

WASHINGTON COUNTY, WISCONSIN

Date of enactment: 12/16/09

Date of publication: 12/16/09

VOTE

2009 ORDINANCE 13

AN ORDINANCE to create Section 1.13; and to amend Sections 6.04, 12.05; to create Section 12.07; to amend Sections 15.03, 17.08, 21.03, 24.01, 24.02, 24.03, 24.04, 24.05, 24.06, 24.07, 24.08 and 24.10 relating to: Comprehensive Plan; Health Department; Control of Access to County Trunk Highways; County Right-of-Way Width Map; Duties of the Land Conservation Committee; Erosion Control Plan Requirements; Duties of Planning, Conservation and Parks Committee; Introduction; General Provision; Procedure; Preliminary Plat; Final Plat; General Requirements and Design Standards; Variance and Modification; and Fees.

The people of the County of Washington, represented in the Board of Supervisors, do ordain as follows:

SECTION 1. Section 1.13 of the code is created to read:

1.13 (CR 09-13) COMPREHENSIVE PLAN. Washington County has adopted a Comprehensive Plan consistent with §66.1001, Wis. Stats., which is recognized throughout this Code. The policies and programs referred to in the Comprehensive Plan shall be reviewed and updated or implemented as authorized by the County Board from time to time.

SECTION 2. Sections 6.04(3), (4) and (5) of the code are amended to read:

6.04 HEALTH DEPARTMENT. (3)(AM 09-13) **Powers and Duties of the Board of Health.** Subject to §251.04, Wis. Stats., and the rules of the Administrative Code promulgated thereunder, the Board shall:

* * *

(b) Develop policy and provide leadership that fosters local involvement emphasizing public health needs and advocates for equitable distribution of public health resources and complementary private sector activities commensurate with public health needs.

* * *

(d) Employ qualified public health professionals, including a public health nurse to conduct general public health nursing programs. to conduct general public health nursing programs and environmental health programs.

(e) Coordinate the activities of environmental health professionals employed

1 by the County Health Department and collaborate with other environmental health professionals
2 of any sanitarian employed by the County Health Department.

3
4 (f) Assure the health department meets the requirements for Level I, II or III
5 as specified in §251.05(1), Wis. Stats., and the enforcement of State public health statutes and
6 administrative rules.

7
8 * * *

9
10 (4)(AM 09-13) **Health Department Level of Service.** The Health Department
11 shall, at a minimum, meet the level of service requirements of §251.05(1)(a), Wis. Stats., and
12 shall perform those additional duties as required in §251.05(3), Wis. Stats.

13
14 (a) Provide surveillance, investigation, control and prevention of
15 communicable diseases, other disease prevention, health promotion, human health hazard control
16 and public health nursing services.

17
18 (b) Collect, assemble, analyze and make available information on the health
19 status of the community as needed.

20
21 (c) Develop public health policies and procedures for the community.

22
23 (d) Develop a community health improvement plan for Washington County.

24
25 (5)(AM 09-13) **County Health Officer, Appointment, Powers and Duties.** Pursuant
26 to §251.06(4), Wis. Stats., the County Board Chairperson shall appoint a local Health Officer
27 upon recommendation of the Administrative Coordinator and the Board of Health, subject to
28 confirmation by the County Board of Supervisors. The local Health Officer shall be known as
29 the Director, Health Department. The Director shall:

30
31 (a) Administer the Health Department in accordance with Public Health State
32 Statutes and Rules Administrative Code.

33
34 * * *

35
36 (e) Appoint and supervise qualified personnel for the department pursuant to
37 requirements of Administrative Code HFS 139 for public health professionals.

38
39 * * *

40
41 (i) Promote the ~~spread~~ distribution of information and education as to the
42 causes, nature and prevention of prevalent diseases, and the preservation and improvement of
43 health.

1 (j) Comply with §251.06, Wis. Stats., having at least the same Level I, II or
2 III designation as the Health Department.

