS:

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads.

VI. CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)

VII. CONSENT AGENDA:

A. Approval of Minutes: August 6, 2018 Regular Village Board Meeting.

B. Accounts payable/payroll

1.	August 7, 2018	Payroll (Salary)	$258,480.58
2.	August 10, 2018	Accounts Payable	$979,125.85
3.	August 15, 2018	Payroll (Hourly)	$ 91,057.65

C. Operator's Licenses: Kaitlin Pokorny [Recommended]

VIII. OLD BUSINESS:

A. Presentation & Recommendations - R.W. Management Group, Analysis of Fire Department.

IX. PUBLIC HEARING:

A. Brian Depies, SEH, Agent for John & Mary Barnes & Heritage Park Development Corp, Property Owners of 30.65-acres east of Division Road, south of Larkspur Lane, north of Revere Lane and west of Gunflint Trail, Tax Key GTNV 342-426. Application to Rezone from the Rs-4 to Rs-5: Single Family Residential Zoning District pursuant to Section 17.18 of the Municipal Code.

X. NEW BUSINESS:

A. Ordinance 19-2018 to Rezone the following described property from the Rs-4: Single-Family residential zoning district to the Rs-5: Single-Family residential zoning district pursuant to Section 17.18 of the Municipal Code. Brian Depies, SEH, agent for John & Mary Barnes & Heritage Park Development Corp., property owners of 30.65 acres east of Division Road, south of Larkspur Lane, north of Revere Lane, west of Gunflint Trail, Tax Key GTNV 342-426.

B. Certified Survey Map Application to divide a property (Extraterritorial Plat Approval Authority) for Mark Weske, Shorewest Realtors, Agent for Catherine M. Seilenbinder, Property Owner of a 9.9 acre parcel, W188 N13251 Maple Road, Town of Germantown, Tax Key T5-0206.

C. Installation of New Playground Equipment for Rockfield School in an amount not to exceed $60,000.

D. Discussion of Specific Personnel Problem relating to a Library Employee. The Village Board may convene into closed session per Wis. Stats. §19.85 (1) (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations and may convene into open session to take such action as it deems appropriate; and,

E. Firefighters Union Negotiations. The Village Board may Convene into closed session per Wis. Stats. §19.85 (1) (e) For the Purpose of Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate.

XI. ADJOURNMENT.

UPON REASONABLE NOTICE, *efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.*

VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
August 6, 2018

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: Present: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Myers, Wing, Zabel. Excused absence: Trustee Warren. Also present: Administrator Kreklow, Clerk Boldrey, and Attorney Sajdak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:
None.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/DEPARTMENT AND COMMITTEE REPORTS:
Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
President Wolter attended the Ribbon Cutting at Presbyterian Homes / Fairway Knoll facility. President Wolter announced that the Police Department Block Party will be tomorrow evening from 5-8 p.m. with free bicycle registration.

APPOINTMENTS:

A. Commissions/Boards/Committees

1. Library Board

Member	Christa Potratz	07/16/2018 – 06/30/2021

MOTION (Myers/Zabel) to approve the Library Board Appointment. Motion Carried Unanimously.

CONSENT AGENDA:

A. Approval of Minutes: July 16, 2018 Regular Village Board Meeting.

B. Accounts payable/payroll

1.	July 13, 2018	Payroll Salary	$ 88,124.11
2.	July 25, 2018	Accounts Payable	$384,843.35
3.	July 24, 2018	Payroll (Hourly)	$250,876.62
4.	July 31, 2018	Payroll (Salary)	$87,106.71
5.	July 31, 2018	Accounts Payable	$27,144.32

C. Operator's Licenses: Jordan Doro, Michelle Ernest, Adrian Knowles-Brown, Rachel Krainer, Genevieve LaLonde, Amanda Mueller, Shauna Petri, Steven Schwendtner. [Recommendation Forthcoming].

The following items were forwarded from **Public Safety Committee** with a unanimous recommendation.

D. Ordinance 17-2018, Ordinance to Allow On Street Parking on the South Side of Morse Drive and to Amend the Official Traffic Map to Reflect the Same.

The following items were forwarded from **General Government and Finance Committee** with a unanimous recommendation.

E. Resolution 60-2018, Interfund Loan from General Fund Reserve to TID No. 6.

The following items were forwarded from **Public Works Committee** with a unanimous recommendation.

F. Resolution 61-2018, Contract with Noffke Roofing Police Department Roof Repairs in an Amount not to exceed $22,000.

DRAFT

MOTION (Baum/Myers) to approve Consent Agenda Items B-F. Zabel requested to pull out item A. Roll Call Vote Carried Unanimously.
Zabel commented on the correction that the motion to "Advise staff to progress further with the planning of the next steps based on the plan as presented" was made by Baum and second by Myers on page 8. This was for the R. W. Management Group, Analysis of Fire Department.
MOTION (Zabel/Baum) to Approve item A. July 16, 2018 Minutes as corrected. Motion Carried Unanimously.

PUBLIC HEARING:

A. David Leszczynski, agent for Germantown Acquisitions, LLC, Property Owner of 29.41-acres, W124 N11749 Wasaukee Road, Tax Key: GTNV 241-999. Rezoning application to (1) rezone the property from the A-1: Agricultural Zoning District into the Rs-3: Residential Single-Family zoning district; or (2) create an Rs-3: Residential Single Family Planned Development District (Rs-3/PDD) pursuant to Sections 17.16 and 17.27 of the Zoning code and rezone the property from the A-1: Agricultural Zoning District into the newly created Rs-3/PDD Residential Single-Family Zoning District

Pres. Wolter read the item. Planner Retzlaff was delayed.

MOTION (Myers/Baum) to take items out of order and continue to New Business item B until Director Retzlaff is available. Motion carried, Baum opposed.

NEW BUSINESS:

B. Certified Survey Map Application for Zilber Property Group, Agent for Towne Realty, Inc., Brian & Kevin Kazmierczak, Richard & Mary Stephan and Frank & Mary Wiedmeyer, Property Owners of 146.5 acres north of Holy Hill Road, & east of US41. (Tax Key Nos. GTNV 073-999, 073-991, 074-995, 074-983, 074-986, 074-991, 074-984, 074-993).

MOTION (Zabel/Myers) to Approve Certified Survey Map Application for Zilber Property Group, Agent for Towne Realty, Inc., Brian & Kevin Kazmierczak, Richard & Mary Stephan and Frank & Mary Wiedmeyer, Property Owners of 146.5 acres North of Holy Hill Road, & east of US41. (Tax Key Nos. GTNV 073-999, 073-991, 074-995, 074-983, 074-986, 074-991, 074-984, 074-993). Motion carried, Baum Opposed.

PUBLIC HEARING:

A. David Leszczynski, agent for Germantown Acquisitions, LLC, Property Owner of 29.41-acres, W124 N11749 Wasaukee Road, Tax Key: GTNV 241-999. Rezoning application to (1) rezone the property from the A-1: Agricultural Zoning District into the Rs-3: Residential Single-Family zoning district; or (2) create an Rs-3: Residential Single Family Planned Development District (Rs-3/PDD) pursuant to Sections 17.16 and 17.27 of the Zoning code and rezone the property from the A-1: Agricultural Zoning District into the newly created Rs-3/PDD Residential Single-Family Zoning District

Pres. Wolter read the item.

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Director Retzlaff gave a presentation and background of the rezoning request application by David Leszczynski, Agent for Germantown Acquisitions LLC to (1) rezone the property from the A-1: Agricultural Zoning District into the Rs-3: Residential Single-Family zoning district; or (2) create an Rs-3: Residential Single Family Planned Development District (Rs-3/PDD) pursuant to Sections 17.16 and 17.27 of the Zoning code and rezone the property from the A-1: Agricultural Zoning District into the newly created Rs-3/PDD Residential Single-Family Zoning District. This is for the purposes of developing a maximum 17-lot, 29.7 acre single family residential development North of Elm Lane and West of Wasaukee Road. This includes 4.2 acres of wetland; the DNR delineation has been confirmed.

There are two components. The first "Exhibit A" includes 7 lots as phase one; lot size average acreage is 1.07 with access on Forest Hill Road and then phase two includes an additional nine lots for a total of 16 lots. "Exhibit B" is a seventeen lot proposal with 8 lots in phase one with access on Forest Hill Road and additional lots to the west and south. The proposed areas to be filled were noted.

The DNR and ACOE Wetland Delineation Letter has been received. There is not a Wetland Fill application yet and this is the basis for two separate proposals. Depends on the approval of the wetland fill application.

The Plan Commission approved with conditions. The PDD component has been withdrawn.

Pres. Wolter read the Public Hearing Notice and opened the Public Hearing at 8:09 p.m. He explained the public hearing process and that individuals will have to come up front to the podium and state their name and address.

Mike Gleeson of Forest Hill Road came to the podium. He commented that they do not have an objection but they do have seven requests: Stick to seven lots, align to their lot size, avoid shared driveways, fall under Woodland Park Covenants, one Voting member for their Association, limit construction traffic, Germantown LLC bear the legal fees, and confirm with a continuation of trees.

No one else came forward to speak on the zoning change. Pres. Wolter closed the Public Hearing.

NEW BUSINESS:

A. Ordinance 18-2018, Ordinance to Rezone the following described property from the A-1: Agricultural Zoning District into the Rs-3: Residential Single Family Zoning District; or create an Rs-3 Residential Single Family Planned Development District (Rs-3/PDD) pursuant to Sections 17.16 and 17.27 of the Zoning Code and rezone the following described property from the A-1: Agricultural Zoning District into the newly created Rs-3/PDD Residential Single Family Zoning District. David Leszczynski, Agent for Germantown Acquisitions, LLC, Property Owner of 29.41 acres, W124 N11749 Wasaukee Road, Tax Key GTNV 241-999.

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MOTION (Baum/Miller) to Approve Ordinance 18-2018, Ordinance to Rezone the following described property from the A-1: Agricultural Zoning District into the Rs-3: Residential Single Family Zoning District. David Leszczynski, Agent for Germantown Acquisitions, LLC, Property Owner of 29.41 acres, W124 N11749 Wasaukee Road, Tax Key GTNV 241-999.
David Leszczynski, commented that six of the seven requests have been agreed to. It depends on whether it is seven or eight lots and within the Rezoning without a PDD. He is working toward eight lots.
This is for the rezoning only, the PDD has been withdrawn. The seven or eight lots can be code compliant, one acre minimum. The Preliminary Plat will come back for approval.
Discussion ensued of 16 versus 17 lots.
Motion carried unanimously, the PDD was withdrawn.

C. Preliminary Subdivision Plat (Wrenwood), 142-lot Single Family and 60-unit Multi Family Residential Development, Carity Land Corporation, Agent for Briscoe Development & Management Inc., Property Owner of 146.5 acres south of Freistadt Road, north of Mequon Road & west of Country Aire Drive. (Tax Key Nos. GTNV 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990).

MOTION (Myers/Baum) to Approve Preliminary Subdivision Plat (Wrenwood), 142-lot Single Family and 60-unit Multi Family Residential Development, Carity Land Corporation, Agent for Briscoe Development & Management Inc., Property Owner of 146.5 acres south of Freistadt Road, north of Mequon Road & west of Country Aire Drive. (Tax Key Nos. GTNV 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990). Motion carried unanimously.

D. Resolution 63-2018, Assignment and Assumption of Development Agreement for the Gables of Germantown.

MOTION (Baum/Miller) to Approve Resolution 63-2018, Assignment and Assumption of Development Agreement for the Gables of Germantown. Motion Carried, Zabel voted no.

E. St. Boniface Congregation, Temporary Class "B" Fermented Malt Beverage and Wine License for Bonifest, September 1, 2018 – September 2, 2018, W204 N11940 Goldendale Road, Germantown.

MOTION (Baum/Myers) to Approve St. Boniface Congregation, Temporary Class "B" Fermented Malt Beverage and Wine License for Bonifest, September 1, 2018 – September 2, 2018, W204 N11940 Goldendale Road, Germantown. Motion carried unanimously.

F. Germantown Historical Society, Temporary Class "B" Fermented Malt Beverage and Wine License for Annual Hunsrucker Oktoberfest, September 29, 2018 – September 30, 2018, Dheinsville Historic Park, N128W18780 Holy Hill Road, Germantown.

MOTION (Baum/Myers) to Approve Germantown Historical Society, Temporary Class "B" Fermented Malt Beverage and Wine License for Annual Hunsrucker Oktoberfest, September 29, 2018 – September 30, 2018, Dheinsville Historic Park, N128W18780 Holy Hill Road, Germantown. Motion carried unanimously.

DRAFT

G. Resolution 64-2018, Approval to Hire One Full-Time Firefighter / Paramedic.

The Resolution 64-2018 was Postponed to the September 17, 2018, at the Public Safety meeting. MOTION (Baum/Myers) to bring the item back after the Public Safety Committee Meeting takes up the issue. Wing would like more numbers with the item. Administrator Kreklow commented that we normally do like more time but because of the Public Safety Aspect and discussion from the previous meeting it was brought forward if the board wanted to act quickly. Motion carried unanimously.

H. Resolution 65-2018, Approval to Close Fire Station #1.

Kaminski commented that back up materials are needed for the item and questioned the timeframe. Discussion ensued of the timing and costs involved. Administrator Kreklow reported that this would improve response time. The primary driver of this is not cost but better and more effective response time. Discussion ensued of a new public safety building. Chief Delain reported on efficiencies needed with personnel responding to calls. The stations are less than one mile apart. Station two is responding to the majority of the calls. Station one needs significant repairs. Equipment is much larger now than when Station one was built. The furnaces had to be removed from the ceiling to allow the ladder truck to fit in the station. Chief Delain commented that sharing services with another municipality has been looked at instead of new building.
MOTION (Baum/Myers) to Approve Resolution 65-2018, Close Fire Station #1.
The Project Action Plan was distributed. Zabel questioned the committee processes and process for the RFP. Administrator Kreklow commented that possibly Public Works and GGF would be responsible for review. This is the initial step in the direction of the processes. This would be an indication of the direction and the resolution could be amended to include more information. Discussion ensued of possible future uses of the building. Discussion ensued of water utility issues. Personnel would move to station two.
AMENDMENT MOTION (Baum/Myers) to amend the resolution to include the first four steps of the action report, step one, of the report to present the plan to the Board for the removal of the equipment, move staffing to the headquarters, manage the internet and phone, and post notice in regard to the intent to close Station one. This is to initiate steps one – four. The item will go back to committee. The staffing would not change until the additional full-time person is approved. Zabel called the question. The amendment motion carried, Wing and Zabel voted no. The motion as amended carried, Wing and Zabel voted no.

I. Resolution 66-2018, Resolution to Declare Official Intent Under Reimbursement Bond Regulations (TID 8).

MOTION (Baum/Myers) to Approve Resolution 66-2018, Resolution to Declare Official Intent Under Reimbursement Bond Regulations (TID 8). Roll Call Vote carried, Wing voted no.

DRAFT

J. Intergovernmental Agreement with the Germantown School District.

MOTION (Baum/Myers) to Approve the Intergovernmental Agreement the Germantown School District. Administrator Kreklow commented that this is an informational update. The current agreement expires at the end of August. Director Schroeder met with the school board in regards to the agreement. The school board informed the Village that they will begin charging the Village on an hourly basis for the use of the facilities for the recreational programs. A draft of the proposal will be forthcoming. This increase will result in an increase of fees. We are still operating under the existing IGA. We are using information from back in April. There will be a surcharge per program. The Park & Recreation Fall Schedule has been published. MOTION (Zabel/Baum) to table action on the item until we hear back from the school district. Motion carried unanimously.

K. Ultra Mart Foods, LLC., d/b/a Pick 'n Save #6357, N112 W16200 Mequon Rd., modification to premise to include: 1 story retail grocery and liquor, including the exterior parking stalls specifically designated for the online merchandise order & pick up service and the pathway utilized to access the parking stalls. Alcohol sold and displayed throughout store. Liquor storage in Northwest Corner.

MOTION (Baum/Myers) to Approve the modification of premise for Ultra Mart Foods, LLC., d/b/a Pick 'n Save #6357, N112 W16200 Mequon Rd., Modification to premise to include: 1 story retail grocery and liquor, including the exterior parking stalls specifically designated for the online merchandise order & pick up service and the pathway utilized to access the parking stalls. Alcohol sold and displayed throughout store. Liquor storage in Northwest Corner. Motion carried unanimously.

L. Resolution 67-2018, Approving an Intergovernmental Agreement with Washington County Related to the Briggs and Stratton Corporation Development With Germantown TID No. 8.

MOTION (Baum/Miller) to Approve Resolution 67-2018, Approving an Intergovernmental Agreement with Washington County Related to the Briggs and Stratton Corporation Development With Germantown TID No. 8. Motion carried, 3 opposed Hughes, Wing, and Zabel.

M. Resolution 68-2018, Waiver and Agreement related to Certain Village Rights for Properties within Willow Creek Business Park (TID # 6).

MOTION (Baum/Miller) to Approve Resolution 68-2018, Waiver and Agreement related to Certain Village Rights for Properties within Willow Creek Business Park (TID # 6)**. Motion carried, Zabel Opposed.**

N. September 2018 Meeting Schedule.

MOTION (Baum/Kaminski) to Approve a Special Village Board meeting on September 10, 2018 at 5:30 p.m. for the SWRPC Hearing. There will not be a meeting on September 3rd due to the Labor Day Holiday. Motion carried unanimously.

DRAFT

MOTION (Baum/Myers) to Convene into Closed Session at 9:00 PM in regards to the Acquisition of Easement for Sanitary Sewer Main to Serve Holy Hill Road Service Area. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and then may reconvene into open session to take such action as it deems appropriate. The Village Board, Administrator Kreklow, Attorney Sajdak, and Director Ratayczak. Roll Call Vote Carried.

ADJOURNMENT: There being no further business, meeting adjourned at 10:30 p.m.

Deanna L. Boldrey, WCMC/CMC
Village Clerk

DRAFT

The Business of the Germantown Village Board

Submitted by: Interim Fire Chief John Delain

Agenda Item: Old Business

Meeting Date: 08/13/2018

Item Name: Fire Department Recommendations

Agenda item description:

The Fire Department would like to present another presentation regarding the Fire Department recommendations, with no action to be taken

Back up included: ___ yes No____

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: August 20, 2018

AGENDA ITEM: Public Hearing & New Business **[ORDINANCE]**

ITEM TITLE: Brian Depies, SEH Inc. and Heritage Park Development Corp., Agents for Property Owners John and Mary Barnes (Tax Key #GTNV 342-426), and, Bittersweet Trail LLC (Tax Key #GTNV 342-271); Rezoning Application and Concept Plan for a 32.95-acre residential subdivision with 33 single-family lots east of Division Road and north of Revere Lane.

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Brian Depies, SEH Inc. and Heritage Park Development Corp., agents for the two property owners, are requesting approval of a rezoning application and concept plan for a 33-lot single-family subdivision east of Division Road and north of Revere Lane.

The 30.65-acre parcel owned by John & Mary Barnes is currently zoned Rs-4 and is subject of the rezoning application (Rs-4 to Rs-5). The 2.3-acre parcel owned by Bittersweet Trail LLC is currently zoned Rs-5. Both parcels are proposed to be developed jointly as one 33-lot residential subdivision (an addition to the original Heritage Park Subdivision located to the north).

ATTACHMENTS:

- 8/13/18 Staff Report
- 8/13/18 Plan Commission Meeting Minutes
- Concept Plan
- Draft Rezoning Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed rezoning of the John & Mary Barnes property of approximately 30.65 acres from the Rs-4: Single-Family District to the Rs-5: Single-Family District, and, the proposed 33-lot concept plan dated June 21, 2018 subject to the following condition:

1. If the Developer's request for an artificial wetland exemption is not granted by the WisDNR, the lot and road layout shall be revised to locate all delineated wetlands and the associated 25' wetland setback in open space outlots and not within any platted lot.
2. The Developer shall work with Village staff on establishing a sidewalk/trail plan along the east side of Division Road and, if determined to be feasible, the final location of an agreed upon sidewalk/trail shall be reviewed and approved as part of the preliminary subdivision plat.

ORDINANCE NO. 19-2018

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF GERMANTOWN ZONING CODE

(Heritage Park Development Corp., Agent for John & Mary Barnes, Property Owner)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the Rs-4: Single-Family Residential District to the Rs-5: Single-Family Residential District the following described property:

30.65 Acres on Division Road (Tax Key #342-426)
All of Lot 6 of Heritage Park being a redivision of Parcel 2 of CSM 2895, Being part of the SW ¼, SE ¼ and NE ¼ of the NW ¼ of Section 34, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing 30.65 acres more or less.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____
Adopted: _____, 2018

Vote: Ayes: _____
Nays: _____

_____
Dean Wolter, Village President

ATTEST:

_____
Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

_____
Brian Sajdak, Attorney

Published:

DRAFT

NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, August 20, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against an application to rezone the following described property from the Rs-4: Single Family Residential Zoning District to the Rs-5: Single Family Zoning District pursuant to Section 17.18 of the Municipal Code.

Property: 30.65-Acres East of Division Road, South of Larkspur Lane, North of Revere Lane, West of Gunflint Trail (Tax Key Number #GTNV 342-426)

Applicant: Brian Depies, SEH, Agent for John & Mary Barnes & Heritage Park Development Corp., Property Owners

30.65 Acres on Division Road (Tax Key #342-426)
All of Lot 6 of Heritage Park being a redivision of Parcel 2 of CSM 2895, Being part of the SW ¼, SE ¼ and NE ¼ of the NW ¼ of Section 34, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing 30.65 acres more or less.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Deanna Boldrey, Village Clerk
Dated this 25th day of July 2018

To Be Published On: August 1st and August 8, 2018

PLAN COMMISSION MINUTES
August 13, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Bob Williams, Peter Nilles and Matt Kimmler were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Baum second Laszewski to Approve the minutes from 7-23-18. MOTION carried unanimously.***

Brian Depies, SEH, Agent for John & Mary Barnes and Bittersweet Trail LLC, Property Owners of 30.65 acres and 2.3 acre parcels east of Division Road and north of Revere Lane. Rezoning application (Rs-4 to Rs-5: Residential Single Family and Concept Plan for a 33 lot residential subdivision. Planner Retzlaff summarized the proposal. Brian Depies, SEH, commented on the proposal. He said a wetland delineation had been completed by the Southeast Wisconsin Regional Planning Commission in 2003. He stated they have moved forward with an artificial wetland exemption request for 2 sections of wetland on the property. He asked that condition #2 be modified slightly to indicate that the developer will work with staff on establishing a sidewalk/trail plan along the east side of Division Road.

MOTION Baum second Nilles to Approve the proposed rezoning of approximately 30.65 acres from the Rs-4: Single-Family District to the Rs-5: Single-Family District and the proposed 33-lot concept plan dated June 21, 2018 subject to the following condition:

1. ***If the Developer's request for an artificial wetland exemption is not granted by the WisDNR, the lot and road layout shall be revised to locate all delineated wetlands and the associated 25' wetland setback in open space outlots and not within any platted lot.***
2. ***The Developer shall be required to install sidewalk along the east side of Division Road along the frontage of the subject property and the 2-acre parcel south of the point where the existing sidewalk terminates.***

Planner Retzlaff said he did not have a problem with the request to modify the language in Condition #2 as suggested to retain some flexibility and possibly come up with some other component of pedestrian trail given the topography.

MOTION to Amend Condition #2 Baum second Laszewski that the Developer shall work with Village staff on establishing a sidewalk/trail plan along the east side of Division Road and, if determined to be feasible, the final location of an agreed upon sidewalk/trail shall be reviewed and approved as part of the preliminary subdivision plat.

Chairman Wolter said this development does back up the neighborhood where he lives. He said there is an asphalt trail on Division Road just shy of the last lot before the farmhouse that could be continued. He feels it could be picked up where it ends and taken to at least where the road begins. He said people will appreciate the connection. Mr. Depies said it may be difficult to continue that path because the house is on the lot line.

MOTION to Amend carried unanimously.
MOTION to Approve as Amended carried unanimously.

DRAFT

REZONING APPLICATION

8/13/18 Plan Commission Meeting

SEH Inc. / Heritage Park Development Corp.

Village Planner Report **Germantown, Wisconsin**

Summary

Brian Depies, SEH Inc. and Heritage Park Development Corp., agent for John and Mary Barnes, and Bittersweet Trail LLC, property owners, are requesting approval of a rezoning application and concept plan for a 32.95-acre residential subdivision with 33 single-family lots east of Division Road and north of Revere Lane.

Property Location: Division Road, Revere Lane

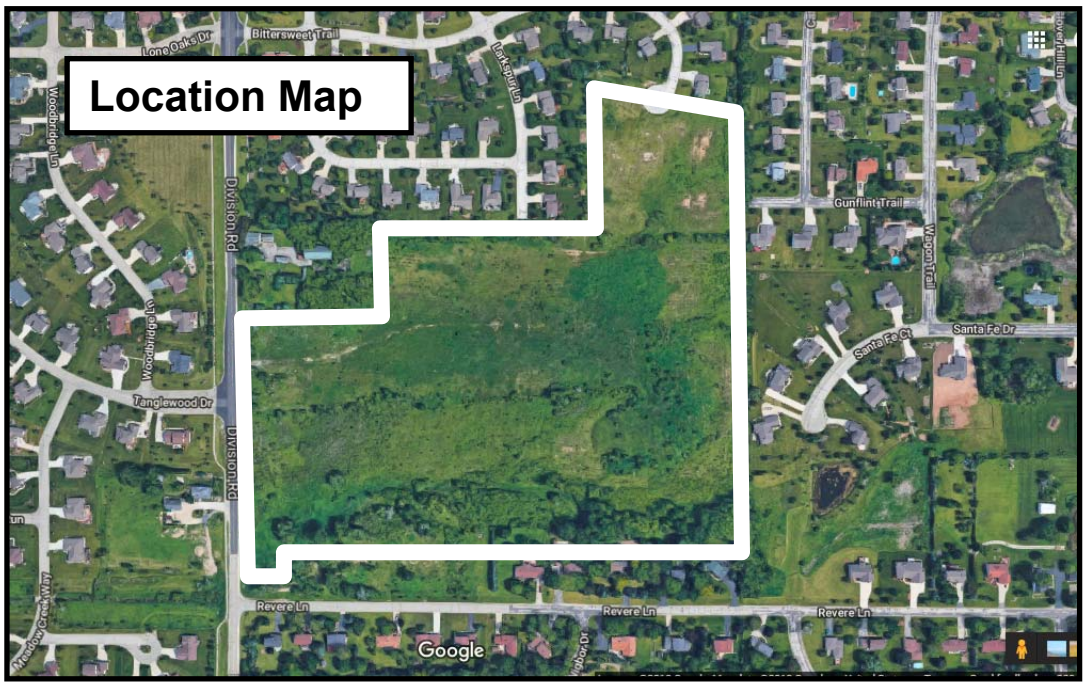
Property Owners: John & Mary Barnes
c/o Heritage Park Dev Corp
3336 Lake Drive
Hartford, WI

Bittersweet Trail LLC
PO Box 777
Menomonee Falls, WI

Current Zoning: Rs-4: Single-Family (John & Mary Barnes Property; 30.65 ac)
Rs-5: Single-Family (Bittersweet Trail LLC Property; 2.35 ac)

Proposed Zoning: Rs-5: Single-Family (John & Mary Barnes Property; 30.65 ac)

Adjacent Land Uses		Zoning
North	Residential	Rs-5
South	Residential	Rs-4/Rs-5
East	Residential	Rs-4
West	Residential	Rs-4



Proposal/Background

Brian Depies, SEH Inc. and Heritage Park Development Corp., agent for John and Mary Barnes, and Bittersweet Trail LLC, property owners, are requesting approval of a rezoning application and concept plan for a 32.95-acre residential subdivision with 33 single-family lots east of Division Road and north of Revere Lane.

The 30.65-acre parcel owned by John & Mary Barnes is currently zoned Rs-4 and is subject of the rezoning application (Rs-4 to Rs-5). The 2.3-acre parcel owned by Bittersweet Trail LLC is currently zoned Rs-5. Both parcels are proposed to be developed as part of one overall 33-lot residential subdivision (an addition to the original Heritage Park Subdivision located to the north).

As summarized in Table 1 and discussed in the July 9 project summary and concept plan (dated June 21, 2018), development is proposed with the following characteristics:

TABLE 1.
Heritage Park Addition #1

Gross Area (Ac)	32.95
Wetland Area (Ac)	8.27 gross (7.71 net of artificial wetlands)
Right-of-Way (Ac)	3.92
Net Density Area (Ac)	20.76
# Single-Family Lots/DU's	33
Gross Density (DU/acre)	1.00
Net Density (DU/net acre)	1.59
Open Space (Ac)	11.8
Avg Lot Size	.52 ac (22,729 sqft)
Lot Size Range	.36 to 1.13 ac (15,500 to 49,083 sqft)

As shown in the concept plan, the proposed development is an “in-fill” development given existing residential development abutting on all sides. As such, the proposal provides for the extension of three existing dead-end streets, i.e. Bittersweet Trail, Larkspur Lane and Gunflint Trail, in a manner that provides additional and more direct access and improved circulation to these existing residential areas to/from Division Road.

The Barnes property was subject of a previous 31-lot residential development proposal in the early 2000’s; obtaining preliminary plat approval in 2004. The development did not move forward and the plat approval expired in 2006. Similarly, the Bittersweet Trail property was subject of a 4-lot CSM proposal also in 2004, but the CSM was denied by the Village (technical correction issues) and ultimately withdrawn from further consideration.

A total of 8.27 acres of wetland is located across the properties in four (4) distinct areas (see Figure 5 in the Wetland Delineation Report dated June 16, 2018). As noted in a July 9 and July 18, 2018 letter from SEH Inc. to the WisDNR (copies enclosed), the Developer has determined that two of the four wetland areas, identified as W-1 (.35 acres) and W-4 (.21 acres), have evolved on the property since grading and filling was completed since 2004. Consequently, the Developer believes Wetlands W-1 and W-4 meet the definition of an "artificial wetland" and, as such, will ultimately qualify for an exemption from WisDNR and Village regulation.

The concept plan presented assumes an exemption will be granted by the WisDNR with Wetlands W-1 & W-4 filled as part of the development.

Staff Comments

The entire property lies within the Village's Sanitary Sewer Area (SSA) and in an area designated on the 2020 Land Use Plan as "Low Density Residential". For those currently undeveloped areas designated as "Low Density Residential", the Village intends that these areas develop at a density of two (2) dwelling units per acre with an average lot size of 20,000 sqft. The proposed Rs-4 to Rs-5 rezoning and concept plan for a 33-lot subdivision at a density of 1.0 DU/acre with avg 22,729 sqft lot sizes is consistent with the 2020 Land Use Plan map and surrounding residential subdivisions having the same zoning (Rs-4 or Rs-5) and comparable lot sizes.

As discussed above, a significant amount of wetland (8.27 acres or approximately 25% of the entire site) extends across the site. As noted above, the lot and road layout has changed in part due to the wetlands on the property. Despite the amount of wetland, the required "net area" density calculation (gross area less wetlands and right-of-way) does not increase the proposed development density of 1.0 DU/acres (gross) or 1.59 DU/acres(net) above the maximum density allowed in the Rs-5 District (not to exceed 2.0 DU's per acre).

However, the 33-lot concept plan assumes two of smaller wetland areas (W-1 & W-4) are artificial and likely to be deemed exempt from state and local wetland regulations. If an exemption is not granted and these wetlands are subject to regulation, the lot and road layout in the concept plan will have to be revised to reflect Wetlands W-1 and W-4 and the associated 25' wetland setback in separate open space outlots.

While the Developer has submitted requests to the WisDNR for both a wetland delineation confirmation and an artificial wetland exemption, the results of those requests have not yet been determined. Because the Developer's rezoning application to the Village is not dependent upon the outcome of the WisDNR requests, the Village Plan Commission and Board can proceed with their consideration of and action on the rezoning application and concept plan. The concept plan can be approved with the understanding that, depending on the outcome of the Developer's wetland requests, the lot and road layout may need to be modified and reflected in a revised concept plan or preliminary plat.

Although the wetland delineation has not yet been confirmed and detailed construction plans not yet prepared, the concept plan shows that portions of certain developed features may encroach into the 25' wetland setback, e.g. storm water basin south of Lots #13-#18. In the event these features do, in fact, encroach into the 25' setback, a conditional use permit will be required to address the potential impact and mitigation.

Finally, the Village's Sidewalk Plan indicates the need for sidewalk along the east side of Division Road. There is existing sidewalk along the east side of Division Road in front of the original Heritage Park subdivision that currently ends on the north side of the 2-acre parcel north of proposed Lots #19-#21 (owned by the John Barnes Trust). Staff recommends that the proposal be revised to include sidewalk along Division Road.

Village Planner Recommendation

APPROVE the proposed rezoning of approximately 30.65 acres from the Rs-4: Single-Family District to the Rs-5: Single-Family District and the proposed 33-lot concept plan dated June 21, 2018 subject to the following condition:

1. If the Developer's request for an artificial wetland exemption is not granted by the WisDNR, the lot and road layout shall be revised to locate all delineated wetlands and the associated 25' wetland setback in open space outlots and not within any platted lot.
2. The Developer shall be required to install sidewalk along the east side of Division Road along the frontage of the subject property and the 2-acre parcel south of the point where the existing sidewalk terminates.

Village of Germantown
...Willkommen

FEES MUST BE PAID AT TIME OF APPLICATION

- ☐ $200 Plan Commission Consultation
- ☒ $1,085 Rezoning
- ☐ $1,240 PDD < 5 acres
- ☐ $2,095 PDD 5-20 acre site
- ☐ $3,460 PDD > 20 acre site

Date Paid: _____ Received by: _____

REZONING & PDD APPLICATION

Pursuant to Section 17.51 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1 APPLICANT OR AGENT

Brian Depies, SEH
501 Maple Avenue
Delafield, WI 53018

Phone (414) 949-8911
Cell * ~~Fax~~ (262) 389-0704
E-Mail bdepies@sehinc.com

PROPERTY OWNER

John and Mary Ann Barnes
Agent: Heritage Park Development Corp.
3336 Lake Drive
Hartford, WI 53027-9530

Phone (262) 893-5444 (Dan Barnes)
(414) 217-4499 (Lynda Doll)

2 PROPERTY ADDRESS OR GENERAL LOCATION

30.66 Acres East of Tanglewood Drive, South of Larkspur Lane, West of Gunflint Trail, and North of Revere Lane

TAX KEY NUMBER

GTNV_342426

3 REZONING REQUEST

FROM	TO
RS-4	RS-5

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

SW 1/4, SE 1/4, and NE 1/4 of the NW 1/4 of Section 34, T9N, R20E, Village of Germantown, Washington County, WI. Legal description further defined on Rezoning Exhibit.

5

PURPOSE OF REZONING REQUEST

Briefly describe why the applicant is rezoning the property. Include a description of the proposed use, including any new construction and number of employees, if applicable.

(See attached supporting information)

6 SUPPORTING DOCUMENTATION: (See attached)

- ☐ Plat of Survey (1:100)
- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☐ _____
- ☐ _____

7 READ AND INITIAL THE FOLLOWING:

BD I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.

BD I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself by sufficient cause to deny the petition.

BD I am aware that this rezoning shall go into effect immediately upon the final approval of the Village Board and its execution of the rezoning ordinance

8 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Brian Davies 7/9/18
Applicant Date

Gene D. Barnes 7-9-18
Mary Ann G. Barnes 7-9-18
Owner Date

PURPOSE OF REZONING REQUEST

Briefly describe why the applicant is rezoning the property. Include a description of the proposed use, including any new construction and number of employees, if applicable.

Rezoning of lands to create a single family residential subdivision with lots ranging in size from 1/3 acre to 1 acre in size. Conceptual design is similar to Preliminary Plat approved in 2004. Rezoning request allows lots proposed to be similar in size to adjacent lots/lands, filling of wetlands to be avoided, and the subdivision to meet current Village and State storm water requirements.

6 SUPPORTING DOCUMENTATION:

- ☐ Plat of Survey (1:100)
- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☒ Narrative / Home Pics / Owner Authorization
- ☒ Concept Plan

7 READ AND INITIAL THE FOLLOWING:

BD I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.

BD I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself by sufficient cause to deny the petition.

