

WASHINGTON COUNTY CODE

CHAPTER 24

LAND DIVISIONS

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CHAPTER 24

LAND DIVISIONS

24.01 INTRODUCTION. (1) **Authority.** This chapter is adopted pursuant to the authority granted by §§59.692(3), 281.35 and 236.45, Wis. Stats.

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

(3) **Abrogation and Greater Restrictions.** It is not the intent of this chapter to repeal, abrogate, annul, impair or interfere with existing rules and regulations governing the subdivision of land; provided, however, that where this chapter is more restrictive, the provisions of this chapter shall govern.

(4) **Interpretation.** The provisions of this chapter shall be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) **Non-Liability.** Washington County does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies or employees for any flood damages, sanitation problems or structural damage that may occur as a result of or reliance upon or conformance with this chapter.

(6) **Title.** The name of this chapter shall be known and cited as the "Land Division Ordinance for Washington County."

24.02 GENERAL PROVISIONS. (1) **Jurisdiction.** The jurisdiction of this chapter shall apply to all lands and water within the unincorporated areas of Washington County. Where a town has adopted a subdivision control ordinance, the provisions of this chapter shall apply where they are more restrictive than the town ordinance. Exceptions: In no instance shall the provisions of this chapter apply to:

- (a) Transfer of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.

(c) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

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

(a) All rules and statutes that are reviewed and enforced by the Plat Review Program, Department of Administration including Ch. 236, Wis. Stats.

(b) Rules of the State Division of Safety and Building, Department of Commerce, regulating the lot size and lot elevation of the land to be subdivided if not served by a public sewer and provisions for such service have not been made.

(c) Rules of the State Department of Transportation, relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned or controlled by the subdivider abuts a State trunk highway or connecting street.

(d) State Department of Natural Resources Rules setting water quality standards, preventing and abating pollution.

(e) Duly approved comprehensive plan or comprehensive plan components including zoning ordinances, sanitary codes and all other applicable County and town ordinances including any County or town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant to §§59.693 or 60.627(2), Wis. Stats.

(3)(AM 01-8)(AM 09-13) **Definitions.** For the purposes of these regulations, the following terms are defined:

(a) **"Board of Adjustment."** The Washington County Board of Adjustment.

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

(c) **"County."** Washington County Planning, Conservation and Parks Committee.

(d) **"Cul de sac."** A minor street closed at 1 end with a turnaround provided for vehicles.

(e) **"Director."** Director of Plat Review, Wisconsin Department of Administration.

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

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

(h) **"Plan Commission."** The local town, village or city's planning commission.

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

(j) **"Replat."** The changing of any interior or exterior boundaries of a recorded subdivision plat.

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

1. The act of division creates 5 or more parcels or building sites of 5 acres each or less in area; or

2. Five or more parcels or building sites of 5 acres each or less in area are created by successive division within 5 years.

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

(m) **"LWCD."** The Land and Water Conservation Division of the Washington County Planning and Parks Department.

(4) **Dedication and Reservation.** In order that adequate open spaces and sites for public uses may be properly located and preserved as the County develops; and in order that the cost of providing the public school, park and recreation sites and facilities necessary to serve the additional number of people brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by such developments the following provisions are established:

(a) The subdivider shall dedicate an amount of land equal to 1 acre for every 15 dwelling units being proposed. This land being dedicated and its location shall be subject to approval by the County and the town and shall be in a suitable location to fulfill the needs of the

community. Lands unsuitable for residential development may be dedicated to fulfill the above obligation only upon approval by the town and the County.

(b) Where a subdivision contains land indicated in whole or in part as a site for a public park, school, recreation area or other public use on an Official Plan of the County or any municipality of the County which has been adopted prior to submission of a preliminary plat for approval, said land shall be dedicated to the municipality in which the land is located in an amount equal to 1 acre of land for every 15 dwelling units. However, where such official plans call for a larger tract of land than would be set aside if the above standard were applied, the subdivider, in lieu of dedicating the land (in excess of 1 acre for every 15 dwelling units shall reserve said land, for acquisition by Washington County or the municipality in which the land is located, for a period not to exceed 3 years.

(c) Where a subdivision abuts a public use area such as a park, lake, stream, hunting grounds or any similar type of public recreational area, the subdivider at the option of the County, shall provide a pedestrian access easement at least 20 feet wide connecting such public area with a public street.