3
4 **SECTION 3.** Sections 12.05(1) and (2) of the code are amended to read:

5 **12.05 CONTROL OF ACCESS TO COUNTY TRUNK HIGHWAYS.** (1)(AM 09-
6 13) The Washington County Highway Committee and Highway Commissioner are hereby
7 authorized to promulgate rules to regulate and control access to Washington County Highways in
8 order to promote the public safety, convenience, general welfare, and economic viability and to
9 protect the public investment in existing and proposed county highways. These rules shall
10 include the development of County access control and County utility accommodation policies
11 and associated regulations for access to County trunk highways. The design standards
12 underlying the regulations shall promote the orderly and safe movement of vehicles to and from
13 private property in a manner that creates as little interference to through highway traffic as is
14 possible and to control the use of drainage structures and appurtenances as may be necessary to
15 preserve the physical structure of county trunk highways. The design standards may address the
16 development of adjacent bicycle paths, pedestrian paths, and farm friendly design options for
17 rural County highways.

18
19 (2)(AM 09-13) **Statutory Authorization.** This section and the regulations established
20 under this section are authorized by the provisions of §§59.02, 59.52(24), 59.54(17), 66.1031
21 83.025, 83.027, 83.42, 86.07(2), and Ch. 236, Wis. Stats., and Chs. Hy 31, Trans 231, and Trans
22 233; and Trans-RR1, Wis. Admin. Code.

23
24 **SECTION 4.** Section 12.07 of the code is created to read:

25 **12.07(CR 09-13) COUNTY RIGHT-OF-WAY WIDTH MAP.** Under the statutory
26 authorization and consistent with the procedures set forth in §66.1031, Wis. Stats., the County
27 Highway Department may create and maintain a County Street and Highway Right-of-Way
28 Width Map.

29
30 **SECTION 5.** Section 15.03(5) of the code is amended to read:

31 **15.03 DUTIES OF THE LAND CONSERVATION COMMITTEE.** (5)(AM 09-13)
32 To review and make recommendations for County Board action on matters relating to the
33 following: (c) The County's policy toward, or participation in programs relating to water
34 pollution control, soil conservation, drainage/flood management, farmland preservation; and
35 farmland protection, wildlife management/damage and abatement, forestry or other natural
36 resources management issues or programs within the County.

37
38 **SECTION 6.** Section 17.08(4) of the code is amended to read:

39 **17.08 EROSION CONTROL PLAN REQUIREMENTS.** (4)(AM 09-13) **Final**
40 **Erosion Control Plan Contents.**

41 * * *

42
43
44 (b) Sites of One Acre or Greater in Total Land Disturbance. The following
45 shall be the minimum requirements for items to be included in an erosion control plan:

46
47 1. Existing Site Map and Data. A map and supporting data of
48 existing site conditions at a scale of one inch equals no more than 100 feet showing the following
49 items on the site and within 50 feet in each direction of the site boundaries:

1 * * *

2
3 n. Location of primary environmental corridor boundaries and
4 isolated natural resource areas, as defined by the Southeastern Wisconsin Regional Planning
5 Commission;

6
7 **SECTION 7.** Sections 21.03(5) and (10) of the code are amended to read:

8 **21.03 DUTIES OF PLANNING, CONSERVATION AND PARKS COMMITTEE.**

9 The County Planning, Conservation and Parks Committee shall have the following functions and
10 duties:

11 * * *

12
13
14 (5)(AM 09-13) ~~To make and recommend a County street and highway map to the~~
15 ~~County Board in accordance with §80.64, Wis. Stats. To consider any established street and~~
16 highway right-of-way width maps as created or maintained by the Highway Department pursuant
17 to §66.1031, Wis. Stats.

