

# STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

January 15, 2020

Agenda Item 4

**Applicant:** Cory & Gena Huppert (owners) and Dan Kugel (agent)

**Request:** Final plat approval for Hidden Hills of the Kinni.

**Background:** The applicants are requesting final plat approval of a 13-lot platted subdivision. Outlot 1 has been omitted and that area incorporated into the adjoining lots. Subsequent to this, the plat states on Sheet 1, Note #3, "No land disturbance is allowed on Lots 5, 6, 7, and 9 (west of the drainage easement of said lots) without approval from the Pierce County Land Conservation Department (see "No Land Disturbance" sketch on Sheet 2)." This notation satisfies LCC preliminary plat condition 3. This is the first phase of a multi-phased subdivision. The LMC granted concept plan approval on 1/2/2019 and preliminary plat approval on 7/3/2019.

## Issues Pertaining to the Request:

- The property is located in the NE ¼ of Sec. 9, T27N, R19W in the Town of Clifton, Pierce County, WI.
- The Huppert's own 164.9-acres of land zoned GRF-8 that allows for the creation of 33 lots. This first phase incorporates 60.7-acres and would create 13 buildable lots.
- The Land Conservation Committee (LCC) preliminary plat conditions have been met. On 6/20/2019, the LCC recommended approval of the Storm Water & Erosion Control Plan to the LMC with the following conditions:
  1. Storm water runoff models are completed using Atlas-14 precipitation amounts.
  2. Storm water runoff models shall assume pre-development "good hydrologic conditions" for all land covers (consistent with NR 151.24(4)(a), the condition of the 34.5 acres of cropland must be revised in the HydroCAD model.
  3. The preliminary plat must show that no land cover disturbance can occur west of the "drainage easement" as shown in the current storm water modeling. If the development plans are different, the storm water model must be revised to reflect.
  4. A copy of the Cedar Corporation memo regarding 'protective areas' in 'cold water communities' be submitted to Land Management Committee for their review.
  5. Contractor and owners of 'Hidden Hills of the Kinni' agree provide construction timelines to Pierce County Land Conservation Department.
  6. Storm water and Erosion Control Plan review fees are received by Land Conservation Department. *(Review fees were paid on 6-20-2019.)*
- The LMC preliminary plat conditions have been met. On 7/3/2019, the LMC approved preliminary plat with the following conditions:
  1. Conditions of preliminary plat approval shall be met prior to construction and installation of roads and erosion control measures.
  2. Roads shall be built to Town of Clifton Town Road Standards prior to final plat approval. Town road construction shall be coordinated with Town of Clifton's engineer.
  3. All required DNR permits (i.e. WPDES & NOI permit) shall be secured and all conditions met.
  4. All required DOA-Plat Review conditions shall be met.
  5. All conditions recommended by the Pierce County Land Conservation Department and Committee shall be met (1-6).

6. A statement of completion that is signed and stamped by a certified professional engineer that the erosion control and storm water measures have been installed according to approved plans shall be submitted. Any deviation from approved plans shall be noted on as-built plans that shall be submitted with the statement of completion. Any issues requiring follow-up (punch list) should be listed along with a proposed schedule for completion.
  7. Erosion control measures shall be installed according to approved plans and associated conditions, and the site stabilized, to the satisfaction of the Land Conservation Department, prior to final plat approval. Applicant understands that final plat approval will not be granted until the Department of Land Management is notified by the Land Conservation Department, in writing, that the project is eligible for final plat approval.
  8. Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of the county.
  9. The irrevocable letter of credit in the amount of 200% (or \$37,000) of the estimated cost of installing and maintaining erosion control measures that was submitted shall be reviewed and approved by Corporation Counsel. The letter of credit shall be renewed if the erosion control measures are not completed prior to the expiration of the letter of credit.
  10. Traffic control signage and uniform road numbering signs shall be installed at the intersections of 825<sup>th</sup> Avenue & 1090<sup>th</sup> Street and 823<sup>rd</sup> Avenue & 1100<sup>th</sup> Street prior to final plat approval.
  11. Finalized covenants shall be reviewed and approved by Corporation Counsel prior to final plat approval.
  12. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).
- The Clifton Town Board approved the final plat on 10/1/2019 “contingent on Cedar Corporation’s final approval and the roads are completed to meet Town standards.”
  - Cedar Corporation observed the construction of the public infrastructure for compliance with the approved Road & Erosion Control Plan (7/16/2019) and the Grading Plan for Hidden Hills of the Kinni Phase 1 (5/29/2019). Cedar Corporation submitted a memo to the Town of Clifton on 12/18/2019 stating that they “found the work completed to date to be in substantial conformity with the project plans and specifications as detailed in the May 21, 2019 Developer’s Agreement.”
  - An amended Developers Agreement between the Huppert’s and the Town of Clifton was signed and submitted to the Department on 11/5/2019.
  - The WI Dept. of Administration – Plat Review does not object to the final plat and certified that it complies with § 236.15, § 236.16, § 236.20 and § 236.21, Wis. Statutes as stated in their letter dated 1-7-2020. Plat Review has no conditions for this plat.
  - On 10/28/2019 and 11/20/2019, the Land Conservation Department (LCD) staff conducted site visits. Ogden Engineering submitted as-built storm water and erosion control plans to LCD on 11/19/2019. On 11/21/2019, the Land Conservation Committee approved the as-built storm water and erosion control plans with the following conditions:
    1. The majority of the site that had excavation and grading does not have vegetation established, the owner must extend the letter of credit (construction bond) until the vegetation is adequately established in summer of 2020. *The irrevocable letter of credit expires June 5, 2020. However, Department staff can*

