

A Procedural Guide for Approving New Subdivisions  
Town of Waterford  
Racine County, Wisconsin

August 13<sup>th</sup>, 2007

I. Land Division Ordinance

- A. Refer to Chapter 10, Land Division Ordinance, of the Town of Waterford's Municipal Code, re-created in 2003 by re-codification of Municipal Code.
- B. Refer to Chapter 18, Subdivisions, of the Racine County code. Note that both Town and County Approval is required for plats. **You should also check to see whether or not extra-territorial jurisdiction lies for either the City of Muskego or the Villages of Waterford or Rochester or Mukwonago.**

II. Pre-Development Agreement

- A. Execute a pre-development agreement with the Town, whereby the Developer agrees to reimburse the Town for its review costs, including fees from the Town's attorney and engineer. **A \$3,000.00 deposit is required with the execution of the agreement which will act as a credit/debit account for charges incurred throughout the process.**

III. Conceptual Plan

- A. Submit a conceptual plan, essentially a pre-preliminary plat, to the Town plan Commission and County Planning Department to obtain their advice and assistance. Although not officially required, a conceptual plan is highly recommended. The concept plan should address storm water and erosion issues. The Town will waive its standard conceptual filing fee because of the payment of the deposit listed above. In the event no review costs are incurred, out of the \$3,000.00, the Town will only charge its normal conceptual filing fee and refund the balance.

IV. Preliminary Plat

- A. Submit a preliminary plat to the Town Plan Commission at least 25 days prior to the Plan Commission meeting at which action is desired.
  - 1. Include a preliminary storm water management plan.
- B. The Plan Commission meets on the first Monday of the month and the Town Board meets on the second Monday of the month, both at 6:00 P.M.

- C. The plan commission will make recommendations to the Town Board and the Town Board will approve, conditionally approve or deny the preliminary plat at its next meeting unless the matter is adjourned to another date.

V. Construction Plans

- A. Submit construction plans, specifications and a storm water management plan to the Town and the Town Engineer for review and approval.

*Include specific steps pertaining to the Town under "A".*

- B. Developments to be served by public sewer. If a development will utilize public sanitary sewers, sewer plans must also be submitted to, and approvals must be obtained from, both the Town of Waterford Sanitary District No. 1 (WSD), which is responsible for the sewers themselves, and the Western Racine County Sewerage District (WRCSD), which operates the interceptors and the sewage treatment plant. Contact Jeff Bratz of WRCSD at 262-534-6237 early in the process to discuss sewerage capacity and loadings issues, as well as any boundary or sewerage service area amendment (SEWRPC) issues that may be present.

WSD reviews and approves developments as provided below. WSD meets only once per month, typically on the second Wednesday at 4:30 p.m. **All agenda requests and items sought to be considered and/or approved during a WSD meeting must be submitted to WSD no later than eight (8) days before the meeting.**

Predevelopment Agreement. The WSD predevelopment agreement addresses WSD's costs relating to reviewing a proposed development, including its engineering costs for reviewing the Developer's sewer plans and its legal fees relating to the preparation and finalization of the predevelopment agreement and development agreement. The WSD predevelopment agreement will be prepared by WSD's attorneys and provided by WSD to the Developer. An initial cash deposit of \$3,000 must be submitted to WSD along with the executed predevelopment agreement. Neither WSD, nor its engineers or attorneys, will undertake any review of a proposed development until a predevelopment agreement is in place.

PLEASE NOTE THAT THE WSD PREDEVELOPMENT AGREEMENT IS DIFFERENT FROM, AND IN ADDITION TO, ANY PREDEVELOPMENT AGREEMENT THAT MAY BE REQUIRED BY THE TOWN.

1. Sewer Plans. After a predevelopment agreement has been executed, proposed sewer plans must be submitted to WSD.
  - a. WSD and its engineers will review sewer plans and comment as to any changes that need to be made and/or any other requirements that need to be fulfilled.
  - b. After sewer plans have been revised as necessary and all other applicable requirements have been satisfied, WSD's engineers will approve the plans.
  - c. If approved sewer plans are subsequently changed for any reason, such as by the Town, the plans must be resubmitted to WSD's engineers for review and approval.

VI. Final plat

- A. Submit the final plat to the Town plan Commission at least 25 days prior to the Plan Commission meeting at which action is desired. The Plan Commission shall submit its recommendations to the Town Board.
  1. Construction plans must be approved prior to the Town Board approving the final plat.
- B. The Town Board shall approve or reject the final plat.