18 * * *

19
20
21 (10)(AM 09-13) To prepare and recommend a Comprehensive Plan for County Board's
22 consideration in accordance with §§66.1001, Wis. Stats., and to initiate the following:

23
24 (a) Amendments to the Comprehensive Plan as required by law and conduct
25 public hearing therein;

26
27 (b) Action to ensure that these ordinances recognize and address the
28 Comprehensive Plan;

29
30 (c) A report to the County Board, as needed, regarding the status of the
31 County Comprehensive Plan and any amendments thereto;

32
33 **SECTION 8.** Section 24.01(2) of the code is amended to read:

34 **24.01 INTRODUCTION.** (2)(AM 09-13) **Purpose.** The purpose of this chapter is to
35 supplement the provisions of Ch. 236, Wis. Stats., and to promote the public health, safety and
36 general welfare of Washington County; to lessen congestion in the streets and highways; to further
37 the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide
38 adequate light and air; to prevent the overcrowding of land; to preserve and protect the natural
39 resource base to maintain ecological balance, natural beauty and overall quality of life; to identify
40 lands suitable for development and appropriate for preservation; to avoid undue concentration of
41 population; to facilitate adequate provision for transportation, water, sewerage, schools, parks,
42 playgrounds and other public requirements; and, to facilitate the further resubdivision of larger
43 tracts into smaller parcels of land. The provisions of this chapter are made with reasonable
44 consideration, among other things, of the character of the County, with a view of conserving the
45 value of the buildings placed upon the land providing the best possible environment for human
46 habitation, and encouraging the most appropriate use of land throughout the County.

1 **SECTION 9.** Sections 24.02(2), (3), (6) and (8) of the code are amended to read:

2 **24.02 GENERAL PROVISIONS.** (2)(AM 09-13) **Compliance.** No person, firm or
3 corporation shall divide any lands located within the jurisdictional limits of these regulations which
4 results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor
5 land division or replat shall be entitled to record; and, no street shall be laid out or improvements
6 made to land without compliance with all requirements of this chapter and:

7
8 * * *

9
10 (e) Duly approved comprehensive plan or comprehensive plan components
11 including zoning ordinances, sanitary codes, ~~Established Street and Highway Width Map of~~
12 ~~Washington County~~ and all other applicable County and town ordinances including any County or
13 town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant
14 to §§59.693 or 60.627(2), Wis. Stats.

15
16 (3)(AM 09-13) **Definitions.** For the purposes of these regulations, the following terms are
17 defined:

18
19 (a b) **"Certified Survey Map."** ~~means a~~ A map of a land split prepared in
20 accordance with §236.34, Wis. Stats.

21
22 (aa a) **"Board of Adjustment."** ~~means the~~ The Washington County Board of
23 Adjustment.

24
25 (b c) **"County."** ~~means~~ Washington County Planning, Conservation and Parks
26 Committee.

27
28 (e d) **"Cul de sac."** ~~means a~~ A minor street closed at ± one end with a turnaround
29 provided for vehicles.

30
31 (d e) **"Director."** ~~means~~ Director of Plat Review, Wisconsin Department of
32 Administration.

33
34 (f) **"Isolated Natural Resource Area."** An area between five and 100 acres
35 containing significant remnant natural resources, such as woodlands, wetlands, prairies, and
36 important plant and wildlife habitat, 200 feet in width as delineated and mapped by the
37 Southeastern Wisconsin Regional Planning Commission.

38
39 (£ g) **"Parkway."** ~~means a~~ A continuous or semi-continuous park or drive,
40 usually along a watercourse or park, where the land is owned or reserved for public or semi-public
41 purposes and having access to it.

42
43 (g h) **"Plan Commission."** ~~means the~~ The local ~~municipality's~~ town, village or
44 city's planning commission.

1 (i) **"Primary Environmental Corridor."** A concentration of significant
2 natural resources, such as woodlands, wetlands, prairies, and important plant and wildlife habitat,
3 at least 400 acres in area, at least two miles in length, and at least 200 feet in width as delineated
4 and mapped by the Southeastern Wisconsin Regional Planning Commission.

5
6 (h j) **"Replat."** ~~means the~~ The changing of any interior or exterior boundaries of
7 a recorded subdivision plat.

8
9 (i k) **"Subdivision."** ~~means the~~ The division of a lot, parcel or tract of land by
10 the owner, any successor in interest or any agent of either where:

11
12 (j l) **"Submittal."** ~~means plats~~ Plats shall be deemed "submitted" to the
13 approving agencies when filed by the subdivider or agent with a Letter of Transmittal, so labeled,
14 indicating the clear intentions to so file, together with any review and recording fees as required by
15 this chapter or local ordinances. The reception date of said plat shall be the physical receipt by the
16 approving authority at its normal place of business evidenced by notation or stamp to that affect.

