

**Date:** May 5, 2025

**To:** Town of Eagle Plan Commission and Town Board

**From:** Rebekah Leto, AICP, Town Planner

**Subject:** Two-lot Certified Survey Map (CSM) and any necessary waivers on property located

**Application:** 2025-05 <https://s.zoninghub.com/6SQ5TTE1G1>

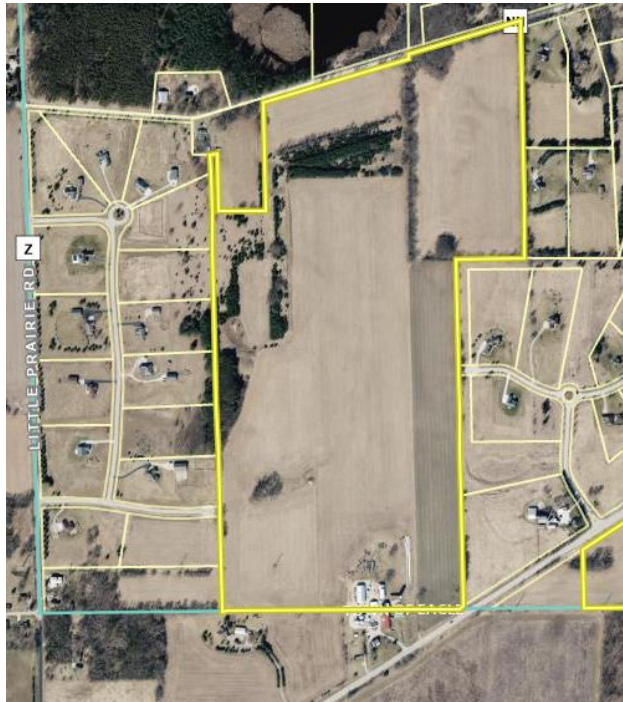
**Location:** A portion of EGLT 1851.999.001, located in the SW ¼ of Section 31

**Owner/Applicant:** Lynn and Edwin Gardinier Jr.

**Date of CSM:** March 29, 2025

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The subject property is located in the far southwest corner of Eagle, between Orchard's Grove and Eagle Meadow Farms subdivisions. The subject property is 151.8 acres north of S.T.H. 67, with approximately 5 additional acres in the Town of Troy, Walworth County. The acreage in Walworth



County is not included in this request. The property is active farmland and contains two farm residences in Walworth County and multiple farm buildings that cross over the county line. It should be noted that the owners have an additional 27+/- acres south of S.T.H. 67 under the same tax key. Those lands are not a part of this request.

The owner is proposing a Certified Survey Map to create one 10-acre residential parcel (Exhibit A). The remaining 141.8 acres (Lot 1) will remain farmland. The reason for the CSM is to construct a new residential home. Access to Lot 2 is proposed from Oregon Trail, which connects to the public road for a length of 33 feet. The property is zoned RR Rural Residential and requires a minimum of 3 acres and 200 ft. in average width. The proposed land division

complies with the zoning district requirements and the Land Use Plan.

In accordance with Section 480.43, the owners have submitted a concept plan that identifies how the proposed Lot 2 (10-acres) does not interfere with the ability to develop the parcel in the future (Exhibit B). A road connection appears to be possible between Oregon Trail and Carter Lane. In addition, the frontage along C.T.H. NN allows for additional access points from the north. If Oregon Trail is ever extended to accommodate future development of Lot 1, a 33 ft. road dedication would be required along the south portion of Lot 2.

## **Potential Waivers**

The Town Board may move to waive the requirement to consider a Conceptual CSM.

## **Staff Recommendation**

Based upon the above information, staff recommends **conditional approval** of the Certified Survey Map, subject to the following conditions and modifications being made to a revised Certified Survey Map and subject to any waivers requested being approved by the Town Board.

### **Specific Conditions:**

1. Subject to the petitioner obtaining Town Engineer approval of the Final CSM. All conditions of the Town Engineer shall be complied with (see enclosed memo dated April 29, 2025).
2. Subject to the petitioner obtaining Certified Survey Map approval from the Waukesha County Department of Parks and Land Use.
3. Lot 2 (proposed 10 acres) shall be labeled as Lot 2 with its square footage identified.
4. All structures on Lot 1 and within 50 ft. of the exterior boundary of the CSM shall be identified on the CSM.
5. If there is drain tile present, its location and function shall be disclosed on future CSM submittals.
6. The owners of the adjacent unplatted lands shall be identified on the Final CSM.
7. The zoning shall be revised to state:
  - Town of Eagle Zoning: RR Rural Residential District and C-1 Conservancy District
  - Waukesha County Shoreland Protection Ordinance Zoning: A-2 Rural Home District
8. Note the zoning district (RR Rural Residential District), the setback (50') and offset (20') on the CSM. Add a note that states "The lands that are a part of this Certified Survey Map are zoned RR Rural Residential District at the time of approval. The zoning districts, setbacks and offsets identified herein are subject to change based on the provisions of Town of Eagle Zoning Code (Chapter 500)."
9. The Waukesha County Shoreland Protection Ordinance Jurisdictional limits shall be labeled as such. The boundary appears to be shown in light gray.
10. Correct the spelling of Waukesha County from "Wawatosa" County in the legal description on all sheets.
11. The established right of way of C.T.H. NN is 66 ft., not 100 ft. Please correct the right of way on Sheet 1 of the CSM.