BD I am aware that this rezoning shall go into effect immediately upon the final approval of the Village Board and its execution of the rezoning ordinance

8 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

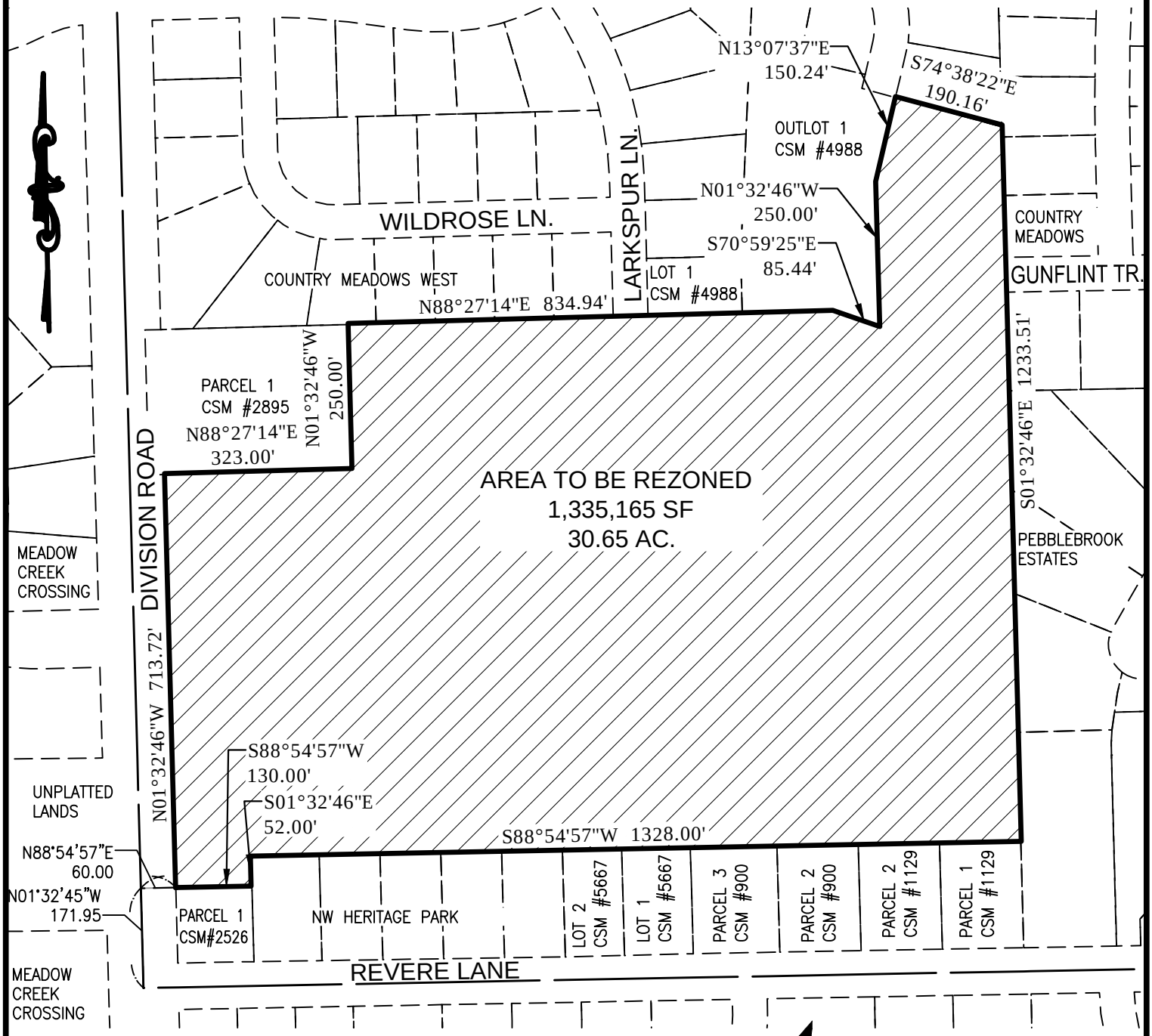
Brian Dopies — 6/27/18
Applicant — Date

D. R. — 06-27-18
Owner (Agent) — Date

REZONING EXHIBIT

ALL OF LOT 6 OF HERITAGE PARK BEING A REDIVISION OF PARCEL 2 OF C.S.M. 2895, BEING PART OF THE SW. 1/4, SE. 1/4 AND NE. 1/4 OF THE NW. 1/4 OF SECTION 34, T.9N., R.20E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CONTAINS 1,335,165 S.F., 30.65 AC.



SCALE: 1" = 250'

0 125 250 500

SEH
PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

PROJECT HERPD #146431

Building a Better World for All of Us®

July 9, 2018

RE: Heritage Park Development Corp
Rezoning and Conceptual Review
SEH No. 146431

Village of Germantown Plan Commission & Village Board
Village of Germantown Community Development
N112 W17001 Mequon Road
Germantown, WI 53022

To whom it may concern,

SEH is pleased to submit an application for a Rezoning and Conceptual Plan review on behalf of John & Mary Ann Barnes (Owner) and Heritage Park Development Corp (Agent) for the property located directly east of Division Road at the intersection of Tanglewood Drive and Division Road in the Village of Germantown. The Conceptual Plan submitted also includes lands owned by Bittersweet Trail LLC that are currently zoned RS-5 (Lots 30-33). The two entities plan to develop the properties simultaneously as one subdivision.

The area being considered for Rezoning to RS-5 (Lots 1-29) consists of 30.66 acres which received Preliminary Plat approval in 2004 for a 31 lot subdivision. Property was filled in the early to mid-2000's in anticipation of the development moving forward, however an agreement could not be reached between Barnes and Bittersweet Trail LLC. Based on the agreement with the current parties moving forward concurrently, the Village has the opportunity to make several critical connections to stubbed roads (Bittersweet Trail, Larkspur Lane, and Gunflint Trail) assisting those residents access through the lands to Division Road in the future.

The rezoning of lands are being proposed to allow zoning to match lands to the north, northwest and the Bittersweet Trail LLC property (Lots 30-33); to allow lot sizes to be similar in size to adjacent lots/lands, to avoid the filling of wetlands on the property for roadway and other improvements, and to allow the subdivision to meet current Village and State stormwater standards. Lots will range in size from 1/3 of an acre to just over 1 acre in size, with an average lot size of just over 1/2 acre.

Heritage Park Land Corporation President, Dan Barnes, is a lifelong Germantown builder and resident who has built in Tree Tops Subdivision, Berry Wood Subdivision and many other locations in the Village of Germantown over the past few decades. Based on recent homes constructed and sold in the mid to upper $400,000's by Mr. Barnes on Revere Lane; Heritage Park Land Corporation anticipates home and lot packages starting at $500,000+, with home and lot packages for cul de sac lots (Lots 7-12) in the $600,000+ range. Homes within the subdivision are anticipated being built by the ownership group, however depending on construction costs some lots may be sold to 3rd party builders. Covenants and restrictions regarding architectural standards, home size, etc. will be developed for the subdivision to ensure quality construction and upkeep of lands throughout the subdivision.

The site contains a large wetland complex to the southwest which is a tributary to the Menomonee River. Heritage Park Development Corporation proposes to enhance this area during the development through cutting, management of invasives, etc. to ensure this area is a benefit to the development and surrounding lands. In addition to this, stormwater basins abutting wetland areas will be enhanced with native landscaping rather than turf grass to further add to the enhancement of this tributary and large wetland complex.

The ownership groups are excited to be moving forward with the rezoning and development plan as proposed and look forward to your feedback. If you have any questions, please do not hesitate to contact me directly at (262) 389-0704.

Sincerely,

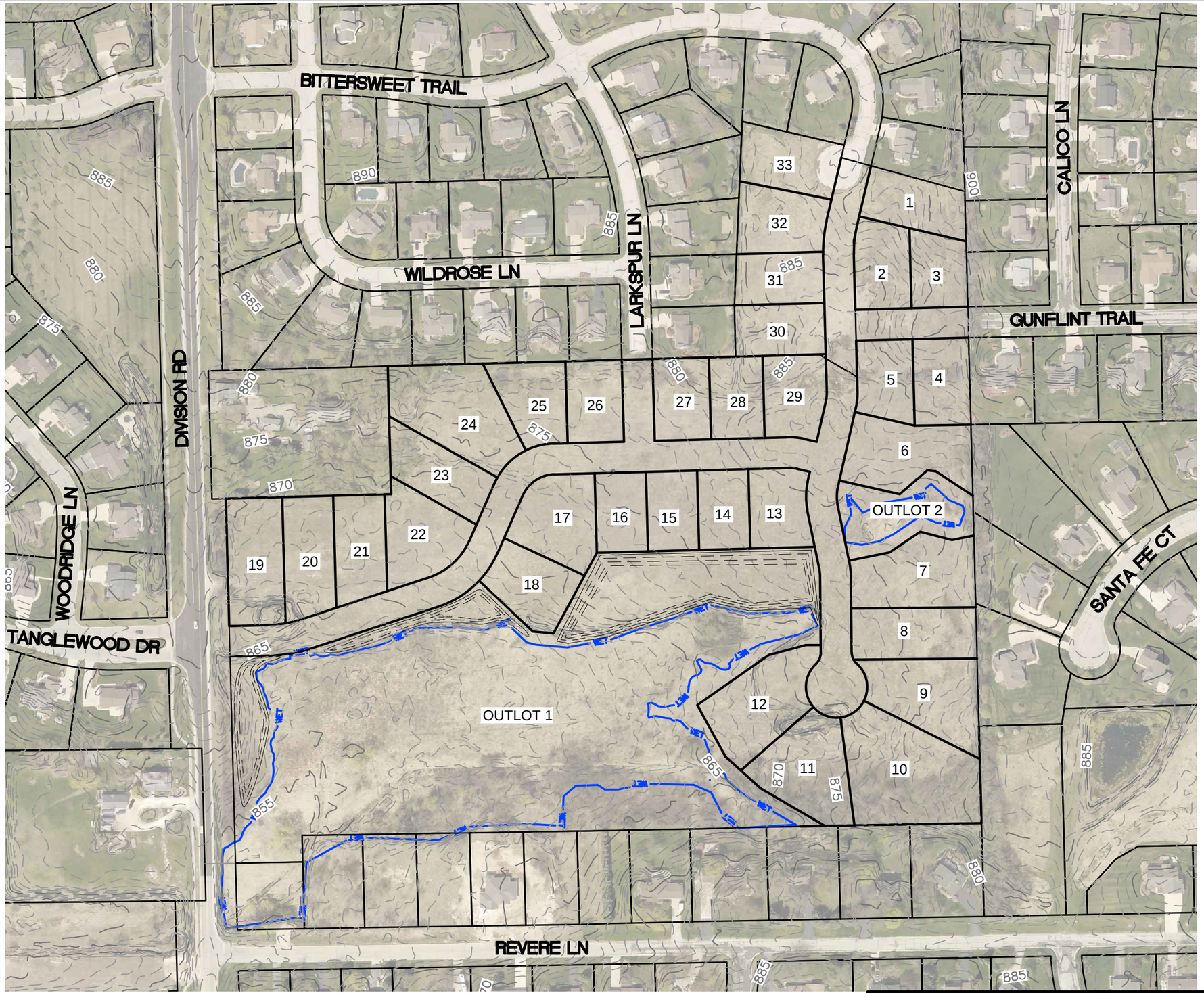
Brian P. Depies

Brian Depies
SEH, Inc.

Cc: Heritage Park Development Corporation
Bittersweet Trail LLC
John and Mary Ann Barnes

q:\fj\h\herpd\146431\8-planning\rezoning application_submittal to germantown_07092018\20180709_coverletter_village of germantown.docx

REVERE LANE HOMES – RECENTLY CONSTRUCTED AND SOLD



DENSITY CALCULATIONS	SQUARE FEET	ACRES
TOTAL SITE AREA	1,435,187	32.95
NUMBER OF LOTS	33	
TOTAL ACREAGE OF LOTS	750,060	17.22
AVERAGE LOT SIZE	22,729	0.52
NUMBER OF OUTLOTS	2	
TOTAL ACREAGE OF OUTLOTS	514,195	11.80
AREA OF RIGHT OF WAY	170,932	3.92
AREA OF WETLAND	337,806	7.75

PREPARED FOR:
HERITAGE PARK DEVELOPMENT CORP.
(LOTS 1 THRU LOT 29)

PREPARED FOR:
BITTERSWEET TRAIL LLC
(LOTS 30 THRU LOT 33)

N

SCALE: 1" = 200'

0 50 100 200

SEH
PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

FILE NO.
HERPD_146431

DATE:
06/21/2018

CONCEPTUAL LAYOUT
HERITAGE PARK ADDITION #1
GERMANTOWN, WISCONSIN

Q:\FJ\H\HERPD\146431\9-survey\92-CAD\10-C3d\146431_concept option 7.dwg 7/9/2018 11:40 AM daphnew

HERITAGE PARK ADDITION #1 - LOT SIZE TABLE

Parcel Name	Square Feet	Acres
LOT 1	19,673	0.45
LOT 2	18,460	0.42
LOT 3	15,577	0.36
LOT 4	18,564	0.43
LOT 5	17,141	0.39
LOT 6	29,938	0.69
LOT 7	30,119	0.69
LOT 8	24,399	0.56
LOT 9	30,722	0.71
LOT 10	49,083	1.13
LOT 11	30,259	0.70
LOT 12	31,429	0.72
LOT 13	17,882	0.41
LOT 14	15,500	0.36
LOT 15	15,500	0.36
LOT 16	15,500	0.36
LOT 17	25,453	0.58
LOT 18	21,105	0.49
LOT 19	27,323	0.63
LOT 20	23,345	0.54
LOT 21	20,384	0.47
LOT 22	24,610	0.57
LOT 23	21,696	0.50
LOT 24	37,505	0.86
LOT 25	20,163	0.46
LOT 26	17,600	0.40
LOT 27	17,600	0.40
LOT 28	16,725	0.38
LOT 29	19,204	0.44
LOT 30	17,562	0.40
LOT 31	17,213	0.40
LOT 32	21,213	0.49
LOT 33	21,614	0.50

Wetland Delineation Report

Heritage Park Development Corp. & Bittersweet Trail, LLC

Germantown, WI

June 16, 2018

SEH

Building a Better World
for All of Us®

Engineers | Architects | Planners | Scientists

Building a Better World
for All of Us®

July 18, 2018

RE: Heritage Park Development
Wetland Delineation Report
Germantown, WI
SEH No. HERPD 146431, AUBHO 146336

Mr. Barnes and Ms. Doll
W147 N9838 Rimrock Road
Germantown, WI 53022

Mr. Herbert Gross
Auburn Homes, LTD.
PO Box 777
Menomonee Falls, WI 53052

Please find enclosed the Wetland Delineation Report for the Heritage Park project in Washington County, Wisconsin. This Report presents the results of the field delineation for wetlands performed on May 2nd, 2018 completed by Erica Pergande. The field delineation included on-site identification, classification, and boundary determinations of wetland basins following the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (USACE 2010).

Thank you for the opportunity to provide wetland services to you. Short Elliott Hendrickson Inc. (SEH®) is pleased to provide you with this information for your records and review. If you have any questions, please contact me directly at 414-949-8985 or via e mail at epergande@sehinc.com.

Sincerely,

Erica M Pergande

Erica Pergande
SEH Natural Resource Scientist

ENP
q:\fj\h\herpd\146431\3-env-stdy-regs\31-env-rpt\30-wetlands\final wetland delineation\final_heritage wetland delineation.docx

Wetland Delineation Report

Heritage Park Development
Germantown, WI

Prepared for:
Heritage Park Development Corp & Gross Property

Prepared by:
Short Elliott Hendrickson Inc.
501 Maple Ave.
Delafield, WI 53018

The procedures described in this report and the field methods used constitute an official wetland delineation in accordance with the 1987 U.S. Army Corps of Engineers *Wetlands Delineation Manual* and applicable *Regional Supplement*. This report also follows the reporting standards and submittal procedures defined in the 2015 Wisconsin Department of Natural Resources *Guidance for Submittal of Delineation Reports to the St. Paul District Corps of Engineers and the Wisconsin Department of Natural Resources*.

The field delineation was completed by Erica Pergande. The methodology meets the standards and criteria described in the manual, and conforms to the applicable standards and regulations in force at the time the fieldwork was completed. The results reflect conditions present at the time of the delineation.

I hereby certify that this report was prepared by me or under my direct supervision.

Erica M Pergande

7/16/2018

Erica Pergande
Wetland Scientist

Date

Heidi Kennedy

7/16/2018

Heidi Kennedy
Natural Resources Scientist

Date

Wetland Delineation Confirmation Request Check List

WDNR WETLAND IDENTIFICATION PROGRAM

The following is the preferred order for all information provided in wetland delineation reports submitted for wetland confirmation. Please include this completed checklist with all wetland delineation report submittals. All of the following must be included with all wetland delineation reports that are submitted for confirmation:

☑ **Introductory Section**

- Why the delineation was undertaken
- Date the field work was completed
- Who conducted field work
- Qualifications

☑ **Methods used during the wetland delineation**

- Description of methods
- Sources Reviewed (WWI mapping, Soil Survey, etc.)
- Description of any site specific agency guidance (site meetings, etc.)

☑ **Results and Discussion**

- Antecedent hydrologic condition analysis
- Previous wetland delineation mapping
- Existing environmental mapping (WWI mapping, Soil survey, etc.)
- Amount and types of wetland located within the project area
- Discussion explaining how the wetland/upland boundary was differentiated
- Disturbed and problematic areas encountered during the delineation
- Other water resources located in the project area (navigable streams, etc.)

☑ **Topographic mapping** (Include map scale, clearly identified review area, a north arrow)
☑ **WWI mapping** (Include map scale, clearly identified review area, a north arrow)
☑ **Soil Survey mapping** (Include map scale, clearly identified review area, a north arrow)
☑ **Wetland Delineation Map** showing an accurate depiction of wetland boundaries and data points identified during field investigation (Include map scale, clearly identified review area, a north arrow)
☑ Complete, legible wetland delineation **data forms** from the appropriate regional supplement
☑ **Site photos**
☑ Any previous delineation information
☑ **Areas that are currently, or were recently (less than three years prior to the delineation) under agricultural production must include a Farm Service Agency (FSA) Slide Review.** All FSA Slide Reviews should include the following:

- Copies or photos of slides if available
- A completed wetland documentation form (NRCS form NRCS-CPA-32W)
- A copy of the draft NRCS Wetland Inventory map if available

☑ **Literature Cited**

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Certification Page
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SEH is a registered trademark of Short Elliott Hendrickson Inc.

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Appendix A ..... NRCS Climate Data Summary
Appendix B ..... Wetland Determination Data Forms
Appendix C ..... Site Photos

Wetland Delineation Report

Heritage Park Development

Prepared for Heritage Park Development Corp & Gross Property

1 Introduction

The purpose of this study was to investigate the project area, identify areas meeting the technical criteria for wetlands, and delineate the jurisdictional extent of the wetland basins for the proposed Heritage Park subdivision and Bittersweet Trail project in the Village of Germantown, Wisconsin. This field delineation will be utilized for wetland regulatory purposes.

The field delineation was performed on May 2, 2018 by Ms. Erica Pergande, SEH Natural Resources Scientist, who serves out of our Delafield, Wisconsin office. Ms. Pergande has 13 years of experience working on public and private infrastructure, community development and industrial projects throughout the upper Midwest, including Wisconsin. Her expertise is in completing wetland delineations, reports, permit applications, compensatory wetland mitigation plans, and floristic habitat assessments. Ms. Pergande is professionally trained and experienced in the practice of wetland delineation.

This report describes the methodology and results of the field delineation. Figures referred to in the text are included at the end of the report.

1.1 Site Description

The project site is located in the S ½ of the NW ¼ of Section 34 in Township 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin as shown on **Figure 1**. The approximately 33-acre site is located east of Division Road, north of Revere Lane, and west of Santa Fe Court. An unnamed tributary to the Menomonee River flows through the southern portion of the property. **Figure 1** shows the location of the site and AOI, which will be the subject of this report.

The project site is divided between the *Southeast Glacial Plains* and the *Southern Lake Michigan Coastal* Ecological landscapes, per the Wisconsin Department of Natural Resources (WDNR) Surface Water Data Viewer.

The project site consists of both upland and wetland plant communities. The wetland and upland communities' onsite are described in more detail in the following sections.

2 Wetland Delineation

2.1 Wetland Definition

Wetlands are defined in federal Executive Order 11990 as follows:

"Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

According to U.S. Army Corps of Engineers Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region (USACE 2012), one positive indicator (except in certain situations) from each of three elements must be present in order to make a positive wetland determination, which are as follows:

- Greater than 50 percent dominance of hydrophytic plant species.
- Presence of hydric soil.
- Indicators of wetland hydrology are observed.

2.2 Methodology

2.2.1 Resource Review

Topographic maps, the USDA Web Soil Survey (USDA Web Soil Survey 2014) for Washington County, the Washington County hydric soils list, the WDNR Wisconsin Wetland Inventory (WWI) map, and historic aerial photographs from the Washington County GIS were reviewed prior to visiting the site to locate potential wetland habitats. **Figure 1** is a copy of the 2017 aerial photograph and site location map, **Figure 2** is the topographic map, **Figure 3** is a copy of the Wisconsin Wetland Inventory, and **Figure 4** is a copy of the NRCS Soil Map. Antecedent precipitation data is included in **Appendix A**. These sources showed that much of the project area should have been dry but a delineation by SEWRPC in 2003 delineated a large wetland along the southern portion of the site and a small isolated pocket along the eastern property boundaries. These areas were investigated in greater detail during the field delineation.

2.2.2 Field Procedures

The project site was examined on May 2nd, 2018 for areas meeting the technical wetland criteria in accordance with the U.S. Army Corps of Engineers Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region (USACE 2012).The Manual and Regional Supplement require that all three wetland parameters (as discussed above) be present in order for an area to be classified as wetland.

The delineation procedures in the Corps Manual (i.e., the Routine Onsite Determination Method), in combination with wetland indicators and guidance provided in the Regional Supplement were applied for this delineation. Where differences in the two documents occur, the Regional Supplement takes precedence over the Corps Manual for applications in the Northcentral and Northeast Region (USACE 2012). This delineation also follows the standards and expectations for conducting wetland delineations and submitting wetland delineation reports for regulatory purposes in Wisconsin by following the Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources (WDNR 2014).

Field notes, samples, and photographs were taken at representative locations in each wetland basin. At least one representative transect was completed for each delineated wetland and the respective wetland and upland plots for each wetland were documented on Wetland Determination Data Forms located in **Appendix B**. Each data sheet is referenced to a sample location along the identified wetland boundary by the plot ID number. Numbers ending in "WET" identify data collected within the wetland boundary. Numbers ending in "UPL" identify data collected outside the wetland basin. Relevant photographs of the site and representative sample locations are included in **Appendix C**; all other photographs will be retained on file at SEH.

Wetland boundaries were located and marked with pin flags labeled with "WETLAND DELINEATION" to allow for field review. The wetland edge is considered the highest extent of the wetland boundary; areas above the boundary fail to meet the three required wetland parameters while areas below the edge meet the wetland parameters required by the field delineation methodology. The location of the delineated wetland boundaries were collected with a sub-meter accuracy Global Positioning System (GPS) unit and mapped. The results of the delineation are shown on the **Figure 5** (Wetland Delineation Boundary Map). The sample points noted identify where data was collected and are recorded on corresponding Wetland Determination Data Forms (**Appendix B**).

2.3 Hydrophytic/Wetland Vegetation

Wetland plant species nomenclature follows the National Wetland Plant List (USACE 2016, Lichvar et al., 2016). Identification was aided when necessary with field guides for the region. Vegetation was sampled in nested circular plots: 5-ft radius for herbaceous species, 15-ft radius for shrubs, and 30-ft radius for trees and vines.

2.4 Hydric/Wetland Soils

Soils were observed for hydric soil characteristics. Soils were examined in pits dug with both a Dutch auger and a drainage spade. Soil profiles were observed at a depth necessary to confirm hydric soil characteristics. Typical soil profile depths are typically within 18-24 inches below ground surface to allow for: (1) observation of an adequate portion of the soil profile to determine presence/absence of hydric soil characteristics; (2) observation of hydrology including depth to the water table and saturated soils; and, (3) identification of disturbances (*e.g.*, buried horizon, plow line, etc.).

Where site conditions preclude observing soil profile depths at the typical 18-24 inches below ground surface or where observed hydric soil indicators are documented above or below 18-24 inches below ground surface, justification is provided. Soil color determinations were made using MUNSELL Soil Color Charts (Gretag-Macbeth 1994). Site soil characteristics were compared to those mapped and described in the Soil Survey for Waukesha County (USDA 2014). Hydric soil characteristics were compared to those identified in the Northcentral and Northeast Regional Supplement (USACE 2012) and the most recent version of the Natural Resources Conservation Service (NRCS) publication *Field Indicators of Hydric Soils in the United States, Version 8.1* (USDA 2017). Hydric Soil Category rating (USDA 2014) was also reviewed for soils in the project area. **Figure 4** shows the soil survey map for the project area.

2.5 Hydrology

Primary and secondary indicators of hydrology were identified in the field to determine the presence or absence of wetland hydrology and are listed in each wetland description. Subsurface

wetland hydrology indicators were examined using the soil cores and/or soil pits as deep as 24 inches to confirm soil saturation in the upper 12 inches of the soil profile.

2.5.1 Antecedent Precipitation

National Weather Service records show that precipitation in the three months prior to field work (Feb-April) was considered “dry”, as defined by the NRCS WETS table from the Germantown Station located in Washington County (**Appendix A**). Wetlands boundaries were determined primarily by vegetation and topography. Both which appeared unaffected by the temporarily drier conditions.

2.5.2 Wetland Classification

Wetland classification follows the methods described in the Eggers and Reed (2011) classification, and the classification according to the WDNR WWI are also provided. A comparative wetland classification following Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979) is also provided for reference purposes only, as the Cowardin classification system is not used for wetland regulatory purposes in Wisconsin.

3 Results

A total of 4 wetland complexes were identified, delineated, and classified within the project boundary (**Figure 5**). The Wetland Determination Data Forms (**Appendix B**) indicate the dominant species of vegetation and the soil and hydrologic characteristics at representative locations around each of the basins. **Table 1** is a summary of the size and classification of each wetland. A summary description of each delineated wetland complex follows **Table 1**.

3.1 Field Delineation

Table 1 – Wetland Characteristics

Wetland #	Size (acres)[1]	WWI Classification	Eggers & Reed Classification	Cowardin Classification
1	0.35	E1K	Fresh (Wet) Meadow	PEM1B
2	7.40	S3K/E1K	Shrub-Carr/Fresh (Wet) Meadow	PSS1/ PEM1B
3	0.31	S3K/E1K	Shrub-Carr/Fresh (Wet) Meadow	PSS1/ PEM1B
4	0.21	S3K	Shrub-Carr	PSS1

[1] Size includes areas of wetland within the area of investigation only. Wetlands may extend beyond the limits of the area investigated and actual wetland size may be larger than that indicated.

3.2 Wetland 1 (W-1)

W-1 is classified as a Fresh (Wet) Meadow that is located in the northeast corner of the site. This 0.35 acre wetland appears to be a direct result of previous grading practices as the wetland was not delineated in 2003 when the Southeast Regional Planning Commission (SEWRPC) delineated the same project area. W-1 is also partly a drainage ditch that appears to have been previously excavated.

This wetland complex is primarily dominated by reed canary grass (*Phalaris arundinacea* – FACW), Torrey's rush (*Juncus torreyi* – FACW), common fox sedge (*Carex vulpinoidea* – FACW), fowl blue grass (*Poa palustris* – FACW) and lesser poverty rush (Juncus tenuis – FAC) in the herb stratum, and sandbar willow (*Salix interior* – FACW), silky dogwood (*Cornus amomum* – FACW), red osier dogwood (*Cornus alba* – FACW) in the sapling/shrub stratum.

A total of six sample pits were taken in W-1. The soils in this wetland appear to have been previously disturbed by grading practices and are mapped as MtA-Mequon Silt Loam and OUB2/OUC2-Ozaukee Silt Loam. The soils of Wetland 1 meet the hydric soil technical criteria of F6- Redox Dark Surface and F8-Redox Depressions.

Saturation was encountered at the surface of all three wetland soils pits. W-1 had three primary hydrologic indicators, A2-High Water Table, A3–Saturation, and B4–Algal mat or crust; and three secondary hydrologic indicators, B10 – Drainage Patterns, C2-Dry-Season Water Table, D2 – Geomorphic Position and D5 – FAC-Neutral Test.

The surrounding upland areas of W-1 were dominated by Kentucky Blue Grass (*Poa pratensis* – FACU), flat-stem blue grass (*Poa compressa* – FACU) red fescue (*Festuca rubra* – FACU), *Bromus inermis* – UPL) and European buckthorn (*Rhamnus cathartica* – FAC) and hybrid honeysuckle (*Lonicera X bella* – FACU) in the shrub/sapling stratum. Upland data points did not meet any hydric soil criteria, and there were no hydrology indicators observed in the upland.

Supporting documentation of field observations are found in Appendix C on data sheets labeled DP-1WET, DP-3WET, and DP-5WET (wetland sample points) and DP-2UPL, DP-4UPL, and DP-6UPL (upland sample points).

3.3 Wetland 2 (W-2)

W-2 is classified as a Shrub-Carr and Fresh (Wet) Meadow that takes up a large portion of the southern half of the site. This 7.40 acre wetland is a large basin that is primarily dominated by fowl blue grass (*Poa palustris* – FACW), reed canary grass (Phalaris arundinacea – FACW), field horsetail (*Equisetum arvense* – FAC) and Canadian goldenrod (*Solidago canadensis* – FACU) in the herb stratum, and sandbar willow (Salix interior – FACW), gray dogwood (*Cornus racemosa* – FACW), red osier dogwood (*Cornus alba* – FACW), and European buckthorn (*Rhamnus cathartica* – FAC) in the sapling/shrub stratum.

A total of eight sample pits were taken in W-2. The soils are mapped as RaA- Redford Silt Loam, ThB2-Theresa Silt Loam, MzB-Montgomery Silty Clay Loam and MtA-Mequon Silt Loam. The soils of Wetland 2 meet the hydric soil technical criteria of F6- Redox Dark Surface and F8-Redox Depressions.

W-2 had three primary hydrologic indicators, A2–High Water Table, A3–Saturation, and B9–Water-Stained Leaves; and three secondary hydrologic indicators, C2-Dry-Season Water Table, D2 – Geomorphic Position and D5 – FAC-Neutral Test.

The surrounding upland areas of W-2 were dominated by Kentucky Blue Grass (Poa pratensis – FACU), red fescue (Festuca rubra – FACU) in the herb stratum, and cock-spur hawthorn (*Crataegus crus-galli* – FAC), northern prickly-ash (*Zanthoxylum americanum* – FACU) and hybrid honeysuckle (Lonicera X bella – FACU), and northern prickly ash (*Zanthoxylum americanum* – FACU) in the shrub/sapling stratum, and box elder (*Acer negundo* – FAC) in the tree stratum. Upland data points did not meet any hydric soil criteria, and there were no hydrology indicators observed in the upland.

Supporting documentation of field observations are found in Appendix C on data sheets labeled DP-7WET, DP-13WET, DP-15WET and DP-17WET (wetland sample points) and DP-8UPL, DP-14UPL, DP-16UPL, and DP-18UPL (upland sample points).

3.4 Wetland 3 (W-3)

W-3 is a small basin that is classified as a Shrub-Carr and Fresh (Wet) Meadow located on the east side of the site. This 0.31 acre wetland is a small basin that is primarily dominated by reed canary grass (*Phalaris arundinacea* – FACW) in the herb stratum, and sandbar willow (*Salix interior* – FACW) in the sapling/shrub stratum.

One pair of sample pits were taken in W-3. The soils are mapped as OuB/OuB2-Ozaukee Silt Loam. The soils of Wetland 3 meet the hydric soil technical criteria of F3-Depleted Matrix.

W-3 had three primary hydrologic indicators, A2-High Water Table, A3–Saturation, and B9-Water-Stained Leaves; and three secondary hydrologic indicators, C2-Dry-Season Water Table, D2 – Geomorphic Position and D5 – FAC-Neutral Test.

The surrounding upland areas of W-3 were dominated by Kentucky Blue Grass (*Poa compressa*–FACU), red fescue (*Festuca rubra* – FACU), and reed canary grass (*Phalaris arundinacea*-FACW). Upland data points did not meet any hydric soil criteria, and there were no hydrology indicators observed in the upland.

Supporting documentation of field observations are found in Appendix C on data sheets labeled DP-9WET (wetland sample point) and DP-10UPL (upland sample point).

3.5 Wetland 4 (W-4)

W-4 is a small basin that is classified as a Shrub-Carr and is located on the southeast side of the site. This 0.21 acre wetland is a small basin that is primarily dominated by reed canary grass (*Phalaris arundinacea* – FACW) in the herb stratum, and sandbar willow (*Salix interior* – FACW) in the sapling/shrub stratum. It is assumed that this wetland was created somewhat recently by grading and drainage practices that took place upon the construction of the subdivision directly to the east, as this wetland was also not delineated in 2003 by SEWRPC.

One pair of sample pits were taken in W-4. The soils are mapped as OuB-Ozaukee Silt Loam. The soils of Wetland 4 meet the hydric soil technical criteria of both F3-Depleted Matrix and F8-Redox Depressions.

W-4 had three primary hydrologic indicators, A1-Surface Water, A2-High Water Table, A3–Saturation; and three secondary hydrologic indicators, C2-Dry-Season Water Table, D2 – Geomorphic Position and D5 – FAC-Neutral Test.

The surrounding upland areas of W-4 were dominated by Kentucky Blue Grass (*Poa pratensis* – FACU). The upland data point did not meet vegetation or any hydric soil criteria, however; saturation was observed at 6 inches indicating the presence of wetland hydrology.

Supporting documentation of field observations are found in Appendix C on data sheets labeled DP-11WET (wetland sample point) and DP-12UPL (upland sample point).

4 Conclusions

A total of 4 wetland areas covering a total of approximately 8.27-acres were delineated within the project AOI.

This delineation follows the standards and expectations for conducting wetland delineations and submitting wetland delineation reports for regulatory purposes in Wisconsin by following the Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources (WDNR 2015).

Wetlands in the project area are regulated by agencies at the local, state, and federal levels including the USACE and the EPA at the federal level, and the WDNR at the state level. Construction plans that propose any direct alteration or indirect impact to wetlands, watercourses, or aquatic resources within the project area may require permits from the appropriate regulatory agencies. Violation of wetland regulations can result in substantial civil and/or criminal penalties.

The mapped wetland boundaries are valid under the environmental conditions existing at the time of delineation. The user of this information is hereby notified that changing environmental conditions may affect the future validity of the wetland boundary.