17
18 (k m) **"L W CD."** ~~means Washington County Land Conservation Department~~
19 The Land and Water Conservation Division of the Washington County Planning and Parks
20 Department.

21 * * *

22
23
24 (6)(AM 09-13) **Land Suitability.** (b) In addition to the above the following criteria is to
25 be adhered to:

26 * * *

27
28 2. No building sites shall be created which do not meet the standards
29 as established in Wisconsin Administrative Code Ch. COMM 85 83 and the Washington County
30 Sanitary Code Ch. 25.

31
32
33 (8)(AM 09-13) **Highway Access Approval.** No subdivision shall be approved by the
34 ~~Park and Planning Commission~~ Planning, Conservation and Parks Committee until written
35 approval is presented from the public highway authority having jurisdiction (town board, County
36 or State Highway Department) indicating that the proposed land division each have a minimum
37 of 66 feet of approved access frontage to a public roadway under that authority's jurisdiction.

38
39 **SECTION 10.** Section 24.03(2) and (3) of the code are amended to read:

40 **24.03 PROCEDURE.** (2)(AM 09-13) **Preliminary Plat.** (a) Prior to the submittal of
41 a Final Plat, the subdivider shall file a Preliminary Plat and a letter of application with the town
42 clerk along with a sufficient number of copies to be forwarded within 2 days to the following
43 agencies involved with reviewing the plat:

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6. One copy to the L W CD personnel.

(3)(AM 09-13) **Final Plat.** (a) The subdivider shall prepare a Final Plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat with the town clerk, who shall within 2 days, formally file the plat as follows:

* * *

2. If the original copy of the plat is filed with the State as mentioned above, copies of the plat will have to be filed with the town clerk and shall be transmitted to the approving agencies and the utility companies as outlined in sub. 24.03(a)2. through 5 of this chapter. This must be done as the State does not transmit copies to the approving agencies. A copy of the final plat shall also be filed with the L W CD personnel.

SECTION 11. Section 24.04(1) of the code is amended to read:

24.04 PRELIMINARY PLAT. (1)(AM 09-13) **Plat Data.** A Preliminary Plat shall be required for all subdivisions (as defined herein) and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar, velum or paper of good quality at a scale of not less than 200 feet to the inch and shall show correctly on its face the following information:

* * *

(k) Location of all existing property boundary ~~lines~~ lines, structures, drives, streams or water courses, marshes, rock outcrops, wooded areas, railroad tracks, primary environmental corridors, secondary environmental corridors, isolated natural resource areas and other similar significant features within the tract being subdivided or immediately adjacent thereto.

* * *

(m) Existing zoning on and adjacent to the proposed subdivision along with corporate limit lines, including any airport or transportation related overlay districts.

* * *

(s) Following Preliminary Plat approval, detailed construction plans shall be submitted to and reviewed by the L W CD personnel, as to conformance with accepted Natural Resources Conservation Service Standards based on the NRCS Technical Guide, Engineering Field Manual and other accepted Washington County or Natural Resources Conservation Service Standards in accordance with sub. 24.04(2) of this chapter.

SECTION 12. Section 24.05(2) of the code is amended to read:

24.05 FINAL PLAT. (2)(AM 09-13) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Ch. 236, Wis. Stats., the following:

* * *

1 (b) Special restrictions as may be required by the Town Board or the County
2 ~~Planning Commission~~ Planning, Conservation and Parks Committee.

3
4 **SECTION 13.** Section 24.06(4) and (6) of the code are amended to read:

5 **24.06 GENERAL REQUIREMENTS AND DESIGN STANDARDS.** (4)(AM 09-
6 13) **Construction Standards.** All streets and roads shall be constructed in conformance with
7 those standards adopted by the town. Where there are no town road standards, the minimum
8 standards of the State Department of Transportation shall apply. Local restrictions may also
9 require the installation and improvement of curbs, sidewalks, gutters, storm drainage, sewers, ~~etc~~
10 and other related improvements. These improvements shall be constructed in accord with the
11 local requirements. However, no construction shall begin until all approving authorities have
12 approved the Preliminary Plat.