If it is deemed to be in the public interest by the County to reserve additional area for proper development of the public access thoroughfare, the subdivider shall reserve for acquisition by the municipality in which the land is located a tract of land adjacent to the thoroughfare which, in the judgment of the County, will adequately serve the public interest. Such tract shall be reserved for a period of 3 years from the date of recordation of the plat and if not acquired within that time, it shall be released for disposal by the owner.

(d) Where the proposed division abuts an existing or proposed State, County or Town road, the subdivider shall be required to dedicate any additional lands abutting the road in accordance with the width as required by the County Established Street and Highway Width Map or any other officially approved plan or ordinance in effect with the area.

(e) The dedication of land for public purposes, such as rights-of-way, parks, school sites, easements, becomes effective at the time of approval and recording of the Final Plat. The acceptance of the constructed roadway for maintenance purposes shall be by separate resolution adopted by the municipality in which the plat is located.

(f) On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation. The reservation period shall not be longer than 3 years unless arranged otherwise with the subdivider. Land so reserved must be shown on the Final Plat or on the Certified Survey Map.

(g) If required by the town board, a fee in lieu of dedication of lands as required above shall be paid to said township. Said township shall keep a separate nonlapsing fund for money so received specifically reserved for park and recreation acquisition and development use in that township. The minimum fee collected shall be \$150 per lot. This fee may be increased by an ordinance of the individual town board. Fees shall be collected as follows:

1. Subdivision Plats. Fees must be collected by the township from the subdivider subject to approval by the County of the Final Plat.

(5) **Improvements.** Prior to approval of the Final Plat or Final Certified Survey Map, the subdivider shall install street and utility improvements and all construction site erosion control and stormwater management measures as required by the town or County ordinance.

(6)(AM 09-13) **Land Suitability.** (a) No land shall be subdivided for residential use which is deemed by the County or the town unsuitable for such use for reason of flooding, inadequate drainage, adverse soil or rock formations, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision of the community. In applying the provisions of this section, the County or the town shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter, the County or the town may affirm, modify or withdraw its determination of unsuitability.

(b) In addition to the above the following criteria is to be adhered to:

1. All lands to be subdivided shall be at least 2 feet above the elevation of the 100 year recurrence interval flood or where such data is not available, 5 feet above the elevation of the maximum flood on record.

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

(c) Lot areas within 100 feet of an existing or a proposed road centerline shall be presumed unsuitable for development if 80% of the area has 12% slopes or greater or the proposed lot frontage along its road right-of-way line has a vertical change of 6 feet or more in a horizontal distance of 18 feet unless the subdivider's construction and design plans and conservation practice proposals will satisfactorily avoid potential soil erosion and sedimentation problems and otherwise be in compliance with Ch. 17 of this Code or any applicable town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant to §60.627(2), Wis. Stats.

(7) **Issuance of Building Permits.** No building or occupancy permits shall be issued for erection of a structure on any lot not on record until all the requirements of this chapter or any other ordinance have been met.

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

24.03 PROCEDURE. (1) **Pre-Application.** It is recommended that prior to the filing of an application for the approval of a Preliminary Plat, the subdivider consult with the County and the town in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan or components thereof, and duly adopted plan implementation

devices of the County and to otherwise assist the subdivider in planning the development. It is also suggested that the subdivider consult with the authority administering Ch. 17 of this Code to obtain assistance in planning to avoid any conflicts with the provision of Ch. 17. Subdividers are directed to the provision regarding the preliminary approval letter contained in sub. 17.06(1) of this Code.

(2)(AM 09-13)(AM 10-17) **Preliminary Plat.** (a) Prior to the submittal of a Final Plat, the subdivider shall file a Preliminary Plat and a letter of application with the town clerk along with a sufficient number of copies to be forwarded within 2 days to the following agencies involved with reviewing the plat:

1. Two copies to the State Department of Administration; additional copies to be supplied for retransmission of copies each to the State Department of Transportation if the plat abuts or adjoins a State Trunk Highway or a connecting street and the State Department of Commerce, if the plat is not to be served with municipal sewers, along with the original copy of the percolation results and soil borings.