VII. Development Agreements

- A. The Developer must enter into separate development agreements with the Town and the Waterford Sanitary District No. 1 prior to beginning construction.
  1. Begin preparing these agreements during the design phase to insure that they are completed in a timely manner.
  2. Construction plans must be approved prior to the Town Board approving the development agreement
  3. WSD's development agreement, which addresses only construction of the development's sewers, will be drafted by WSD's attorneys and provided by WSD to the Developer, and will include at least the following requirements:

- a. If the Developer is a limited liability entity, such as a corporation or an LLC, the Developer's principal must personally guaranty the Developer's performance of the agreement.
- b. If there are any mortgages on the land to be developed, the mortgagee must agree that WSD's rights under the development agreement would survive any foreclosure.
- c. Letter of Credit. The Developer's full and complete performance of the development agreement will also be secured by an irrevocable letter of credit in favor of WSD in the amount of 125% of the sewers' construction cost.
  - o Construction cost will be calculated by WSD's engineers, based on their review of the Developer's actual construction contracts or, if none are available, on the best available construction cost estimates.
  - o The form of the letter of credit must be reviewed and approved by WSD's attorneys.
  - o The letter of credit amount may be partially released by WSD as construction is completed and approved, but at least 20% of the letter of credit will be retained by WSD until after the sewers' two-year warranty period has expired.

B. WRCSD Approval

- 1. Upon final approval of the project by the Town and WSD, WRCSD needs:
  - a) A letter of final approval from the Town and from WSD (or a letter of final approval from the municipality, if there is not a separate sanitary district);
  - b) A copy of the DNR "Application for Sewer Extension" showing the projected loadings;
  - c) Two copies of the approved development;
  - d) A written request to be on the WRCSD monthly meeting agenda. **Agenda items are due two weeks before the monthly meeting, normally held on the second Wednesday of each month.**
- 1. After WRCSD approval, WRCSD will provide a capacity letter, which will be submitted directly to the DNR.

2. Any annexation fees owed to WRCSD if the property is outside of the WRCSD boundaries must be paid before WRCSD approval will be granted.
3. SEWRPC public hearings are required if the property is not in the SEWRPC sewer service area.
  - Contact Jeff Bratz of WRCSD to determine the property requirements at 262-534-6237. We suggest that any property requirement questions be asked early in the process, as SEWRPC hearings have long lead times.

Timing of Final Approvals. After the Town Board gives final approval to any development (be it subdivision plat, CSM, metes & bounds conveyance, etc.) that requires a new sewer connection, a letter or other written confirmation of such final approval must be obtained by the Developer from the Town and provided to WSD and WRCSD. Only after the Developer has provided documentation that all required submittals have been made and approved by the Town will WSD execute *its* development agreement and issue a letter to WRCSD indicating that all WSD requirements have been satisfied. WRCSD will then consider the development for final approval. WRCSD will not give final approval to any development until it has been approved by both the Town and WSD.

#### VIII. Subdivision Association

- A. The Developer may be required to create a Subdivision Association for the purpose of maintaining common elements such as detention/retention ponds, infiltration ponds, fire hydrant and water reservoir and environmental areas contained within outlets.
  1. Prepare covenants, easements and restrictions for the development.

#### IX. Construction

- A. The following documents must be completed, approved and executed prior to beginning construction.
  1. Construction plans including sanitary sewer plans.
  2. Final plat.
  3. Development Agreements (Town and Sanitary District).

4. Subdivision covenants.
  - B. Construction shall begin early in the construction season to insure that all disturbed areas will be restored and seeded by September 15<sup>th</sup> of that year per Town ordinance. If this schedule cannot be met, then construction will not be allowed to proceed.

**THE ABOVE ARE GUIDELINES ARE NOT MEANT TO BE ALL INCLUSIVE AND ARE SUBJECT TO REVIEW AND CHANGE, AT ANY TIME (EVEN AFTER SUBMISSION) BY THE TOWN/BY WSD, AND/OR BY WRCSO. THE FAILURE BY ONE ENTITY TO INSERT CERTAIN REQUIREMENTS IN THIS DOCUMENT (AND EVEN IF INSERTED BY ANOTHER ENTITY) IS NOT A WAIVER OF THE RIGHT TO SUBSEQUENTLY REQUIRE THE SAME.**