13
14 * * *

15
16 (6)(AM 09-13) **Easements.** (c) Where a subdivision is traversed by a drainageway
17 or stream, an adequate easement shall be provided as deemed necessary by the Town or County
18 engineer in those cases where the County Engineer is under contract with the Town for
19 engineering services. The location, width, alignment and improvement of such drainageway or
20 easement shall be subject to approval by the town engineer or the County; and parallel streets or
21 parkways may be required in connection therewith. Where necessary, storm water drainage shall
22 be maintained by landscaped open channels of adequate size and grade to hydraulically
23 accommodate maximum potential volumes of flow, subject to review and approval by the town
24 engineer. Where deemed necessary, the town or the County may require these channels to be
25 enclosed with pipe.

26
27 **SECTION 14.** Section 24.08(1) of the code is amended to read:

28 **24.08 VARIANCE AND MODIFICATION.** (1)(AM 09-13) **General.** Where the
29 Board of Adjustment finds that extraordinary hardships may result from strict compliance with
30 these regulations, it may vary the regulations with town board approval, so that substantial
31 justice may be done and the public interest secured, provided that such variation will not have
32 the effect of nullifying the intent and purpose of these regulations and any development plans of
33 any ~~municipal~~ local agency.

34
35 **SECTION 15.** Section 24.10(2) and (5) of the code are amended to read:

36 **24.10 FEES.** (2)(AM 09-13) **Preliminary Plat Review Fee.** To assist in defraying the
37 costs of review, the subdivider shall (at the time of ~~1st application~~ first request for approval of
38 any preliminary plats) pay a fee established ~~under~~ pursuant to sec. 21.02(1)(f) of this Code. A
39 reapplication fee shall be paid at the time of reapplication for approval of any preliminary plat
40 which has previously been reviewed.

41
42 (5)(AM 09-13) **Final Plat Review Fee.** To assist in defraying the costs of review the
43 subdivider shall (at the time of ~~1st application~~ first request for approval of said final plat) pay a
44 fee established ~~under~~ pursuant to sec. 21.02(1)(f) of this Code. A reapplication fee shall be paid
45 at the time of a reapplication for approval of any final plat which has previously been reviewed.

1 **SECTION 16. EFFECTIVE DATE.** This ordinance shall become effective upon
2 passage by the Board of Supervisors and publication as provided by law.

3
4 **SECTION 17. SUMMARY.** Various ordinance amendments recognizing the County's
5 adopted Comprehensive Plan within the County's Code of Ordinances.

6
7
8 VOTE REQUIREMENT FOR PASSAGE: Majority

9
10 APPROVED: Introduced by members of the BOARD OF
11 **(signed by Kimberly A. Nass)** HEALTH, EXECUTIVE, TRANSPORTATION
12 Kimberly A. Nass, County Attorney PLANNING, CONSERVATION and PARKS,
13 Dated _____ and LAND CONSERVATION COMMITTEES
14 Considered **12/8/09** as filed with the County Clerk.

15 Adopted **12/8/09**
16 Ayes **28** Noes **1** Absent **1** **(signed by Herbert J. Tennies)**
17 Voice Vote _____ Herbert J. Tennies, Chairperson
18 Countersigned: Executive Committee,
19 _____ as to County Code Chapters 1 and 21
20 Herbert J. Tennies **(signed by Charlene S. Brady, Chairperson)**
21 County Board Chairperson Charlene S. Brady, Chairperson
22 Board of Health, as to County Code Chapter 6
23 **(signed by Daniel R. Goetz, Chairperson)**
24 Daniel R. Goetz, Chairperson
25 Transportation Committee, as to County Code
26 Chapter 12
27 **(signed by John W. Stern, Chairperson)**
28 John W. Stern, Chairperson
29 Land Conservation Committee,
30 as to County Code Chapters 15 and 17
31 **(signed by John W. Stern, Chairperson)**
32 John W. Stern, Chairperson
33 Planning, Conservation and Parks Committee,
34 as to County Code Chapter 24

35 (No fiscal effect.)