*request to renew or replace the financial assurance prior to June 5, 2020 if erosion control measures are not addressed to Pierce County's satisfaction.*

2. The grass channel that conveys runoff to storm water pond between lots 7-9 does not have a stable outlet. Ogden Engineering and owner must submit details on modifications to this channel to ensure runoff does not cause damage to grass channel near pond. *To be completed by Mr. Huppert and Ogden Engineering in the spring 2020. LCD staff to verify spring 2020.*
  3. Segments of the silt fence near the overburden soil piles have been damaged and must be repaired to prevent sediment from leaving the site. *Completed per Mr. Huppert. LCD staff to verify spring 2020.*
  4. The trash guards on the storm water pond inlet pipes need to be properly secured. *Completed per Mr. Huppert. LCD staff to verify spring 2020.*
- Corporation Counsel reviewed covenants for the purposes of ascertaining their consistency with Pierce County subdivision and zoning regulations. The covenants were approved. The covenants and plat will need to be recorded simultaneously.  
*Please Note: No representation is being made by or on behalf of Pierce County as to the legality of any of the provisions in said covenants, nor as to their consistency with public policy. Furthermore, should the Land Management Department have missed any conflicts between the covenants and the Pierce County subdivision and zoning regulations, to the extent that any conflicts exist, should the County regulations be more restrictive, compliance therewith shall be required. Nor shall the County be held responsible for its agent or agents having failed to observe and bring to the attention of the landowner any such conflicts. In all instances, both as to the legality of the covenants and their consistency with public policy and as to maintaining conformity of the proposed land division and land use with subdivision and zoning regulations adopted by Pierce County, the landowner shall be solely responsible for the same.*
  - Staff visited the site on 10/25/2019 and verified that the traffic control signs, speed limit signs, and road number signs were installed.
  - The Department plat review fees were paid on 6/14/2019.

### **Staff Recommendation:**

Staff recommends the Land Management Committee approve this request for final plat approval with the following conditions:

1. The covenants and plat shall be recorded simultaneously.
2. Any erosion concerns that may arise shall be addressed immediately to the satisfaction of the County.
3. A follow-up inspection in the spring of 2020 will be necessary to insure site stability per Land Conservation Department's condition's 1-4. Applicant understands that the irrevocable letter of credit will need to be renewed until the Land Conservation Department notifies the Department of Land Management that all conditions have been met and the site permanently stabilized.

**Submitted By:** Emily Lund  
Assistant Zoning Administrator

# Land Management Committee





Cory & Gena Huppert  
(January 15, 2020)