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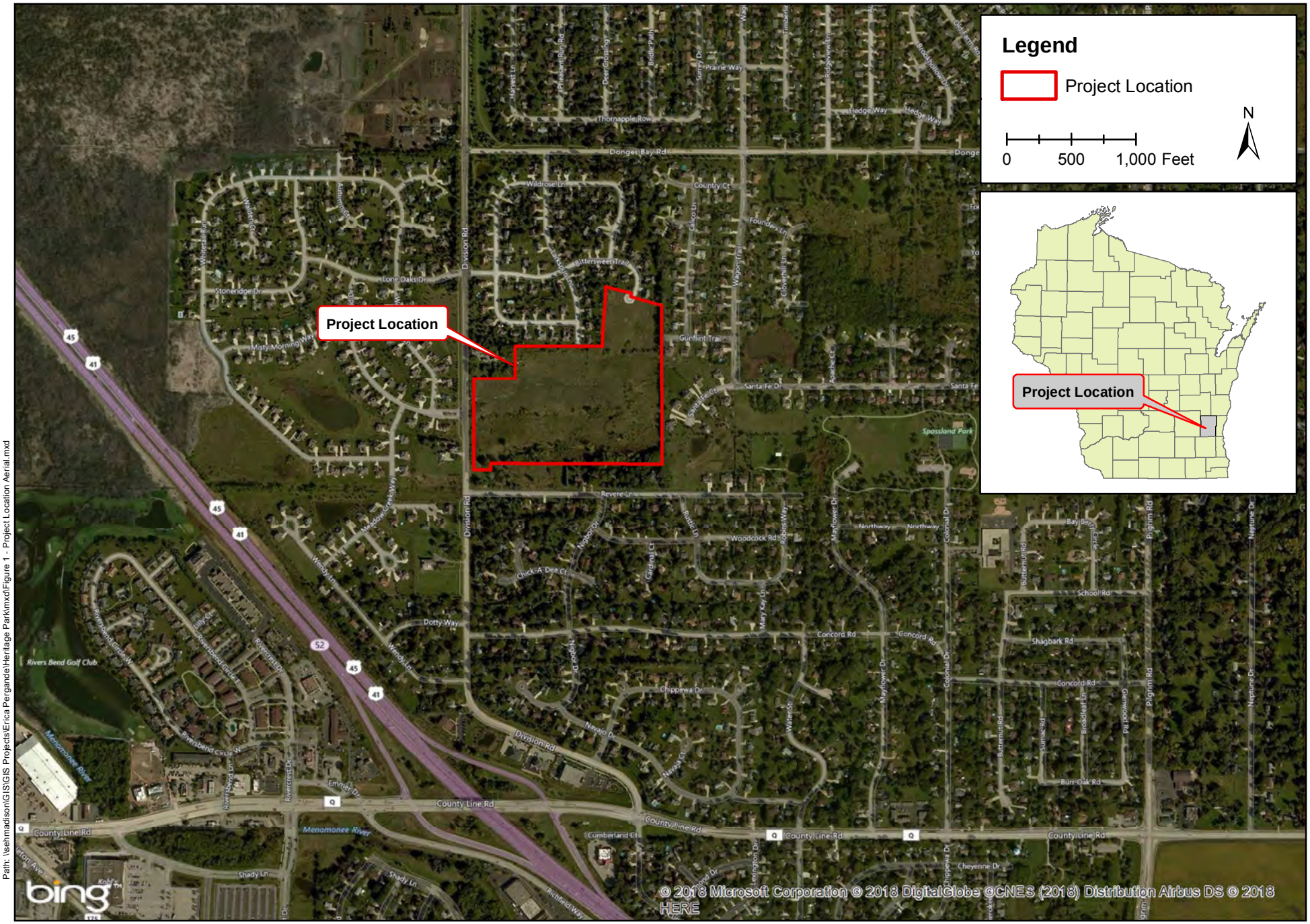
ENP

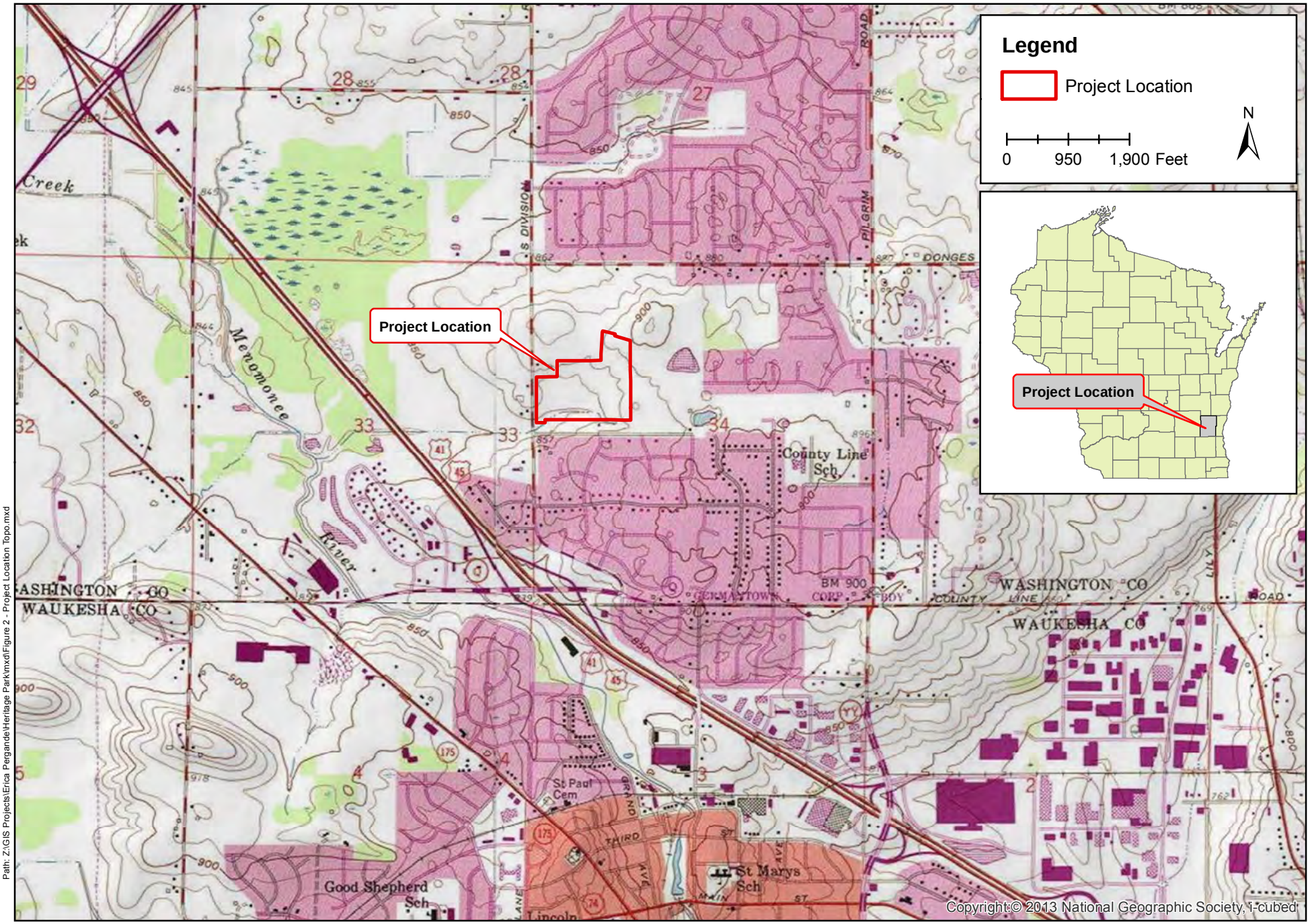
Figures

Figure 1 – 2017 Aerial Site Location Map
Figure 2 – Topographic Site Location Map
Figure 3 – Wisconsin Wetland Inventory Map
Figure 4 – NRCS Soil Map
Figure 5 – Wetland Delineation Boundary Map



Path: \\sehmadison\GIS\GIS Projects\Erica Pergande\Heritage Park\mxd\Figure 1 - Project Location Aerial.mxd

SEH	501 Maple Avenue Delafield, WI 53108 (262) 646-6855	Project: HERPD 146431 Print Date: 7/6/2018 Map by: mfalk Projection: WISCRS, Washington County	Project Location Map Heritage Park, Washington County, Wisconsin	**Figure 1**



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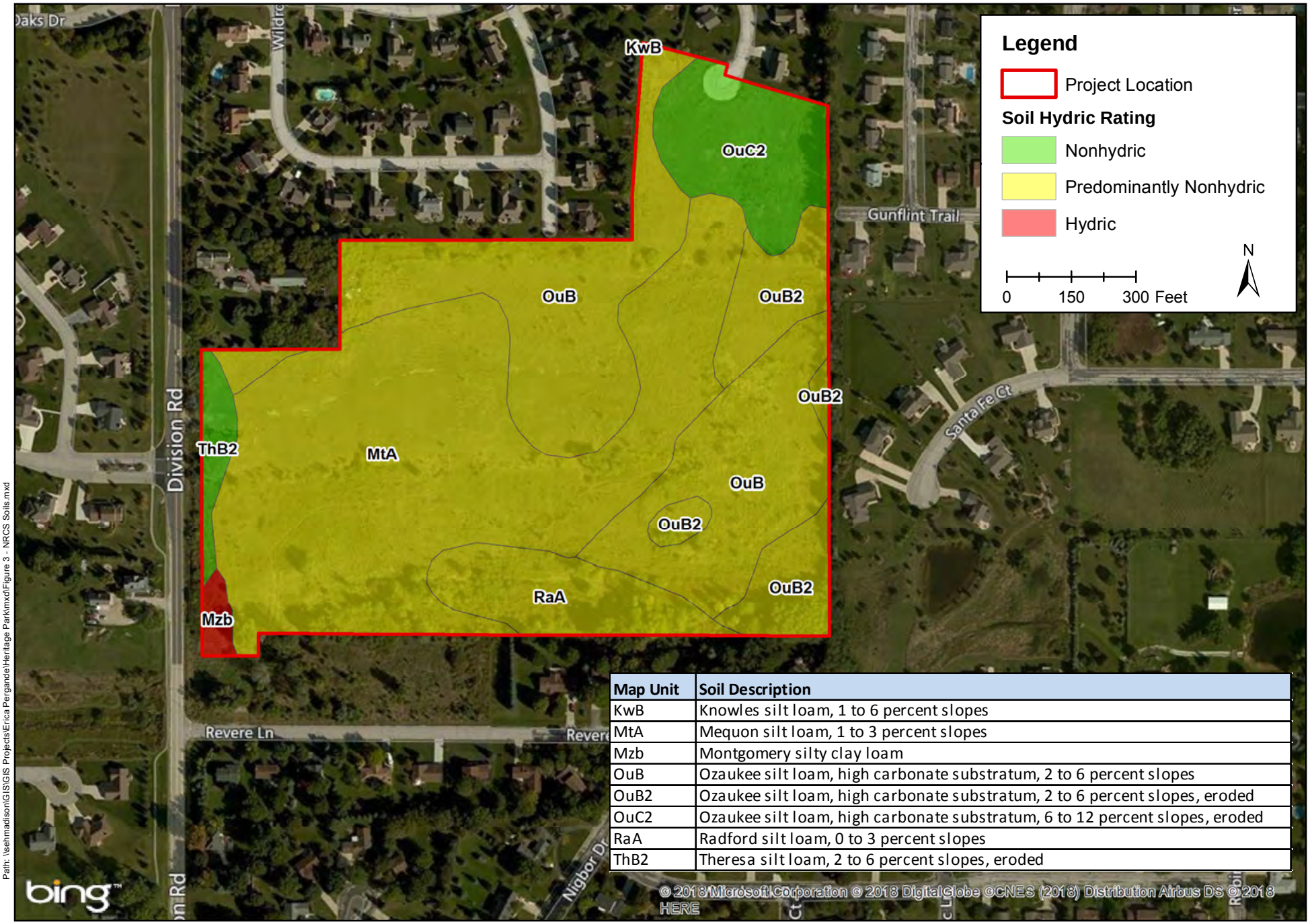
SEH	501 Maple Avenue Delafield, WI 53108 (262) 646-6855	Project: HERPD 146431 Print Date: 7/6/2018 Map by: mfalk Projection: WISCRS, Washington County	USGS Topographic Map Heritage Park, Washington County, Wisconsin	**Figure 2**



Map Unit	Soil Description
KwB	Knowles silt loam, 1 to 6 percent slopes
MtA	Mequon silt loam, 1 to 3 percent slopes
Mzb	Montgomery silty clay loam
OuB	Ozaukee silt loam, high carbonate substratum, 2 to 6 percent slopes
OuB2	Ozaukee silt loam, high carbonate substratum, 2 to 6 percent slopes, eroded
OuC2	Ozaukee silt loam, high carbonate substratum, 6 to 12 percent slopes, eroded
RaA	Radford silt loam, 0 to 3 percent slopes
ThB2	Theresa silt loam, 2 to 6 percent slopes, eroded

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SEH

501 Maple Avenue
Delafield, WI 53108
(262) 646-6855

Project: HERPD 146431
Print Date: 7/6/2018

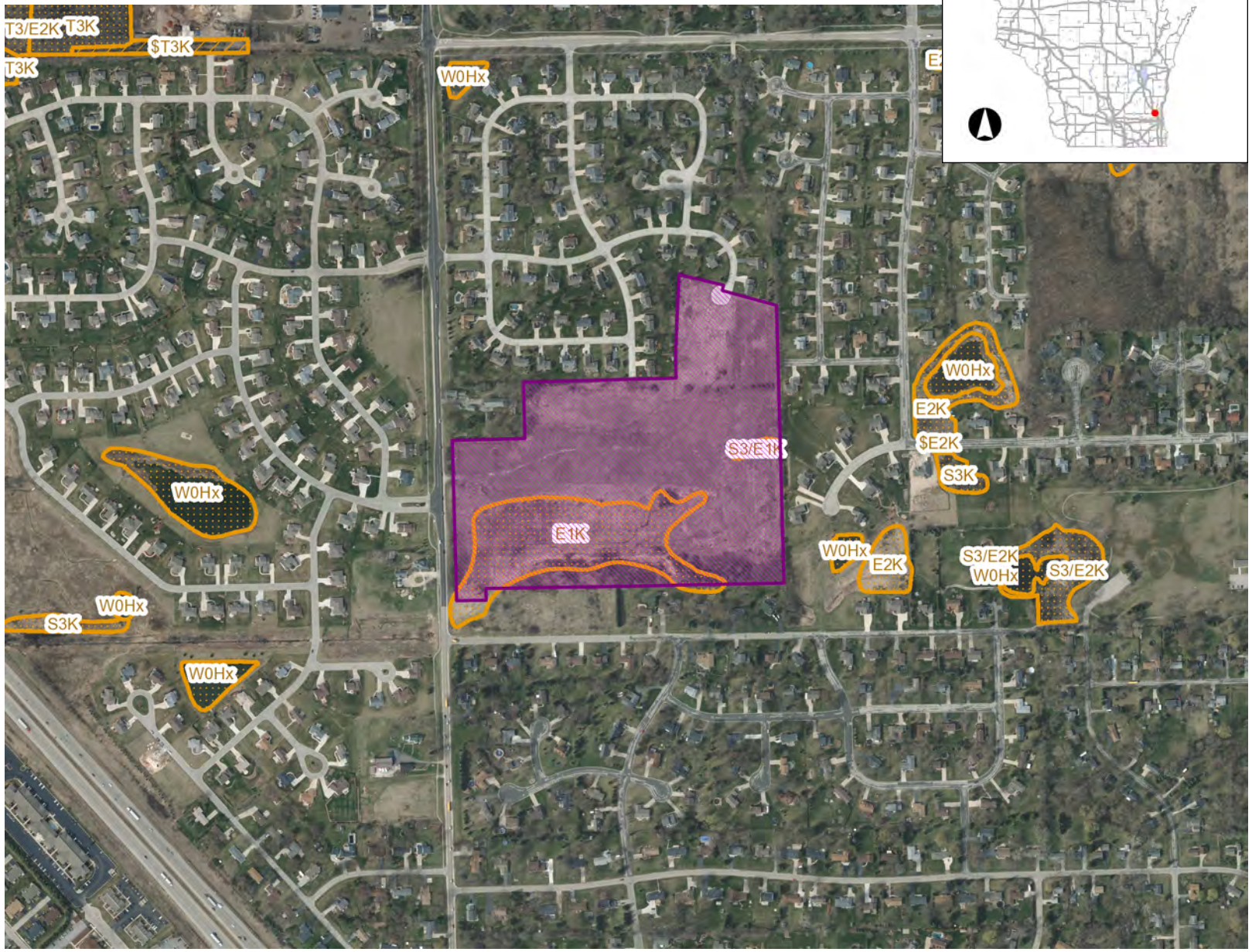
Map by: mfalk
Projection: WISCRS, Washington County

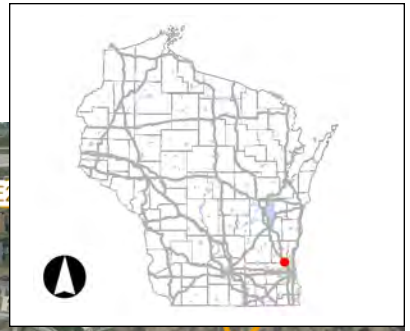
NRCS Soils

Heritage Park, Washington County, Wisconsin

Figure 3

Wisconsin Wetland Inventory





Legend

- Wetland Class Points
  - Dammed pond
  - Excavated pond
  - Filled excavated pond
  - Filled/drained wetland
  - Wetland too small to delineate
- Filled Points
- Wetland Class Areas
  - Wetland
  - Upland
- Filled Areas
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
  - Interstate Highway
  - State Highway
  - US Highway
- County and Local Roads
  - County HWY
  - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water
- Index to EN_Image_Basemap_Leaf_Off

Notes

0.3 0 0.13 0.3 Miles

NAD_1983_HARN_Wisconsin_TM

1: 7,920

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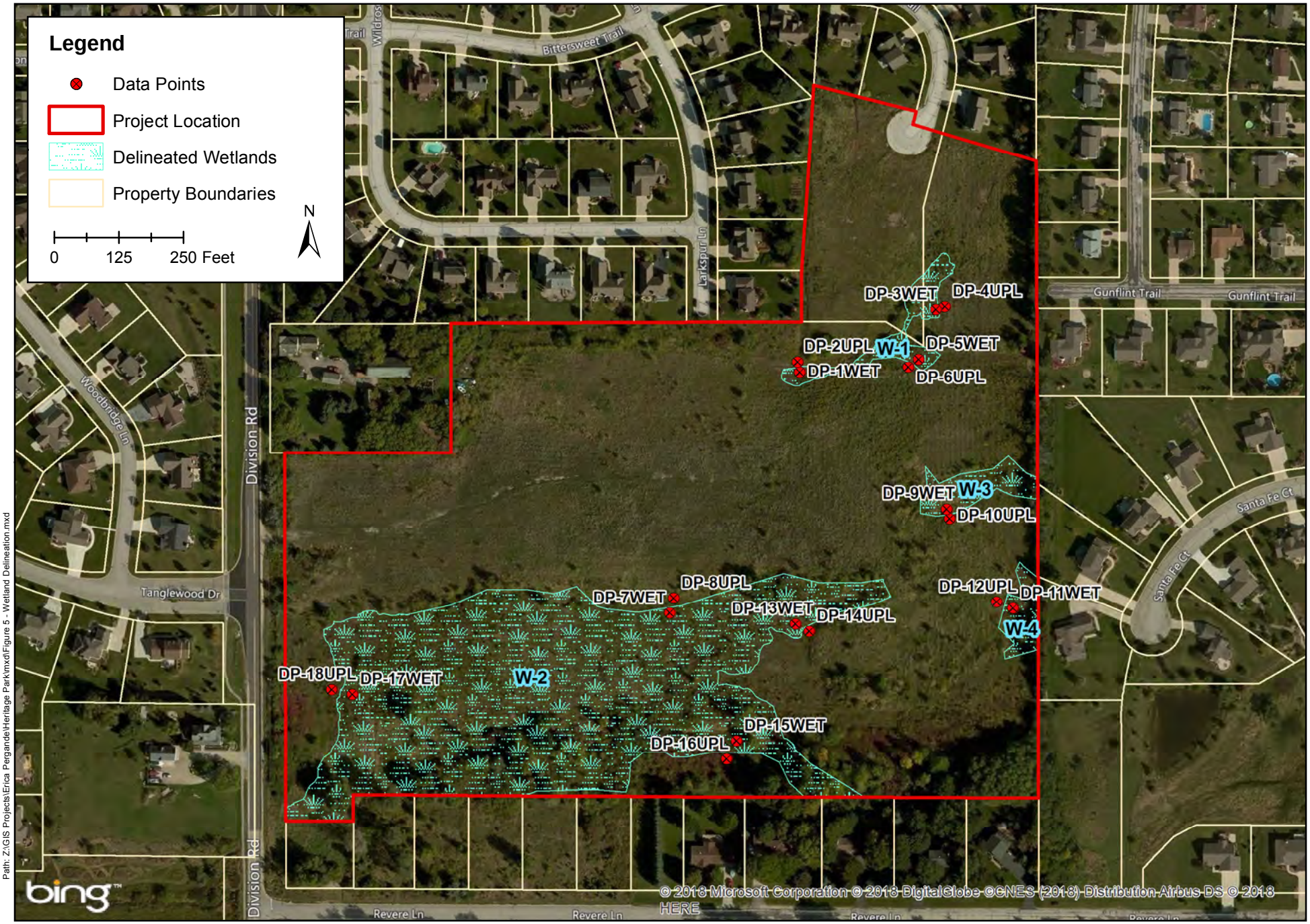

Path: Z:\GIS Projects\Erica Pergande\Heritage Park\mxd\Figure 5 - Wetland Delineation.mxd

SEH	501 Maple Avenue Delafield, WI 53108 (262) 646-6855	Project: HERPD 146431 Print Date: 7/16/2018 Map by: mfalk Projection: WISCRS, Washington County	Wetland Boundary Map Heritage Park, Washington County, Wisconsin	**Figure 5**

Appendix A

NRCS Climate Data Summary

Field Visit Date: May 2, 2018

	Month	Long-term rainfall records: 3 yrs. in 10 less than	Normal	3 yrs. in 10 more than	Rain fall	Condition: dry, wet, normal	Condition value	Month weight value	Product of previous two columns
1st prior month*	April	2.39	3.30	3.89	1.62	1	Dry	**3**	3
2nd prior month*	March	1.31	2.05	2.47	0.56	1	Dry	**2**	2
3rd prior month*	Feb	0.62	1.20	1.44	2.22	3	Wet	**1**	3
								Sum	8
									"Dry"

* Compared to photo date

**Monthly data prior to field date

Note: If sum is

6-9	then prior period has been drier than normal
10-14	then prior period has been normal
15-18	then prior period has been wetter than normal

Condition value:

Dry	=1
Normal	=2
Wet	=3

WETS Table

WETS Station: GERMANTOWN, WI								
Requested years: 1971 - 2000								
Month	Avg Max Temp	Avg Min Temp	Avg Mean Temp	Avg Precip	30% chance precip less than	30% chance precip more than	Avg number days precip 0.10 or more	Avg Snowfall
Jan	25.6	8.1	16.9	1.35	0.74	1.65	4	13.6
Feb	30.5	13.0	21.7	1.20	0.62	1.44	3	7.9
Mar	41.0	23.2	32.1	2.05	1.31	2.47	5	6.3
Apr	54.0	33.7	43.8	3.30	2.39	3.89	6	2.3
May	66.8	43.6	55.2	3.03	1.90	3.66	6	0.3
Jun	76.5	52.7	64.6	3.82	2.54	4.58	6	0.0
Jul	80.8	58.0	69.4	4.04	2.76	4.82	7	0.0
Aug	78.6	56.6	67.6	4.28	3.05	5.06	7	0.0
Sep	71.2	48.4	59.8	3.53	2.18	4.26	6	0.0
Oct	59.1	37.2	48.2	2.45	1.50	2.97	5	0.1
Nov	44.3	26.9	35.6	2.58	1.62	3.12	6	3.6
Dec	31.1	14.6	22.8	1.77	0.98	2.15	5	9.7
Annual:					30.68	35.78		
Average	55.0	34.7	44.8	-	-	-	-	-
Total	-	-	-	33.40			66	43.8

GROWING SEASON DATES			
Years with missing data:	24 deg = 0	28 deg = 0	32 deg = 0
Years with no occurrence:	24 deg = 0	28 deg = 0	32 deg = 0
Data years used:	24 deg = 30	28 deg = 30	32 deg = 30
Probability	24 F or higher	28 F or higher	32 F or higher
50 percent *	4/17 to 10/27: 193 days	5/4 to 10/10: 159 days	5/15 to 9/30: 138 days
70 percent *	4/12 to 11/1: 203 days	4/29 to 10/15: 169 days	5/12 to 10/4: 145 days
* Percent chance of the growing season occurring between the Beginning and Ending dates.			

STATS TABLE - total precipitation (inches)													
Yr	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annl
1944						4.36	1.62	1.89	3.07	0.33	2.26	1.25	14.78
1945	0.48	1.38	1.20	2.87	4.29	3.29	1.21	7.49	5.76	0.86	3.37	1.10	33.30
1946	2.00	0.90	3.03	1.21	2.38	3.48	0.18	1.31	2.49	1.25	2.50	1.65	22.38
1947	1.51	M1.20	1.10	3.70	M4.54	2.90	2.67	2.50	5.54	1.73	2.85	1.21	31.45
1948	M0.84	1.80	3.15	2.93	3.07	3.15	1.34	1.05	1.49	0.62	3.32	2.10	24.86
1949	1.75	1.49	1.93	1.43	1.35	6.72	4.65	2.47	1.45	1.79	0.38	1.67	27.08
1950	2.24	0.82	2.27	3.23	2.34	4.27	6.10	M2.38	2.86	0.57	0.90	1.85	29.83
1951	1.87	1.73	3.74	5.39	1.58	1.82	3.62	2.78	3.35	6.03	3.01	M0.99	35.91
1952	1.88	0.58	2.02	1.88	3.33	M2.36	7.99	3.98	0.	0.	3.57	1.44	29.

									55	04			62
1953	0.79	1.36	M0.63	2.83	3.66	5.79	2.15	2.13	1.44	0.79	0.43	1.37	23.37
1954	0.61	0.76	M0.19	3.85	1.98	9.36	4.76	4.98	3.26	4.21	0.60	1.14	35.70
1955	0.66	1.13	0.67	4.09	3.23	4.68	2.52	0.53	1.55	2.69	0.81	0.45	23.01
1956	0.27	0.91	1.62	2.58	4.11	1.46	6.01	3.82	0.59	0.23	1.68	0.80	24.08
1957	0.41	0.37	0.82	3.03	4.06	3.99	2.23	2.89	0.95	1.32	2.09	1.58	23.74
1958	0.42	0.07	0.26	1.57	2.52	2.49	1.37	4.14	4.38	3.11	3.20	0.12	23.65
1959	1.04	1.22	2.77	2.52	M1.20	1.68	2.56	2.50	2.94	4.85	1.77	M1.85	26.90
1960	2.39	1.48	1.65	3.35	4.59	3.39	5.06	7.57	6.35	M2.46	1.83	T	40.12
1961	0.10	0.61	2.81	2.37	1.28	2.05	1.86	2.55	6.84	3.50	2.38	1.12	27.47
1962	M0.80	0.98	1.17	0.95	1.67	1.59	4.29	1.51	2.01	1.91	1.36	0.57	18.81
1963	0.55	0.14	1.31	0.98	3.43	3.78	1.65	4.15	2.37	0.61	2.47	0.44	21.88
1964	1.48	0.09	1.76	4.50	2.20	1.02	10.11	2.50	2.17	0.23	2.56	0.49	29.11
1965	1.51	0.81	2.88	2.86	1.45	1.41	3.27	3.87	10.03	3.96	1.65	3.06	36.76
1966	1.24	1.03	2.45	2.39	2.00	1.10	1.19	2.95	1.67	1.92	1.53	2.18	21.65
1967	1.02	0.84	1.35	2.13	2.34	4.76	1.30	1.89	1.02	3.38	2.22	1.18	23.43
1968	0.59	0.35	0.39	4.36	4.04	5.56	2.86	3.10	3.84	1.35	1.92	1.94	30.30
1969	1.91	0.04	0.73	2.46	3.07	6.55	3.34	3.50	1.24	3.92	1.32	2.09	30.17
1970	0.63	0.19	1.46	1.30	5.20	2.67	4.84	1.12	6.37	2.41	1.71	1.76	29.66
1971	0.93	3.19	1.80	2.78	2.34	2.96	1.74	3.03	1.86	2.43	2.94	4.20	30.20
1972	0.51	0.32	1.21	1.47	2.61	3.07	4.70	7.45	8.90	2.70	1.12	2.39	36.45
1973	0.67	0.92	2.03	4.75	5.40	2.06	0.69	1.68	4.20	4.33	1.82	2.66	31.21
1974	2.01	1.25	2.78	3.46	3.08	4.46	3.54	3.30	1.12	2.34	1.90	1.83	31.07
1975	1.63	1.07	2.49	2.17	1.01	4.32	5.17	6.62	0.79	0.27	4.19	0.75	30.48
1976	1.09	1.48	4.64	3.26	2.71	1.75	2.06	1.11	0.78	1.97	0.50	0.27	21.62
1977	0.32	0.45	3.62	1.82	0.58	5.37	5.59	6.74	3.23	2.65	2.82	1.84	35.03
1978	0.80	0.26	0.36	2.63	4.43	6.16	4.49	1.53	5.38	1.63	2.35	1.46	31.48
1979	1.59	0.65	3.60	3.49	2.22	1.66	2.45	5.24	T	1.86	2.36	1.64	26.76
1980	1.11	0.50	0.46	3.20	1.75	3.40	3.48	7.27	5.15	1.17	1.12	0.95	29.56
1981	0.03	1.68	0.54	3.68	1.16	2.98	5.69	4.39	5.63	4.90	1.71	M0.63	33.02
1982	M1.22	0.12	1.92	3.69	3.94	2.89	2.66	3.19	1.08	2.05	M4.56	2.86	30.18
1983	M0.55	1.21	2.52	3.63	4.36	2.56	2.11	6.44	3.42	1.84	3.53	M1.85	34.02
1984	0.50	1.78	1.32	4.66	3.94	6.18	4.54	3.50	3.06	5.10	4.55	2.82	41.95
1985	1.32	2.00	2.43	1.76	1.62	1.81	3.39	2.95	4.81	4.79	6.70	2.04	35.62
1986	0.78	2.56	1.78	2.68	1.88	5.00	5.19	5.33	10.	2.	M1.	0.36	39.

									43	42	01		42
1987	1.03	T	2.65	4.08	2.49	2.19	4.64	4.54	4.45	1.42	2.76	4.27	34.52
1988	2.51	0.60	1.12	3.44	0.53	1.19	1.03	2.21	4.99	1.95	4.28	1.52	25.37
1989	0.37	0.43	2.09	1.16	3.79	2.68	6.10	6.17	3.29	1.47	0.66	0.27	28.48
1990	1.81	1.10	2.34	2.03	6.32	4.27	2.14	5.65	4.27	2.64	2.62	2.74	37.93
1991	1.00	0.25	3.32	3.79	3.28	4.23	4.66	3.46	3.97	5.47	M3.27	1.62	38.32
1992	M0.97	1.55	M2.76	M2.88	0.78	1.15	3.98	4.24	4.05	1.24	5.18	1.90	30.68
1993	M2.17	1.16	1.56	8.47	2.66	5.50	5.37	3.28	4.17	0.78	1.57	0.28	36.97
1994	M1.49	3.08	0.83	1.28	1.57	3.38	8.75	3.75	1.80	0.75	3.22	0.98	30.88
1995	1.56	0.13	2.11	4.04	3.40	0.97	2.28	9.03	1.20	4.17	3.00	0.69	32.58
1996	1.98	0.91	0.50	3.20	2.94	9.31	3.96	2.18	2.02	4.74	0.64	1.41	33.79
1997	1.80	2.73	1.37	1.23	4.12	9.61	5.41	4.39	1.86	1.41	M1.15	1.41	36.49
1998	3.25	2.09	4.18	4.48	2.76	4.32	2.02	3.77	1.40	3.04	2.11	0.84	34.26
1999	4.62	1.02	1.46	6.75	4.97	4.55	8.39	2.06	3.39	0.69	1.02	M1.53	40.45
2000	M0.93	1.47	1.71	2.96	8.28	4.60	5.05	3.79	5.29	1.33	M2.88	M5.01	43.30
2001	M1.45	M3.06	0.32	3.90	4.63	5.12	2.03	3.28	6.43	3.20	0.64	1.10	35.16
2002	1.25	M1.53	1.63	3.91	2.30	5.85	2.31	5.38	M3.67	2.90	M0.75	0.63	32.11
2003	0.45	0.75	1.14	2.11	6.38	2.31	2.59	3.69	2.11	M1.78	5.67	1.92	30.90
2004	M0.89	0.98	4.27	2.91	12.83	5.41	1.88	2.46	0.09	3.13	2.25	1.57	38.67
2005	3.48	2.14	1.22	1.09	M3.15	1.91	3.27	3.56	4.59	0.78	4.22	1.23	30.64
2006	M2.50	0.75	3.14	4.24	6.11	2.38	2.82	3.61	3.71	4.55	1.65	1.69	37.15
2007	1.17	1.54	3.01	3.26	2.34	1.82	6.38	10.77	1.92	2.30	0.21	M1.70	36.42
2008	1.82	M2.00	1.29	7.79	1.33	9.87	3.37	1.48	3.98	2.17	1.21	3.14	39.45
2009	0.73	1.19	3.20	4.55	2.90	2.77	1.13	3.04	1.89	4.35	1.16	3.52	30.43
2010	0.74	0.60	0.50	M5.01	3.28	6.50	8.61	1.71	2.26	1.80	0.91	1.41	33.33
2011	1.00	1.67	2.86	5.14	2.53	4.26	4.63	1.65	6.44	1.03	2.17	1.23	34.61
2012	1.04	0.84	2.88	2.46	3.65	0.38	2.85	3.51	1.32	M4.64	0.51	3.62	27.70
2013	2.70	2.49	1.12	6.70	5.62	4.88	2.58	0.82	2.46	1.77	2.55	0.89	34.58
2014	0.55	0.97	0.65	4.76	2.66	7.43	2.33	2.50	1.15	2.31	1.64	0.94	27.89
2015	0.35	0.26	0.64	5.79	3.23	2.39	3.12	3.89	5.40	1.26	3.24	5.36	34.93
2016	0.28	0.37	2.77	1.64	2.15	3.91	2.89	4.10	4.59	4.12	1.52	1.60	29.94
2017	1.86	1.16	2.00	4.36	4.97	6.63	3.76	2.50	0.80	2.80	1.11	0.45	32.40
2018	1.08	2.22	0.56	1.62	4.84	3.98	M0.95						15.25

Notes: Data missing in any month have an "M" flag. A "T" indicates a trace of precipitation.

Monthly Total Precipitation for GERMANTOWN, WI

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2018	1.08	2.22	0.56	1.62	4.84	3.98	M	M	M	M	M	M	M
Mean	1.08	2.22	0.56	1.62	4.84	3.98	M	M	M	M	M	M	M

Appendix B

Wetland Determination Data Forms

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 1 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 1% Lat.: 43.202024 Long.: -88.1189 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 1

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Area appears to have been previously graded.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- X Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- X Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): ___
Water table present?	Yes	X	No	___	Depth (inches): 4
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches): 0

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is both present and indicated. See photos of algal mat in Appendix B.

VEGETATION - Use scientific names of plants

Sampling Point: 1 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Juncus torreyi*	-- *Torrey's Rush*	10	Y	FACW
2	*Phalaris arundinacea*	-- *Reed Canary Grass*	5	Y	FACW
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			15	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	3	8
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	15	x 2 =	30	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	15	(A)	30	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 1 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-14	7.5YR 5/3	80	10YR 5/4	15	C	M	Silt Loam	
			10YR 5/8	5	C	M		
14-21	10YR 5/3	95	10 YR 5/8	5	C	M	Silt Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicator F8-Redox Depressions

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 2 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Upland Berm Local relief (concave, convex, none): Convex
Slope (%): 3% Lat.: 43.202024 Long.: -88.1189 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal circumstances" present? Yes
Are vegetation ____, soil ____, or hydrology ____ naturally problematic?
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID: ____	

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Area appears to have been previously graded, altering the soil and hydrology.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes ____	No	X	Depth (inches): ____	**Indicators of wetland hydrology present?** N
Water table present?	Yes ____	No	X	Depth (inches): ____	
Saturation present? (includes capillary fringe)	Yes ____	No	X	Depth (inches): ____	

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Hydrology is neither present nor indicated.