12. C.T.H. NN has a 66 ft. wide planned right of way. Please update the right of way on the CSM and show 33 ft. from the centerline. This may require a road right of way dedication which shall be shown on the CSM. Specifically, it appears the east portion of the property may require the road right of way dedication. Any lands dedicated for road purposes shall state “dedicated to the public”.
13. A note shall be added that states, “Future access to C.T.H. NN from Lot 1 requires an Access Permit to be reviewed and approved by the Waukesha County Department of Public Works.”
14. Identify the centerline of all roadways.
15. The south 33 ft. of proposed Lot 2 shall be reserved for future road way as an extension of Oregon Trail and identified on the CSM. A note shall also be added that states, “33 ft. road way reserved for public road dedication if and when Lot 1 is further subdivision. The Town Board may release the Road Reservation provided any proposed subdivision of Lot 1 provides adequate alternative access to the development. Lot 2 shall retain access to a public road.”
16. Any existing private on-site wastewater treatment systems (POWTS) and wells on proposed Lot 1 within the boundary of the CSM shall be shown on the CSM.
17. Documentation from the Waukesha County Environmental Health Division (EHD) indicating that soil tests on Lot 2 have been submitted that show soils are suitable for on-site private septic systems shall be submitted to the Town Planner. The location of soil borings with numerical cross-references to the boring shall be identified on the CSM.
18. This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. Therefore, the following restriction must be placed on the Certified Survey Map:

#### BASEMENT RESTRICTION – GROUNDWATER

The lands that are a part of this Certified Survey Map are located in an area with mapped soils that may contain seasonal high groundwater. Waukesha County Shoreland Protection Ordinance currently require that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any future proposed residence will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland Protection Ordinance or the Waukesha County Zoning Code, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Eagle must also be complied with.

19. The Owners Certificate notes the Town of Eagle as Extraterritorial review. Please remove this reference to Extraterritorial review.

20. The Notary Public for the Owner Certificate notes the year 2020. Please correct to either 2025 or 20\_\_\_\_.
21. The Town of Eagle Town Board Certificate also notes the year 2020. Please correct to either 2025 or 20\_\_\_\_.
22. Confirm with the property owners that Lynn Gardinier is on the deed for this parcel and/or is an owner. The tax listing only lists Edwin Gardinier Jr. as the owner of the property. Update the signature certificates as appropriate.
23. The Village of Eagle does not contain Extraterritorial Review over these lands. Remove their signature certificate on Sheet 4.
24. The Town of Eagle does not require Plan Commission signatures on the Final CSM. Remove the Signature Certificate for the Plan Commission.
25. Revise the Town Chairperson signature to Chris Mommaerts and the Clerk to Mercia Christian.
26. A signature certificate for the Director of the Waukesha County Department of Parks and Land Use, as shown below, must be added to the Certified Survey Map.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dale R. Shaver, Director

27. If there is an outstanding mortgage on the property, a Signature Certificate for the mortgage holder must be added to the Certified Survey Map.
28. The surveyor's seal, signature, and date must appear on all sheets of the Final Certified Survey Map. The same revision date must be noted on all sheets of the Final Certified Survey Map.

General Conditions

29. Staff and Governmental Approval. Prior to the Town signing the final CSM, the commencement of any construction or any improvement, whether public or private, or any site development, the Developer shall satisfy all comments, conditions and concerns of the Town Planner, the Town Engineer, and all reviewing, objecting and approving bodies, including, but not limited to, the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning

Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Conveyance, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier.

30. Professional Fees. The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions of this review due to a violation of these conditions.
31. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators, or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this review that is subject to all remedies available to the Town, including possible cause for termination of the conveyance.
32. Surveyor's responsibility. Although the Town of Eagle has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matter and compliance with all state and local codes, ordinances, and procedures. Modifications to the survey may be required should errors or changed conditions be found at a future date.

Attachments: Exhibit A – CSM 3/29/25  
Exhibit B – Potential development plan  
Engineer report

cc: Town Engineer, County EHD, County Planner