## Final Plat for Hidden Hills of the Kinni

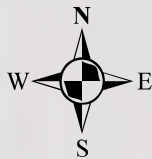
### Legend

-  Dwellings
-  Plan Site
-  New Lots
-  Drainage Easement

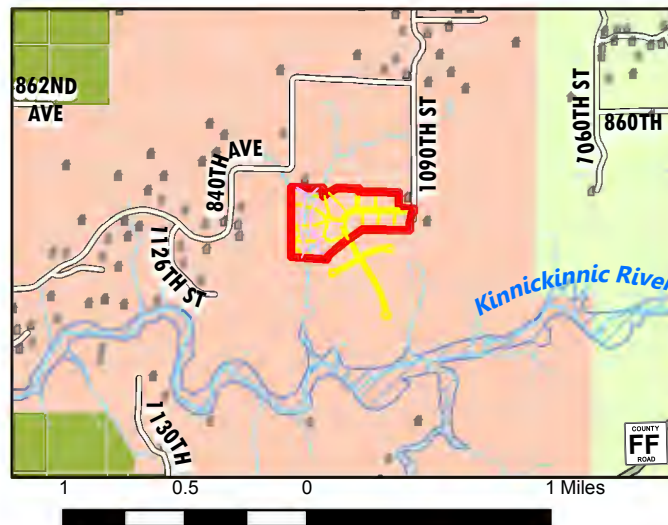
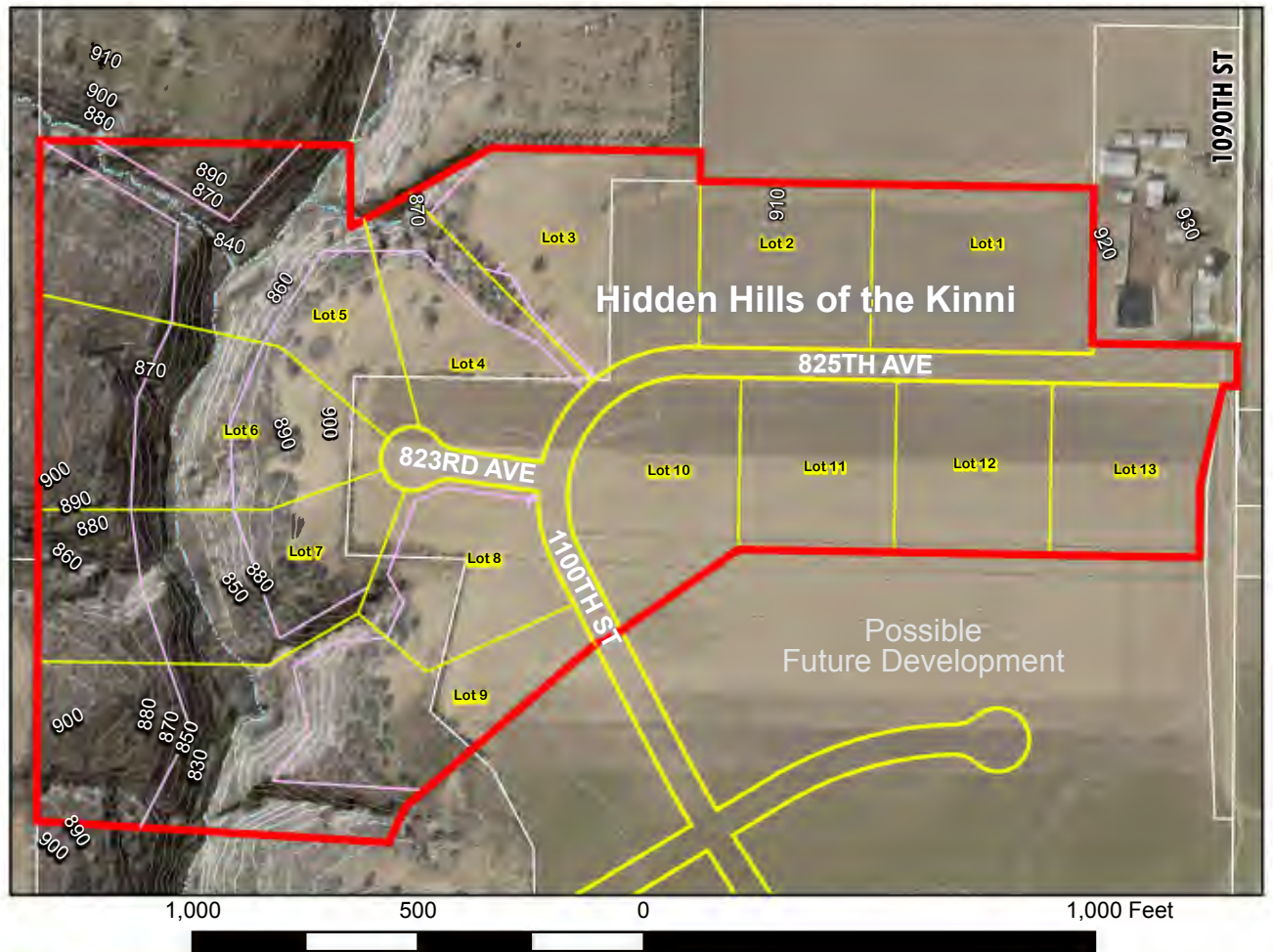
### Zoning