2. Two copies to any municipality exercising extraterritorial plat jurisdiction pursuant to §§236.02(2), 236.10(1)(B)2 and 236.10(2), Wis. Stats.

3. Six copies to be retained by the town in which the plat is located, along with 2 copies of soil percolation and boring results.

4. Two copies to the County along with 1 copy of soil percolation results and soil borings.

5. One copy to be forwarded to each of the utility companies serving the area. This is to inform the utility companies that there is a pending development in the area. It will be the responsibility of the subdivider and the utility company to arrange for the services needed and their location within the plat.

6. One copy to the LWCD personnel.

(b) The State Department of Administration, State Department of Commerce shall be hereinafter referred to as objecting agencies. All other agencies mentioned, excepting the utility companies, shall be hereinafter referred to as approving agencies.

(c) Within 20 days of the date of receiving the copies of the plat, any agency having objecting authority shall notify the subdivider and all approving and other objecting authorities of any objections which it may have, based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, it shall so certify on a copy of the plat and return that copy to the approving authority from which it was received. If any objections are made by an objecting authority, a resubmittal of the Preliminary Plat shall be required with the required corrections noted. Such resubmittal shall be filed as required by sub. 24.03(2)(a) of this chapter. If the objecting agency fails to act within the established 20 day period, it shall be deemed to have no objection to the plat.

(d) After all objections have been formally removed and the plat is so certified by the objecting authorities, the approving agencies may approve the plat upon compliance with all other rules, regulations or plans which are in effect in the area of the plat. This decision shall be made within 90 days of the date of receiving, unless objections are received from any objecting authority. Failure of the city village, town or the County to act within the prescribed 90 days shall constitute an approval of the plat.

(e) Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat. If the Final Plat is submitted within thirty-six (36) months of the last required Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat may be entitled to approval with respect to such layout unless conditions in the area of the plat have changed substantially to require an alteration to the plat. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted and as a guide to the preparation of the Final Plat which will be subject to further consideration by the town and the County at the time of its submission. The Final Plat must be recorded within twelve (12) months after the last approval and thirty-six (36) months from the first approval.

(3)(AM 10-17)**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:

1. Two copies to the State Department of Administration; additional copies to be supplied for retransmission to 2 copies each to the State Department of Transportation if the plat abuts or adjoins a State Trunk Highway or a connecting street and the State Department of Commerce if the plat is not to be served with municipal sewers.

As an alternative method of filing the Final Plat with the State agencies, the developer may file the original copy directly with the Director of the Plat Review Program, Department of Administration.

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 LWCD personnel.

(b) Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider and all approving or objecting authorities of any objection it has. If objections are received, it shall be the responsibility of the subdivider to resubmit the plat in accordance with the foregoing procedures. If there are no objections, such fact shall be certified on the face of a copy of the plat and returned to the approving authority from which it was received. The plat shall not be approved or be deemed approved until all objections have been satisfied. If any objecting agency fails to act within the 20 day limit, it shall be deemed to have no objection to the plat.

1. In lieu of the above procedure, the subdivider may submit the original plat to the Director of the Plat Review Program, Department of Administration who shall forward 2 copies each to the agencies authorized to object.

2. The required number of copies shall be made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, such fact shall be certified on the face of a copy of the plat and returned to the Director of the Plat Review Program, Department of Administration. After each agency and the Director have certified that they have no objection or that their objections have been satisfied, the Director shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of receipt of copies of the plat, and the Director fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Director.

(c) The County and the town shall, within 60 days of the date of submittal of the Final Plat to the approving authorities, approve or reject such plat unless the time is extended by agreement with the subdivider or unless objections have been filed or required improvements not in place or financially guaranteed by the subdivider, or unless required improvements (including streets, ditches, culverts, soil erosion and sedimentation measures) have not been completed to the satisfaction of the town or a financial guarantee for such incomplete improvements which is acceptable to the town has not been executed and posted. The town and County shall examine the Final Plat as to its conformance with the approved Preliminary Plat, this chapter and all ordinances, rules, regulations or other plans which may affect the plat. The Final Plat may constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time. The Final Plat may be rejected if it is not submitted within thirty-six (36) months of the date of the last required approval of the Preliminary Plat. No approval by any approving agency can be granted until all formal objections have been satisfied. Failure of any approving agency to act within 60 days, the time not having been extended and no objections having been filed, shall constitute an approval. The necessary certificates shall also be placed upon the original drawing of the Final Plat and must be signed by all appropriate review agencies prior to recording.