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 2 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	-- *Kentucky Blue Grass*	30	Y	FACU
2	*Festuca rubra*	-- *Red Fescue*	30	Y	FACU
3	*Solidago canadensis*	-- *Canadian Goldenrod*	10	N	FACU
4	*Daucus carota*	-- *Queen Anne's-Lace*	10	N	UPL
5	*Lotus corniculatus*	-- *Garden Bird's-Foot-Trefoil*	5	N	FACU
6	*Symphyotrichum ericoides*	-- *White Heath American-Aster*	3	N	FACU
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			88	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	18	44
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	0	x 3 =	0	
FACU species	78	x 4 =	312	
UPL species	10	x 5 =	50	
Column totals	88	(A)	362	(B)

Prevalence Index = B/A = 4.11

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 2 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-8	10YR 3/2	80					Silt loam	with large rocks and gravel
	10 YR 3/3	20						
8-14	10YR 4/4	50					Silt loam	with large rocks and gravel
	10YR 5/6	25						
	10YR 3/3	25						

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Large rock
Depth (inches): 14 in

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 3 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 2% Lat.: 43.202396 Long.: -88.118016 Datum: NAD 27
Soil Map Unit Name: OuC2-Ozaukee Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 1

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Area appears to have been previously graded and excavated.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- X Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): ___
Water table present?	Yes	X	No	___	Depth (inches): 14
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches): 0

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 3 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Salix interior*	-- *Sandbar Willow*	25	Y	FACW
2	*Cornus amomum*	-- *Silky Dogwood*	10	Y	FACW
3	*Cornus alba*	-- *Red Osier*	5	N	FACW
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			40	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Carex vulpinoidea*	-- *Common Fox Sedge*	30	Y	OBL
2	*Poa palustris*	-- *Fowl Blue Grass*	30	Y	FACW
3	*Phalaris arundinacea*	-- *Reed Canary Grass*	30	Y	FACW
4	*Salix interior*	-- *Sandbar Willow*	10	N	FACW
5	*Geum canadense*	-- *White Avens*	5	N	FAC
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			105	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	8	20
Herb Stratum	21	53
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across all Strata: 5 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	30	x 1 =	30	
FACW species	110	x 2 =	220	
FAC species	5	x 3 =	15	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	145	(A)	265	(B)

Prevalence Index = B/A = 1.83

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 3 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-8	10YR 3/2	95	10YR 3/4	5	C	M	Silt loam	
8-12	10YR 3/2	75	10YR 4/6	5	C	M	Silty Clay Loam	
	10YR 5/3	20						
12-22	10YR 4/3	90	10YR 5/8	10	C	M	Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
X Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicator F6-Redox Dark Surface

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 4 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex
Slope (%): 3% Lat.: 43.202396 Long.: -88.118016 Datum: NAD 27
Soil Map Unit Name: OuC2-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID:	____

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Sample point is located approx 1 foot higher than sample point 3 WET

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches): ____
Water table present?	Yes	____	No	X	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	X	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 4 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Rhamnus cathartica*	-- *European Buckthorn*	30	Y	FAC
2	*Lonicera X bella*	-- *Hybrid Honeysuckle*	10	Y	FACU
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			40	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa compressa*	-- *Flat-Stem Blue Grass*	90	Y	FACU
2	*Daucus carota*	-- *Hybrid Honeysuckle*	5	N	UPL
3	*Fragaria virginiana*	-- *Virginia Strawberry*	5	N	FACU
4	*Solidago canadensis*	-- *Canadian Goldenrod*	3	N	FACU
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			103	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	8	20
Herb Stratum	21	52
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across all Strata: 3 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 33.33% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	30	x 3 =	90	
FACU species	108	x 4 =	432	
UPL species	5	x 5 =	25	
Column totals	143	(A)	547	(B)

Prevalence Index = B/A = 3.83

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 4 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type*	Redox Features Loc**	Texture	Remarks
0-14	10YR 3/2	100%					Silty Clay Loam	
14-20	10YR 3/2	97%	10YR 4/6	3%	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 5 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 1% Lat.: 43.202021 Long.: -88.118248 Datum: NAD 27
Soil Map Unit Name: OuB2-Ozaukee Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 1

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Area appears to have been previously graded/excavated.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): ___
Water table present?	Yes	X	No	___	Depth (inches): 12
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches): 0

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is both present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 5 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Phalaris arundinacea*	-- *Reed Canary Grass*	60	Y	FACW
2	*Poa palustris*	-- *Fowl Blue Grass*	40	Y	FACW
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			100	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	100	x 2 =	200	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	100	(A)	200	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 5 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-10	10YR 3/2	95	10YR 4/6	5	C	M	Silt Loam	
10-20	10YR 4/3	90	10YR 5/8	10	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
X Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicators F6-Redox Dark Surface & F8-Redox Depressions

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 6 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): None
Slope (%): 0 Lat.: 43.202021 Long.: -88.118248 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID:	____

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Area appears to have been previously excavated and graded.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches): ____
Water table present?	Yes	____	No	X	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	X	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 6 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Bromus inermis*	-- *Smooth Brome*	65	Y	UPL
2	*Solidago canadensis*	-- *Canadian Goldenrod*	20	N	FACU
3	*Phalaris arundinacea*	-- *Reed Canary Grass*	10	N	FACW
4	*Festuca rubra*	-- *Red Fescue*	10	N	FACU
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			105	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	21	53
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 1 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	0	x 3 =	0
FACU species	30	x 4 =	120
UPL species	65	x 5 =	325
Column totals	105 (A)		465 (B)

Prevalence Index = B/A = 4.43

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 6 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type*	Redox Features Loc**	Texture	Remarks
0-13	10YR 3/2	100					Silty clay loam	
13-19	10YR 3/2	97	10YR 4/6	3		M	Silty clay loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 7 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 2% Lat.: 43.200797 Long.: -88.12001 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: S3K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 2

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches):	___
Water table present?	Yes	X	No	___	Depth (inches):	14
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches):	8

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is both present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 7 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Cornus alba*	-- *Red Osier*	25	Y	FACW
2	*Cornus racemosa*	-- *Gray Dogwood*	15	Y	FAC
3	*Rhamnus cathartica*	-- *European Buckthorn*	10	Y	FAC
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			50	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa palustris*	-- *Fowl Blue Grass*	10	Y	FACW
2	*Phalaris arundinacea*	-- *Reed Canary Grass*	5	Y	FACW
3	*Solidago canadensis*	-- *Canadian Goldenrod*	5	Y	FACU
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			20	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	10	25
Herb Stratum	4	10
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across all Strata: 6 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 83.33% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	40	x 2 =	80	
FAC species	25	x 3 =	75	
FACU species	5	x 4 =	20	
UPL species	0	x 5 =	0	
Column totals	70	(A)	175	(B)

Prevalence Index = B/A = 2.50

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 7 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-4	10YR 2/2	100					Silt Loam	
4-11	10YR 5/3	70	10YR 5/6	30	C	M	Silty Clay Loam	
12-18	2.5YR 5/3	80	10YR 5/8	20	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? _____

Remarks:
Soils meet hydric indicator F8-Redox Depressions.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 8 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex
Slope (%): 5 Lat.: 43.200797 Long.: -88.12001 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID:	____

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches): ____
Water table present?	Yes	____	No	X	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	X	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 8 UPL

Tree Stratum	Plot Size (30')		Absolute % Cover	Dominant Species	Indicator Status
1	*Acer negundo*	-- *Ash-Leaf Maple*			FAC
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	-- *Kentucky Blue Grass*	60	Y	FACU
2	*Festuca rubra*	-- *Red Fescue*	30	Y	FACU
3	*Lotus corniculatus*	-- *Garden Bird's-Foot-Trefoil*	5	N	FACU
4	*Pastinaca sativa*	-- *Wild parsnip*	5	N	UPL
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			100	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	95	x 4 =	380
UPL species	5	x 5 =	25
Column totals	100 (A)		405 (B)

Prevalence Index = B/A = 4.05

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 8 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-10	10YR 4/3	100					Sandy Clay Loam	with rock and gravel

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Rocks
Depth (inches): 10

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 9 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 1% Lat.: 43.200925 Long.: -88.117415 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: S3K/E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Yes	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Yes		
Indicators of wetland hydrology present?	Yes	If yes, optional wetland site ID:	Wetland 3

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- X Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches):	___
Water table present?	Yes	X	No	___	Depth (inches):	10
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches):	0

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is both present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 9 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Salix interior*	-- *Sandbar Willow*	60	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			60	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Phalaris arundinacea*	-- *Reed Canary Grass*	100	Y	FACW
2	*Phragmites australis*	-- *Common Reed*	5	N	FACW
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			105	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	12	30
Herb Stratum	21	53
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	165	x 2 =	330	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	165	(A)	330	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 9 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type*	Redox Features Loc**	Texture	Remarks
0-6	10YR 4/2	100					Silt Loam	
6-20	10YR 4/2	95	10YR 5/8	5	C	M	Silt Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
X Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicator F3-Depleted Matrix

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 10 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave
Slope (%): 3% Lat.: 43.200925 Long.: -88.117415 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID: ____	

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches): ____
Water table present?	Yes	____	No	X	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	X	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 10 UPL

Tree Stratum	Plot Size ( )			Absolute % Cover	Dominant Species	Indicator Status
1		--				
2		--				
3		--				
4		--				
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
				0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )			Absolute % Cover	Dominant Species	Indicator Status
1		--				
2		--				
3		--				
4		--				
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
				0	= Total Cover	

Herb Stratum	Plot Size (5')			Absolute % Cover	Dominant Species	Indicator Status
1	*Poa compressa*	--	*Flat-Stem Blue Grass*	40	Y	FACU
2	*Festuca rubra*	--	*Red Fescue*	30	Y	FACU
3	*Phalaris arundinacea*	--	*Reed Canary Grass*	20	Y	FACW
4	*Pastinaca sativa*	--	*Wild Parsnip*	10	N	UPL
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
11		--				
12		--				
13		--				
14		--				
15		--				
				100	= Total Cover	

Woody Vine Stratum	Plot Size ( )			Absolute % Cover	Dominant Species	Indicator Status
1		--				
2		--				
3		--				
4		--				
5		--				
				0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across all Strata: 3 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 33.33% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	20	x 2 =	40	
FAC species	0	x 3 =	0	
FACU species	70	x 4 =	280	
UPL species	10	x 5 =	50	
Column totals	100	(A)	370	(B)

Prevalence Index = B/A = 3.70

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 10 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-12	10YR 3/2	70					Silt loam	with rock and gravel
	10YR 4/3	30						

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Rocks
Depth (inches): 12

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 11 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 1% Lat.: 43.200592 Long.: -88.117385 Datum: NAD 27
Soil Map Unit Name: Oub-Ozaukee Silt Loam NWI Classification: S3K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 4

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Sample point is located at base of slope.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- X Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	X	No	___	Depth (inches):	2
Water table present?	Yes	X	No	___	Depth (inches):	0
Saturation present? (includes capillary fringe)	Yes	X	No	___	Depth (inches):	0

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is both present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 11 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Salix interior*	-- *Sandbar Willow*	30	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			30	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Phalaris arundinacea*	-- *Reed Canary Grass*	3	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			3	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	6	15
Herb Stratum	1	2
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	33	x 2 =	66	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	33	(A)	66	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 11 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-18	10YR 5/2	85	10YR 5/8	15	C	M	Silty Clay Loam	with rock and gravel fill

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
X Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: rock fill
Depth (inches): 18

Hydric soil present? Y

Remarks:
Soils meet hydric indicators F3-Depleted Matrix and F8-Redox Depressions

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 12 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave
Slope (%): 2 Lat.: 43.200592 Long.: -88.117385 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	____

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches):	____
Water table present?	Yes	X	No	____	Depth (inches):	14
Saturation present? (includes capillary fringe)	Yes	X	No	____	Depth (inches):	6

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 12 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	-- *Kentucky Blue Grass*	100	Y	FACU
2	*Phalaris arundinacea*	-- *Reed Canary Grass*	5	N	FACW
3	*Solidago canadensis*	-- *Canadian Goldenrod*	5	N	FACU
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			110	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	22	55
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 1 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	5	x 2 =	10	
FAC species	0	x 3 =	0	
FACU species	105	x 4 =	420	
UPL species	0	x 5 =	0	
Column totals	110	(A)	430	(B)

Prevalence Index = B/A = 3.91

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 12 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-15	10YR 3/2	70					Silty Clay Loam	with rock and gravel fill
	10YR 4/3	15						
	10YR 5/8	15						

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: rock fill
Depth (inches): 15

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 13 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 1 Lat.: 43.200663 Long.: -88.118942 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 2

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): ___
Water table present?	Yes	___	No	X	Depth (inches): ___
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): ___

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology was indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 13 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Cornus alba*	-- *Red Osier*	20	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			20	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Equisetum arvense*	-- *Field Horsetail*	90	Y	FAC
2	*Solidago gigantea*	-- *Late Goldenrod*	5	N	FACW
3	*Poa palustris*	-- *Fowl Blue Grass*	5	N	FACW
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			100	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	4	10
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	30	x 2 =	60	
FAC species	90	x 3 =	270	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	120	(A)	330	(B)

Prevalence Index = B/A = 2.75

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 13 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-10	10YR 3/2	95	10YR 4/6	5	C	M	Silty Clay Loam	
10-18	10YR 4/2	95	10YR 5/8	5	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
X Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicators F6-Redox Dark Surface and F8-Redox Depressions.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 14 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex
Slope (%): 2 Lat.: 43.200663 Long.: -88.118942 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID: ____	

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	X	Depth (inches): ____
Water table present?	Yes	____	No	X	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	X	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 14 UPL

Tree Stratum	Plot Size ( )			Absolute % Cover	Dominant Species	Indicator Status
1		--				
2		--				
3		--				
4		--				
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
				0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')			Absolute % Cover	Dominant Species	Indicator Status
1	*Crataegus crus-galli*	--	*Cock-Spur Hawthorn*	15	Y	FAC
2	*Lonicera X bella*	--	*Hybrid Honeysuckle*	5	Y	FACU
3		--				
4		--				
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
				20	= Total Cover	

Herb Stratum	Plot Size (5')			Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	--	*Kentucky Blue Grass*	70	Y	FACU
2	*Festuca rubra*	--	*Red Fescue*	20	Y	FACU
3	*Trifolium pratense*	--	*Red Clover*	10	N	FACU
4		--				
5		--				
6		--				
7		--				
8		--				
9		--				
10		--				
11		--				
12		--				
13		--				
14		--				
15		--				
				100	= Total Cover	

Woody Vine Stratum	Plot Size ( )			Absolute % Cover	Dominant Species	Indicator Status
1		--				
2		--				
3		--				
4		--				
5		--				
				0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	4	10
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across all Strata: 4 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 25.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	15	x 3 =	45	
FACU species	105	x 4 =	420	
UPL species	0	x 5 =	0	
Column totals	120	(A)	465	(B)

Prevalence Index = B/A = 3.88

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 14 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type*	Redox Features Loc**	Texture	Remarks
0-12	10YR 3/3	100					Silt Loam	with rock and gravel
12-16	10YR 4/3	100					Silt Loam	with rock and gravel

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Rock fill
Depth (inches): 16

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 15 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 2% Lat.: 43.199992 Long.: -88.119306 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 2

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- X Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes		No	X	Depth (inches):	
Water table present?	Yes	X	No		Depth (inches):	10
Saturation present? (includes capillary fringe)	Yes	X	No		Depth (inches):	4

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology is present and indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 15 WET

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1	*Cornus alba*	-- *Red Osier*	10	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			10	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Phalaris arundinacea*	-- *Reed Canary Grass*	100	Y	FACW
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			100	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	2	5
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	110	x 2 =	220	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	110	(A)	220	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 15 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-12	10YR 3/2	95	10YR 4/6	5	C	M	Silty Clay Loam	
12-18	10YR 4/2	95	10YR 5/8	5	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
X Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicators F6-Redox Dark Surface and F8-Redox Depressions.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 16 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex
Slope (%): 3% Lat.: 43.199992 Long.: -88.119306 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification: ____
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID: ____	

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	____	No	____	Depth (inches): ____
Water table present?	Yes	____	No	____	Depth (inches): ____
Saturation present? (includes capillary fringe)	Yes	____	No	____	Depth (inches): ____

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 16 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1	*Lonicera X bella*	-- *Hybrid Honeysuckle*	40	Y	FACU
2	*Zanthoxylum americanum*	-- *Northern Prickly-Ash*	30	Y	FACU
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			70	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	-- *Kentucky Blue Grass*	30	Y	FACU
2	*Plantago major*	-- *Great Plantain*	5	N	FACU
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			35	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	14	35
Herb Stratum	7	18
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 3 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	0	x 3 =	0	
FACU species	105	x 4 =	420	
UPL species	0	x 5 =	0	
Column totals	105	(A)	420	(B)

Prevalence Index = B/A = 4.00

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 16 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-8	10YR 3/3	100					Silt Loam	with rock and gravel
8-15	10YR 4/3	100					Silt Loam	with rock and gravel

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Rock fill
Depth (inches): 15

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 17 WET
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Basin Local relief (concave, convex, none): Concave
Slope (%): 2 Lat.: 43.199957 Long.: -88.122705 Datum: NAD 27
Soil Map Unit Name: MtA-Mequon Silt Loam NWI Classification: E1K
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation _____, soil _____, or hydrology _____ significantly disturbed? Are "normal
Are vegetation _____, soil _____, or hydrology _____ naturally problematic? circumstances" present? Yes
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	Y	**Is the sampled area within a wetland?**	Yes
Hydric soil present?	Y		
Indicators of wetland hydrology present?	Y	If yes, optional wetland site ID:	Wetland 2

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): ___
Water table present?	Yes	___	No	X	Depth (inches): ___
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): ___

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Wetland hydrology was indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 17 WET

Tree Stratum	Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Status
1	--			
2	--			
3	--			
4	--			
5	--			
6	--			
7	--			
8	--			
9	--			
10	--			
		0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')	Absolute % Cover	Dominant Species	Indicator Status
1	--	20	Y	
2	--			
3	--			
4	--			
5	--			
6	--			
7	--			
8	--			
9	--			
10	--			
		20	= Total Cover	

Herb Stratum	Plot Size (5')	Absolute % Cover	Dominant Species	Indicator Status
1 *Phalaris arundinacea*	-- *Reed Canary Grass*	100	Y	FACW
2	--			
3	--			
4	--			
5	--			
6	--			
7	--			
8	--			
9	--			
10	--			
11	--			
12	--			
13	--			
14	--			
15	--			
		100	= Total Cover	

Woody Vine Stratum	Plot Size ( )	Absolute % Cover	Dominant Species	Indicator Status
1	--			
2	--			
3	--			
4	--			
5	--			
		0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	4	10
Herb Stratum	20	50
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across all Strata: 2 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 50.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	100	x 2 =	200	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	100	(A)	200	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
Wetland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 17 WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type*	Loc**	Texture	Remarks
0-12	10YR 3/2	95	10YR 4/6	5	C	M	Silty Clay Loam	
12-18	10YR 4/2	95	10YR 5/8	5	C	M	Silty Clay Loam	

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
X Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
X Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: _____
Depth (inches): _____

Hydric soil present? Y

Remarks:
Soils meet hydric indicators F6-Redox Dark Surface and F8-Redox Depressions

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WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Heritage Park City/County: Washington Sampling Date: 5/2/2018
Applicant/Owner: Heritage Development Corp & Bittersweet Trail LLC State: WI Sampling Point: 18 UPL
Investigator(s): Erica Pergande Section, Township, Range: Section 34, T9N, R20E
Landform (hillslope, terrace, etc.): Local relief (concave, convex, none): Convex
Slope (%): 10 Lat.: 43.200342 Long.: -88.122686 Datum: NAD 27
Soil Map Unit Name: OuB-Ozaukee Silt Loam NWI Classification:
Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
Are vegetation X, soil X, or hydrology X significantly disturbed? Are "normal
Are vegetation ___, soil ___, or hydrology ___ naturally problematic? circumstances" present? No
(If needed, explain any answers in remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	N	**Is the sampled area within a wetland?**	No
Hydric soil present?	N		
Indicators of wetland hydrology present?	N	If yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

*According to WETS analysis, climatic conditions were considered "dry" during the time of the site visit. Data point is taken on a frequently mown roadfill slope.

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Microtopographic Relief (D4)

Field Observations:

Surface water present?	Yes	___	No	___	Depth (inches): ___
Water table present?	Yes	___	No	___	Depth (inches): ___
Saturation present? (includes capillary fringe)	Yes	___	No	___	Depth (inches): ___

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology is neither present nor indicated.

VEGETATION - Use scientific names of plants

Sampling Point: 18 UPL

Tree Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Sapling/Shrub Stratum	Plot Size (15')		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
			0	= Total Cover	

Herb Stratum	Plot Size (5')		Absolute % Cover	Dominant Species	Indicator Status
1	*Poa pratensis*	-- *Kentucky Blue Grass*	90	Y	FACU
2	*Cirsium arvense*	-- *Canadian Thistle*	5	N	FACU
3	*Taraxacum officinale*	-- *Common Dandelion*	5	N	FACU
4	*Plantago major*	-- *Great Plantain*	5	N	FACU
5		--			
6		--			
7		--			
8		--			
9		--			
10		--			
11		--			
12		--			
13		--			
14		--			
15		--			
			105	= Total Cover	

Woody Vine Stratum	Plot Size ( )		Absolute % Cover	Dominant Species	Indicator Status
1		--			
2		--			
3		--			
4		--			
5		--			
			0	= Total Cover	

50/20 Thresholds

	20%	50%
Tree Stratum	0	0
Sapling/Shrub Stratum	0	0
Herb Stratum	21	53
Woody Vine Stratum	0	0

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across all Strata: 1 (B)

Percent of Dominant Species that are OBL, FACW, or FAC: 0.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	105	x 4 =	420
UPL species	0	x 5 =	0
Column totals	105 (A)		420 (B)

Prevalence Index = B/A = 4.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
Upland vegetation is dominant.

Note: This data sheet has been adapted to use the 2016 National Wetland Plant List:
Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X U.S. Army Corps of Engineers 2016. National Wetland Plant List, version 3.3 (https://wetland_plants.usace.army.mil).

SOIL **Sampling Point:** 18 UPL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type*	Redox Features Loc**	Texture	Remarks
0-12	10YR 3/3	100					Sandy Loam	with rock and gravel
12-14	10YR 3/4	100					Sandy Loam	with rock and gravel

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains
**Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) (**LRR R, MLRA 149B**)
___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**
___ Loamy Mucky Mineral (F1) (**LRR K, L**)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**
___ Coast Prairie Redox (A16) (**LRR K, L, R**)
___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
___ Dark Surface (S7) (**LRR K, L**
___ Polyvalue Below Surface (S8) (**LRR K, L**)
___ Thin Dark Surface (S9) (**LRR K, L**)
___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):
Type: Rock fill
Depth (inches): 14

Hydric soil present? N

Remarks:
Soils do not meet any hydric indicators.

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Appendix C

Site Photos

Site Photos

Photo 1: Wetland 1 facing south

Photo 2: Algal mat/crust in Wetland 1

Site Photos

Photo 3: Data points 1 & 2

Photo 4: Wetland 1 facing south

Site Photos

Photo 5: Data Points 3 & 4

Site Photos

Photo 6: Data Point 5 wet

Photo 7: Data Point 6 UPL

Site Photos

Photo 8: Data point 7 WET soil pit

Photo 9: Data Point 7 Wet facing south

Site Photos

Photo 10: Data Point 8 UPL

Photo 11:Data Point 8 UPL facing north

Site Photos

Photo 12: Data Point 13 facing northwest

Photo 13: Data Point 14 UPL facing south

Site Photos

Photo 14: Pipe inlet into Wetland 2 on the far northeast end

Photo 15: Wetland 3 facing south

Site Photos

Photo 16: Data Point 9 WET soil pit

Photo 17: Data Point 9 WET

Site Photos

Photo 18: Wetland 4

Photo 19: Data Point 11 WET

Site Photos

Photo 20: Data Point 12 UPL

Photo 21: Data Points 11 WET and 12 UPL

Site Photos

Photo 22: Data Point 15 WET

Photo 23: Data Point 16 UPL

Site Photos

Photo 24: Wetland 2 facing north along Division Road

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BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: August 20, 2018

AGENDA ITEM: New Business (**CERTIFIED SURVEY MAP**)

ITEM TITLE: Mark Weske, Shorewest Realtors, Agent for the Catherine M. Seilenbinder Estate, Property Owner, W188 N13251 Maple Road (Town of Germantown); 2-lot Certified Survey Map (CSM) to create two (2) non-farm parcels (Extraterritorial Plat Review).

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Mark Weske, agent for the Catherine M. Seilenbinder Estate is seeking approval to divide a 9.9-acre parcel on Maple Road in the Town of Germantown into two (2) non-farm parcels (Extraterritorial Plat Review).

ATTACHMENTS:

- 8/13/18 Staff Report
- 8/13/18 Plan Commission Meeting Minutes
- Draft CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 2-lot Certified Survey Map (CSM) land division of the 9.9-acre parcel owned by the Catherine M. Seilenbinder Trust located on Maple Road in the Town of Germantown subject to the following condition:

1. The owner shall have the existing sanitary system inspected and a soil evaluation conducted on proposed Lot 2 and reviewed and approved by Washing County to ensure Lot 2 can support an on-site sanitary system. Proof of said inspection, soil evaluation and Washington County approval shall be provided to the Village prior to recording the CSM.
2. If the existing sanitary system is failing or has failed as determined by Washington County, the system shall be repaired or replaced as directed by and consistent with the requirements of Washington County.

PLAN COMMISSION MINUTES
August 13, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Bob Williams, Peter Nilles and Matt Kimmler were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Baum second Laszewski to Approve the minutes from 7-23-18. MOTION carried unanimously.***

Mark Weske, Shorewest Realtors, Agent for Catherine M. Seilenbinder, Property Owner of W188 N13251 Maple Road in the Town of Germantown. 2-Lot Certified Survey Map application (Extraterritorial Plat Approval Authority). Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map land division of the 9.9-acre parcel owned by the Catherine M. Seilenbinder Trust located on Maple Road (in the Town of Germantown) subject to the following condition:

1. ***The owner shall have the existing sanitary system inspected and a soil evaluation conducted on proposed Lot 2 and reviewed and approved by Washing County to ensure Lot 2 can support an on-site sanitary system. Proof of said inspection, soil evaluation and Washington County approval shall be provided to the Village prior to recording the CSM.***
2. ***If the existing sanitary system is failing or has failed as determined by Washington County, the system shall be repaired or replaced as directed by and consistent with the requirements of Washington County.***

Mark Weske stated the soil test had been completed for the property to the south and the septic test had passed for the property to the north.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said there would not be a special meeting this month.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

DRAFT

CERTIFIED SURVEY MAP (CSM) APPLICATION

8/13/18 Plan Commission Meeting

Catherine Seilenbinder Estate

Village Planner Report **Germantown, Wisconsin**

Summary

Mark Weske, Shorewest Realtors, agent for the Catherine M. Seilenbinder Estate, property owner of a 9.9-acre parcel on Maple Road in the Town of Germantown is seeking approval of a 2-lot Certified Survey Map (CSM) to create two (2) non-farm parcels (Extraterritorial Plat Review).

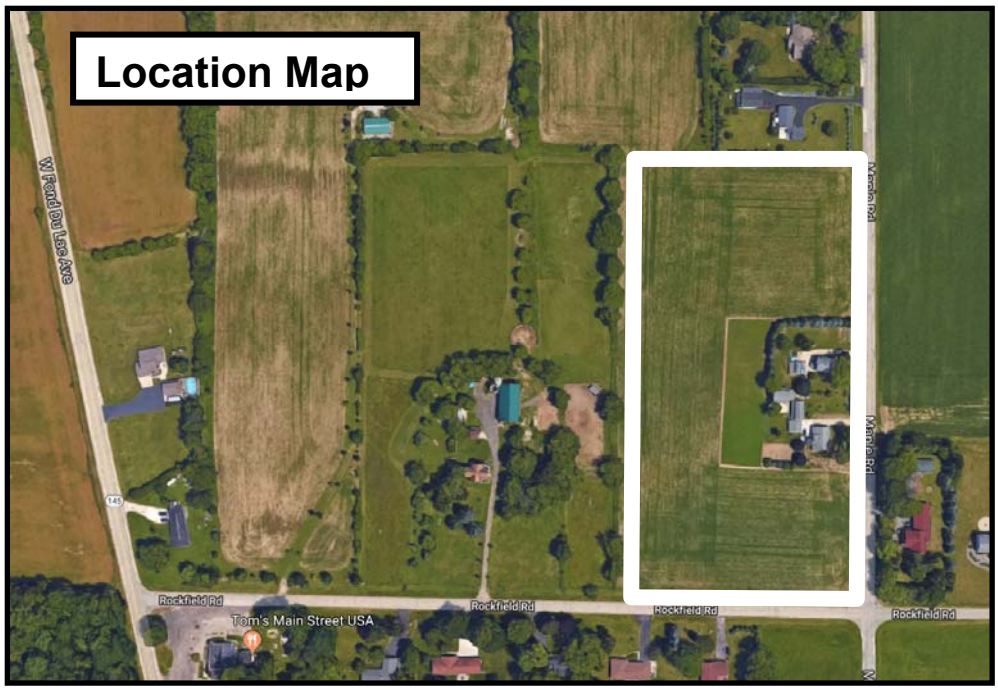
Location: W188 N13251 Maple Road

Applicant/
Property Owner:

Mark Weske Shorewest Realty West Bend, WI	Catherine Seilenbinder Trust Karl Seilenbinder, Per Rep Richfield, WI

Zoning District: A-1: Agricultural (Town of Germantown)

Adjacent Land Uses		**Zoning**
North	Agricultural (T. of Germantown)	A
South	Agricultural (T. of Germantown)	A
East	Agricultural	A
West	Agricultural (T. of Germantown)	A



Proposal

Mark Weske, Shorewest Realtors, agent for the Catherine M. Seilenbinder Estate, property owner of a 9.9-acre parcel on Maple Road in the Town of Germantown is seeking approval of a 2-lot Certified Survey Map (CSM) to create two (2) non-farm parcels (Extraterritorial Plat Review). The Seilenbinder property is in the Town of Germantown and within the Village's 1.5 mile "extraterritorial" plat review boundary.

As shown in the CSM, the 9.9-acre parcel currently contains two (2) single-family dwellings and associated farm buildings. The proposal is to divide the parcel into a 3.0-acre parcel (Lot 1) containing one of the existing swellings, and, a 5.7-acre parcel (Lot 2) containing the other existing dwelling.

Staff Analysis

Under the Village's extraterritorial plat review authority, the Village has the responsibility to review and approve or deny land divisions within a 1.5 mile area extending outward from the Village's municipal boundary into any adjacent, unincorporated town (except where the Village's 1.5 mile boundary overlaps the Village of Richfield's 1.5-mile boundary and where such boundaries are then equally divided so only one village has extraterritorial authority over any given parcel of land in an adjacent unincorporated town). The primary purpose for this responsibility and approval authority is to give incorporated villages and cities the opportunity to effectively regulate the division of land in an adjacent unincorporated area so that land divisions in such areas do not negatively impact and/or preclude future annexation and development of such areas in accordance with the future land use plans of those villages and cities. However, unlike many villages and cities that exercise the extraterritorial plat authority granted under Wisconsin statutes, the Village of Germantown's 2020 Future Land Use Plan does not extend into the 1.5-mile extraterritorial area.

Nevertheless, the proposal to divide the 9.9-acre parcel into two separate parcels within the Town's agricultural zoning district for this area could be viewed as being generally consistent with the Village's 2020 Land Use Plan given that the adjacent area in the Village is classified as "Agricultural/Conservation Residential" with a 10-acre minimum parcel size requirement for agricultural land and a 5-acre minimum parcel size requirement for residential.

While not the Village's responsibility, the proposed land division is consistent with the Town's "A" Agricultural Zoning District requirements, including single-family uses allowed in the "A" Ag District, a minimum 3.0-acre lot size, minimum 150' lot width, and minimum 12' side yard setback (see attached). The proposed land division has already been reviewed and approved by the Town of Germantown on July 9, 2018.

Although both existing dwellings are served by existing on-site sanitary systems, Dave Seils, Washington County Planning & Parks Department, indicates in a June 12, 2018 memo that the County is concerned with the age, function and lack of a sanitary permit for the existing mound system on proposed Lot 2. In his letter, Seils recommends that: (1) the owner have a soil evaluation conducted on the property and approved by the

County; and (2) that the system be replaced if it is failing. Staff supports these recommendations, with the soil evaluation test being completed prior to recording the CSM (to ensure a legally permitted on-site system can be installed elsewhere on the property in the event the existing system is failing and needs replacement).

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map land division of the 9.9-acre parcel owned by the Catherine M. Seilenbinder Trust located on Maple Road (in the Town of Germantown) subject to the following condition:

1. The owner shall have the existing sanitary system inspected and a soil evaluation conducted on proposed Lot 2 and reviewed and approved by Washing County to ensure Lot 2 can support an on-site sanitary system. Proof of said inspection, soil evaluation and Washington County approval shall be provided to the Village prior to recording the CSM.
2. If the existing sanitary system is failing or has failed as determined by Washington County, the system shall be repaired or replaced as directed by and consistent with the requirements of Washington County.

DocuSign Envelope ID: 6A431B31-F106-4A15-8ACC-3AC4E89691B4

Village of Germantown
Willkommen

Fee must accompany application
- ☐ **$2,900** with public improvements
- ☐ **$1,960** without public improvements

Paid _____ Date_____

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1

APPLICANT OR AGENT

Catherine M. Seilenbinder Estate
Personal Rep Karl J. Seilenbinder
Agent: Mark J. Weske

Phone (262)903-0173
Fax (262)782-5943
E-Mail mweske@shorewest.com

PROPERTY OWNER

Catherine M. Seilenbinder Estate
Personal Representative Karl J. Seilenbinder

Phone ( )
email: KSN3495@hotmail.com

2

PROPERTY ADDRESS OR GENERAL LOCATION | **TAX KEY NUMBER**

W188N13251 Maple Rd. Richfield, WI 53076 | T5 0206

3

PURPOSE OF LAND SPLIT

To Separate two Homes on one lot / tax key to two single homes with two tax keys

Will the land split require rezoning?
From | To

4

READ AND INITIAL THE FOLLOWING:

KJS DS I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

KJS DS I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

KJS DS I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

5

Applicant _____ Date

DocuSigned by: Karl J. Seilenbinder PR 6/19/2018
Owner 552BF31367C147B... Date

Washington County
Planning and Parks Department

WASHINGTON COUNTY
WISCONSIN

MEMORANDUM

To: To Whom It May Concernn

From: David E. Seils, Inspector In Charge DS

Date: June 12, 2018

RE: Seilenbinder Land Divison

Currently as it stands the County does not have any issues with creating two lots (lot 1 and lot 2) of the Seilenbinder property located at W188 N13251 Maple Rd, Germantown, WI, Tax No. T5-0206. Proposed lot 1 has a valid mound system and if it ever fails the mound can be re-cored, by replacing old sand with new sand, and placing new pipes. Proposed lot 2 is purported to have a failing or aged septic system, and a soil test should be done on that lot and approved by the County, and if the effluent ever reaches the ground surface it would be condemned. If the tank is cracked it would also be condemned and needing to be replaced. There is no sanitary permit on file for the septic system on proposed lot 2. I suggest this system be replaced if it is purported to be failing.

Public Agency Center - Suite 2300, 333 East Washington Street, P. O. Box 2003, West Bend, WI 53095–2003
Phone: (262) 335-4445, Toll Free: 800-616-0446, FAX: (262) 335-6868

Washington County Certified Survey Map

Part of the NE 1/4 of the NE 1/4 of Section 8, Township 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin.

Bearings are referenced to the Wisconsin State Plane Coordinate Grid System, South Zone. The south line of the NE 1/4 of Sec. 9-9-20 has a grid bearing of N 89°54'04" W.

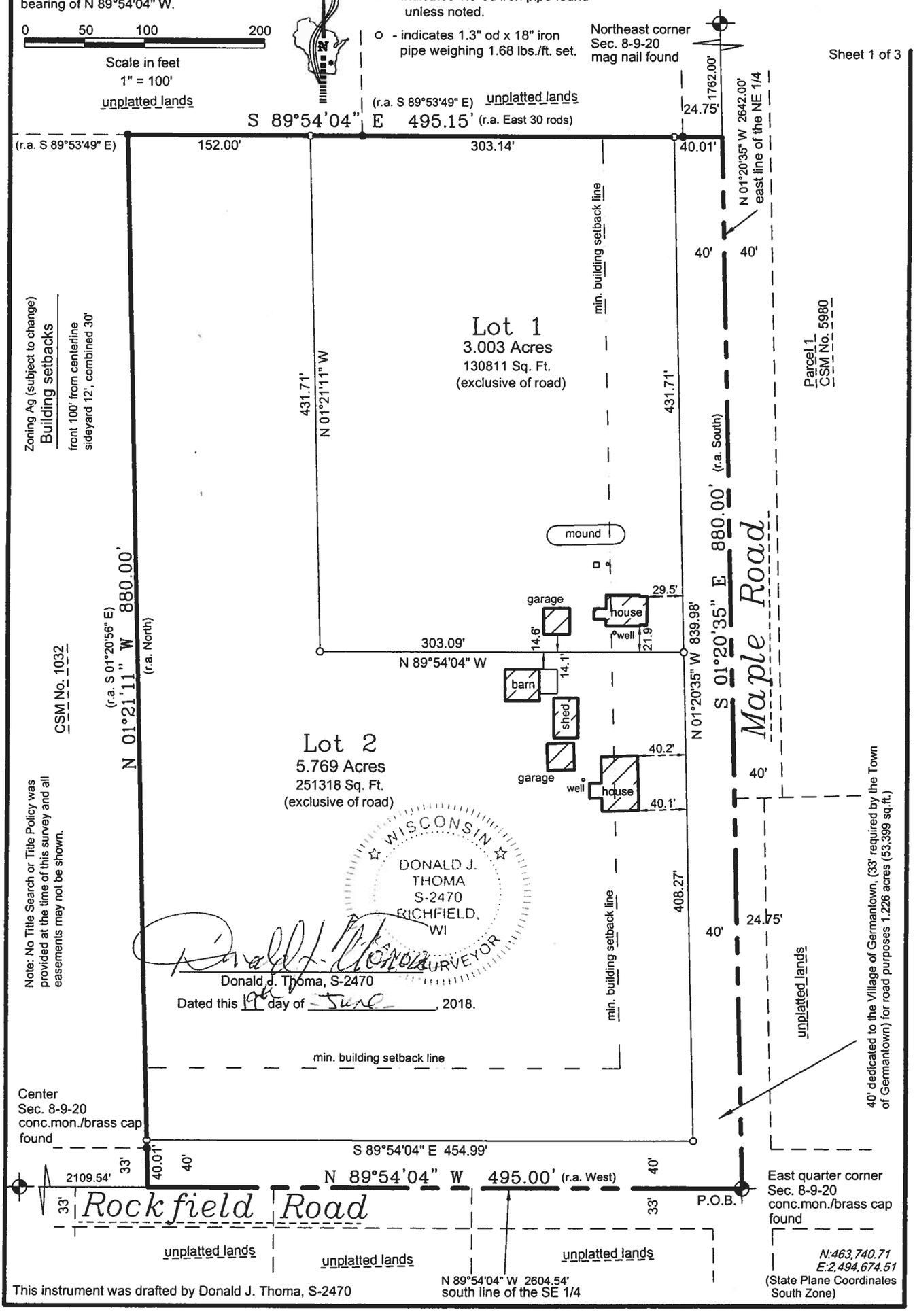
(r.a.) - means "recorded as"

(meas.) - means "measured as"

● - indicates 1.3"od iron pipe found unless noted.

○ - indicates 1.3" od x 18" iron pipe weighing 1.68 lbs./ft. set.

Sheet 1 of 3

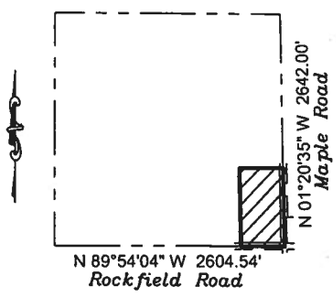


This instrument was drafted by Donald J. Thoma, S-2470

Washington County Certified Survey Map

Part of the NE 1/4 of the NE 1/4 of Section 8, Township 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin.

Location Sketch
NE 1/4 Section 8-9-20
Scale: 1' = 2000'



Owner/Subdivider

Catherine M. Seilenbinder Estate
W188N13251 Maple Road
Richfield, WI 53076

Surveyor

Donald J. Thoma
Accurate Surveying &
Engineering, LLP.
2911 Wildlife Lane
Richfield, WI 53076

Surveyor's Certificate:

I, Donald J. Thoma, Professional Land Surveyor, hereby certify that by the direction of Catherine Seilenbinder, I have surveyed, divided, and mapped the land shown and described hereon, Part of the NE 1/4 of the NE 1/4 of Section 8, Township 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Beginning at the East quarter corner of said Section 8; thence N 89°54'04" W, along the south line of said NE 1/4, 495.00 feet, to the southerly extension of the east line of Certified Survey Map No. 1032, as recorded in the Washington County Registry in Volume 5 of Certified Survey Maps on pages 237-239 as Document No. 357811; thence N 01°21'11" W, along said southerly extension and east line of Certified Survey Map No. 1032, 880.00 feet, to a 1.3 inch od iron pipe found; thence S 89°54'04" E, 495.15 feet, to a point in the east line of said NE 1/4; thence S 01°20'35" E, along said east line of the NE 1/4, 880.00 feet, to the point of beginning.

Containing 9.998 acres (435,528 square feet) more or less.

I further certify that I have fully complied with the provisions of sec. 236.34 of Wisconsin Statutes and the Town of Germantown Ordinance in surveying, dividing, and mapping said lands, and that this map is a correct representation of the exterior boundaries of the land surveyed and the division of said lands.

Dated this 19th day of June, 2018.

WISCONSIN
DONALD J.
THOMA
S-2470
RICHFIELD,
WI
LAND SURVEYOR

Owner's Certificate:

As owner/personal representative, I hereby dedicate that part of Maple Road and Rockfield Road to the Town of Germantown and the Village of Germantown for public road purposes as represented on Sheet 1 of 3 of this Certified Survey Map.

As owner/personal representative, I hereby certify that we caused the land shown and described herein to be surveyed, divided, and mapped as represented on this Certified Survey Map. I also certify that this Certified Survey Map is required to be submitted to the following for approval:

Town of Germantown Plan Commission
Town of Germantown Town Board
Village of Germantown Plan Commission
Village of Germantown Village Board

_____
Catherine M. Seilenbinder Estate - Owner
Karl Seilenbinder - Personal Representative

STATE OF WISCONSIN)/
WASHINGTON COUNTY)s.s

Personally came before me this ____ day of _____, 20___, the above named owner is to me known to be the same person who executed the foregoing instrument and acknowledge the same.

(Notary Seal)_____, Notary Public, _____,Wisconsin.

My commission expires _____

Washington County Certified Survey Map

Part of the NE 1/4 of the NE 1/4 of Section 8, Township 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin.

Town of Germantown Plan Commission Approval:

This land division is hereby approved by the Town of Germantown Plan Commission

this _____ day of _____, 201___.