-  General Rural Flexible - 8
-  Primary Agriculture
-  River Falls ETZ
-  100 Yr Floodway/  
No Base Elev. Det

Orthophotography - 2015 Pierce County

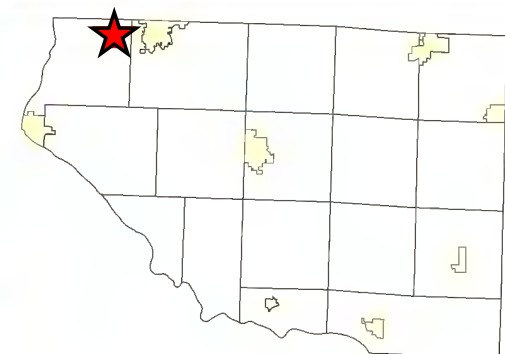


Prepared by the Department of Land Management

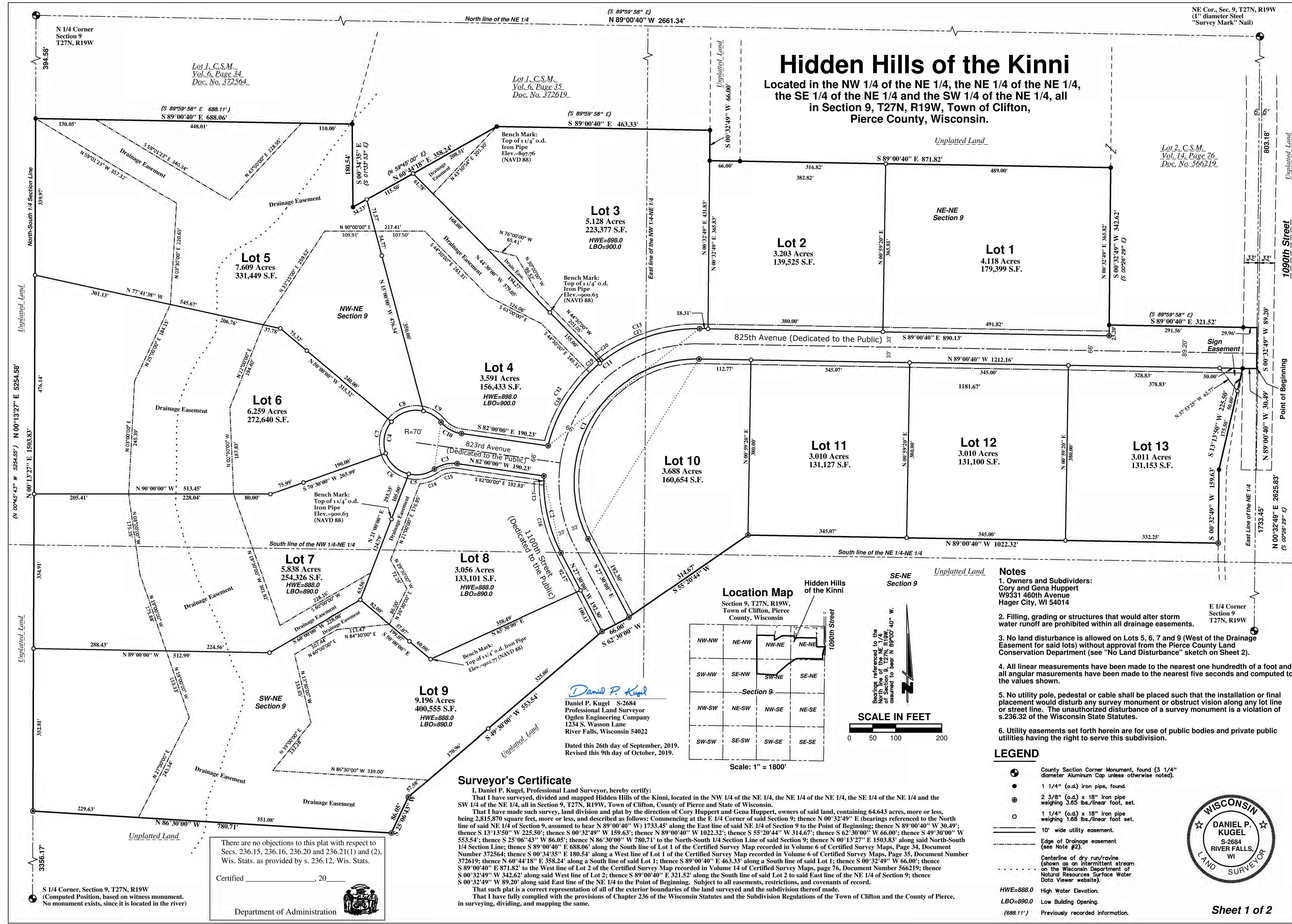


### Site Location

TWN: 27 RNG:19 SEC:9  
Town of Clifton

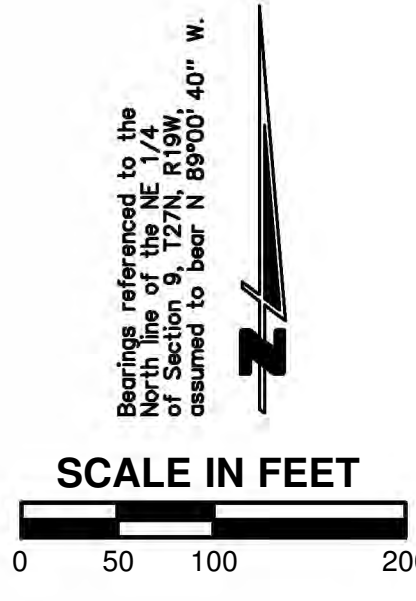
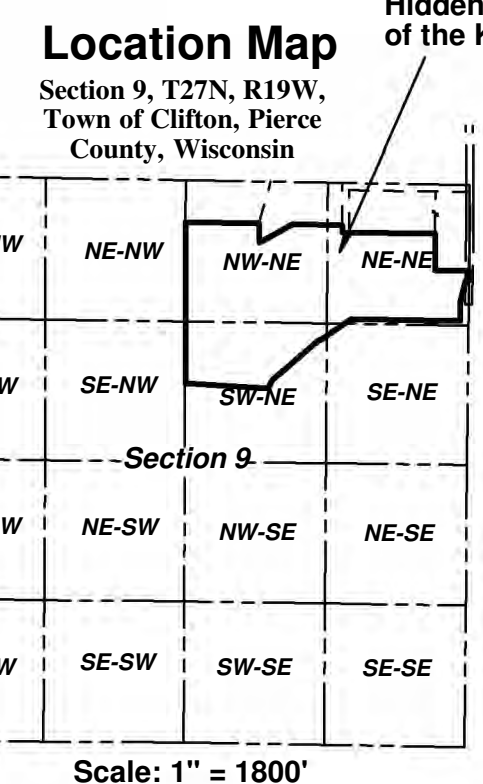






# Hidden Hills of the Kinni

Located in the NW 1/4 of the NE 1/4, the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, Wisconsin.



- Notes**
1. Owners and Subdividers: Cory and Gena Huppert, W9331 460th Avenue, Hager City, WI 54014
  2. Filling, grading or structures that would alter storm water runoff are prohibited within all drainage easements.
  3. No land disturbance is allowed on Lots 5, 6, 7 and 9 (West of the Drainage Easement for said lots) without approval from the Pierce County Land Conservation Department (see "No Land Disturbance" sketch on Sheet 2).
  4. All linear measurements have been made to the nearest one hundredth of a foot and all angular measurements have been made to the nearest five seconds and computed to the values shown.
  5. No utility pole, pedestal or cable shall be placed such that the installation or final placement would disturb any survey monument or obstruct vision along any lot line or street line. The unauthorized disturbance of a survey monument is a violation of s.236.32 of the Wisconsin State Statutes.
  6. Utility easements set forth herein are for use of public bodies and private public utilities having the right to serve this subdivision.

- LEGEND**
- County Section Corner Monument, found (3 1/4" diameter Aluminum Cap unless otherwise noted).
  - 1 1/4" (o.d.) iron pipe, found.
  - 2 3/8" (o.d.) x 18" iron pipe weighing 3.65 lbs./linear foot, set.
  - 1 1/4" (o.d.) x 18" iron pipe weighing 1.68 lbs./linear foot set.
  - 10' wide utility easement.
  - Edge of Drainage easement (see Note #2).
  - Centerline of dry run/ravine (shown as an intermittent stream on the Wisconsin Department of Natural Resources Surface Water Data Viewer website).
  - HWE=888.0 High Water Elevation.
  - LBO=890.0 Low Building Opening.
  - (688.11') Previously recorded information.