(d) The Final Plat shall be recorded in the Register of Deeds office of Washington County in accordance with §236.25, Wis. Stats. Within twelve (12) months after all required certificates are properly executed on the face of said plat, the Washington County Planning and Parks Department shall record said plat at the Register of Deeds office. With submittal of said Final Plat, the subdivider shall include the recording fee which is \$25 minimum plus 10 cents per lot for every lot created within the plat over 50. A separate check to the Washington County Register of Deeds shall be filed in the amount of said fee with submittal as per sub. 24.02(3)(j) of this chapter.

(4) **Replat.** When it is proposed to replat a recorded subdivision, or part thereof, the Wisconsin Statutes and the provisions of this chapter shall apply.

(5) The failure of any approving or objecting agency to act within the time limits established by this chapter shall not constitute a waiver of the provisions of any County or Town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant to §§59.693 or 60.627(2), Wis. Stats.

24.04 PRELIMINARY PLAT. (1)(AM 99-2)(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:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Location of proposed subdivision by: government lot, quarter section, township, range, County and State.
- (c) Date, scale, north arrow.
- (d) Names and address of the owner, subdivider and land surveyor preparing the plat.
- (e) Land contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.
- (f) The distance and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. public land survey and the total acreage encompassed thereby.
- (g) Contours as vertical intervals of not more than 2 feet. Where ground slopes exceed 10%, 5 foot vertical intervals will be sufficient. Where possible, elevations should be based on mean sea level datum.
- (h) High-water elevation of all ponds, streams, lakes, flowages and wetlands based upon mean sea level datum. Floodplain and shoreland boundaries shall be delineated and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the maximum flood on record or a known high water elevation.
- (i) Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and easements, and all section and quarter section lines in the immediate area of the plat. The type, width and elevation of existing street pavements within or adjacent to the proposed development together with any legally established centerline elevations referred to mean sea level datum.
- (j) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric power and telephone poles or underground installations, location and size of any existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are located on or immediately adjacent to the tract, the nearest such facilities which might be extended to serve the tract shall be indicated by their direction and distance from the tract, their size and their invert elevation.

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

(l) The approximate dimensions of all lots, proposed open space dedication, drainageways, or other public use areas such as shopping centers, church sites, group housing or other non-public uses that do not require lotting.

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

(n) Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream.

(o) Soil types, slopes and boundaries as shown on the soil survey maps prepared by the Natural Resources Conservation Service, U.S. Department of Agriculture.

(p) Any additional information required by the County or the Town.

(q) Plans for soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, sediment traps or basins, terraces, water diversions and similar practices, shown with unique symbols and defined in the legend on the Preliminary Plat any measures or practices required by these County or town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant to §§59.693 or 60.627(2), Wis. Stats.

(r) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.

(s) Following Preliminary Plat approval, detailed construction plans shall be submitted to and reviewed by the LWCD 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.

(2)(AM 01-8) Construction Site Erosion Control and Stormwater Management Plans and Profiles. The subdivider shall prepare and submit soil conservation and erosion control plans and profiles as required in Ch. 17 of this Code or by a town ordinance where a town has adopted a similar ordinance or entered into an intergovernmental agreement with Washington County under §66.0301, Wis. Stats., for ordinance administration services. These plans and profiles shall be approved prior to letting bids and/or any subdivision construction. Compliance with the applicable Construction Site Erosion and Stormwater Management ordinance is subject to the terms and conditions of the applicable ordinance and does not constitute an objection or approval under this chapter.

(3) **Soil Tests.** The County may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to groundwater or bedrock. These provisions may be in addition to the requirements of Wisconsin Administrative Code Ch. COMM 85 and shall be submitted for review with the Preliminary Plat.

(4) **Protective Covenants.** Protective covenants may be required whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(5) **Certification.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land division and features and that he or she has fully complied with the provisions of this chapter.

24.05 FINAL PLAT. (1) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Ch. 236, Wis. Stats.

(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:

(a) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat shall be adequately identified.

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

(c) Location of the soil absorption field if it is found that portions of the proposed lots would be unsuitable for a septic system.