_____ _____

Paul Metz - Chairperson Chad Dhein - Zoning Administrator

Town of Germantown Town Board Approval:

This land division is hereby approved, and accepted by the Town of Germantown Town Board

this ____ day of _____, 201___.

_____ _____

Paul Metz - Chairperson Dianna Lyman - Clerk

Village of Germantown Plan Commission Approval:

This Certified Survey Map is hereby approved by the Planning Commission of the Village

of Germantown on this _____ day of _____, 20___.

_____ _____

Dean Wolter - Chairperson Laura A. Johnson - Secretary

Village of Germantown, Village Board Approval:

This Certified Survey Map, being part of the NE 1/4 of the NE 1/4 of Section 8, Township 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and (the dedication of that part of Maple Road and Rockfield Road for public road purposes as shown on Sheet 1 of 3 is hereby) accepted by the Village Board of Trustees of the Village of Germantown on

this ___ day of _____, 20___.

_____ _____

Dean Wolter - Village President Deanna Boldrey - Village Clerk

WISCONSIN
DONALD J. THOMA
S-2470
RICHFIELD, WI
LAND SURVEYOR

Donald J. Thoma, S-2470

Dated this 17th day of June, 2018.

This instrument was drafted by Donald J. Thoma, S-2470

TOWN OF GERMANTOWN

ORDINANCES

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Zoning Ordinance Of The Town Of Germantown,
Washington County, Wisconsin

An Ordinance to regulate and restrict the height and size of buildings, to classify, regulate, and restrict the location and use of buildings and use of land according to their specific characteristics; to regulate and restrict the density of population and the percentage of use of lot area, to regulate and determine the areas of open spaces surrounding buildings and to divide the Town of Germantown, Washington County, Wisconsin, into districts of such numbers, shape and area as may be deemed best suited to carry out the regulations of this Ordinance; to provide for the administration and enforcement of said regulations and to prescribe penalties for the violation of the provisions hereof.

In order to amend and re-enact, as hereinafter set forth, the Ordinances known as the Zoning Ordinance, Ordinance 0-5-54, of the Town of Germantown, Washington County, Wisconsin, adopted July 16, 1954, and all amendments thereto, the Town Board of the Town of Germantown does hereby ordain the repeal thereafter and in place therefore does ordain the following:

SECTION 1

INTERPRETATION AND PURPOSES

1.01 PURPOSES

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the Town of Germantown. Among other purposes, such provisions are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community; and to aid in preserving and protecting the natural beauty and character of the landscape and topography of the area.

1.02 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations of permits, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 2

DEFINITIONS

2.01 GENERAL INTERPRETATION

For the purpose of the Ordinance, and when not inconsistent with the content, words used herein in the present tense include the future words, in the singular number include the plural, and words in the plural number include the singular; the word "person" may be taken for persons, associations, co-partnership or corporation; the word "structure" includes buildings; the word "occupied" includes designed or intended to be occupied; the word "used" includes designed or intended to be used; the word "shall" is always mandatory and not merely passive; "town" refers to the Town of Germantown, Washington County, Wisconsin; "Town Board" refers to the Town Board of Supervision of said Town; and reference to any officer such as "clerk," "building inspector," "plumbing inspector," "engineer,"or "attorney," means that officer appointed or otherwise officially designated by the Town in such capacity.

2.02 SPECIFIC WORDS & PHRASES

For the purposes of this Ordinance certain words and phrases shall be defined as follows:

1. Apartment: A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended or designed to be occupied as a residence of single family, individual or group of individuals.

2. Apartment House: See dwelling multiple.

3. Basement: A story partly underground which, if occupied for living purposes shall be counted as a story for purposes of height measurement. No residence completely in a basement shall be permitted.

4. Boarding House: A building or premises where meals or meals and lodging are offered for compensation for 5 or more persons, but not more that 12 persons, and having no more than 5 sleeping rooms for this purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant. An establishment with more than 5 sleeping rooms shall be deemed a hotel.

5. Building: Any structure, used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

6. Building, Principal: The main building on a lot intended for primary use as permitted by the regulations of the district in which it is located.

7. Building, Accessory: A building or portion of a building subordinated to the principal building and used for a purpose customarily incident to the permitted use of the principal building.

8. Building, Height of: The vertical distance from the average established street grade in front of the lot or the finished grade at the building line which ever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest sable of a gambrel, hip, or pitch roof.

9. District: A section of the Town of Germantown for which the regulations governing the height, area, and the use of the buildings and the premises are the same.

10. Dwelling, One Family: A detached or semi-detached building designed for and occupied exclusively by one (1) family.

11. Dwelling, Two Family: A detached or semi-detached building designed for and occupied exclusively by two (2) families.

12. Dwelling, Multiple: A building or portion thereof designed for and occupied by more than two (2) families living independently of each other including, apartment houses and apartment hotels.

13. Family: A body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

14. Farm, Fur: A tract of land devoted in whole or in part to the raising of fur bearing animals for commercial purposes.

15. Farm, Pigs: A tract of land devoted principally to the raising or feeding of pigs.

16. Farm, Poultry: A tract of land devoted principally to the raising of poultry for commercial purposes.

17. Garage, Private: A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored.

18. Garage, Public: Any building or premises, other than a private or a storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored for monetary gain as a business.

19. Garage, Storage: Any premises, except those defined as a private or public garage used exclusively for the storage of self-propelled vehicles.

20. Grade, Established: Established grade is the elevation of the finished street at the centerline or curb of, as fixed by the Town Engineer or by such authority as shall be authorized by law to determine such an elevation.

21. Highway: Same as "Traffic Artery."

22. Home Occupation: A gainful occupation conducted by members of the family within its place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

23. Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are five (5) or more sleeping rooms usually occupied singly and no provision made for cooking in an individual room or apartment.

24. Kennel, Commercial: An establishment where dogs and other household pets are raised, bred, boarded and cared for as a gainful occupation.

25. Lodging House: A building where lodging only is provided for compensation and having not more than five (5) sleeping rooms for this purpose.

26. Lot: A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory buildings together with open spaces required by this Ordinance, and having its principal frontage upon a public street or highway.

27. Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare.

28. Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Washington County.

29. Lot Corner: A lot abutting on two (2) or more streets at their intersection provided that the interior angle of such intersection is less than one hundred thirty five (135) degrees.

30. Lot, Depth of: The main horizontal distance between the front and rear lot lines.

31. Lot, Interior: A lot other than a corner lot.

32. Lot Lines: The lines bounding a lot as defined herein.

33. Lot Lines, Rear: A lot line common to two (2) or more adjoining lots and extending between two (2) side lot lines.

34. Lot Line, Side: A lot line common to two (2) or more adjoining lots and extending from the street toward the rear of the lot.

35. Motel: A building or series of buildings in which lodging only is offered for compensation and which may have more than five (5) sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

36. Non-Conforming Use: A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of the Ordinance or any amendments thereto.

37. Offset: The distance between any lot line other than a street line and the nearest roofed or enclosed portion of a building.

38. Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized professions.

39. Public Building: A public building in the sense of this Ordinance is a structure principally of an institutional nature and serving a public need such as churches, hospitals, schools, including private co-academic schools and nursery schools, libraries, museums, post offices, police and fire stations, public utilities and other public recreational facility as a commercial enterprise.

40. Quarrying: The removal of rock, slate, gravel, sand, top soil, or other natural materials from the earth by excavating, stripping, leveling, or any other such process.

41. Recreational Camp: An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where reasonable accommodations for recreational purposes are provided.

42. Road: Synonymous with street.

43. Roadside Stand: A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products raised on said farm.

44. Sand & Gravel Pits (see "Quarrying"): The term sand and gravel pits shall include the removal of sand or gravel deposits from the land for commercial purposes regardless of whether or not such operation results in the creation of a depression in the ground.

45. Setback: The horizontal distance between the base setback line and the nearest roofed or enclosed portion of a building.

46. Sign: Any structure or device displaying advertising in the form of lettering, pictures, symbols, or other media.

47. Stable: "Stable" shall have the same meaning as "garage" one draft animal or saddle horse being considered the equivalent to one self-propelled vehicle.

48. Story: That portion of a building included between the surface of the floor and the surface of the floor next above it, or, if there be no floor next above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulations.

49. Street: A public or private right of way usually affording primary access to abutting property.

50. Street Frontage: A street contiguous and parallel to a traffic artery and affording direct vehicle access to abutting property.

51. Street Line: A dividing line between a lot tract or parcel of land as a contiguous street.

52. Structure: Anything constructed or erected the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

53. Structure, Temporary: A movable structure not designed for human habitation or occupancy, but for temporary protection of goods or chattel during a period of construction but not to exceed one (1) year.

54. Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

55. Sustained Yield Forestry: The management of forested lands to provide annual or periodic crops of forest products.

56. Trailer Camp: Any tract or parcel of land upon which two (2) or more trailers, camp cabins, house cars, or other mobile homes are located or trailer or camp sites are provided for the purpose of either temporary or permanent habitation.

57. Tourist Home: A building in which lodging, with or without meals, is offered to transient guests for compensation and having no more than five (5) sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.

58. Yard: An open space, on the same lot with a building, unoccupied and unobstructed from

the ground upward except as may otherwise be provided herein.

59. Yard Front: A yard extending across the front of the lot between the inner side lot lines and measured between:

(A) The front lot line of the lot and the front line of the nearest building or structure or

(B) The front line of the lot and the nearest line of any porch or paved terrace.

60. Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the nearest building or structure.

61. Yard, Side: A yard between the nearest building or structure and the side line of the lot and extending from the street line to the rear lot line.

SECTION 3

GENERAL PROVISIONS

3.01 COMPLIANCE

Except as may be otherwise specifically provided the use, size, height, and location of a building now existing or hereafter erected, converted, enlarged or structurally altered; the provisions of open spaces and the use of land shall be in compliance with the regulations established herein for the district in which such land or building is located.

3.02 BUILDING PERMITS

1. Required: No building shall be erected, structurally altered, or relocated until a Building permit has been issued by the building inspector, certifying that such building, as proposed, would be in compliance with the provisions of the Ordinance and with this building code of the Town of Germantown.

2. Application For: An application for a building permit shall be made in conformity with the requirements of the building code Ordinance of the Town of Germantown and shall include for the purpose of proper enforcement of the regulations of the Ordinance the following data:

(A) An accurate plat of survey of the lot drawn to a reasonable scale and properly dimensioned showing:

(1) Boundaries of the plat.
(2) The location of any existing structure on the lot.
(3) The location of the proposed building or buildings on the lot.
(4) The location of the center line and the existing or established grade of the abutting street or streets.
(5) The proposed floor elevation of the building or buildings to be erected.
(6) The high water line of any stream on which said lot abuts.

(B) A plan of the proposed sewage disposal system which, if not connected to an approved municipal sewage system, shall require the certification of the building inspector or plumbing inspector that it conforms to all Town Ordinances and other governmental laws or regulations applicable, to sewage disposal systems.

(C) Satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose on the property.

3.03 OCCUPANCY & USE PERMIT

1. Required: No vacant land nor any building hereafter erected, structurally altered, or relocated shall be used or occupied except for agricultural purposes until an Occupancy and Use Permit has been issued, by the Building Inspector certifying that such building use, or occupancy complies with the provisions of this Ordinance. A like permit shall be obtained before any change is made in the type of use or before any non-conforming use is resumed, changed or extended.

2. Application For: An occupancy and use permit shall be applied for with the application for a Building Permit, and shall be accompanied by a statement by applicant of the intended use of the premises of building. Within ten (10) days after the notification of the completion of the erected, alteration or repair of the building or structure, the Building Inspector shall make an inspection of the building or premises and shall then issue an Occupancy and Use Permit if the building and the intended use thereof comply with the requirements of this Ordinance.

3.04 SITE REGULATIONS

1. Building Must be on a Lot: Every building hereafter erected, structurally altered or relocated shall be located on a lot as defined herein and in no case except in a General Business, Limited Industrial or General Industrial District, shall there be more than one (1) principal building on a lot, provided however, that the Board of Appeals may grant an exception to permit more than one (1) principal building on a lot in any district, where such grant would not be contrary to the spirit or intent of the Ordinance and provided that sufficient lot area is provided and the buildings so located as to individually meet the setback, offset, lot size, and open space requirements of the district in which located.

2. No Undesirable Structures: No building shall be erected, structurally altered or relocated which shall be of such character as to adversely affect the property values and general desirability of the neighborhood.

(A) The Building Inspector shall submit any such case in question of the Planning Commission for its determination.

(B) The Planning Commission shall base its determination upon the following considerations:

(1) Design or appearance of such unorthodox or abnormal character in relation to the surroundings as to be considered unsightly or offensive to the degree that would have a substantial adverse affect on the property values and general desirability of the neighborhood.

(2) Identical design and appearance with adjoining buildings to the degree that

monotony and commonness would have a substantial adverse affect on the property values and general desirability of the neighborhood.

(C) The decision of the Planning Commission shall be stated in writing including the reason for refusing a permit or any conditions of approval.

3. Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the established street grades, or with the existing street grade where none is established, with particular consideration for proper drainage and safe vehicular access, however, no grade shall be set for any building at less than one and one-half (11/2) feet above the present elevation of the existing roads or highways in the Town of Germantown, Washington County, Wisconsin.

4. Preservation of Topography: In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope, except with the written consent of the abutting property owner and with the approval of the Planning Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

3.05 DRAINAGE REGULATIONS

1. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than three (3) feet above the highest anticipated seasonal ground water level.

2. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along with any surface water drainage channel or natural water course shall not be permitted except with approval of the Planning Commission.

3. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam, boathouse, or revetment subject to the aforesaid approval, shall be erected, structurally altered or relocated within twenty (20) feet of the ordinary high water line of such surface water drainage channel or natural watercourse not so that the lowest floor of said building is less than three (3) feet above the ordinary high water line.

3.06 SANITATION AND WATER SUPPLY

1. Safe Sewage Disposal Possible: No principal building shall be erected, structurally

altered, or relocated, unless it has been certified by the Building Inspector or Plumbing Inspector that it conforms to all Town Ordinances and other governmental laws or regulations then applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provision for disposal of sewage, based on the proposed use, is possible on said lot if it is not served by an approved municipal or other state approved sewage disposal system.

(*Explanatory Note*: While every attempt has been made, through control of minimum lot size, building location and plumbing standards, to ensure that proper disposal of sewage will be provided on any lot, it is recognized that no such standards will completely ensure adequate disposal in every situation. This section has been written for the purpose of giving the community the authority to require whatever additional provisions are necessary to prevent a sanitary problem from developing in a situation where the normal requirements will not ensure proper sewage disposal.)

2. Approval Septic System: No principal building shall be erected, structurally altered or relocated unless a sewer is installed running to a septic tank designed and located in accordance with the Town Ordinances and other governmental laws or regulations then applicable to sewage disposal systems, or to an approved municipal or other state approved sewage disposal systems.

3. Outhouse Prohibited: No outhouse or privy shall be hereafter erected.

4. Water Supply Required: No occupancy and use permit will be issued for a building used for residence purposes unless provisions are made for a safe and adequate supply of water in or within three hundred (300) feet of said dwelling or connection is to be made to an approved municipal or community water system.

3.07 USE REGULATIONS

1. Uses Restricted: In any district no building or land shall be used and no building shall be hereafter erected, structurally altered, or relocated except for one or more of the uses as hereinafter stated for that district and in compliance with the regulations hereinafter established for that district.

2. Accessory Uses: In any district, accessory buildings and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located.

3. Unclassified Uses: Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of a use, the questions shall be submitted to the Planning Commission for determination.

4. Public Building and Uses: Churches, schools, including colleges and nursery schools,

and other public buildings may be permitted in any district, provided that such use shall conform to the height, the setback, provided the location and general site plan shall have been submitted to and approved by the Planning Commission, such public buildings and uses may be erected to a maximum height of fifty (50) feet.

5. Outdoor Theater: Outdoor theaters subject to the following conditions may be permitted in any district except a residence, or rural home district provided the location and general site plan shall have been submitted to and approved by the Planning Commission after public hearing.

(A) No portion of the theater area shall be closer than four hundred (400) feet to the base setback line or closer than five hundred (500) feet to a residential or rural home district.

(B) A planting screen at least fifty (50) feet in width and at least six (6) feet high shall be provided along any lot line abutting a residence or rural home district.

(C) Additional highway width sufficient to provide for the safe control of traffic at the theater entrance shall be dedicated and the necessary highway improvements constructed to provide for a divided roadway, with adequate reservoir area in the center strip to shelter cars entering the theater.

6. Additional Requirements: Any use, in any district, which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood may be required to correct or improve such condition by such measures as are directed by the Town Board consistent with reasonable technological and economic practicality.

3.08 BUILDING LOCATION

1. Setbacks: Setback lines are hereby established for all streets and highways in the Town of Germantown.

(A) On all Town and County Highways the setback line shall be the center line of the highway.

(B) On all streets in platted subdivisions the setback line shall be the front lot line.

(C) All setback lines shall be parallel to and measured at right angles to the center line of the street or highway.

(D) No building shall be constructed within a distance of one hundred (100) feet from any Section line or quarter section line, excepted in platted subdivisions.

2. Offset:

(A) No principal building or its accessory buildings shall be hereafter erected or altered so that any roofed or enclosed portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which such buildings are located.

(B) Where a lot abuts a district boundary line, the offset from such line in the district of less restricted use shall be not less than that required for the district for more restrictive use.

3. Maintenance and Use of Setback and Offset Areas: Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles, or any other material.

3.09 HEIGHT REGULATIONS

1. Maximum Height Restricted: In any district no building or structures shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district.

2. Exceptions: The following shall be excepted from the height regulations of all districts:

(A) Chimney and Flues.

(B) Accessory farm buildings, not to exceed sixty (60) feet in height on lots of three (3) acres or more in area.

(C) Subject to the approval of the Planning Commission: cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aerials, and necessary mechanical appurtenances.

3. Increase Permitted: The maximum height of any structure may be increased providing all required offset and setbacks are increased by one (1) foot for each foot which such structure exceeds the height limit of the district in which it is located. However, in no case shall the maximum height of any structure exceed one hundred (100) feet.

3.10 AREA REGULATIONS

1. Floor Area:

(A) Any building intended in whole or part for residential purposes shall provide a

minimum floor area as hereinafter specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. No bedroom shall be less than one hundred (100) square feet.

(B) Floor area shall be measured at each level from outside wall to outside wall, but for purpose of determining minimum required floor area shall not include basements, attached garages, open porches, or attics and other storage areas having an average height to less than eight (8) feet. In split level building the first floor level shall include all area which is not over another living area of the building.

2. Lot Size:

(A) No building shall be erected on a lot of less area or of minimum average width less than hereinafter specified by the regulations of the district in which such building is located.

(B) The minimum average width of a lot shall be measured at a point in relation to the average depth of a lot where the product of the two will provide the required by regulations for the district in which such lot is located.

(C) No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing offsets, setbacks, open space, or lot area would be reduced below that required by regulations for the district in which such lot is located.

(D) If two or more undeveloped substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. Where a lot has less land area or width than required for the district in which it is located and was on record at the time of passage of this Ordinance, such lot may be used for any purposes permitted in such district, but not for residential purposes for more than one family; provided, however, that in no case shall the setback, offset, or open space requirements be reduced except by order of the Board of Appeals after due hearing or as otherwise herein provided.

3. Open Spaces:

(A) No building shall be erected, structurally altered, or placed on a lot so as to reduce the useable open area of such lot to less than that hereinafter specified by the regulations for that district.

(B) To be considered useable, such open area shall be readily accessible and of a size and shape which can be reasonably considered to provide for the amenities and necessities of light, play space, drying yard, garden, etc. Crop, pasture, and wooded land may be included in computing such open space.

(C) No part of the open space provided for any building shall be included as part of the open space required for another building except as hereinafter provided for housing projects.

3.11 OFF-STREET PARKING

1. Spaces Required: Any building hereafter erected or structurally altered shall be provided with off-street vehicle parking space, adjacent or reasonable adjacent to the building served and to be used exclusively by the residents, patrons or employees of said building, according to the following schedule:

(A) Residence: Three hundred (300) square feet per family.

(B) Auditoriums: Churches, Theaters: Three hundred (300) square feet each four (4) seats.

(C) Retail Business Establishments: Three hundred (300) square feet each one hundred (100) square feet of floor space.

(D) Wholesale and Other General Business Establishments: Three hundred (300) square feet each three hundred (300) square feet of floor space.

(E) Office Buildings and Customer Service Establishments: Three hundred (300) square feet for each two hundred (200) square feet of floor space.

(F) Restaurants, Taverns, Clubs, etc.: Three hundred (300) square feet for each one hundred (100) square feet of floor space.

(G) Industrial Building: Three hundred (300) square feet for each two hundred (200) square feet of floor space.

2. Residential Parking: Parking of cars accessory to a residence use shall be limited to those actually used by the residents, or for temporary parking of guests.

3. Parking of Trucks and Equipment: No truck or other vehicle equipment of a commercial or industrial nature shall be parked regularly on a lot in any district except as hereinafter specifically provided or as follows:

(A) Agricultural equipment in an Agricultural District.

(B) One (1) panel or pickup truck in any district.

4. Surfacing: Any off-street parking area, other than that provided for a residence, having a capacity for more than four (4) vehicles shall be surfaced and maintained in a reasonably dustless condition if it is within five hundred (500) feet of a residence district.

5. Screening: Any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall at least four (4) feet in height along the side abutting or frontage on a residence district.

6. Offset: In any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall, at least four (4) feet in height along the side abutting or fronting a residence district.

7. Lighting: Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent residential property.

3.12 OFF-STREET LOADING AND UNLOADING

1. Required: In any local Business, Commercial and Light Manufacturing or Industrial District, an off-street loading space shall be provided, in addition to the defined off-street parking area, for every ten thousand (10,000) square feet of storage area, used for commercial purposes.

2. Areas: Each such loading space shall have an area at least ten (10) feet wide by forty five (45) feet long and with a minimum of fourteen (14) feet in height clearance.

3.13 SIGNS

1. Use Restricted: In any district no signs shall be permitted except as is hereinafter specified by the regulations for that district, except a sign not exceeding twenty (20) square feet of area, maintained by the owner or occupant of any land or building for the purpose of displaying the name of the owner or occupant or the name of a farm duly of record in the Office of the Register of Deeds of the purpose of warning against trespass and for the sale of agricultural products produced upon said lands or produced by a member of a farm cooperation association upon his or their own land and offered for sale at a roadside stand by a farm cooperation association maintained upon the farm of one of its members at which nothing is offered for sale except farm products produced on the farms of the respective members of the association. The provision of this subsection shall not be construct to prevent or limit the display of the name of the owner or occupant or the name of a farm duly of record or the advertising for sale of agricultural products produced upon such land by display of advertising of a permanent character

painted upon buildings located upon the premises where such agricultural products are produced provided; however, that if any such sign shall exceed twenty (20) square feet in area, the person desiring to display same upon such farm buildings shall first make application to and obtain from the Town Board an order approving a sign of greater dimension.

2. Setback and Offset: Signs for advertising purposes may be permitted in a Local Business District provided; however, that no sign shall exceed twenty five (25) feet in length and fifteen (15) feet in height and no such sign shall be placed higher than thirty (30) feet from the ground and not less than five (5) feet from the ground, and no such sign shall be located nearer to the street than the set back line established by the Zoning Ordinance.

3. Hazards or Nuisances Prohibited: No sign, billboards, or other advertising medium which creates a hazard or dangerous distraction to vehicular traffic, or a nuisance to adjoining property shall be permitted in any district.

4. No sign shall be illuminated if such illumination shall constitute a traffic hazard of such nature as to cause loss of vision by drivers or vehicles approaching said sign.

3.14 TRAILERS, REGULATIONS

Section 1. Definitions:

(A) Mobile Home: Means any eating, sleeping or living unit which was originally designed or constructed to be transported by any motor vehicle over the public highways, together with any auxiliary additions, attachments, annexes, foundations, and appurtenances to or for the same.

(B) Mobile Park: Means any space or plot of ground upon which two (2) or more mobile homes are located, regardless, of whether or not a charge is made for the use of such space or plot.

Section 2. Mobil Home Parks: It shall be unlawful for any person, firm or corporation to establish, maintain or operate a mobile home park within the Town, and no license to operate such a mobile home park shall be issued by the Town.

Section 3. Mobile Homes in Town: Except as provided in this Ordinance, it shall be unlawful for any person, firm or corporation to place, keep or maintain any mobile home within the Town for eating, sleeping, or living purposes.

Section 4. Temporary Use: The Ordinance shall not prohibit the temporary use of any mobile home by the personal guests of the owner of property within the Town provided such use shall be limited to fifteen (15) days in any one (1) calendar year. With the permission of the Town Board, the owner of property whose dwelling has been substantially damaged by fire or

other accidental means may be permitted to keep a mobile home in the Town for a period of not to exceed four (4) months upon payment in advance of the monthly parking permit fee computed in the manner provided in Chapter 495 of the Laws of 1969 of the State of Wisconsin.

Section 5. Penalties: Any person, firm or corporation, who shall bring a mobile home into the Town for living, eating or dwelling purposes, except as permitted in this Ordinance, shall be required to pay a forfeiture of not less than one dollar ($1.00), nor more than one hundred dollars ($100.00), together with the costs of prosecution, and in default of payment of such forfeiture shall be imprisoned in the County Jail of Washington County, Wisconsin, until such forfeiture and all costs, including subsequent costs, have been paid, but not for a greater period of thirty (30) days.

3.15 ANIMALS ON RESIDENTIAL LOTS

1. Animals on Residential Lots: No animals other than small domestic pets shall be kept or used on any parcel of land used for residential purposes which has an area of less than three (3) acres, and for larger parcels, one (1) such animal may be kept or used for each additional two (2) full acres of land in excess of the first three (3) acres.

(A) Small domestic pets: Limited to two (2) animals for any parcel of land which is less than three (3) acres and four (4) animals for any parcel of land three (3) acres or larger. Any exceptions must be approved by the Zoning Administrator and/or the Town Board of the Town of Germantown.

(B) Shelters: For domestic animals must meet the Washington County Ordinance No.14.05 for animal care.

(C) Buildings: For the shelter of animals shall not be less than seventy five (75) feet from the lot line, except that in all cases where property is used primarily for residential purposes larger animals are permitted, the stable for such animals shall be installed within the rear yard of the premises and at least one hundred (100) feet from each property line. The paddock or fence for such animals shall also be located within the rear yard and not closer than twenty five (25) feet from any property line.

3.16 LEGAL NON-CONFORMING USES

1. Existing Use Permitted: The existing lawful use of a building or premises at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this Ordinance for the district in which it is located, but such non-conforming use shall not be expanded.

2. Change in Uses: If no structural alterations are made, a non-conforming use of a

building may upon prior approval of the Planning Commission be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

3. Discontinuance of Use: If the use of a building or premises which does not conform to the use regulation of the district in which it is located is discontinued for a period of twelve (12) consecutive months any future use of the building or premises shall conform to the regulations for the district in which is located, except in the case where such non-conforming use is for agricultural purposes.

4. Restoration: When a building which is non-conforming is damaged to the extent of more than seventy-five percent (75%) of its current local assessed valuation, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations to a building which does not conform to the use regulation of the district in which it is located shall not during its life exceed fifty percent (50%) of the local assessed value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.

3.17 PUBLIC GATHERING - CONDITIONAL USE PERMIT

Section 1. Public Gatherings - Conditional Use Permit: This Section shall apply to all public gatherings, rallies, assemblies or festivals, at which attendance is greater than five hundred (500) persons for a one (1) day event and greater than two hundred fifty (250) persons for a two (2) day or more event. The requirement for a Conditional Use Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena, auditorium, coliseum or other similar permanently established place for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held; nor those events sponsored or approved by the Town Board of Germantown.

1. Intent. The purpose and intent of this section is to establish site approval for locations in the Town of Germantown used temporarily for gatherings as defined in this section, it being recognized that the character and type of such gatherings varies widely and the facilities required to carry out the general purpose and intent should be the subject of a Conditional Use Permit issued only after public hearing before the Planning Commission, and a determination by the Commission that there will be the compliance with the standards set forth in this section.

2. Application. Applications for a Conditional Use Permit shall be made by the Owner or a person having a contractual interest in lands proposed as the site for a public gathering, rally, assembly, or festival as defined in this section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual,

making application in the case of an individual, natural human being, by all officers in the case of a corporation; by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group, or if there be no officers, by all members of such association, society, or group. Such application shall be filed with the Town Clerk at least sixty (60) days in advance of the date of the scheduled event on forms to be furnished by him and shall include the following:

(A) Names and addresses of the applicant, owner of the site, promoter, and/or sponsor of the gathering.

(B) Description of the site by metes and bounds or other legal description, address of the site, type of proposed gathering and proposed method of operation; maximum number of persons to attend such gathering, and any special or unusual conditions anticipated.

(C) Plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations, and size of the following: subject site, soil mapping unit lines, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary high water level.

(D) Fees.

Public Hearing	$ 200.00
Gatherings of 250 (2 day or more event)	500.00
Gatherings of 500 to 1,000	500.00
Gatherings of 1,000 to 2,500	1,000.00
Gatherings of 2,500 to 5,000	1,500.00
Gatherings of over 5,000	2,500.00

3. Bond. The Planning Commission shall have authority to require the applicant and site owners to file a cash bond in an amount to be determined by the Planning Commission, but not exceeding one hundred thousand ($100,000), conditioned on complete compliance by the applicant and site owner with all provisions of this section, the terms and conditions of the Conditional Use Permit, including cleaning up the site and the payment of any damages, fines, forfeitures or penalties imposed by reason of violation thereof.

4. Determination. The Planning Commission shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.

5. Standards. A Conditional Use Permit shall not be issued unless it is determined, based on evidence produced at the hearing, that the following standards are or will be met:

(A) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards, shall be provided for each one hundred (100) persons attending.

(B) Every site proposed for a Conditional Use Permit shall be on generally well-drained ground and shall not be a ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.

(C) Provide proof that they will furnish at their own expense before the assembly commences a fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.

(D) Provide proof that they will furnish at their own expense before the assembly commences, physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for a maximum number of people to be assembled at the rate of at least one (1) physician for every two thousand (2,000) people and at least one (1) nurse for every one thousand (1,000) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one (1) emergency ambulance available at all times.

(E) Provide proof that they will furnish at their own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

(F) Provide proof that they will furnish at their own expense before the assembly commences a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.

(G) Provide proof that they will furnish at their own expense before the assembly commences security guards, either regularly employed, duly sworn off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at

the rate of at least one (1) security guard for every five hundred (500) people. If it is determined by the Town Chairman that additional police protection shall be required, he may contact the Washington County Sheriff's Department and all costs for the additional protection required shall be deducted from the posted cash bond.

(H) Provide proof that they will furnish at their own expense before the assembly commences fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and municipality and sufficient emergency personnel to efficiently operate the required equipment.

6. Other Permits Required:

(A) Washington County Special Sanitary permit for public gathering.

(B) Any license as provided by Wisconsin Statutes Chapter 125.

(C) All required permits and licenses must be on file with the Zoning Administrator prior to issuance of the Conditional Use Permit.

7. If approved, the Planning Commission shall direct the Zoning Administrator to issue the Conditional Use Permit. Such permit shall be valid only on the dates for which the same is issued and shall permit the assembly of only the maximum number of people stated in the permit. The permit holder shall not sell tickets nor permit the assembly at the approved location of more than the maximum number of people.

8. Revocation. It shall be the duty of the Zoning Administrator to enforce the provisions of this section. In the event of any non-compliance with this Section by the applicant or owner of the site or any other person, or in the event of violation or threatened violation of any conditions attached to the Conditional Use Permit, the Zoning Administrator shall forthwith revoke such permit and issue a citation for such violations notifying the Town Attorney who shall prosecute such violations and take appropriate legal action to restrain any further violation or threatened violation of this Section.

3.18 FIREARMS

1. Firearms Defined: Firearms are herein defined to mean and include all weapons used for the purpose of propelling bullets, shot, or other missiles, whether from cartridge, shell or other container, by explosives, and shall include without limitation because of specific enumeration all forms of shot guns, rifles, revolvers and other similar type of equipment whereby such bullets, shot or missiles are propelled through the air by reason of discharge therefrom by explosives or

caps.

2. Discharge of Firearms Restricted: No person shall discharge any firearm as herein defined within the Town of Germantown, except that the owner or occupant of lands located within the Town, or members of his family, or such persons to whom he may issue permits in writing, upon forms to be provided by the Town and available at the office of the Town Clerk for that purpose, may be permitted to discharge such firearms upon premises actually owned or occupied, subject to the restriction that the discharge of such firearms shall be so controlled that the bullet, shot or missile propelled therefrom shall not pass upon the premises of another, or upon the public highways or other public grounds, and shall not be used in such manner as to be reckless disregard of the lives or property of persons upon the public highways or public grounds of the Town or property of others.

3. Erection of Warning Signs: It is hereby determined that there shall be placed, by the proper officers of the Town, proper signs at various points throughout the Town, as may be determined by the Town Board, as notice to the public of the existence of the Ordinance and the prohibition of the discharge of firearms as herein provided.

4. Penalty: Any person who shall be found guilty of the violation of the terms of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than one dollar ($1.00) nor more than twenty five dollars ($25.00), together with the costs of prosecution for each offense; and in default of the payment of such fine and costs, shall be imprisoned in the County Jail of Washington County until said fine and costs, together with the subsequent costs, are paid, but in any event not to exceed thirty (30) days.

3.19 ORDINANCE ESTABLISHING JOINT ACTION EMERGENCY GOVERNMENT SERVICES BETWEEN WASHINGTON COUNTY AND THE TOWN OF GERMANTOWN

Section 1. Findings: Wisconsin Statutes section 22.16 (6) requires towns to adopt an "effective program of emergency government consistent with the state plan of emergency government" and to appoint a head of emergency government services. Wisconsin Statutes sections 22.16 (8) and 66.30 authorize counties and towns to provide, on an inter-governmental cooperative basis, for emergency government services, personnel and finances. Chapter 9 of the Washington County Code provides for cooperative joint action between the county and the towns and villages within the county for the provision of emergency government services, and further section 9.04 of said Code provides that the County Coordinator of Emergency Government Services shall also serve as a coordinator in such towns and villages of Washington County as enact provisions parallel to said Chapter 9 and in such event the coordinator shall have the duties set forth in section 9.05 (2) of said Code. The Town Board deems it to be in the best interests of the residents and taxpayers of the Town to enter into a cooperative joint action inter-governmental agreement with Washington County for the provision of emergency government services within the Town.

Section 2. Agreement: The provisions of Chapter 9 of the Washington County Code are adopted as the basis for a cooperative joint action inter-governmental agreement with Washington County for the provision of emergency government services to the Town of Germantown.

3.20 UTILITY CONSTRUCTION AND INSTALLATION PERMITS

Section 1. Application: Every utility intending to install, construct or operate transmission facilities within the right-of-way limits of highways and streets within the Town shall first make application for and obtain a permit from the Town Clerk in accordance with the following:

1. Said application shall be substantially in the form as approved and used by Wisconsin Department of Transportation.

2. The applicant shall file such plans and specifications as shall reasonably describe the proposed work.

3. Such application shall be accompanied by the fee prescribed in Section 2.04 hereof.

Section 2. Construction Standards and Specifications: Every applicant granted a permit under this Ordinance shall comply with the following standards and specifications:

1. Back fill excavation areas with sand, gravel or other material acceptable to the Town Board to minimize settling.

2. Restore excavated areas to the conditions existing prior to the excavation by:

   A. Restoring roadway surface to the original levels with material similar to the existing road surface.

   B. Restoring contours of highway right-of-way which have been disturbed.

   C. Seeding or sodding excavated areas to avoid erosion.

   D. Pestoring roadbeds and shoulder areas in a manner acceptable to the Town Board.

3. Provide adequate caution signs and other notices of existing danger in the construction area.

4. Fully comply with all permit conditions and provisions required by the Wisconsin Department of Transportation.

Section 3. Standing Permit: In lieu of granting individual permits as required by Section 1 hereof, the Chairman of the Town Board may issue a Standing Permit to any utility making application; therefore, such Standing Permit to be subject to the requirements of this Ordinance and be revocable without notice. Any utility which has been granted a Standing Permit shall give at least five (5) days written notice to the Town Clerk of its intention to make application for a state permit, which notice shall include a copy of such application.

Section 4. Permit Fee: Each application for a permit and each notice of Intention to apply to the State for a permit shall be accompanied by a fee of twenty five dollars ($25.00) payable to the Town of Germantown; but no fee shall be required for an individual customer's service installation.

3.21 SPECIAL EXCEPTIONS

Section 1. Conditional Uses: Any use not specifically permitted by this Ordinance shall be a conditional use, whether or not designated in this Ordinance as a permitted conditional use.

1. Limitations on Conditional Uses:

   (A) Business Uses: No business uses shall be permitted in any residential or agricultural district.

   (B) Industrial Uses: No industrial use shall be permitted in any residential, business or agricultural district.

2. Permit Procedure:

   (A) Application: Applications for permits for any conditional use, authorized by this Ordinance shall be made to the Town Clerk upon such forms as shall be prescribed
   by the Town Board and shall include such additional data, surveys, plot plans, preliminary development plans and topography detail as may be required.

   (B) Fee: Each application for a conditional use permit shall be accompanied by a fee of one hundred dollars ($100.00).

   (C) Planning Commission Review and Recommendation: The Town Board shall refer to the Planning Commission for its review and recommendation all applications for conditional use permits. The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems and any other matters relating to

the proposed operation. The Planning Commission shall have the right to request the recommendations of any public agency it shall deem interested and affected by such conditional use. The Planning Commission may defer making its recommendation until after the public hearing provided for in paragraph (D) following.