### Surveyor's Certificate

I, Daniel P. Kugel, Professional Land Surveyor, hereby certify: That I have surveyed, divided and mapped Hidden Hills of the Kinni, located in the NW 1/4 of the NE 1/4, the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4, all in Section 9, T27N, R19W, Town of Clifton, County of Pierce and State of Wisconsin. That I have made such survey, land division and plat by the direction of Cory Huppert and Gena Huppert, owners of said land, containing 64.643 acres, more or less, being 2,815,870 square feet, more or less, and described as follows: Commencing at the E 1/4 Corner of said Section 9; thence N 00° 32' 49" E (bearing referenced to the North line of said NE 1/4 of Section 9, assumed to bear N 89° 00' 40" W) 1733.45' along the East line of said NE 1/4 of Section 9 to the Point of Beginning; thence N 89° 00' 40" W 30.49'; thence S 13° 13' 50" W 225.50'; thence S 00° 32' 49" W 159.63'; thence N 89° 00' 40" W 1022.32'; thence S 55° 20' 44" W 314.67'; thence S 62° 30' 00" W 66.00'; thence S 49° 30' 00" W 553.54'; thence S 25° 06' 43" W 86.05'; thence N 86° 30' 00" W 780.71' to the North-South 1/4 Section Line of said Section 9; thence N 00° 13' 27" E 1503.83' along said North-South 1/4 Section Line; thence S 89° 00' 40" E 688.06' along the South line of Lot 1 of the Certified Survey Map recorded in Volume 6 of Certified Survey Maps, Page 34, Document Number 372619; thence S 00° 34' 35" E 180.54' along a West line of Lot 1 of the Certified Survey Map recorded in Volume 6 of Certified Survey Maps, Page 35, Document Number 372619; thence N 60° 44' 18" E 358.24' along a South line of said Lot 1; thence S 89° 00' 40" E 463.33' along a South line of said Lot 1; thence S 00° 32' 49" W 66.00'; thence S 89° 00' 40" E 871.82' to the West line of Lot 2 of the Certified Survey Map recorded in Volume 14 of Certified Survey Maps, page 76, Document Number 566219; thence S 00° 32' 49" W 342.62' along said West line of Lot 2; thence S 89° 00' 40" E 321.52' along the South line of said Lot 2 to said East line of the NE 1/4 of Section 9; thence S 00° 32' 49" W 89.20' along said East line of the NE 1/4 to the Point of Beginning. Subject to all easements, restrictions, and covenants of record. That such plat is a correct representation of all of the exterior boundaries of the land surveyed and the subdivision thereof made. That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Town of Clifton and the County of Pierce, in surveying, dividing, and mapping the same.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

S 1/4 Corner, Section 9, T27N, R19W (Computed Position, based on witness monument. No monument exists, since it is located in the river)



# Hidden Hills of the Kinni

Located in the NW 1/4 of the NE 1/4, the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, Wisconsin.

## Curve Table

CURVE NO.	LOT NO.	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	10	267.00'	118°29'20"	552.16'	458.90'	S 31°44' 40.0" W	N 89°00' 40" W	S 27°30' 00" E
C2	8	333.00'	29°48' 48"	173.27'	171.32'	N 12°35' 37.0" W	N 27°30' 00" W	N 02°18' 46" E
C3	8	70.00'	42°31' 57"	52.08'	50.89'	S 76°41' 01.5" W	N 82°00' 00" W	S 55°22' 03" E
C4	4-8	70.00'	265°15' 54"	324.08'	103.00'	N 08°00' 00.0" E	S 55°22' 03" W	S 39°22' 03" E
C5	9	70.00'	47°50' 04"	58.44'	56.78'	S 79°17' 05.0" W	S 55°22' 03" W	N 78°47' 53" E
C6	7	70.00'	57°17' 53"	70.00'	67.12'	N 48°08' 58.5" W	N 76°47' 53" W	N 19°30' 00" E
C7	6	70.00'	59°30' 00"	72.89'	69.47'	N 10°15' 00.0" W	N 19°30' 00" W	N 40°00' 00" E
C8	5	70.00'	63°10' 04"	77.18'	73.32'	N 71°35' 02.0" W	N 40°00' 00" W	S 78°49' 56" E
C9	4	70.00'	37°27' 53"	45.77'	44.36'	S 86°05' 58.5" E	S 76°49' 56" E	S 39°22' 03" E
C10	4	70.00'	42°37' 57"	52.08'	50.89'	S 80°41' 01.5" W	S 39°22' 03" E	S 82°00' 00" E
C11	3,4	333.00'	77°18' 06"	449.27'	415.38'	N 52°20' 17.0" W	N 13°41' 14" E	N 89°00' 40" E
C12	4	333.00'	36°57' 52"	219.53'	211.13'	N 32°10' 10.0" W	N 13°41' 14" E	N 50°39' 06" E
C13	3	333.00'	40°20' 14"	234.44'	229.83'	N 70°49' 13.0" W	N 50°39' 06" E	S 89°00' 40" E
C14	8	90.00'	29°38' 04"	46.50'	45.38'	N 70°10' 05.0" W	N 84°58' 07" E	N 55°22' 03" E
C15	8	50.00'	42°37' 57"	37.20'	36.35'	N 76°41' 01.5" W	S 55°22' 03" E	S 82°00' 00" E
C16	8	333.00'	26°20' 31"	153.10'	151.75'	N 14°19' 44.5" W	N 27°30' 00" W	N 01°09' 29" E
C17	8	333.00'	03°28' 15"	20.17'	20.17'	N 00°34' 38.5" E	N 01°09' 29" W	N 02°18' 46" E
C18	4	333.00'	31°47' 45"	184.79'	182.43'	N 29°35' 08.5" W	N 13°41' 14" E	N 45°28' 59" E
C19	4	333.00'	05°10' 07"	30.04'	30.03'	N 48°04' 02.5" E	N 45°28' 59" E	N 50°39' 06" E
C20	3	333.00'	01°43' 49"	10.06'	10.06'	N 51°31' 00.5" E	N 50°39' 06" E	N 52°22' 55" E
C21	3	333.00'	38°38' 25"	224.38'	220.18'	N 71°41' 07.5" E	N 52°22' 55" E	S 89°00' 40" E

## Owner's Certificate of Dedication

As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. We also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: the Town of Clifton, the Pierce County Land Management Committee, and the Department of Administration.

Witness the hand and seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Cory Huppert \_\_\_\_\_ Gena Huppert \_\_\_\_\_

State of Wisconsin )  
                                  SS  
                                  County)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named Cory Huppert and Gena Huppert, to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

Notary Public, \_\_\_\_\_ County, Wisconsin.

My commission expires \_\_\_\_\_.

## Consent of Corporate Mortgagee

Security Financial Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of Cory Huppert and Gena Huppert, owners.

In witness whereof, the said Security Financial Bank has caused these presents to be signed by Paul Rudersdorf, its President, at Durand, Wisconsin, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of:

Security Financial Bank \_\_\_\_\_

President \_\_\_\_\_ Date \_\_\_\_\_

State of Wisconsin )  
                                  SS  
                                  County)