(D) Public Hearing: The Town Board shall fix a reasonable time and place for a public hearing on the application after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes listing the time and place of the hearing and the nature of the conditional use permit being sought. The Town Clerk shall also give at least ten (10) days prior written notice of such hearing to the owners and occupants of all property within three hundred (300) feet of the location of the proposed conditional use.

(E) Granting of Permit:

1. After review by the Planning Commission and a public hearing as required herein, the Town Board may authorize the Town Clerk to issue a conditional use permit, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance, are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community and are found to be compatible with the surrounding predominant use.

2. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, traffic circulation patterns, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Town Board upon its finding that such conditions are necessary to fulfill the purpose and intent of this Ordinance. The Town Board may also impose time limitations upon conditional uses and subject them to periodic review, re-issuance or revocation.

3. Compliance with all other provisions of this Ordinance such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section 12 of this Ordinance.

(F) Revocation: A conditional use permit shall remain in effect provided that the conditions of the permit are continued in the manner specified by the permit or until the expiration of the permit as provided by its terms. In the event the permit holder fails to comply with the conditions specified in the permit the same may be

revoked by the Town Board upon ten (10) days notice to the permit holder. The permit holder shall be entitled to a hearing before the Planning Commission on the question of revocation of the conditional use permit and approval of the Planning Commission shall be required for the reinstatement of any conditional use permit.

SECTION 4

DISTRICTS

4.01 For the purpose of the Ordinance the Town is hereby divided into zoning districts as hereinafter designated:

1. Conservancy District
2. "A" Residence District
3. "B" Residence District
4. Agricultural District
5. Local Business District
6. Commercial & Light Manufacturing District
7. Industrial District

4.02 ZONING MAP

1. District Mapped: The boundaries of said districts are shown upon a map designated as the Zoning Map of the Town of Germantown and made a part of this Ordinance, and all the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were fully described herein. Said map shall be kept on file in the offices of the Town and the copy attached hereto is correct only as of the date of publication and is for general informational purposes only.

2. Determination of Boundaries: District boundaries shall be determined by measurement from and as shown on the official zoning map and in case of any questions as to the interpretation of such boundary line the Planning Commission shall interpret the map according to the reasonable intent of the Ordinance.

(A) Unless otherwise specifically indicated or dimensioned on the map the district boundaries are lot line or section, quarter section, sixteenth section lines; the center lines of streets, highways, railways, or alleys.

(B) The boundaries of Conservancy Districts as drawn are intended to represent the edge of a swamp, marsh, and flood land or the high water line along a stream or watercourse and shall be finally determined by the actual conditions in each specific situation, provided however, that along a stream or watercourse such line shall not be less than one hundred (100) feet from the center line of such stream or watercourse.

SECTION 5

CONSERVANCY DISTRICT

5.01 USE REGULATIONS

1. Permitted Uses:

   (A) Grazing.

   (B) Harvesting of any wild crops such as marsh hay, ferns, moss, herbs, tree fruits, and tree seeds.

   (C) Hunting and fishing unless prohibited by other Ordinances or laws.

   (D) Sustained yield forestry.

   (E) Dams and hydro-electric power transmission.

   (F) Telephone, telegraph, and power transmission.

   (G) Non-residential buildings used solely in conjunction with raising of water fowl, numerous and other similar low land animals, fowl or fish.

2. In the conservancy district no permanent building shall hereafter be erected or structurally altered unless the same shall have been approved by the Town Board.

3. Specific Prohibition: Filling of marsh lands, removal of top soil, or damming or relocating of any watercourse shall not be permitted except with approval of the Town Planning Commission.

SECTION 6

"A" RESIDENCE DISTRICT

6.01 USE REGULATIONS

1. Permitted Uses: In the "A" Residence District no building or land shall be used and no building shall be hereafter erected or structurally altered except for one of the following uses:

(A) One Family residence.

(B) Farming and dairying, including the keeping of livestock in connection therewith, but this shall not permit the keeping of swine, except as it is actually incidental to the conduct of a farm for general agricultural purposes, not the fattening of cattle or hogs for commercial purposes. Buildings for sheltering of animals shall not be less than seventy five (75) feet from the lot line.

(C) Parks, playgrounds, or community centers owned and operated by a governmental agency.

(D) Golf course, polo field, and similar recreational uses not operated as a business.

(E) Truck gardening, nurseries, and non-commercial greenhouses, greenhouse heating plants shall not be less than seventy five (75) feet from the lot line.

(F) Roadside sale of farm products produced on the premises or by farmers' co-operative organizations; provided, however that parking facilities to accommodate not less than six (6) vehicles shall be provided on or adjacent to the premises.

(G) Accessory buildings and uses customarily incident to any of the above uses, including private garages, when located on the same lot and not involving the conduct of a business; provided, however, that no private garage or other accessory building shall be erected unless the principal building to which such a garage or other accessory building is an accessory use has been erected or is to be erected simultaneously with said garage or other accessory building. There shall be included as permissive, servants' quarters; provided, however, that such quarters shall be occupied only by servants employed on the premises, such quarters shall not be rented as a separate domicile.

(H) Uses customarily incident (by conditional use only) to any of the above uses when situated in the same dwelling, including home occupations such as the office of an architect, engineer, lawyer, physician, surgeon, dentist, musician, artist, or licensed real estate operator, provided, no name plate exceeding three (3) square

feet in area shall be permitted, and providing that adequate parking facilities off the street or highway, and adjacent, or reasonable adjacent to the dwelling are provided. The usual household pets may be kept in connection with residential occupancy, but no other animals or fowl shall be permitted and no kennels or hutches shall be erected or operated.

(I) A bulletin board for the posting of official notices, or any other sign maintained by a governmental agency.

6.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet from center of road, except in approved subdivision where setback shall be forty five (45) feet from lot line.

2. Offset: Thirty (30) feet combined minimum, one side minimum twelve (12) feet.

6.03 HEIGHT REGULATIONS

1. Principal Building: Forty five (45) feet maximum.

2. Accessory Building: Thirty (30) feet maximum.

6.04 AREA REGULATIONS

1. Floor Area: Minimum requirements:

(A) One-Family, single story dwellings shall have a minimum of one thousand four hundred (1400) square feet of floor area.

(B) Two story single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area with a minimum of nine hundred (900) square feet on the first floor.

(C) Split level single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area.

(D) In all cases no bedroom shall be less than one hundred (100) square feet and shall be measured from inside wall to inside wall.

(E) In all cases floor area, as referred to herein, shall be floor areas designed primarily for living purposes.

(F) Every dwelling shall have a full basement and garage.

2. Lot Size:

(A) Minimum area: 130,680 square feet (3 acres), exclusive of roadway.

(B) Minimum average width: One hundred fifty (150) square feet.

3. Open space: Twenty thousand (20,000) square feet minimum per family.

4. Garages:

(A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

(B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven hundred eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

5. Fences - Walls - Hedges:

(A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

(B) Any fence or wall of any design shall be a minimum of four (4) feet from any lot line or thirty seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

(C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

(D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 7

"B" RESIDENCE DISTRICT

7.01 USE REGULATIONS

1. Permitted Uses:

   (A) Any use as permitted in "A" Residence District.

   (B) Cemetery not over ten (10) acres in size.

   (C) Tourist Homes.

   (D) Motels, subject to the requirement that at least one (1) off-street automobile parking space is provided for each rental unit.

7.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet from center of road, except in approved subdivisions where setback shall be forty five (45) feet from the lot line.

2. Offset: Thirty (30) feet combined minimum, one side minimum twelve (12) feet.

7.03 HEIGHT REGULATIONS

1. Principal Building: Forty five (45) feet maximum.

2. Accessory Building: Thirty (30) feet maximum.

7.04 AREA REGULATIONS

1. Floor Area:

   (A) One family, single story dwellings shall have a minimum of one thousand four hundred (1400) square feet of floor area.

   (B) Two story single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area with a minimum of nine hundred (900) square feet on the first floor.

   (C) Split level single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area.

(D) In all cases no bedroom shall be less than one hundred (100) square feet and shall be measured from inside wall to inside wall.

(E) In all cases floor area, as referred to herein, shall be floor areas designed primarily for living purposes.

(F) Every dwelling shall have a full basement and garage.

2. Lot Size:

(A) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

(B) Minimum average width - One hundred fifty (150) feet.

3. Open Space: Fifteen thousand (15,000) square feet minimum per family.

4. Garages:

(A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

(B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven hundred eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

5. Fences - Walls - Hedges:

(A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

(B) Any fence or wall of any design shall be a minimum of four (4) feet from any lot line or thirty seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

(C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

(D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 8

AGRICULTURAL DISTRICT

8.01 USE REGULATIONS

1. Permitted Uses:

   (A) Any use permitted in "A" and "B" Residence Districts.

   (B) Ordinary farm uses including dairying, livestock, and poultry raising and truck farming, but not including the operation of a farm voluntarily for wholesale fattening of swine by feeding refuse material.

   (C) Nurseries, greenhouses, and hatcheries for poultry.

   (D) Signs not to exceed twenty (20) square feet in area displaying the name of a farm or farm organization.

   (E) For uses enumerated below, provided the uses are not detrimental to the neighborhood by reason of appearance, noise, dust, smoke, or odor, and provided the location and plan of operation have been submitted to and approved by the Planning Commission after Public Hearing:

      (1) Riding academies, golf courses, and private clubs.

      (2) Cemeteries and mausoleums for the burial of human remains only.

      (3) Pea vineries, creameries, and condenseries.

      (4) Airports, landing fields, and take-off strips.

      (5) Fur farms.

      (6) Kennels.

      (7) Storage garages.

      (8) Animal hospitals.

8.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet from center of road except in approved subdivisions

where the setback shall be forty five (45) feet from lot line.

2. Offset: Thirty (30) feet combined minimum, one side minimum twelve (12) feet.

8.03 HEIGHT REGULATIONS

1. Principal Building: Forty five (45) feet maximum.

2. Accessory Buildings:

   (A) Farm - Forty five (45) feet maximum.

   (B) Others - Thirty (30) feet maximum.

8.04 AREA REGULATIONS

1. Floor Area: Minimum requirements:

   (A) One-Family, single story dwellings shall have a minimum of one thousand four hundred (1400) square feet of floor area.

   (B) Two story single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area with a minimum of nine hundred (900) square feet on the first floor.

   (C) Split level single family dwellings shall have a minimum of one thousand eight hundred (1800) square feet of floor area.

   (D) In all cases no bedroom shall be less than one hundred (100) square feet and shall be measured from inside wall to inside wall.

   (E) In all cases floor area, as referred to herein, shall be floor areas designed primarily for living purposes.

   (F) Every dwelling shall have a full basement and garage.

2. Lot Size:

   (A) Minimum area: 130,680 square feet (3 acres), exclusive of roadway.

   (B) Minimum average width: One hundred fifty (150) square feet.

3. Open space: Twenty thousand (20,000) square feet minimum per family.

4. Garages:

(A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

(B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven hundred eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

5. Fences - Walls - Hedges:

(A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

(B) Any fence or wall of any design shall be a minimum of four (4) feet from any lot line or thirty seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

(C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

(D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 9

LOCAL BUSINESS DISTRICT

9.01 USE REGULATIONS

1. Permitted Uses:

   (A) Any use permitted in "A" and "B" Residence and in the agricultural districts.

   (B) Multiple Family Dwellings: The minimum square feet of living space for each family shall be one thousand four hundred (1400) square feet. The minimum lot size per family shall be forty thousand (40,000) square feet and the minimum lot width shall be one hundred fifty (150) feet for one family, and an additional fifty (50) feet of frontage width for each additional family. The set back shall be one hundred (100) feet from the center of the road and the side lots shall have a fifty (50) foot off-set with a minimum on any side lot of twenty (20) feet.

   (C) Any retail business including amusement places, automobile display room, automobile service station, automobile garage, automobile parking lot, bank, club, dry cleaning or dyeing establishment employing not more than four (4) persons, furniture store, hotel, ice plant for storage of not more than twenty five (25) tons capacity, cold storage locker plant, jewelry store, job printing shop, laundry employing not more than five (5) persons, lodge hall, millinery shop, office, personal service shop, police or fire station, restaurant, tailor shop, tavern, telephone exchange or substation, theater, tire repair shop, undertaking establishment, upholstering shop, public utility offices, trailer parks, and signs for advertising purposes; provided however, that no sign shall exceed twenty five (25) feet in length and twenty five (25) feet in height, and provided further that no such signs shall be placed higher than thirty (30) feet from the ground and not less than five (5) feet from the ground, but in no case shall any sign be located nearer to the street than the setback line established by the Zoning Ordinance.

   (D) Any other similar retail business not detrimental to the character of a local business district by reason of appearance, excessive noise, dust, smoke, or obnoxious odors.

9.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet from center of road.

2. Offset: Fifty (50) foot with a minimum on any side lot of twenty (20) feet.

9.03 HEIGHT REGULATIONS

1. Principal Building: Fifty (50) feet maximum.
2. Accessory Building: Thirty (30) feet maximum.

9.04 AREA REGULATIONS

1. Floor Area:

   (A) Minimum required for residential purposes.

   (B) In buildings used for both residential and business purposes the residential portion shall be at least one thousand four hundred (1400) square feet per family.

2. Lot Size:

   (A) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

   (B) Minimum average width - one hundred fifty (150) feet.

3. Open Space: Residential - Fifteen thousand (15,000) square feet.

4. Basement: Every building constructed in a local business district which is to be used either in full or part as a family dwelling shall have a full basement. No basement would be required under any portion of a structure used as an attached garage.

5. Garages:

   (A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

   (B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven hundred and eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

6. Fences - Walls - Hedges:

   (A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

   (B) Any fence or wall of any design shall be a minimum of four feet from any lot line

or thirty-seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

(C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

(D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00), or more than one hundred dollars ($100.00).

9.05 CONDITIONAL USE - PORNOGRAPHY

1. Conditional Uses:

(A) Commercial Establishments Dealing in "Pornographic" Materials and Activities.

(1) It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence and be repugnant to the morals of the community. In recognition of the protections afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development.

(2) The following uses shall only be permitted as herein provided:

(a) Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.

(b) Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.

(c) Commercial establishments in which any person appears or

performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

(3) Definitions

(a) As used herein "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

(b) As used herein "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

(4) The above Conditional Uses shall be subject to the following provisions:

(a) No permit shall be granted where the proposed establishment is within five hundred (500) feet of any hospital, church, school, funeral parlor, restaurant, library, park, museum, playground, or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.

(b) No permit shall be granted where the proposed establishment is within one thousand (1000) feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.

(c) The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under paragraph 2 (a) or (b) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under paragraph 2 (c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.

(d) The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within three hundred (300) feet of the proposed establishment.

(e) Advertisements, displays, pictures, or other promotional materials

shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semi-public areas.

(f) All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semi-public area.

(g) In case of a protest signed by twenty percent (20%) or more of the persons of the area within three hundred (300) feet of the proposed establishment, the grant of such permit shall require a two-thirds (2/3) vote of the Town Board.

(h) The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods; the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; any other factor created by the type of use being considered; and the health, safety, and general welfare of the community.

(3) Severability: If any section, sub-section, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Ordinance or any part thereof.

SECTION 10

COMMERCIAL & LIGHT MANUFACTURING

10.01 USE REGULATIONS

A. Any use permitted in Class "A" and "B" Residence District, Agricultural District and Local Business District and for any other use except the following:

(1) Acetylene gas manufacture or storage.
(2) Acid manufacture.
(3) Ammonia, bleaching powder, or chlorine manufacture.
(4) Arsenal.
(5) Asphalt manufacturing or refining.
(6) Bag cleaning.
(7) Blast furnace.
(8) Boiler works.
(9) Clay brick, tile or terra cotta manufacture.
(10) Candle manufacture.
(11) Celluloid manufacture.
(12) Cement, lime, gypsum, or plaster of Paris manufacture.
(13) Coke ovens.
(14) Creosote treatment or manufacture.
(15) Disinfectants manufacture.
(16) Distillation of bones, coal, or wood.
(17) Dyestuff manufacture.
(18) Explosives, manufacture or storage.
(19) Emery cloth and sand paper manufacture.
(20) Fat rendering.
(21) Fertilizer manufacture.
(22) Fireworks or explosive manufacture or storage (wholesale quantities).
(23) Forge plant.
(24) Garbage, offal or dead animals, reduction of dumping.
(25) Gas (illuminating or heating) manufacture.
(26) Glue, size or gelatine manufacture.
(27) Gunpowder, manufacture or wholesale storage.
(28) Iron or steel foundry.
(29) Lamp black manufacture.
(30) Match manufacture.
(31) Oilcloth or linoleum manufacture.
(32) Oiled or rubber good manufacture.
(33) Ore reduction.
(34) Paint, oil, shellac, turpentine or varnish manufacture.

(35) Paper and pulp manufacture.
(36) Petroleum and products and refining.
(37) Potash works.
(38) Rolling mills.
(39) Rubber or gutta-percha manufacture or treatment.
(40) Salt works.
(41) Shoe polish manufacture.
(42) Smelting of time, copper, zinc, or iron ore.
(43) Soap manufacture, other than liquid soap.
(44) Soda and compound manufacture.
(45) Stock yards or slaughter of animals, except where incidental to another permitted use.
(46) Storage or baling of rags, iron, or junk, including junked automobiles.
(47) Stove polish manufacture.
(48) Sulphuric, nitric or hydrochloric acid manufacture.
(49) Tallow, grease, or lard manufacture or refining from animal fat.
(50) Tanning, curing or storage of raw hides, or skins.
(51) Tar distillation or manufacture.
(52) Tar roofing or waterproofing manufacture.
(53) Yeast plant.
(54) And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, or noise.
(55) Butane and propane.
(56) Junk and auto wrecking yards.

(B) Any use permitted under this District shall require an Occupancy and Use Permit and the same shall outline the use in detail. In the event of a change of said use after a permit has been issued, a permit must first be secured from the Building Inspector certifying that the intended use complies with the provisions of this Ordinance.

10.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet minimum from center of roadway.

2. Offset:

(A) Building used solely for commercial purposes ten (10) feet minimum.

(B) Buildings used in whole or part for residence purposes thirty (30) feet minimum.

10.03 HEIGHT REGULATIONS

1. Principal Building: Sixty (60) feet maximum.

2. Accessory Buildings: Sixty (60) feet maximum.

10.04 AREA REGULATIONS

1. Floor Area: Minimum required for residential purposes.

2. Lot Size:

   (A) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

   (B) Minimum average width - one hundred fifty (150) feet.

3. Open Space: Fifteen thousand (15,000) square feet minimum per family.

4. Garages:

   (A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

   (B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven hundred eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

5. Fences - Walls - Hedges:

   (A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

   (B) Any fence or wall of any design shall be a minimum of four (4) feet from any lot line or thirty seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

   (C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

   (D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 11

INDUSTRIAL

11.01 USE REGULATIONS

1. Permitted Uses:

(A) Any use permitted in Class "A" and "B" Residence District or a Business or Agricultural or Commercial and Light Manufacturing District.

(B) A quarry, sand or gravel pit, borrow pit or excavation for the purpose of removing stone, sand, gravel, filling material or top soil for sale, will be permitted in the INDUSTRIAL DISTRICT, provided that the following regulations are complied with:

(1) Before such use may be made of any premises, it shall be first necessary to obtain a permit from the Town Building Inspector and to pay therefore a fee of seventy five dollars ($75.00). Ten percent (10%) of such fee shall be the Building Inspector's fee. Thereafter, a yearly fee of ten dollars ($10.00) shall be paid for each year that the operation is carried on.

(2) No permit shall be issued by the Building Inspector until the following provisions have been complied with:

(a) The site and location for such use must be approved by the Town Park Commission.

(b) The plan of proposed operations must be submitted to the Town Park Commission for approval.

(c) The plans for restoring the premises to a suitable condition after such use has been made of the premises must be submitted and approved by the Town Park Commission.

(d) The future development of the surrounding area must at all times be kept in mind and considered before any plans are approved.

(e) The site, location, and plans must be approved by the Town Park Commission and recommended to the Town Board.

(f) A bond in an amount sufficient to insure the restoration of the premises in accordance with the plans submitted and approved

must be furnished to the Town Board.

(g) A contractual agreement shall be entered into with the Town Board, wherein the items required herein shall be set forth in detail before a permit be issued.

(3) The yearly fee shall be paid to the Building Inspector thirty (30) days before expiration of the operation year, and at the time of filing of said yearly fee, a detailed report on the past years operations shall be filed, including in detail, the size of the bank and depth of the operation and the area in which the removal has taken place. It shall be the duty of the Building Inspector to inspect the said premises and the yearly fee shall be for his duties, and to make his report to the Town Board on said Inspection.

(4) The Town Board of the Town of Germantown, after receiving the report of the Building Inspector, shall issue the yearly renewal permit.

(C) Any other commercial or industrial use except those listed below:

(1) Cement, lime, gypsum, or plaster of Paris manufacture.

(2) Acid manufacture.

(3) Manufacture of explosives but not including the making of small ammunition (arms).

(4) Storage of explosives.

(5) Fertilizer manufacture.

(6) Glue manufacture, fat rendering or distillation of bones.

(7) Offal or dead animal reduction.

(8) Stockyards or slaughter of animals.

(9) Junk and auto wrecking yards.

(D) Any use permitted under this District shall require an Occupancy and Use Permit and the same shall outline the use in detail. In the event of a change of said use after a permit has been issued, a permit must first be secured from the Building Inspector certifying that the intended use complies with the provisions of this

Ordinance.

11.02 BUILDING LOCATIONS

1. Setback: One hundred (100) feet from the center of roadway.

2. Offset: Ten (10) feet minimum, except that where a lot abuts on a district boundary line of a more restrictive district permitting residence use, the following regulation shall apply:

   (A) Buildings or uses permitted in the more restrictive district shall comply with the offset requirements of the more restrictive district.

   (B) Buildings or uses not permitted in the more restrictive district shall provide a two hundred (200) foot minimum offset and shall be screened from the more restrictive district by a planting screen at least six (6) feet high and fifteen (15) feet in width.

11.03 HEIGHT REGULATIONS

1. Principal Building: Sixty (60) feet maximum.

2. Accessory Building: Sixty (60) feet maximum.

11.04 AREA REGULATIONS

1. Floor Area: Minimum required - none, excepting residence shall comply with Class "B" Residential Requirements.

2. Lot Size:

   (A) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

   (B) Minimum average width - One hundred fifty (150) feet.

3. Open Space: No requirement, except Residence fifteen thousand (15,000) square feet.

4. Garages:

   (A) Garages Required: All new dwelling projects shall include either an attached or detached garage; which shall be completed with said building project.

   (B) Garages and Accessory Buildings - Floor Area: The maximum floor area for any garage or accessory building in a residential area shall be no more than seven

hundred and eighty (780) square feet with a maximum length or width of twenty eight (28) feet.

5. Fences - Walls - Hedges:

(A) No person shall construct or alter any fence or wall in any residential area unless first approved by the Town Building Inspector.

(B) Any fence or wall of any design shall be a minimum of four (4) feet from any lot line or thirty-seven (37) feet from the center of the road. No fence or wall shall be more than six (6) feet in height.

(C) No fence, wall, or hedge shall be located where they will block the view of any arterial or intersection.

(D) Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00).

SECTION 12

BOARD OF APPEALS

12.01 ESTABLISHMENT

There shall be a Board of Appeals consisting of five (5) members appointed by the Town Chairman, subject to confirmation by the entire Town Board for terms of three (3) years, except that of these appointed one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The members of the Board shall serve at such compensation as may be fixed by ordinance and shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one of the members Chairman. The Town Clerk shall serve as Secretary of the Board at such compensation as may be fixed by ordinance, but shall not have the power to vote. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Town Chairman may appoint, for a term of three (3) years, an alternate member of such Board, in addition to the five (5) members above provided for, who shall act, with full power only above provisions with regard to removal and filling of vacancies shall apply to such alternate.

12.02 MEETINGS

The Board shall adopt rules governing its procedure consistent with the terms of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the Office of the Board and shall be a public record.

12.03 APPEALS

1. How Filed: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, Board, or bureau of the Town of Germantown affected by any decision of the Town Building Inspector. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Town Building Inspector and with the Board of Appeals a notice accompanied by a fee in an amount of one hundred twenty five dollars ($125.00) which shall be paid at the time of filing of the notice of appeal. The Town Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

2. Stay: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the

notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of Record on application, on notice to the officer from whom the appeal is taken and on cause shown.

3. Hearing: The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

12.04 POWERS

1. Defined: The Board of Appeals shall have the following powers:

(A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

(B) To hear and decide special exceptions to the terms of this ordinance upon which such board is required to pass under this ordinance.

(C) To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship so that the spirit of this ordinance shall be observed, public safety, and welfare secured, and substantial justice done.

2. Additional Requirements: In making its determination the Board shall consider whether the proposed exception, variance, or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of physical, social, or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance, and operation (in addition to any which may be stipulated in this ordinance) as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

3. Performance Standards: In order to reach a fair and objective decision the Board may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.

4. Enforcement of Decisions: In exercising the above mentioned powers, such Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may

modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeals taken, and may issue or direct the issue of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of re-zoning.

5. Required Vote: The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation therefrom. The grounds of every such determination shall be stated.

6. Further Appeal: Any person or persons, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Town, may appeal from a decision of the Board of Appeals, within thirty (30) days after the filing of the decision in the office of the Board of Appeals in the manner provided in Section 62.23 sub-section 7 (E) of the Wisconsin Statutes.

SECTION 13

CHANGES AND AMENDMENTS

13.01 AUTHORITY

The Town Board of the Town of Germantown may, as provided in the statutes from time to time, amend, supplement, or change the boundaries of districts or the provisions of this ordinance.

13.02 PROCEDURE

1. Filing of Petitions: All petitions for any change in the text map of the Zoning Ordinance submitted by any person or agency other than the Town Board or the Town Planning Commission shall be prepared in triplicate on printed forms provided for the purpose by the Building Inspector. Such petition shall be filed with the Town Clerk along with either the original or the duplicate of a receipt of the Town Treasurer or Town Clerk showing the payment of a fee of one hundred twenty five dollars ($125.00) to defray the cost of advertising, investigations, and possible changes in the text or map of the Zoning Ordinance. The Town Clerk shall transmit copies of such petition to the Secretary of the Planning Commission for investigation and report to the Town Board.

2. Data Required: In addition to all information required on the petition form, the petitioner shall supply the following:

(A) A plot map in triplicate drawn to a scale of not less than one hundred (100) feet to the inch showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land, and the principal use of all properties within three hundred (300) feet of such land.

(B) The names and addresses of the owners of all properties within three hundred (300) feet of any part of the land included in the proposed change.

(C) Any further information which may be required by the Planning Commission to facilitate the making of a comprehensive report to the Town Board, including a detailed description of the intended new use.

3. Referral: The Town Clerk shall transmit copies of such petition to the Town Planning Commission for action within sixty (60) days of the receipt of such petition.

4. Hearing:

(A) Upon receipt of the petition the Town Planning Commission shall hold a public hearing thereon after proper publication.

(B) After determination by the Planning Commission, they shall submit their recommendations to the Town Board for consideration.

(C) When any proposed change includes a change in the district classification of any property, one of the notices shall be posted in the vicinity of such change and the Town Clerk shall mail notices of the public hearing to the owners of all lands within three hundred (300) feet of any part of the land included in such proposed change at least ten (10) days before such public hearing. The failure of such notice to reach any property owner, provided such failure be not intentional, shall not invalidate any zoning ordinance.

5. Two-thirds (2/3) Vote in Case of Protest: In case of protest against such change duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed amendment, supplement or change, or by the owners of twenty percent (20%) or more of the area of land immediately adjacent and extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land or in the event that such change is contrary to the recommendation, supplement or change shall require a two-thirds (2/3) vote of the Town Board.

SECTION 14

PLANNING COMMISSION

14.01 CREATION

Town Planning Commission is hereby established, to consist of the Town Chairman, who shall be its presiding officer, a Town Supervisor, and three (3) citizens and until such time as the Town has a Town Engineer, or a Park Board, two (2) additional citizen members so that the Board has at all times seven (7) members. Citizen members shall be persons of recognized experience and qualifications. They shall receive such compensation as fixed by ordinance, for services on the Commission. The Town Supervisor member of the Commission shall be elected by the Town Board upon the creation of the Commission and during each April thereafter. The three (3) citizen members shall be appointed by the Town Chairman, upon the creation of the Commission, to hold office for a period ending one (1), two (2), and three (3) years, respectively, from the succeeding first day of May and thereafter annually during April, one such member shall be appointed for a term of three (3) years. The additional citizen members, if any shall be appointed to hold office for a period ending one (1) year from the succeeding first day of May and thereafter annually during the month of April. When a Park Board, is created, or a Town Engineer appointed, the president of such board or such engineer shall succeed to a place on the said board when the term of an additional citizen member shall expire.

14.02 EXPENSES

The Town Planning Commission shall have power and authority to employ experts and a staff, and to pay their wages and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the Town Board, or place at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board.

14.03 RULES OF PROCEDURE

The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

14.04 MASTER PLAN

It shall be the function and duty of the Commission to make and adopt a master plan and from time to time amend, extend, or add to the master plan as provided in Section 62.23, subsection (2), of the Wisconsin Statutes.

14.05 MISCELLANEOUS POWERS OF THE COMMISSION

The Commission may make reports and recommendations relating to the plan and development of

the Town, to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the Town Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

14.06 MATTERS REFERRED TO TOWN PLANNING COMMISSION

The Town Board shall refer to the Planning Commission for its consideration and report before a final action is taken by it in the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alterations, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment, or authorization for any public utility whether publicly or privately owned; all plats of land in the Town or within the territory over which the Town is given platting jurisdiction by Chapter 236 of the Revised Statutes of the State of Wisconsin; the location, character and extent or acquisition, leasing or sale of lands for public and semi-public housing, slum clearance, relief or congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within thirty (30) days, or such longer period as may be stipulated by the Town Board, the Town Board may take final action without it.

SECTION 15

BOUNDARIES OF DISTRICTS

15.01 RULES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. The district boundaries are either streets, highways, alleys, or lot lines unless otherwise shown by a specific distance figures, and where the districts designated on the map are bounded approximately by street, highway, alley or lot lines, said street, highway, alley or said lot line, respectively, shall be construed to be the boundary of such district.

2. Where the district boundaries are neither streets, highways, alleys or lot lines, unless otherwise clearly indicated on the zoning map, they shall be determined by use of the scale on said zoning map.

3. Unless otherwise specifically designated, the width of the business district along the several highways as established by this ordinance, shall be three hundred (300) feet from established boundary of said highway as so established by ordinance of the County Board of Washington County, determining the established width of such highway, and, if no such width has been established, then from the actual boundary of the highway as laid out.

SECTION 16

CERTIFICATE OF OCCUPANCY

16.01 CERTIFICATE OF OCCUPANCY REQUIRED

No vacant land shall be used or occupied and no building hereafter erected or structurally altered shall be used or occupied except for agricultural purposes until a certificate of occupancy shall have been issued by the Town Building Inspector stating that the proposed use thereof complies with the provisions of this ordinance. A like certificate shall be obtained before any non-conforming use is resumed, changed, or extended.

16.02 APPLICATION FOR:

A certificate of occupancy shall be applied for co-incident with the application for a building permit, and shall be accompanied by a statement by the applicant of the intended use of the premises or building. No building permit under the building code shall be issued unless the building or structure to be erected, altered or repaired and the intended use thereof, conform to the requirements of this ordinance. Within ten (10) days after the notification of the completion of the erected, alteration, or repair of the building structure, the Building Inspector shall make an inspection of the building or premises and shall then issue an occupancy permit if the building and the intended use thereof comply with the requirements of this ordinance.

SECTION 17

SUBDIVISIONS

17.01 SUBMIT PLATS

A proposed subdivisions or plat therefore, submitted to the Town Board for approval shall be presented to the Planning Commission for inspection and recommendation as to the zoning thereof before acceptance by the Town Board, and shall be subject to the regulation set on and in the Subdivision Ordinance of the Town of Germantown. A subdivision fee of fifteen dollars ($15.00) per acre per subdivision will be charged.

17.02 TOWN ROADS

1. The sub-divider or owner desiring acceptance of a town road shall first submit profiles and obtain approval of the established grades on all of the proposed roads prior to proceeding with any grading operation.

2. The sub-divider or owner shall install culverts for all driveways and such other culverts across the roadway as may be required by the Town Board; the same to be of such size and material and placed in such locations as shall be approved by the Town Board.

3. All town roads shall have a minimum width of sixty six (66) feet, and wherever a cul-de-sac is approved the same shall have a diameter of not less than one hundred (100) feet.

4. All town roads shall be rough graded with shoulders and ditches as shall be required by the Town Board.

5. All town roads shall have a roadbed thirty six (36) feet wide from shoulder to shoulder upon which there shall be constructed a travel portion twenty four (24) feet wide constructed of nine (9) inches of crushed gravel passing through a three quarter (3/4) inch screen.

6. The twenty four (24) foot roadway shall be surfaced with a matrix of blacktop surfacing according to the specifications prescribed by the Town Board.

7. The sub-divider or owner shall install such matrix of blacktop surfacing prior to the acceptance of the plat or in lieu thereof shall deposit with the Town Treasurer a sum of money determined by the Town Board to be reasonably required to have such blacktop matrix installed by the Town within one (1) year after the acceptance of such roadway.

8. Upon the acceptance of the dedication of any town road the sub-divider or owner shall deposit with the Town Treasurer a sum (to be decided by the Town Board) per lineal foot

of such road to be held by the Town Treasurer as a reserve fund to pay for repairing any defects in such blacktop surfacing within one (1) year after the installation thereof. At the expiration of such one (1) year period the sub-divider or owner shall be given an accounting of this fund and any balance remaining unexpended shall be refunded to such sub-divider or owner. The decision of the Town Board as to the requirement for repairs or the amount of such repairs shall be final.

9. The sub-divider or owner proposing to dedicate a town road shall provide additional amounts of road gravel passing through a three quarter (3/4) inch screen for the shoulders of the highway to create a uniform feathered grade from the edge of the blacktop surfacing to the crown of the shoulders. In the event this cannot be done before the road is accepted a sum of money sufficient to provide such road gravel, as determined by the Town Board, shall be deposited by the sub-divider or owner with the Town Treasurer.

10. Adequate provision shall be made for ingress and egress of property owners in the vicinity of such proposed new roads through the dedication of stub roads as required by the Town Board. Such stub roads to be constructed in the same manner as any other town road.

SECTION 18

NON-CONFORMING USES

18.01 NON-CONFORMING USES PERMITTED

The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but such non-conforming use shall not be extended.

18.02 CHANGES IN NON-CONFORMING USES

If no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

18.03 DISCONTINUANCE OF NON-CONFORMING USE

If a non-conforming use of a building or premise is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located, except in the case when the non-conforming use is for Agricultural purposes.

18.04 REMOVAL OR DESTRUCTION ON NON-CONFORMING BUILDINGS

When a building containing a non-conforming use is removed or is damaged by fire, explosion, act of God, or the public enemy to the extent of more than seventy five percent (75%) of its current fair value, it shall not be restored, except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any non-conforming use shall not during its life, exceed fifty percent (50%) of the fair current value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use. In cases of extreme hardship, or unusual circumstances, the Board of Appeals may, upon application therefore, after due hearing, authorize deviation therefrom.

SECTION 19

PUBLIC HEARING

19.01 PURPOSE

In order that owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Ordinance.

19.02 PROCEDURE

1. Posting and Publishing:

   (A) Except as may be otherwise herein specifically provided, such notices shall be given not less than fifteen (15) days prior to date of such hearing, by posting such notice in at least three (3) public places in said Town.

   (B) When the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, one of the notices shall be posted in the vicinity of such proposed change or conditional use in here practical and the Town Clerk shall mail notice of public hearing to the owners of all lands within three hundred (300) feet of any part of the land included in such proposed change or conditional use at least ten (10) days before such public hearing. The failure of such notice to reach any property owner provided the failure be not intentional, shall not invalidate any amending ordinance or grant of conditional use.

2. Information: Such notice shall state the time and place of such public hearing and the purpose for which the hearing is held.

3. Filing: Where such hearing is required by the provisions of this Ordinance as a result of a request for other than a zoning change, such request shall be presented to the Town Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee of one hundred dollars ($100.00) payable to the Town, to defray the cost of notification and holding of a public hearing.

SECTION 20

ENFORCEMENT AND PENALTIES

20.01 ENFORCEMENT OFFICER

1. Building Inspector Designated: The Building Inspector is hereby designated as the enforcement officer for the provisions of this ordinance under the direction of the Town Board of the Town of Germantown.

2. Duties: In the enforcement of said ordinance the Building Inspector shall perform the following duties:

(A) Issue the necessary building and occupancy permits provided the provisions of this ordinance and the Building Code have been complied with.

(B) Keep an accurate record of all permits, numbered in the order of issuance in a record book provided by the Town for this purpose.

3. Authority: In the enforcement of said ordinance the Building Inspector shall have the power and authority for the following:

(A) At any reasonable time, and for any proper purpose to enter upon any public or private premises and make inspection thereof.

(B) Upon reasonable cause or questions as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this ordinance, such revocation to be in effect until re-instated by the Building Inspector or the Board of Appeals.

(C) In the name of the Town commenced any legal proceedings necessary to enforce the provisions of this ordinance or the building code including the collection of forfeitures provided for herein.

20.02 VIOLATIONS

1. Penalties: Any person, firm, company or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a forfeiture of not less than ten dollars ($10.00) and not to exceed the sum of two hundred dollars ($200.00) for each offense, together with the cost of the action, and in default of the payment thereof, shall be imprisoned in the County Jail of Washington County, for a period of not to exceed six (6) months or until such forfeiture and the subsequent

costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.

2. Enforcement by Injunction: Compliance with the provisions of ordinance may also be enforced by injunctional order at the suit of the Town, or one or more owners of real estate situated within an area affected by the regulations of this ordinance.

3. Declared Nuisances: Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the Town of Germantown may apply to any court of competent jurisdiction to restrain or abate such nuisance.

SECTION 21

ZONING ADMINISTRATOR

21.01 ZONING ADMINISTRATOR

1. Zoning Administrator: Appointment Term: There is hereby created the office of Zoning Administrator of the Town of Germantown. The Zoning Administrator shall be appointed by the Town Board, and his term of office shall be for a term of two (2) years to run concurrent with the term of office of the elected Town Board, and the duly appointed Zoning Administrator shall continue in office with his successor as duly appointed. The Zoning Administrator may be removed from office at the discretion of the Town Board.

2. Zoning Administrator: Duties: It shall be the duty of the Zoning Administrator to:

(A) Keep all Zoning Ordinances up to date.
(B) Arrange for drafting of New Ordinances.
(C) Arrange for drafting of Zoning Amendments.
(D) Arrange for Public Hearings.
(E) Arrange for Appeals.
(F) Arrange for Zoning Change Requests.
(G) Check with Inspectors for Zoning Violations.

3. Per Diem and Mileage: Per Diem and Mileage shall be set by the Town Board at such time the Zoning Administrator is appointed by the Town Board.

4. Severability of Provisions: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Ordinance. The Town Board of the Town of Germantown hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases thereof may be declared invalid or unconstitutional.

SECTION 22

VALIDITY

22.01 REPEAL OF CONFLICTING ORDINANCES

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

22.02 DECLARATION OF SEVERABILITY

The several sections, sub-sections, and paragraphs of this ordinance are hereby declared to be severable. If any section, sub-section, paragraph, or sub-paragraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the other provisions of the ordinance, or of the section which the invalid portion or paragraph may be a part.

22.03 EFFECTIVE DATE

The ordinance shall be in full force and effect upon passage and publication by the Town Board, said publication to consist of posting three (3) copies thereof in three (3) public places in the Town of Germantown.

Passed and Adopted by the Town Board of the Town of Germantown, Washington County, Wisconsin, this 19 day of September, A.D., 1958.

PETITION #21

TO THE WASHINGTON COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Town Board of the Town of Germantown, Washington County, Wisconsin, on the 19th day of September, 1958, adopted a Zoning Ordinance for the Town of Germantown; and

WHEREAS, said Zoning Ordinance was approved by the County Board of Washington County, Wisconsin, on the 22nd day of September, 1958; and

WHEREAS, the Town Board of the Town of Germantown, after public hearing, and upon recommendation of the Planning Commission of the Town deems it desirable for said Town to amend it's Zoning Ordinance and on the 6th day of August, 1979, duly passed an Ordinance amending various sections of the Zoning Ordinance attached hereto and identified as Exhibit A and made a part of this Petition.

WHEREAS, the approval of the Washington County Board of Supervisors is necessary to make effective amendments to the Zoning Ordinance of the Town of Germantown.

NOW, THEREFORE, the Town Board of the Town of Germantown respectfully petitions the County Board of Supervisors of Washington County, Wisconsin, to approve the amendment above referred to and set forth in the Ordinance attached hereto and made a part of this Petition.

Dated: August 23, 1979

A
Accessory Building (see also under district)
  Defined
  Offset
Accessory Use (general regulations)
Acid Manufacture
Agricultural District
Airports (conditional use)
Amendments
Ammunition (manufacture of)
Amusement Places
Animal Hospitals
Animal Reduction or rendering
Apartment (defined)
Appeals
Area Regulations (see also under each district)
Automobile Service Stations
Automobile Sales Rooms
Automobile Repair Shops

B
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Barns
Basement (defined)
Billboard (see signs)
Boarding House (defined)
Board of Appeals
Boundaries, District
  General
  Conservancy
  Of districts
Building (see under each district for uses, location, height, and area regulations)
  Definitions
Building Code
Building Inspector
Building Location (see also under each district)
Building Permit
  Application for
  Required
  Height (defined)
Building, Public
  Defined
  Permitted

Building Setback
Business Districts
Local
Height (defined)

C
Cement Manufacture
Cemeteries
Changes and Amendments
Clothing Store
Cold Storage Plant
Colleges
Commercial and Light Manufacturing District
Compliance
Condenseries
Conservancy District
Boundaries
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Drainage
Conservancy
Creameries
Crops
Wild
Farm
Conflicting Ordinances

D
Dairying
Dairies
Damming
Drainage
Definitions
District
Defined
Established
Drainage
General
Adverse effect on
Drainage Channel
Drop Forges
Dry Cleaning Establishment

Dust Control
  Agricultural
  Parking Areas
  Business District
Dwelling (defined)

E
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  Farm
Enforcement and Penalties
Explosive Manufacturing and Storage

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Farm/Farming
  Definitions
  Permitted
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  Height Exception
  Special Offsets
Farm Employees Quarters (see also site regulations)
Farm, Fur
  Defined
  Permitted
Farm, Pig
  Defined
  Permitted
Farm, Poultry
  Defined
  Permitted
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  Zoning Change
  Other Hearings
Fertilizer Manufacture
Filling
  Drainage Channel
  Marsh Lands
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Fishing
Floor Area (see also under each district)
Forestry, Sustained Yield

Defined
Permitted
Funeral Home
Furniture Store

G
Garage
Definitions
Private Permitted
Storage Permitted
General Provisions
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Grade, Established Street
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Grazing
Greenhouses
Gypsum Manufacture

H
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Fowl
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Defined
Setbacks
Home Occupation
Defined
Permitted
Hotel
Defined
Permitted
Household Employees
Household Pets
Hunting
Hutches
Hydro-Electric Power Stations
Illumination, Light
Auto Service Station

Off street Parking
Signs

I
Industrial Districts
Commercial and Light Manufacturing
Industrial

J
Jewelry Store
Junk Yards

K
Kennels
Defined
Prohibited

L
Laundry
Legal Non-Conforming Uses
Defined
Discontinuance
General
Existing Use Permit
Lighting (see illumination)
Lime Manufacture
Livestock
Permitted
Local Business District
Locker Plant
Lodging House (defined)
Lot (defined)
Lot Area (defined)
Lot lines (defined)
Lot width
Lot Size (see also under each district)

M
Map, Zoning
Mausoleums
Minimum Average Width of Lot
Motels
Defined

Permitted
Multiple Family Structures/Dwellings
Permitted

N
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Noise Control
Agricultural District
Local Business District
Nuisances
Signs
Declaration
Nurseries

O
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Odor control
Local Business District
Industrial
Offset (see also under each district defined)
Defined
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Off-street Loading
Off-Street Parking
Screening
One-Family Dwelling
Defined
Permitted
Open Space Requirements (see under each district)
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Outdoor Theater
Outhouse or Privy

P
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Pea Vineries
Penalties
Petition for Changes and Amendments
Pets
Permits
Building

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Plaster of Paris Manufacture
Posting and Publishing Hearings
Poultry, Poultry Houses
Powers
Preservation of Topography
Principal Building (see also under each district)
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Private Club
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Defined
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Substandard Lot
Changes and Amendments
General
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Operations
Defined
Permit Requirements

R
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Rendering

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Restoration
  Non-conforming Use
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Schools
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Servants Quarters
Service Stations
  Automobile
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  Defined
  General
  Signs
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Sewage Disposal
Signs (see also under each district)
  Defined
  In Setback area
  General
Site Regulations
Slaughter of Animals
Smoke Control
  Agricultural District
  Business District
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  Defined
  Permitted
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Storage of Explosives
Story (defined)

Street (defined)
Street Grade
Street Line (defined)
Structure
  Defined
  Undesirable
Structural Alteration (defined)
Subdivision
Sustained Yield Forestry
  Defined
  Permitted

T
Tailor Shop
Take-off Strips
Tanneries
Telephone and Telegraph
  Transmission Lines
  Offices
Temporary Structure (defined)
Theaters
Theaters, Outdoor
Topography, Preservation of
Topsoil, Removal/Conservancy
Tourist Home
  Defined
  Permitted
Trailers/Trailer Camp
  Defined
  Permanent Habitation Prohibited
Truck Farming
Truck Parking

U
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Use (see also under each district)
  Regulations
  Unclassified
  Restricted
  Legal non-conforming
Utility Company Office

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Violations

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  Required
Water Courses
Wild Crop
Wrecking Yards (auto)

Y
Yard (defined)

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  District Boundaries

ORDINANCE 03-96-12-09

ORDINANCE

Ordinance to amend various provisions of the Zoning Regulations of the Town of Germantown.

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.03 (1) of Ordinance 0-6-58 is amended to increase the fee for an appeal to the Board of Appeals to $125.00.

Section 2. Section 13.02 (1) is amended to increase the fee for a Petition for Rezoning to $125.00.

Section 3. This Ordinance shall take effect the day after proof of posting the same in three (3) public places in the Town has been filed with the Town Clerk.

Passed and adopted by the Town of Germantown, Washington County, Wisconsin, this 9th day of December, 1996.

Paul Metz

Paul Metz, Chairman

Dale Dhein

Dale Dhein, Supervisor

Mike Hug

Mike Hug, Supervisor

Attest: 12-9-96

Joyce Dhein

Joyce Dhein, Clerk

Ordinance No. 1-00-4-10

The Town Board of the Town of Germantown, Washington County does ordain as follows:

1. ADOPTION.
This ordinance adopts by reference Wisconsin Statute Sec. 70.47 (7) (af). Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35 (1) of Wis. Statutes.

2. EXCEPTIONS.
An officer may make disclosure of such information under the following circumstances:

A. The assessor has access to such information in the performance of his/her duties.
B. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
C. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
D. The officer is complying with a court order;
E. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

3. SEVERABILITY.
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

4. EFFECTIVE DATE.
This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law.

Passed on the 10th day of April, 2000.

By the Town Board of the Town of Germantown

Paul Mitz
Town Chairperson

Attested by:

Joyce B. Ahern
Town Clerk

Ordinance: 01-01-03-12

Ordinance amending the Per Diem Compensation for various board members and other fees:

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Daily Compensation for the members of the following boards, be amended to read:

Daily Compensation Fees for Each Board Member:

MEMBER		FEE
(1)	Planning Commission	$20.00
(2)	Zoning Board of Appeals (regardless of the number of hearings held)	$20.00
(3)	Board of Audit	$20.00
(4)	Board of Review	$20.00
(5)	Election Workers	$ 6.00 (per hour)
(6)	Ancillary Workers	$12.00 (per hour)

Section 2. The fee for conducting public hearings not provided for by the ordinances will be $125.00.

Section 3. All other ordinances, or resolutions in conflict with this Ordinance are repealed.

Section 4. This Ordinance shall take effect the day after proof of posting the same in three (3) public places in the Town has been filed with the Town Clerk.

Passed and adopted by the Town of Germantown, Washington County, Wisconsin, this 12th day of March, 2001.

Paul Metz

Paul Metz, Chairman

Dale Dhein

Dale Dhein, Supervisor

Charles L. Schmit

Charles Schmit, Supervisor

Attest: 3-12-01

Joyce Dhein

Joyce Dhein, Clerk

ORDINANCE 01-03-07-14

An Ordinance to amend the Ordinance Number 0-6-58 to change **SECTION'S 6.04, 7.04, 8.04, 9.04, 10.04,** and **11.04** in Ordinance Number 03-04-68-01, known as the Zoning Ordinance, of the Town of Germantown, Washington County, with respect to the minimum lot size in District "A" Residence and "B" Residence, Agricultural Districts, local Business Districts, Commercial and Light Industrial Districts and Industrial Districts.

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following modifications are made and amended as follows:

A. **6.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

B. **7.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

C. **8.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

D. **9.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

E. **10.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

F. **11.04 - 2. Lot Size:**

(a.) Minimum - 130,680 square feet (3 acres), exclusive of roadway.

Passed and adopted by the Town of Germantown, Washington County, Wisconsin, this 14th **day of** July, 2003.

Paul Metz, Chairman

Dale Dhein, Supervisor

James Arens Jr., Supervisor

Attest:

Joyce Dhein, Clerk

Adopted: 7-14-03
Posted 7-15-03
Proof of Posting filed and recorded 7-15-03

Ordinance: 01 04 01 12

Ordinance addressing Mileage Reimbursement for various board members:

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Mileage reimbursement for members of the following boards:

MEMBER

(1) Town Board
(2) Planning Commission
(3) Board of Audit
(4) Board of Review
(5) Election Workers
(6) Ancillary Workers

Section 2. Mileage reimbursement for the following town business:

(1) Bank
(2) Post Office
(3) Monitoring of Town roads
(4) Other Town business the Town Board deems appropriate

Section 3. Mileage submissio:

(1) Mileage reimbursement requests should be submitted to the Treasurer monthly
(2) The request should contain the following information:

    (A) Date of travel
    (B) Location of departure and destination
    (C) Mileage
    (D) Reason for travel

Section 4. Mileage reimbursement will reflect the IRS standard business rate (currently 37.5 cents per mile for 2004)

Passed and adopted by the Town of Germantown, Washington County, Wisconsin, this 12th day of January, 2004.

Paul Metz

Paul Metz, Chairman

Dale G. Dhein

Dale G. Dhein, Supervisor

James R. Arens Jr.

James Arens, Jr., Supervisor

Attest: 1/12/04

Joyce Dhein

Joyce Dhein, Clerk

ORDINANCE: 01-05-04-11

An Ordinance to amend Ordinance number 02-02-04-08 regarding posting and publication notice.

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. The Town Clerk shall, pursuant to Wisconsin Statute Sections 60.45 and 985.02, post notices in the following manner:

(A) Notices shall be posted in at least the following three places:

1. Germantown Town Office N142 W21828 Marquette Road, Richfield, WI.

2. N132 W17711 Rockfield Road, Richfield, WI.

3. Riteway Bus Company W201 N13900 Fond du Lac Avenue, Richfield, WI.

Section 2. Notices required by law to be published and such other notices as the Town Board or Town Plan Commission may direct to be published shall be published in the Germantown Press, a newspaper having general circulation in the Town and eligible to publish legal notices.

Section 3. This Ordinance shall take effect the day after proof of posting in the three (3) public places in the Town of Germantown, and when it has been filed and recorded with the Town Clerk.

Paul Metz

Paul Metz, Chairman

Dale G. Dhein

Dale G. Dhein, Supervisor

James R. Arens Jr.

James Arens, Jr., Supervisor

Attest:

Joyce Dhein

Joyce Dhein, Clerk

Adopted: April 11, 2005
Posted: April 12, 2005
Proof of Posting filed and recorded: April12, 2005

ORDINANCE FOR NON-METALLIC MINING RECLAMATION

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ORDINANCE # 02·07 08·13

AN ORDINANCE FOR NON-METALLIC MINING RECLAMATION IN THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section A. NON-METALLIC MINING RECLAMATION REGULATIONS. Section 1 thru Section 33 is created as follows:

ORDINANCE FOR NON-METALLIC MINING RECLAMATION

PART 1 - GENERAL

SECTION 1 **1.00 TITLE**. Nonmetallic mining reclamation ordinance for the Town of Germantown.

SECTION 2 **2.00 PURPOSE**. The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the Town of Germantown after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

SECTION 3 **3.00 STATUTORY AUTHORITY**. This chapter is adopted under authority of Section 295.14(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 60.22, Wisconsin Statutes.

SECTION 4 **4.00 RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY**. The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

SECTION 5 **5.00 INTERPRETATION**. In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

Note regarding Sections 4 and 5: Consistent with s. 295.12(1)(a), Stats, a Town ordinance enacted pursuant to Ch. NR 135, Wis. Adm, Code is the method of putting in place uniform statewide standards for nonmetallic mining reclamation. Once these reclamation

programs are set up, reclamation should not be required or otherwise regulated under zoning or their controls. Zoning or other approvals finalized before NR 135-authorized reclamation programs (like ones using this model ordinance as a guide) can continue, and are contemplated by s. NR 135.21(1)(d), Wis. Adm. Code. Future zoning approvals or conditional use permits may be used to regulate other aspects of nonmetallic mining such as siting or operations, but this chapter pre-empts future zoning approvals or conditional use permits as a means to establish reclamation requirements.

SECTION 6 **6.00 SEVERABILITY.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

SECTION 7 **7.00 APPLICABILITY.**

7.10 OVERALL APPLICABILITY. The requirements of this chapter apply to all nonmetallic mining sites and operators of nonmetallic mining sites within the Town of Germantown as provided in Sections NR 135.02(1) and (2), Wisconsin Administrative Code except where exempted in **sub. 7.20.**

7.20 EXEMPTIONS. This chapter does not apply to the exempt activities listed in Section NR 135.02(3), Wisconsin Administrative Code.

SECTION 8 **8.00 ADMINISTRATION.** The provisions of this chapter shall be administered by the Town of Germantown.

SECTION 9 **9.00 EFFECTIVE DATE.** The provisions of this chapter shall take effect on June 1, 2001.

SECTION 10 **10.00 DEFINITIONS.** The definitions for the purposes of this chapter are those contained in Section NR 135.03, Wisconsin Administrative Code.

PART II-STANDARDS

SECTION 11 **11.00 STANDARDS.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained in SubchapterII of Chapter NR 135, Wisconsin Administrative Code.

PART III – PERMITTING

SECTION 12 **12.00 NONMETALLIC MINING RECLAMATION PERMIT APPLICATION**

12.10 REQUIRED SUBMITTAL. The operator of all nonmetallic mining sites that operate on or after August 1, 2001 shall apply for a reclamation permit from the Town of Germantown. All reclamation permit applications under this section shall be accompanied by the information required by Section NR 135.18(3), Wisconsin Administrative Code.

12.20 EXISTING MINES. The operator of any existing nonmetallic mine shall apply for an automatic reclamation permit from the Town of Germantown providing the information required by Section NR 135.18(1), Wisconsin Administrative Code and the submittals required under **sub. 12.10** no later than August 1, 2001, to Town of Germantown Town Clerk.

12.30 NEW MINES. The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining that will begin operations after August 1, 2001 or which has not applied for an automatic reclamation permit pursuant to **sub. 12.20** shall submit an application that meets the requirements of Sections NR 135.18(2), Wisconsin Administrative Code and the submittals required under **sub. 12.10** to the Town of Germantown Town Clerk prior to beginning operations. This application shall be accompanied by a plan review fee as specified in **sub. 26**.

Section 13 **13.00 RECLAMATION PLAN.**

13.10 RECLAMATION PLAN REQUIREMENTS. All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the requirements of Section NR 135.19, Wisconsin Administrative Code.

13.20 EXISTING MINES. The operator of any nonmetallic mining site that submits and automatic permit application in conformance with **sub 12.20** shall submit the reclamation plan required by **sub. 13.10.** The date as determined by the Town of Germantown after said application has been received based on consideration of:

1. The time needed for the mine operator to prepare the reclamation plan or amend an existing plan,

2. The needs of the Town of Germantown to distribute workload in reviewing reclamation plans, and

3. Other relevant factors

no later than three (3) years after submittal.

Note: The above options are presented to give the Town maximum flexibility in scheduling its evaluation of follow-up submittals by mines issued automatic reclamation permits. Other approaches may be also be chosen by a county or municipality to meet its obligation, under s.NR 135.21(1)(f), Wis. Adm. Code, to act on complete follow-up submittals within 30 days of receiving them. In exercising this scheduling discretion, however, a county or municipality needs to comply with the requirement in s. 295.12(3)(dm), Stats, that the follow-up submittals must be provided between one and 3 years after the date of application for the automatic permit.

13.30 NEW MINES. The operator of any nonmetallic mining site that applies for a permit in conformance with **sub. 12.30** shall submit the reclamation plan required by **sub. 13. 10** with its application for a reclamation permit.

13.40 EXISTING PLANS AND APPROVALS. To avoid duplication of effort, the reclamation plan required by **sub. 13.10** may, be reference, incorporate existing plans or materials that meet the requirements of this chapter. Previous approvals for nonmetallic mining sites that apply in accordance with **sub. 12.20** shall satisfy the requirements of **sub. 13.10** if they meet the requirements of Section NR 135.21(1)(d), Wisconsin Administrative Code.

13.50 APPROVAL OF RECLAMATION PLAN. The Town of Germantown shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to **sub. 16.20** for existing mines and **sub. 16.40** for new mines. Conditional approvals of reclamation plans shall be made according to **sub. 16.70**, and denials of reclamation plans made according to **sub. 17.** The operator shall keep a copy of the reclamation plan required by this section, once approved by the Town of Germantown under this chapter, at the mine site or, if not practicable, at the operators nearest office or place of business.

SECTION 14 **14.00 FINANCIAL ASSURANCE.**

14.10 FINANCIAL ASSURANCE REQUIREMENTS. All operators of

nonmetallic mining sites in the Town of Germantown shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Section 135.40, Wisconsin Administrative Code.

14.20 EXISTING MINES. The operator of any nonmetallic mining site that submits an automatic permit application in conformance with **sub. 12.20** shall submit the financial assurance required by **sub. 14.10.** The Date as determined by the Town of Germantown after said application have been received based on consideration of:

1. The time needed for the mine operator to prepare the reclamation plan or amend an existing plan,

2. The needs of the Town of Germantown to distribute workload in reviewing reclamation plans, and

3. Other relevant factors.

No later than three (3) years after submittal.

Note: The above options are presented to give the Town maximum flexibility in scheduling its evaluation of follow-up submittals by mines issued automatic reclamation permits. Other approaches may be also be chosen by a county or municipality to meet its obligation, under s.NR 135.21(1)(f), Wis. Adm. Code, to act on complete follow-up submittals within 30 days of receiving them. In exercising this scheduling discretion, however, a county or municipality needs to comply with the requirement in s. 295.12(3)(dm), Stats, that the follow-up submittals must be provided between one and 3 years after the date of application for the automatic permit.

14.30 NEW MINES. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with **sub. 12.30** shall submit the proof of financial assurance required by **sub. 14.10** as specified in the reclamation permit issued to it under this chapter.

14.40 PUBLIC NONMETALLIC MINING. The financial assurance requirements of this section do no apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

SECTION 15 **15.00 PUBLIC NOTICE AND RIGHT OF HEARING**.

15.10 NEW MINES. The Town of Germantown shall provide public notice and the opportunity for a public informational hearing as set forth in Sections NR

135.20(1) and (2), Wisconsin Administrative Code for any nonmetallic mining site for which a complete reclamation permit application that satisfies **sub. 12.30** is received.

15.20 EXISTING MINES. No public notice or informational hearing is required on an application for a reclamation permit for an existing mine that satisfies **sub. 12.20**, except as provided in Section NR 135.20(4)(c), Wisconsin Administrative Code.

15.30 LOCAL TRANSPORTATION-RELATED MINES. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation - related mine pursuant to **sub. 16.50.**

SECTION 16 **16.00 ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT**.

16.10 PERMIT REQUIRED. Every operator of a nonmetallic mining site in the Town of Germantown who engages in or plans to engage in nonmetallic mining after September 1, 2001 shall obtain a reclamation permit issued under this section, except nonmetallic mining sites exempt form this chapter as provided in **sub. 7.20.** No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1, 2001 without a reclamation permit issued pursuant to this chapter.

16.20 AUTOMATIC PERMIT FOR EXISTING MINES. The Town of Germantown shall issue an automatic reclamation permit to the operator of any nonmetallic mining that submits an application meeting the requirements of **sub. 12.20** as set forth in Section 135.21(1), Wisconsin Administrative Code. The automatic permit shall be issued within 30 days of such application.

16.30 EVALUATION OF FOLLOW-UP SUBMITTALS FOR EXISTING MINES. Mines covered by automatic permits issued under **sub. 16.20** shall submit a reclamation plan in accordance with **sub. 13.20** and proof of financial assurance in accordance with **sub. 14.20** by the deadlines established in those subsections. Reasonable extensions to these deadlines may be granted in writing by the Town of Germantown where extenuating circumstances exist. The follow-up submittals required by this subsection shall be evaluated using the criteria and procedures in Sections NR 135.21(1)(d), (e) and (f).

16.40 PERMIT ISSUANCE FOR NEW MINES. Applications for reclamation permits for nonmetallic mining sites not permitted under **sub 16.20** that satisfy **sub. 12. 30** shall be issued a reclamation permit or otherwise acted on as provided in Section NR 135.21(2), Wisconsin Administrative Code. The permit shall

require compliance with a reclamation plan submitted by the applicant that conforms with **sub. 13.20**, and provision by the applicant of financial assurance that conforms with **sub. 14.30** payable to the Town of Germantown prior to beginning mining.

16.50 AUTOMATIC PERMIT FOR LOCAL TRANSPORTATION - RELATED MINES. The Town of Germantown shall issue an automatic permit under this subsection for any borrow site operated to provide material for a locally-administered transportation project that meets the criteria in Section NR 135.23(1)(a), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of Sections NR 135.23(1)(b) through (j), Wisconsin Administrative Code.

Note: A reclamation permit is <u>not</u> required under this subsection for nonmetallic mines sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by s.295.16(1)(c), Stats. Plan review fees may <u>not</u> be assessed for local transportation-related mines permitted under this subjection, and the county or municipality may not assess them an annual fee under s.27 that is greater than s. NR 135.23(1)(f), Wis. Adm. Code.

16.60 EXPEDITED REVIEW. Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in **sub. 26.20.** The expedited review shall be carried out according to the provisions of Section NR 135.23(2), Wisconsin Administrative Code. Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to **sub. 15.**

16.70 PERMIT CONDITIONS. Permits issued under this section may include conditions as provided in Section NR 135.21(3), Wisconsin Administrative Code. One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Section NR 135.40, Wisconsin Administrative Code.

SECTION 17 **17.00 PERMIT DENIAL**. An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Section NR135.22, Wisconsin Administrative Code exist.

SECTION 18 **18.00 ALTERNATIVE REQUIREMENTS**.

18.10 SCOPE OF ALTERNATIVE REQUIREMENTS APPROVAL. An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in **sub. 11.00.** Such a request may be made only

on the basis of the criteria set forth in Section NR 135.26(1), Wisconsin Administrative Code.

18.20 PROCEDURES. The operator of a non metallic mining site requesting an alternative requirement in **sub. 18.10** shall demonstrate all the criteria in Section NR 135.26(1), Wisconsin Administrative Code. This shall be submitted in writing to Town of Germantown Town Clerk.

Criteria Review and recommendation shall be completed by the Plan Commission within 90 days of submittal and decision by the Town Board within 60 days of such recommendation.

18.30 TRANSMITTAL OF DECISION ON REQUEST FOR ALTERNATE REQUIREMENTS. The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

18.40 NOTICE TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES. The Town of Germantown shall provide notice to the Wisconsin Department of Natural Resources as provided in Section NR 135.26(3)(a), Wisconsin Administrative Code.

SECTION 19 **19.00 PERMIT DURATION.** A nonmetallic reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to **sub. 32.20**, or as limited under Section NR 135.27, Wisconsin Administrative Code where the mine operator is not the landowner.

SECTION 20 **20.00 PERMIT TRANSFER.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the conditions in Section NR 135.28, Wisconsin Administrative Code.

SECTION 21 **21.00 PREVIOUSLY PERMITTED SITES.** For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Washington County the previously-issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by Washington County pursuant to **sub. 23.10**.

SECTION 22 **22.00 REVIEW.** Any permitting decision or action made by the Town of Germantown under this chapter may be reviewed as set forth in Section NR 135.30, Wisconsin Administrative Code.

Part IV – ADMINISTRATION

SECTION 23 **23.00 PERMIT MODIFICATION**

23.10 BY Town of Germantown. A nonmetallic mining reclamation permit issued under this chapter may be modified by the Town of Germantown if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with this chapter. Such modification shall be by an order conforming with the procedures in **sub. 32** and as provided in Section NR 135.24(1), Wisconsin Administrative Code.

23.20 AT THE OPERATOR'S OPTION. If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the Town of Germantown Town Clerk. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

23.30 REQUIRED BY THE OPERATOR. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if required under the circumstances set out in Section NR 135.27, Wisconsin Administrative Code. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

23.40 REVIEW. All actions on permit modifications requested or initiated under this section are subject to review under **sub.22.**

SECTION 24 **24.00 PERMIT SUSPENSION OR REVOCATION**

24.10 GROUNDS. The Town of Germantown may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in Section NR 135.25(1), Wisconsin Administrative Code.

24.20 PROCEDURES. If the Town of Germantown finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in **sub. 24.10**, it may issue a special order suspending or revoking such permit as set forth in **sub. 32.20.**

24.30 CONSEQUENCES. The consequences of a reclamation permit suspension or revocation order under **sub. 24.20** shall be as set forth in Sections NR 135.25(2) and (3), Wisconsin Administrative Code.

SECTION 25 **25.00 ANNUAL OPERATOR REPORTING.**

25.10 CONTENTS AND DEADLINE. Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Section 135.36, Wisconsin Administrative Code. These reports shall be for reclamation during a calendar year, and submitted in writing within 31 days of the end of each calendar year to the Town Clerk. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under **sub. 20.30.**

25.20 INSPECTION IN LIEU OF REPORT. The Town of Germantown may, at its discretion, obtain the information required in **sub. 25.10** by written documentation of an inspection it completes during a calendar year, as set forth in Section NR 135.36(4), Wisconsin Administrative Code.

25.30 RETENTION OF ANNUAL REPORTS. Annual reports submitted under this section or inspection records that replace them shall be retained by the Town of Germantown Town Clerk for at least 10 years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

SECTION 26 **26.00 PLAN REVIEW FEES**

26.10 AMOUNT AND APPLICABILITY. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sub. 12.30** shall submit a non-refundable plan review fee of ($500.00) Five Hundred Dollars to the Town of Germantown Town Clerk. No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of **sub. 12.20** or for any local transportation – related mine issued an automatic permit under **sub. 16.50.** A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to **sub. 23.**

26.20 EXPEDITED PLAN REVIEW FEE. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sub. 12.30** may obtain expedited reclamation plan review by paying a fee of ($1,000.00) One Thousand Dollars. Such fee shall be in addition to that required in sub. 26.10.

26.30 RELATION TO ANNUAL FEE. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under **sub. 27**.

SECTION 27 **ANNUAL FEES.**

27.10 AREAS SUBJECT TO FEES, PROCEDURES AND DEADLINES. Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter to the Town of Germantown Town Clerk. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under **sub. 27.20** and a share for the Town of Germantown under **sub. 27.30** that equals as closely as possible the costs of examination and approval on nonmetallic mining reclamation plans and the inspection of nonmetallic mining reclamation sites. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in Section NR 135.39(1), Wisconsin Administrative Code and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under **sub. 29**. Fees shall be paid no later than January 31 for the previous year's site conditions.

27.20 WISCONSIN DEPARTMENT OF NATURAL RESOURCES SHARE OF FEE. Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Section NR 135.39(3), Wisconsin Administrative Code. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be **$15.00**. The DNR's share of the annual fees shall be transferred to the department by March 31, for the previous year.

27.30 TOWN OF GERMANTOWN'S SHARE OF FEE. Fees paid under this section shall also include an annual fee due to the Town of Germantown which shall be equal to the cost of administration and inspection on an unreclaimed acre basis not greater than NR 135.39(4)(c) Tables 2, 3, and 4.

27.40 Optional: REDUCED FEE FOR INACTIVE MINES. Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year to be determined by the Town of Germantown.

27.50 DOCUMENTATION OF TOWN OF GERMANTOWN'S SHARE OF FEE. If the annual fee in **sub. 27.30** is greater than that established in Section NR 135.39(4)(c), Wisconsin Administrative Code, the Town of Germanton shall document in writing its estimated program cost and the need for its annual fees

established in **sub 27.30** on or before June 1, 2001. This documentation shall be available for public inspection.

SECTION 28 **28.00 REGULATORY REPORTING AND DOCUMENTATION.**

28.10 REPORTING. The Town of Germantown shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Section NR 135.37, Wisconsin Administrative Code.

28.20 DOCUMENTATION. The Town of Germantown shall, to the best of its ability, maintain the information set forth in Section NR 135.47(3), Wisconsin Administrative Code, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the Town of Germantown's reclamation program pursuant to Section NR 135.47, Wisconsin Administrative Code.

SECTION 29 **29.00 COMPLETED RECLAMATION - REPORTING, CERTIFICATION AND EFFECT**

29.10 REPORTING. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

29.20 REPORTING OF INTERIM RECLAMATION. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in **sub. 29.10.**

29.30 CERTIFICATION OF COMPLETED RECLAMATION. The Town of Germantown shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with Section NR 135.40(7)(c), Wisconsin Administrative Code. If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with **sub. 13**, the Town of Germantown shall issue the mine operator a written certificate of completion.

29.40 EFFECT OF COMPLETED RECLAMATION. If reclamation is certified by the Town of Germantown as completed under **sub. 29.30** for part of all of a nonmetallic mining site, than:

(1) No fee shall be assessed under **sub. 27** for the area so certified.

(2) The financial assurance required by **sub. 14** shall be released.

(3) For sites which are reported as interim reclaimed under sub. 29.20 and so certified under sub. 29.30, financial assurance for reclaiming the certified area shall be reduced.

25.50 EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION. If no written response as required by **Sub. 29.30** for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the Town of Germantown for it under **sub. 27** shall be refunded.

SECTION 30 **30.00 PERMIT TERMINATION**. When all final reclamation required by a reclamation plan conforming to **sub. 13** and required by this chapter is certified as complete pursuant to **sub. 28**, the Town of Germantown shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

Part V - ENFORCEMENT

SECTION 31 **31.00 RIGHT OF ENTRY AND INSPECTION**. For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, an authorized officer, agent, employee or representative of the Town of Germantown may inspect any nonmetallic mining site subject to this chapter as provided in Section 295.17(1), Wisconsin Statutes and Section NR 135.42, Wisconsin Administrative Code.

Note: Under section NR 135.42(1), Wisconsin Administrative Code, persons entering nonmetallic mine sites under this right of inspection shall obtain training and provide their own safety equipment as needed to comply with applicable federal, state and local laws or regulations.

SECTION 32 **32.00 ORDERS AND CITATIONS**.

32.10 ENFORCEMENT ORDERS. The Town of Germantown may issue orders as set forth in Section 295.19(1)(a), Wisconsin Statutes to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **sub. 13** and a permit issued under this chapter. A

violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by **sub. 13** and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

32.20 SPECIAL ORDERS. The Town of Germantown may issue a special order as set forth in Section 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to **sub. 24**, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

32.30 REVIEW OF ORDERS. An order issued under **sub. 32.10** or **sub. 32.20** may be reviewed as provided in Section NR 135.43(2), Wisconsin Administrative Code.

32.40 CITATIONS. The Town of Germantown may issue a citation under **s. 66.119**, Stats. to collect forfeitures or require any action needed to enforce Subchapter I of chapter 295, Wisconsin Statues, Chapter NR 135, Wisconsin Administrative Code this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **sub. 13** and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

32.50 ENFORCEMENT. The Town of Germantown may submit any order issued under **sub. 32** to the district attorney, the Town attorney or the attorney general for enforcement for enforcement as provided in Section 295.19(1)(d), Wisconsin Statutes.

SECTION 33 **33.00 PENALTIES**. Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to the chapter or a reclamation plan required by **sub. 13** and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes and Section 9.16 of the Zoning Ordinance of the Town of Germantown.

Section B. This Ordinance shall become effective the day after proof of posting or publication as provided by law has been filed and recorded by the Town Clerk.

Passed and adopted by the Town of Germantown Washington County, Wisconsin, this 13 day of August, 2007.

Paul Metz

Paul Metz, Chairman

Dale Dhein

Dale Dhein, Supervisor

James R Arens Jr.

James Arens Jr., Supervisor

Attest:

Cindy Macaluso

Cindy Macaluso, Clerk
W188 N13515 Maple Road
Richfield, WI 53076

Ordinance No. 0408 0514

AN ORDINANCE TO ADOPT A COMPREHENSIVE PLAN FOR THE TOWN OF GERMANTOWN, WISCONSIN

The Town Board of the Town of Germantown, Wisconsin, do ordain as follows:

SECTION 1. Pursuant to Sections 62.23(2) and (3), Section 61.35, and Section 60.22(3) of the Wisconsin Statutes, the Town of Germantown is authorized to prepare and adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2. The Town Board of the Town of Germantown, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan, as required by Section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION 3. The Town has cooperated with Washington County and SEWRPC to prepare a multi-jurisdictional comprehensive plan that will serve as the comprehensive plan for the Town of Germantown and for Washington County, which is documented in the report titled "A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035," and information specific to the Town is included in Appendix K of the plan report.

SECTION 4. The plan commission of the Town of Germantown, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled "A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035," containing all of the elements specified in Section 66.1001(2) of the Wisconsin Statutes.

SECTION 5. The Town has duly noticed and held at least one public hearing on the comprehensive plan, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 6. The Town Board of the Town of Germantown, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, "A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035," pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes, as the Town of Germantown comprehensive plan.

SECTION 7. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication or posting as required by law.

ADOPTED this 14 day of May, 2008.

Paul Metz, Town Chair

Published/Posted: 5/13/2008 (Date)

(Approved, Vetoed)

Attest: Cindy Macaluso
Cindy Macaluso, Town Clerk

FINAL DRAFT

Ordinance to Extend Town Officer Terms In Response to Election Law Changes

No. 01-12-04-10

Whereas, the term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April;

Whereas town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes;

Whereas this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013;

Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired;

Therefore, be it hereby ordained by the Town Board of the Town of Germantown, Washington County, that the terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 10th day of April 2012.

By the Town Board of the Town of Germantown, Washington County, Wisconsin:

Paul Matz

Town Chairperson

Attest: Donnel Hoh Town Clerk

Amending Chapter 125 Ordinance establishing schedule of fees for alcohol related licenses and permits

No. 02-12-05-14

STATE OF WISCONSIN
Town of Germantown, Washington Co.

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Germantown Alcohol Control Ordinance. The purpose of this ordinance is for the town to regulate specific actions at or near any alcohol beverage retail locations in the town.