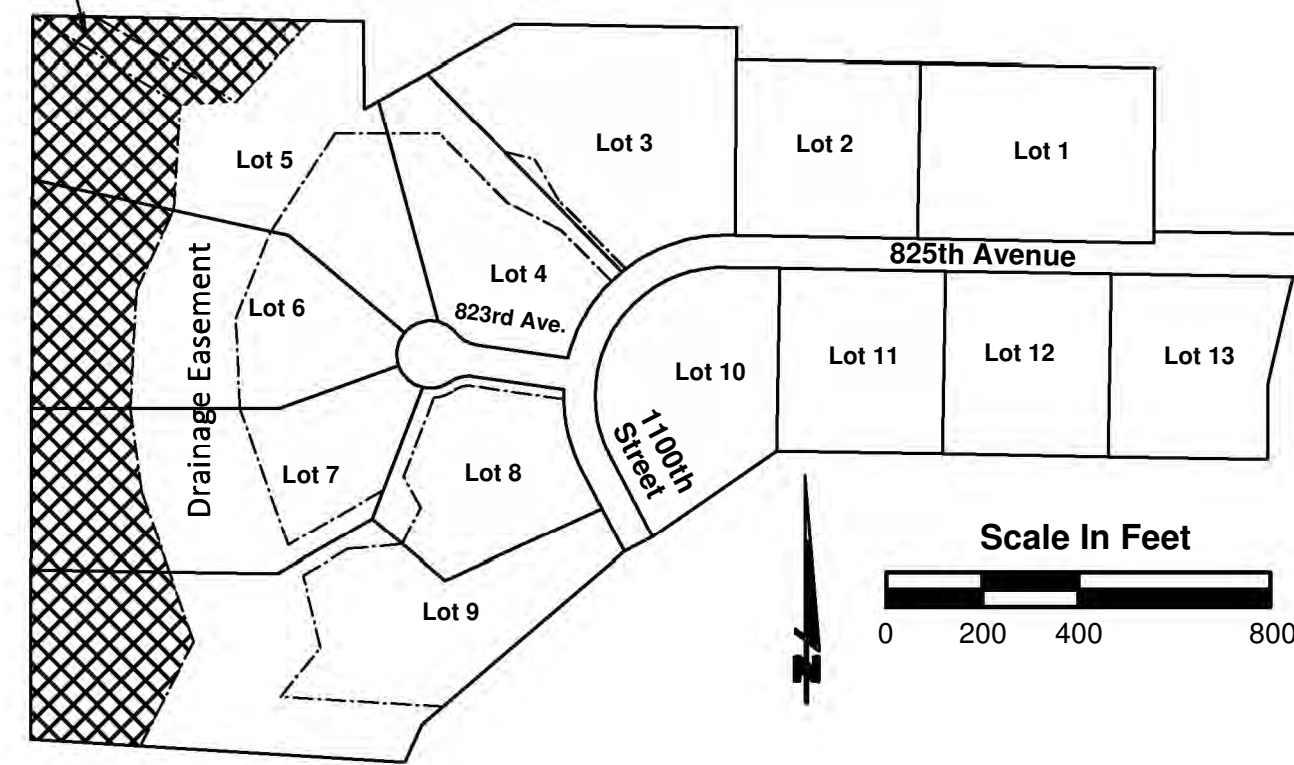
Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Paul Rudersdorf, President of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_ (state)

My commission expires \_\_\_\_\_.

No Land Disturbance Area  
(See Note #3 on Sheet 1)

## No Land Disturbance Sketch



## Pierce County Land Management Committee Resolution

Resolved, that the plat of Hidden Hills of the Kinni, in Pierce County, Cory Huppert and Gena Huppert, owners, is hereby approved by the Pierce County Land Management Committee.

Date \_\_\_\_\_ Joe Fetzter  
Land Management Committee Chair

Date \_\_\_\_\_ Brad Roy  
Zoning Administrator

I hereby certify that the foregoing is a copy of a resolution adopted by the Pierce County Land Management Committee.

Date \_\_\_\_\_ Jamie Feuerhelm  
County Clerk

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration



## County Treasurer's Certificate

State of Wisconsin )  
                                  SS  
Pierce County)

I, Kathy Fuchs, being the duly elected, qualified and acting Treasurer of the County of Pierce, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of

\_\_\_\_\_, 20\_\_\_\_ affecting the land included in the plat of Hidden Hills of the Kinni.

Date \_\_\_\_\_ Kathy Fuchs  
County Treasurer

## Town Treasurer's Certificate

State of Wisconsin )  
                                  SS  
Pierce County )

I, Jeannie Aws, being the duly appointed, qualified, and acting Town Clerk/Treasurer of the Town of Clifton, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or

unpaid special assessments as of \_\_\_\_\_, 20\_\_\_\_ on any of the land included in the plat of Hidden Hills of the Kinni.

Date \_\_\_\_\_ Jeannie Aws  
Town Clerk/Treasurer

## Town Board Resolution

Resolved, that the plat of Hidden Hills of the Kinni in the Town of Clifton, Cory Huppert and Gena Huppert, owners, is hereby approved by the Town Board.

Date Approved \_\_\_\_\_ LeRoy Peterson  
Town Chair

Date Signed \_\_\_\_\_

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Clifton.

Date \_\_\_\_\_ Jeannie Aws  
Town Clerk/Treasurer

*Daniel P. Kugel*

Daniel P. Kugel S-2684  
Professional Land Surveyor  
Ogden Engineering Company  
1234 S. Wasson Lane  
River Falls, Wisconsin 54022

Dated this 26th day of September, 2019.  
Revised this 9th day of October, 2019.