SECTION II – AUTHORITY

The town board has the authority under s. 125.10, Wis. stats, and under its village powers under s. 60.22 (3), Wis. stats, to regulate the sale at retail or wholesale of alcoholic beverages at premises in the town, to the extent that town regulations are not in conflict with state statutes, specifically including the regulation of underage and intoxicated persons at alcohol beverage retail sale licensed premises in the town and the issuance, renewal, revocation, suspension, and regulation of alcohol retail sale or wholesale sale, licenses, or permits, along with the penalties for violations of this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of actions and activities at or near alcohol retail sales premises located in the town and for regulatory and enforcement authority noted in this ordinance.

SECTION IV – DISCIPLINE; HEARING PROCESS

A. In the event any alcohol beverage retail or wholesale sale licensee or permittee violates this ordinance or chapter 125, Wis. stats, the town board may take disciplinary action, including permit or license suspension for not less than 10 nor more than 90 days, or permit or license revocation or nonrenewal. Any license or permit that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken by the town board shall follow notice to the licensee or permittee prior to a hearing in accordance with subsection B. The hearing notice shall include the reason for the hearing. The hearing decision of the town board shall be sent by first class mail to the licensee's last known address, or personally served, at the town chairperson's option.
B. In the event disciplinary action is taken against an alcohol beverage retail or wholesale sale licensee or permittee, the procedure mandated under s. 125.12, Wis. stats, or its successor, will be followed.*
C. There shall be no refund of any alcohol beverage retail or wholesale sale license or permit fee paid to a party whose license is revoked or suspended under this ordinance.
D. In lieu of a hearing, the board may accept surrender of the alcohol beverage retail or wholesale sale license or permit and the board shall then determine the time period before another application for the same type of license or permit will be accepted from the former licensee or permittee.
E. Evidence and testimony at the hearing shall be given in open session. The town clerk shall post or arrange to post the hearing notice or publish in a format acceptable to the town chairperson.
F. Unless no disciplinary action, including reprimand or probation, is ordered by the town board, the alcohol retail sale or wholesale licensee or permittee shall reimburse the town for costs of personal service, mailing, faxing, copies, and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Unpaid costs assessed under this subsection shall accrue interest at the rate of 5% per annum if unpaid after 30 days. Payment is required before any future alcohol retail or wholesale sale license or permit is issued or reinstated to the license or permit holder.

SECTION V – COMPLIANCE CONDITIONS

A. It is unlawful for any person to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the town any alcohol beverage or soft drink, except in strict accordance with the provisions of this ordinance and state law. The issuance of any license or permit to any person under this ordinance and chapter 125, Wis. stats., is contingent upon full compliance with this ordinance and chapter 125, Wis. stats., by the licensee or permittee. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this ordinance or chapter 125 or 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of this ordinance and chapter 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of this ordinance is abated. When the activity is abated, the building or place may be used for any lawful purpose.

B. It is unlawful for a licensee, permittee, or any employee, operator, or manager of a tavern or other licensed or permitted establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed or permitted premises of the town.

C. It is unlawful for any person, including any owner, tenant, employee, operator, or manager of a tavern, who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct in a town tavern premises under circumstances in which that conduct tended to cause or provoke a disturbance and who has been ordered by the town board or a law enforcement officer not to enter or to remain in a tavern or other licensed or permitted establishment to so enter or remain during any period after having been ordered not to enter or remain by a law enforcement officer. An order prohibiting entry under this subsection may prohibit entry for a period up to 6 months.

D. As a condition of maintaining and keeping an alcohol beverage retail sale license for a tavern in the town, any licensee of a tavern premise must stay open for business and continue in business and demonstrate business continuance satisfactory to the town board. Issuance or retention of a license by a party not open for business and not demonstrating business continuation is declared by this ordinance to be against public policy of the town. A determination by the town board that a person is not demonstrating business continuation establishes grounds for suspension or revocation of the alcohol beverage retail sale license. The town board shall issue a summons and set a hearing to determine whether the license shall be suspended or revoked under this subsection. The hearing shall be held not later than 30 days after it is issued. The town board may elect to make its decision effective on a later date. The procedure for the hearing shall be in accordance with s. 125.12, Wis. stats. Testimony of any party, any eviction notice, court documentation, or other valid evidence of such actions may be presented. All testimony shall be under oath. A person who was licensed or permitted for the tavern premises for an alcohol beverage retail tavern is not demonstrating business continuation if any of the following is demonstrated:

1. The person has not done business in the tavern premises for at least 30 consecutive days.
2. The person has voluntarily vacated the premises more than 20 days before the hearing held under this subsection.
3. The person was ordered by a court of competent jurisdiction to vacate the premises at least 30 days before the hearing held under this subsection.

E. A license or permit shall not be denied on the grounds that the applicant lacks good moral character, unless there is evidence that the applicant would, if granted an initial or renewed license or permit, pose a threat to the safety or welfare of patrons of the licensed or permitted establishment in which he or she would be employed. The following will be considered grounds for a determination that an applicant lacks good moral character:

1. Suspension or revocation of a Class A, Class B, Operator's, or Manager's License under chapter 125, Wis. stats., or this ordinance, or dismissal from a bartending job if all of the following apply:

a. There is a relationship between the reasons for the suspension, revocation, or dismissal and the applicant's ability to competently tend bar without endangering the safety or welfare of the patrons of the premises where the applicant will tend bar under the authority of the applied-for license or permit.

b. The suspension, revocation, or dismissal occurred within a year of the date of the application, or there has been more than one such suspension, revocation, or dismissal within 3 years of the date of the application.

2. Conduct exhibiting the use, within 3 years of the date of the application, of alcoholic beverages or controlled substances, to an extent or in a manner dangerous to any other person, or to an extent that such use would impair the applicant's ability to competently tend the tavern business.

3. a. The applicant has habitually been a law offender or has been convicted of a felony and the circumstances of the crime or crimes substantially relate to the circumstances of the permitted or licensed activity, unless the person has been legally pardoned.

b. The applicant is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the permitted or licensed activity.

c. The applicant has been convicted of one or more of the following:

i. Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under s. 961.41 (1), Wis. stats.

ii. Possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m), Wis. stats.

iii. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.

iv. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.

4. If any town committee, or local law enforcement, recommends to the town board denial of an Operator's License or Manager License or other license or permit on the basis provided under this ordinance, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.

5. If a license or permit is denied by the town board, the applicant shall have the right to file an appeal with the town clerk within 30 days of the date of the decision, and to appear and be represented by legal counsel before the town board, to be heard, to present evidence in favor of the granting of the license or permit, and to rebut the evidence presented in opposition to the granting of the license or permit. The hearing on the appeal shall be held within 40 days of the filing of the appeal. Notice of the time and place of the hearing on the appeal shall be mailed by the town clerk to the applicant by certified mail at least 10 days before the date of the hearing. The town board shall, after the hearing, comply with chapter 125, Wis. stats. by providing in writing the reasons for its decision to grant or not grant a license or permit. The town board shall comply with s. 125.12, Wis. stats., in the denial, revocation, suspension, or nonrenewal of a license or permit.

F. It is a condition of any license or permit issued under this ordinance that the licensed or permitted premises, delivery vehicles, and any of the business books of account, bank statements, billings, invoices, and any other documents relating specifically to the licensed or permitted business may be entered and inspected at any reasonable hour by any law enforcement officer of the town without any warrant, and application for a license or permit under this ordinance shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license or permit issued under this ordinance and shall be deemed a violation of this subsection.

G. No licenses or permits may be granted under this ordinance or under chapter 125, Wis. stats., unless the town board, by a vote of the majority of the members-elect of the town board, authorizes the issuance of the license or permit. The town board shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of action upon applications for licenses and permits as may be presented to them on or before April 15, and all applications for licenses so filed shall be granted or denied not later than June 15 for the ensuing license year.

SECTION VI – UNDERAGE AND INTOXICATED PERSONS/DISORDERLY HOUSE/AFTER HOURS

A. Sale of Alcohol Beverages to Underage Persons; Restrictions. 1. No person may procure for or sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.

B. Intoxicated Persons. 1. No person may procure for or sell, dispense, or give away alcohol beverages to an intoxicated person.

2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with an intoxicated person.

3. No licensee or permittee may permit an intoxicated person to be on a licensed or permitted premise.

C. Disorderly House. No licensee or permittee in charge and control of a licensed or permitted premises shall keep or maintain a disorderly or riotous, indecent, or improper tavern or licensed or permitted establishment.

D. After hours. No licensee or permittee shall permit any person to be present on the premises operated under a Class "A," "Class A," or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business unless these persons are performing job-related activities.

E. Unsanitary or Unsafe Conduct. No licensee or permittee in charge and control of a tavern shall fail to keep or maintain a tavern or other licensed or permitted premise in a sanitary and safe condition after written notice by the State of Wisconsin, Department of Health and Family Services or the town board.

SECTION VII - PENALTIES

A. A person who commits a violation of this ordinance is subject to a forfeiture of:

1. Not more than $ 100 if the person has not committed a previous violation within 30 months of the violation.
2. Not more than $ 250 if the person has committed one previous violation within 30 months of the violation.
3. Not more than $ 500 if the person has committed 2 previous violations within 30 months of the violation.
4. Not more than $ 750 if the person has committed 3 or more previous violations within 30 months of the violation.

B. For purposes of determining whether a previous violation has occurred, if more than one violation occurs at the same time, all those violations shall be counted as one violation.

C. Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay forfeiture, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.
Adopted this 14 day of May, 2012.

Paul Metz

Paul Metz, Town Chairperson

Paul A. Little

Paul A. Little, Supervisor

Dale Dhein

Dale Dhein, Supervisor

Attest:

Deanne R. Hapka

Deanne R. Hapka, Town Clerk

Ordinance to Amend Liquor License Fees and Other Fees

No. 03-12-05-14

STATE OF WISCONSIN
Town of Germantown, Washington Co.

THE TOWN BOARD OF THE TOWN OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Liquor License and other Fees to be amended to read:

LIQUOR LICENSES AND OTHER FEES

Class "B" Beer License	$100.00
Class "B" Liquor License	$300.00
Class "C" Wine License	$100.00
Transfer of License from Place to Place	$ 10.00
New/Annual Renewal Publication Fee	$ 20.00
New/Annual Operator License (Bartender)	$ 35.00
Cigarette License	$ 50.00
NSF Check Fee	$ 35.00
Altered Dog	$ 3.00
Unaltered Dog	$ 8.00
Dog Late Fee (Effective April 1st)	$ 5.00
Kennel License (For 12 or Fewer Dogs)	$ 35.00
Each Additional dog over 12 dogs	$3.00 per dog over
License Refunds	NONE

Section 2. Liquor License and other Fees will not be prorated if applied for in the middle of the year.

Section 3. All other ordinances, or resolution in conflict with Ordinance are repealed

This ordinance is effective on publication or posting.
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.
Adopted this 9th day of May, 2012.

Paul Metz

Paul Metz, Town Chairperson

Paul A. Little

Paul A. Little, Supervisor

Dale Dhein

Dale Dhein, Supervisor

Attest:

Deanne R. Hapka

Deanne R. Hapka, Town Clerk

ORDINANCE # 01-18-04-09
AN ORDINANCE AUTHORIZING
THE WASHINGTON COUNTY SHERIFF'S DEPARTMENT TO ENFORCE
CERTAIN TOWN OF GERMANTOWN ORDINANCES.

WHEREAS, the Germantown Town Board has previously adopted a code of ordinances for the protection, safety and well-being of the residents and visitors of the Town and the protection and preservation of the property located in the Town; and

WHEREAS, the Germantown Town Board has considered the options for the enforcement of said ordinances; and

WHEREAS, the Germantown Town Board has determined that the most efficient and fiscally responsible way to enforce said ordinances is through an existing law enforcement agency; and

WHEREAS, the Washington County Sheriff's Department has personnel trained in the enforcement of ordinances who are on duty 24 hours per day, 7 days per week, 365 days per year; and

WHEREAS, the Washington County Sheriff has expressed a willingness to assist municipalities in Washington County in enforcing local ordinances;

NOW THEREFORE, the Germantown Town Board does hereby ordain the following:

1. The Germantown Town Board delegates the authority to enforce the Town of Germantown code of ordinances to the Washington County Sheriff's Department.

2. That this ordinance is not intended to infringe upon or otherwise replace any other enforcement options that the Town of Germantown has to enforce its ordinances.

3. That this ordinance shall become effective upon its passage and publication per WI Statutes.

4. That a copy of this approved ordinance shall be forwarded to the Washington County Sheriff's Department, Washington County Clerk of Circuit Court, Washington County Corporation Counsel, Washington County District Attorney, and the Washington County Clerk.

5. Penalty provisions.
   a. General penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty according to Town Stats. § 20.02.1, which shall be as follows:
      i. <u>First and subsequent offense penalty</u>. Any person, firm, company or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of Town ordinance,

shall be subject to a forfeiture of not less than ten dollars ($10.00) and not to exceed the sum of two hundred dollars ($200.00) for each offense, together with the cost of the action, and in default of the payment thereof, shall be imprisoned in the County Jail of Washington County, for a period of not to exceed six (6) months or until such forfeiture and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.

6. Bond Schedule. The Bond Schedule of the Town shall be the Uniform Bond schedule through the Court System.

7. Uniform citation method adopted.
   a. Creation. Pursuant to Wis. Stats. § 66.0113, the Town elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.
   b. If the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have tendered a plea of no contest and submitted to a forfeiture.

A penalty assessment imposed by Wis. Stats. §757.05, a jail assessment imposed by Wis. Stats. §302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. §165.755, any applicable consumer information assessment imposed by Wis. Stats. §100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. §973.055(1) not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

This Ordinance shall take effect upon its passage. Dated this 9 th day of April, 2018.

Paul Metz, Chairman

Chad Dhein, Supervisor

Jennifer Guslick, Supervisor

Attest:

Deanne Hapka, Clerk

Five Star INSPECTIONS LLC.
SEPTIC • WELL • WATER • RADON

Septic System Inspection Report

161 Countryside Dr. Slinger, WI 53086 / 262-224-8998 / www.fivestar-inspections.com / fivestarsanitation@gmail.com

Date of Inspection: 7/11/2018 **Inspection Number: 1400-2**

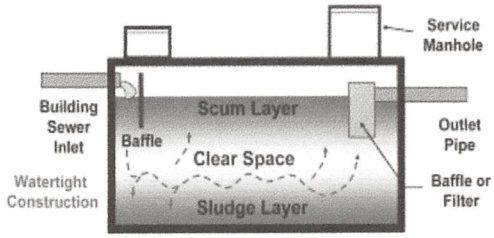
Property Owner:
Name: Karl Seilenbinder
Address: W188 N13271 Maple Rd
City: Richfield **State:** WI **Zip:** 53076
Phone:

System Location: ☒Same
Address:
City: **State:** **Zip:**

The septic system on this property was accurately flow tested and monitored based on the number of bedrooms of the home. Tracing dye was injected into the system and a load test was started. The system operating levels were measured during the process in the septic tank and observation pipes in the absorption area. Upon finishing the load test, the tank(s) were pumped and cleaned by Rural Sanitation Inc. The condition of the tank(s) and tank(s) components were then inspected.

General Info: **Residential** ☒ **Commercial** ☐ **Year Septic System Installed if known:** 1983
Number of Bedrooms: ☐1 ☐2 ☒3 ☐4 ☐5 ☐6 ☐Commercial
Occupied: ☐Yes ☒No **Occupants Home at Time of Inspection:** ☐Yes ☒No

Septic Tanks(s):
System Type:
☐Conventional ☐Dosed Conventional ☐Drywell ☒Mound
☐At-Grade ☐Other
Number of Septic Tanks:
☒1 ☐1-Dual Compartment ☐2 ☐2-Dual Compartment
With Pump Chamber: ☒Yes ☐No
Construction Material:
☒Concrete ☐Steel ☐Fiberglass ☐Concrete Block



Tank 1
Tank 1 Capacity: 1000 **Gallons**
Cover Exposed Above Grade ☒ Yes ☐No
Locking Devices Present if Above or at Grade: ☒Yes ☐No
Warning Label Present & Readable: ☒Yes ☐No
Tank Condition: ☐Good ☒Fair ☐Poor ☐Failed
Inlet Baffle: ☐Good ☒Fair ☐Poor ☐Failed
Outlet Baffle: ☒Good ☐Fair ☐Poor ☐Failed
Appears to be Watertight: ☒Yes ☐No
Root Infiltration: ☐Yes ☒No ☐Minor
Filter or Pretreatment: ☐Yes ☒No
***Filters should be checked every 6 months for cleaning.**
Condition of Filter/Pretreatment: ☐Good ☐Fair ☐Poor
Filter Cleaned During Inspection: ☐Yes ☐No

Tank 2- if present
2nd Tank Present: ☐Yes ☒No
Tank 2 Capacity: **Gallons**
Cover Exposed Above or at Grade ☐ Yes ☐No
Locking Devices Present if Above Grade: ☐Yes ☐No
Warning Label Present & Readable: ☐Yes ☐No
Tank Condition: ☐Good ☐Fair ☐Poor ☐Failed
Inlet Baffle: ☐Good ☐Fair ☐Poor ☐Failed
Outlet Baffle: ☐Good ☐Fair ☐Poor ☐Failed
Appears to be Watertight: ☐Yes ☐No
Root Infiltration: ☐Yes ☐No ☐Minor
Filter or Pretreatment: ☐Yes ☐No
***Filters should be checked every 6 months for cleaning.**
Condition of Filter/Pretreatment: ☐Good ☐Fair ☐Poor
Filter Cleaned During Inspection: ☐Yes ☐No

Pump Chamber: if present
Pump Chamber present: ☒Yes ☐No **Locking Device Present:** ☒Yes ☐No **Warning Label Present:** ☒Yes ☐No
Tank Condition: ☐Good ☒Fair ☐Poor **Appears to be Watertight:** ☒Yes ☐No **Root Infiltration:** ☐Yes ☒No ☐Minor
Pump Operating: ☒Yes ☐No **High Water Alarm Functioning:** ☒Yes ☐No
Waterproof Electrical Junction: ☒Yes ☐No **Electrical Conditions:** ☒Good ☐Fair ☐Poor

Drainfield:

Runback in Tank from Drain-field: ☐Yes ☐No ☒Very Little

System Vent: ☒Yes ☐No **System Vent Functional:** ☒Yes ☐No

Liquid in Vent Before Test: ☐Yes ☒No **Sludge in Vent:** ☐Yes ☒No **Liquid in Vent After Test:** ☐Yes ☒No

Sogginess In or Around Absorption Area: ☐Yes ☒No **Drain-field Setback:** ☒OK ☐Not OK

Determination of Fuction:

Was a flow test conducted: ☒Yes ☐No

-If so did the operating levels stay correct in the tank? ☒Yes ☐No

Note: the amount of water used during test is based on the amount of estimated daily wastewater flow per bedroom of household

Is the system discharging to the surface of the ground or surface water? ☐Yes ☒No

Is there sewage backup into the tank or structure? ☐Yes ☒No

If yes is the backup due to blockage prior or beyond the septic tank? ☐Prior ☐Beyond

Drain-field Condition: ☐Good ☒Fair ☐Weak ☐Failed

**No prediction can be made as to when or if a system might fail. Performance can be altered by factors such as excessive rainfall, heavy water usage, faulty plumbing, neglect or physical damage to the system. Drain-field condition is noted on this report for only the day of the inspection.*

**If house is vacant or no water entering the drain field lines, a determination of its status is difficult.*

**A failed system consists 1 or both of the following:*

1) System fails to accept discharge and creates backup of sewerage in residence.

2) Discharges of leaches sewage or effluent to ground surface, wells, aquifers, groundwater, zone of seasonal saturation, mottled soil, wetlands, drainage ditch, drain way, tile, or surface waters in any manner.

3) Discharges sewage or effluent to an outfall such as a drainage ditch, drain way or tile.

Comments on System: **System repairs are completed and everything is in working order.**

OVERALL SEPTIC SYSTEM:

☒ **Pass** ☐ **Pass with Repairs** ☐ **Potential Pass with Repairs** ☐**Fail**

Is the System in working order and visibly complies with the Administrative Code SPS 383 requirements? ☒Yes ☐No

-If not what needs to be improved or replaced?

The information contained herein is true and correct to the best of my knowledge as observed on the date of inspection. All information reported is based on the physical visible evidence available at the time of inspection. This report shall not be construed as a warranty; either expressed or implied that the system will function properly for any particular user and cannot be held responsible for failures of the system at any period of time in the future. Five Star Inspections LLC is not liable for unknown hidden septic outlets, overflow pipes, septic drainage pipes connecting to agricultural fields, or tile lines. Proper maintenance, pumping, and conservative water usage plays a significant role for the life of the system. Some septic systems may be impacted on periodic groundwater or soil conditions that will impact the functionality of the system. This inspection doesn't include a soil and site analysis. All septic inspections are evaluated based at the time it was installed. For information and maintenance on septic systems please visit our website at www.fivestarsanitation.com

Jason J Kratz

DNR Pump Installer License: 7892
WOWRA: 2009048
Septic Servicing Operator Certification: 82941
POWTS Maintainer ID: 1345352

Five Star
INSPECTIONS LLC.
SEPTIC · WELL · WATER · RADON

Lien Waiver

161 Countryside Dr. Slinger, WI 53086 / 262-224-8998 / www.fivestar-inspections.com / fivestarsanitation@gmail.com

Our Contract with **(Karl Seilenbinder)** to provide services for the property located at

W188 N13271 Maple Rd
Richfield, WI 53076

has been fully paid and satisfied, all lien rights against said property are herby waived and released.

Jason Kratz

7/11/2018
Date

Washington County
Planning and Parks Department

WASHINGTON COUNTY
WISCONSIN

MEMORANDUM

TO: Jeff Retzlaff, Germantown Zoning Administrator

FROM: David E. Seils, Land Use Inspector In-Charge DS

DATE: August 15, 2018

SUBJECT: Seilenbinder Land Division

There has been an approved sanitary permit signed off for a mound system for the residence on lot 2. The sanitary permit number is 608806 and issued on 8/9/18. Lot 1 has its own mound system, and I assume is functioning properly.

If you have any questions don't hesitate to contact me.

Public Agency Center - Suite 2300, 333 East Washington Street, P. O. Box 2003, West Bend, WI 53095–2003
Phone: (262) 335-4445, Toll Free: 800-616-0446, FAX: (262) 335-6868

J F TRUCKING & TRENCHING, LLC
W5674 STATE RD 60
JUNEAU, WI 53039
1-920-696-3496

JUNE 28, 2018

MS. CATHERINE SEILENBINDER
W188 N1351 MAPLE RD
RICHFIELD, WI 53076

PARCEL# T5-0206 VILLAGE OF GERMANTON
6-20-18 SOIL EVALUATION REPORT=$600.00

THANK YOU!

BALANCE DUE=$600.00

ORIGINAL SIGNED SOIL EVALUATION REPORT WILL BE FILED WITH WASHINGTON COUNTY PLANNING & PARKS DEPT. AFTER PAYMENT IS RECEIVED.

Division of Safety and Buildings

SOIL EVALUATION REPORT

Page 1 of 2

in accordance with Comm 85, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

County: Washington

Parcel I.D.: T5-0206

Reviewed by: Date:

Property Owner	Property Location
Catherine Seilenbinder	Govt. Lot SE 1/4 NE 1/4 S 8 T 9 N R 20 (E) (or) W
Property Owner's Mailing Address: W188 N13251 Maple Rd.	Lot #: Block #: Subd. Name or CSM#:
City: Richfield State: WI Zip Code: 53076 Phone Number: (920) 979-8547	☐ City ☒ Village ☐ Town Nearest Road: Germantown / Maple Road

☐ New Construction Use: ☒ Residential / Number of bedrooms 3 Code derived design flow rate 450 GPD

☒ Replacement ☐ Public or commercial - Describe:

Parent material: Flood Plain elevation if applicable: ft.

General comments and recommendations: A + 4 mound (lots of sand)

Boring # 1 ☐ Boring ☒ Pit Ground surface ele 98.2' ft. Depth to limiting factor 14 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft² *Eff#1	*Eff#2
1	0-6	10yr 3/4	—	sicl	2fgr	mvfr	cs	2f-1f	.4	.6
2	6-14	10yr 4/3	—	sicl	2mabk	mvfr	cs	1f-1vf	.4	.6
3	14-20	10yr 5/3	f1f 7.5yr 5/8	cl	2mabk	mfr	cs	1vf	.4	.6
4	20-30	7.5yr 4/4	f1f 7.5yr 5/8	cl	1mabk	mfr	cs	—	.2	.3
5	30-43	10yr 5/4	c2d 7.5yr 5/8	scl	1mabk	mfr	cs	—	.2	.3
6	43-60	10yr 6/4	f1f 7.5yr 5/8	fsl	1fsbk	mfr	—	—	.2	.6

Boring # 2 ☐ Boring ☒ Pit Ground surface elev. 98.3' ft. Depth to limiting factor 14 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft² *Eff#1	*Eff#2
1	0-6	10yr 3/4	—	sicl	2fgr	mvfr	cs	2f-1f	.4	.6
2	6-14	10yr 4/3	—	sicl	2mabk	mvfr	cs	1f-1vf	.4	.6
3	14-20	10yr 4/6	f1f 7.5yr 5/8	cl	2mabk	mfr	cs	1vf	.4	.6
4	20-32	7.5yr 4/4	f1f 7.5yr 5/8	cl	1mabk	mfr	cs	1vf	.2	.3
5	32-43	10yr 5/4	c2d 7.5yr 5/8	scl	1mabk	mfr	—	—	.2	.3

* Effluent #1 = BOD_5 > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L * Effluent #2 = BOD_5 ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print)	Signature	CST Number
JANIS M. BRANDENBURG	Janis M. Brandenburg	252721
J.F. Trucking + Trenching L.L.C.		
Address: W5674 Hwy 60 Juneau WI 53039	Date Evaluation Conducted: 6-22-18	Telephone Number: 920 696 3496

Property Owner Catherine Seilenbinder Parcel ID # T5-0206 Page 2 of 3

3 Boring # ☐ Boring ☒ Pit Ground surface elev. 98.2' ft Depth to limiting factor 14 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft² *Eff#1	*Eff#2
1	0-8	10yr 3/4	—	sicl	2fgr	mvfr	cs	2f-1f	.4	.6
2	8-14	10yr 4/4	—	sicl	2fabk	mvfr	cs	1f	.4	.6
3	14-32	7.5yr 4/6	f1f 7.5yr 5/8 10yr 6/1	scl	2mabk	mfr	cs	1vf	.4	.6
4	32-48	10yr 6/4	f1f 7.5yr 5/8	fsl	1fsbk	mfr	—	—	.2	.6

Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft² *Eff#1	*Eff#2

Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft² *Eff#1	*Eff#2

* Effluent #1 = BOD_5 > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L

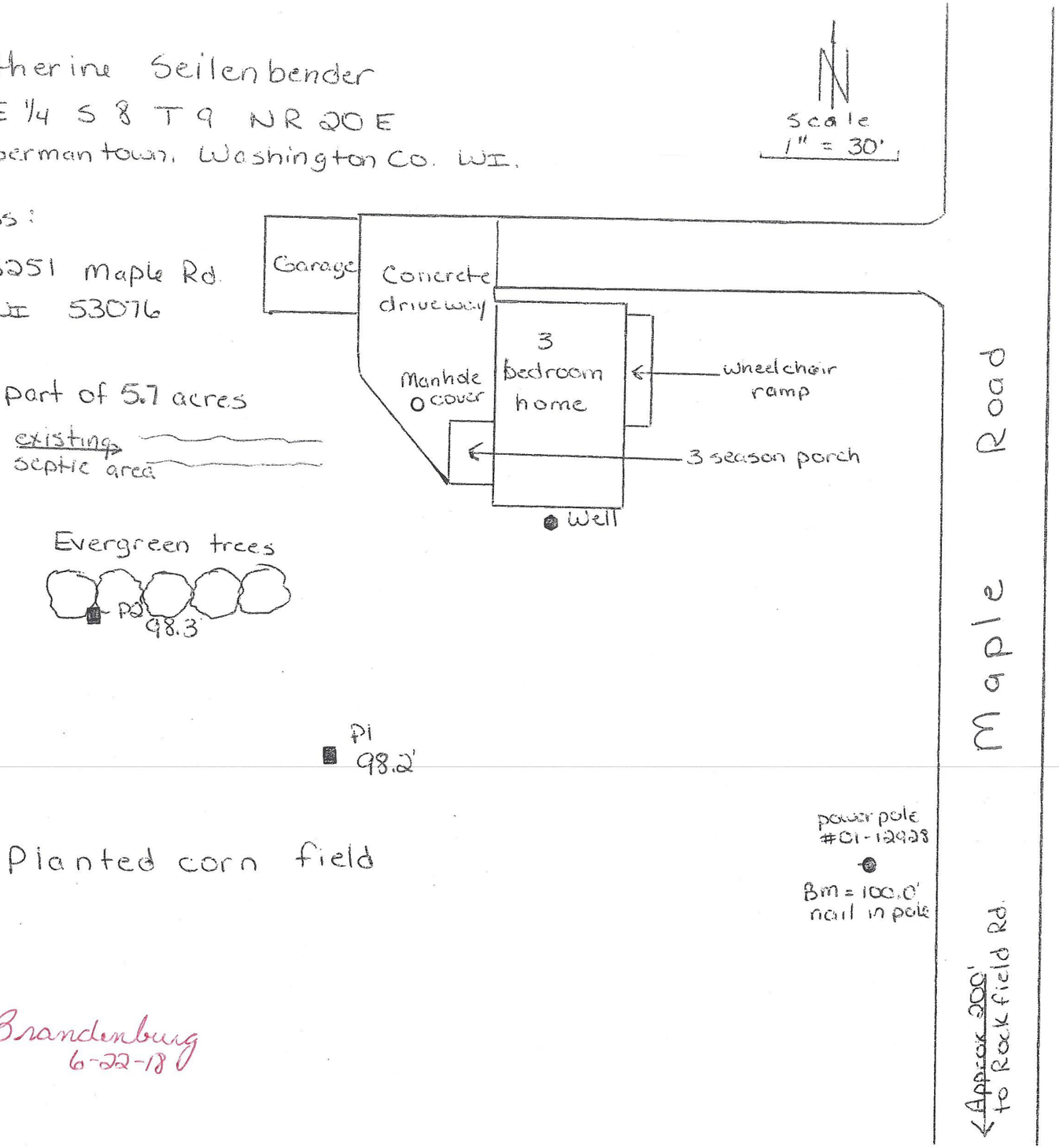
* Effluent #2 = BOD_5 ≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

Owner: Catherine Seilenbender
SE 1/4 NE 1/4 S 8 T 9 N R 20 E
Village Germantown, Washington Co. WI.

Site address:
W188 N 13251 Maple Rd.
Richfield WI 53076

This is a part of 5.7 acres



Janis M Brandenburg
#252721 6-22-18

J F TRUCKING & TRENCHING, LLC
W5674 STATE RD 60
JUNEAU, WI 53039
1-920-696-3496

JULY 2, 2018

MS. CAHTERINE SEILENBINDER
W188 N1351 MAPLE RD
RICHFIELD, WI 53076

PROPOSAL
INSTALLATION OF 3-BEDROOM MOUND=$22,200.00

(DUE TO POOR SOILS THIS MOUND WILL TAKE A LOT OF ADDITONAL SAND)

TO INCLUDE:

SANITARY PERMIT AND DESIGN COSTS

PUMPING AND FILL OLD TANK UNDER CEMENT DRIVEWAY

3 COMPARTMENT TANK 680 GALLON SEPTIC/680 GALLON SEPTIC AND 890 GALLON PUMP CHAMBER

A-100 ZABEL FILTER INSTALLED IN SECOND COMPARTMENT OUTLET

COVERS, RISERS, GOULDS PUMP, PUMP FLOAT, ALARM FLOAT AND ALARM FOR INSIDE OF HOME

LATERAL TO EXIT BASEMENT WALL AT A NEW LOCATION

CARE WILL BE TAKEN WHEN DRIVING ON CEMENT DRIVEWAY, NO REPLACEMENT OF ANY CONCRETE OR LABOR COSTS, IF, ANY DAMAGE OCCURS TO DRIVEWAY

ELECTRICAL HOOK-UP FOR SYSTEM INSIDE OF HOME BY ELECTRICIAN

RESTORATION OF WORK SITE AREAS, GRASS SEEDING AND HAYING AS NEEDED

NOT RESPONSIBLE FOR ANY MATERIALS OR LABOR COSTS DUE TO ANY SETTLING THAT MAY OCCUR AFTER SYSTEM IS INSTALLED.

DOES NOT INCLUDE ANY LABOR COSTS OR REPLACEMENT COSTS FOR ANY BUSHES, FLOWERS, TREES, ETC. THAT MAY NEED TO BE REMOVED FOR INSTALLATION OF SYSTEM.

DOWN PAYMENT DUE OF $3,500.00, WITH THE REMAINING BALANCE DUE WITHIN 15 DAYS AFTER INSTALLATION OF SYSTEM. J F TRUCKING & TRENCHING, LLC HAVE LEIN RIGHTS TO THE PROPERTY , IF SYSTEM IS NOT PAID FOR WITHIN 15 DAYS.

SIGNATURE_____ DATE_____CK#_____

J F TRUCKING & TRENCHING, LLC
W5674 STATE RD 60
JUNEAU, WI 53039
1-920-696-3496

IF, YOU WOULD LIKE TO CHECK ON OUR WORK PERFORMANCE YOU MAY CALL THE CUSTOMERS LISTED BELOW. SAME LOCATION FOR 39 YEARS
KEITH WALTERSDORF, LONG DRIVEWAY, POND, EXC. HOME AND SHED AND SEPTIC 1-262-349-3537 2017
BOB BACH 1-920-349-3729
BOB BLANKENHEIM NEW HOME AND SEPTIC 1-262-364-6633
TOM GERATH, CLYMAN, NEW HOMESITE, DRAIN TO DAYLIGHT AND SEPTIC 1-920-988-7811
DAVE BRUGGER, HUSTISFORD, SEPTIC BLENDED IN 1-920-349-3344
DERRICK & DONNA KEHL NEW HOMESITE, SEPTIC BLENDED IN 1-920-349-8271
LANCE & RENEE DONEGON, DONEGON CONSTRUCTION 1-920-349 8271
BRYON & KATHY NEHLS, (NEHLS ELECTRIC), NEW HOMESITE 1-920-925-3813
DON & KATHY MEINHOLZ, HWY DJ, NEW HOMESITE, SEPTIC AND DRAIN TO DAYLIGHT 1-920-349-8692
STEVE & GAIL SCHILTER, JUNEAU, NEW HOMESITE, SEPTIC AND DRAIN TO DAYLIGHT 1-920-386-9443

- **STRIP/PUSH BACK TOPSOIL FROM SITE, DRIVEWAY ETC. MATERIAL CAN BE USED FOR GRADING AROUND HOME AND TO COVER SEPTIC SYSTEM AREA (DEPENDING ON AMOUNT OF MATERIAL AVAILABLE)**
- **EXCAVATION, BACKFILL AND SITEWORK**
- **CULVERTS CAN BE SUPPLIED WITH/WITHOUT APRON ENDS**
- **WE TRUCK IN STONE FOR BASEMENT, GARAGE, PORCHES, DRIVEWAYS, ETC. WITH OUR OWN TRI-AXLE/ QUAD-AXLE DUMP TRUCKS**
- **MOVE FILL OFF OR ON SITE**
- **OCCUPANCY GRADES**
- **PERC TESTS**
- **SANITARY PERMITS, SEPTIC SYSTEM INSTALLATION, & HOLDING TANKS**
- **SEWER AND WATER LATERALS INSTALLED**
- **DRAINS TO DAYLIGHT, IF EXCAVATION SHOWS CONTINUOUS LARGE WATER AMOUNTS DRAINING INTO BASEMENT, AND IF, EXCAVATION HOLE AND SITE ALLOWS, WE WOULD SUGGEST DRAIN TO DAYLIGHT. DRAIN TO DAYLIGHT AIDES IN DRIER BASEMENTS AND YOUR SUMP HAS LESS PUMPING. ALSO, ADDITIONAL STONE MAY BE RECOMMENDED ON OUTSIDE OF HOUSE WALLS TO ALLOW FASTER DRAINAGE FROM WALLS.**
- **LAND CLEARING**

BUILDERS TO CHECK ON WORK PERFORMANCE
D. B. REETZ 1-920-210-1920
LEITNER HOMES, KEVIN LEITNER 1-22262-644-7085

BUSINESS OF THE GENERAL GOVERNMENT & FINANCE COMMITTEE
GERMANTOWN, WI

MEETING DATE: Monday, August 20, 2018

AGENDA ITEM: New Business

ITEM TITLE: School District Facility Fund Purchase

SUBMITTED BY: Mark Schroeder, Park & Recreation Director

SUMMARY EXPLANATION:
The Germantown School District is requesting funds to replace the outdated playground equipment at Rockfield School to meet safety and accessibility standards. Per the Intergovernmental Agreement (IGA), the Village has in the past utilized monies in the Germantown Park & Recreation Department's Special Non-Lapsing Fund for purchases of equipment that will mutually benefit and promote the Permitted Uses under the agreement. Examples of school projects that have utilized monies from non-lapsing fund include security doors, volleyball systems, and security cameras for school gymnasiums. The installation of new playground equipment will serve school district students including those in the Park & Recreation Department's Kid's Klub Before and After School Program.

The cost for all equipment, installation and safety surfacing is $60,000.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:
Staff recommends that the General Government & Finance Committee forward a positive recommendation to the Germantown Village Board to approve the expenditure not to exceed $60,000 from the Recreation Facility Fee Fund, Account #16-567-530-3200 for purchase and installation of new playground equipment for Rockfield School.

The balance in the Germantown School District line item of the Recreation Facility Fee Fund as of July 8, 2018 is $82,503.