(d) Floodplain and shoreland boundaries and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, a vertical distance of 5 feet above the elevation of the maximum flood or record.

(e) Any additional information required by the Town or the County.

(3) **Certification and Monumentation.** Survey accuracy and monumenting shall comply with §236.15, Wis. Stats. Certification shall be included as required by §236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this chapter.

(4) **Certificates.** All final plats shall provide all the certificates required by §236.25(2)(c) and (d), Wis. Stats.; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this chapter.

24.06 GENERAL REQUIREMENTS AND DESIGN STANDARDS. (1) **General.** The proposed subdivision shall conform to the provisions of Ch. 236, Wis. Stats.; all applicable ordinances of the town; and design and construction standards as established by this chapter and/or the town's standards.

(2) **Street Design.** (a) General Consideration. 1. Arrangement. In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan, the Established Street and Highway Width Map of Washington County or the component neighborhood development plan of the governmental unit. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

2. Construction Standards. All streets to be constructed shall conform to the construction standards as required by the local town board standards.

(b) Street Classification. 1. Arterial Streets. Provide for efficient, safe and direct connection to, or separation of, neighborhoods; for circulation to destination outside the residential area.

a. Where a subdivision or minor land division abuts or contains an existing or proposed major town or County highway, the town and County may require a frontage road or a non-access reservation along the property contiguous to such highway, or other treatment as may be necessary for adequate protection of residential properties and to separate minor and arterial traffic.

b. Where the proposed subdivision or minor land division abuts the arterial street, the width as required on the Established Street and Highway Width Map shall be dedicated. If the division abuts only 1 side of the arterial, one-half of the width as required shall be dedicated. Where the division abuts both sides of the arterial, the entire width as required shall be dedicated.

2. Collector Streets. Provide for circulation to serve local traffic moving between minor streets and arterial streets.

3. Minor Streets. Provide access and service to abutting properties.

4. Culs de Sac. Culs de sac, designed as permanent installations and not to be extended at any time, shall normally not be longer than 1000 feet, except where topographical and particular conditions warrant an extension and will be subject to approval of the commission and the town. The closed end shall have a paved turning diameter of at least 90 feet and a right-of-way diameter of 132 feet.

5. Alleys. Alleys shall be provided in commercial and industrial districts except that the commission may waive this requirement where other provisions are made for service access such as off-street loading and parking adequate for the uses proposed. Alleys shall be prohibited in residential areas unless necessary because of exceptional circumstances. Dead end alleys shall be avoided. Alleys shall have a minimum width of 30 feet.

6. **Half-Streets.** Half-streets are streets which are only a portion of the required width and are usually platted along property lines. These half-streets shall be prohibited except where it is deemed essential for the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract.

(c) **Width.** The right-of-way of all streets shall be no less than 66 feet in width. All arterials and major streets shall comply with the requirements of the Established Street and Highway Width Map of Washington County or other duly approved through road width requirements.

(d) **Grades.** The grades of collector streets shall not exceed 8% while minor streets shall not exceed 12% unless necessitated by exceptional topography and approved by the town.

(e) **Sight Distances.** Proper sight distances must be provided with respect to both horizontal and vertical alignment. Measured along the centerline, 5 feet above grade, this sight distance must be 500 feet for arterials, 300 feet for collectors, and 100 feet for minor streets.

(f) **Curves.** The minimum radii or curvature on the centerline shall be 300 feet for collectors and 100 feet for minor streets. A tangent shall be introduced between reverse curves and shall be at least 100 feet long on collector streets.

(g) **Street Names.** Street names shall be required for all proposed public streets and shall not duplicate or be confused with the name of an existing street within the municipality. Streets that are extensions, or that are proposed to be aligned with existing named streets, must bear the names of these streets. Street signs shall be required at all intersections. Their location and design shall be determined and approved by the town.

(3) **Intersection Design.** (a) Streets shall intersect at right angles and not more than 2 streets shall intersect at 1 point.

(b) Intersections must be approached on all sides by grades not to exceed 4% for a distance of at least 50 feet in length unless exceptional topography would prohibit these grades.

(c) The minimum turning radius at an intersection shall not be less than 40 feet.

(d) Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections. Measured along the centerline, there shall be a clear sight triangle easement with sides as follows: State and Federal Highways, 250 feet; Arterials, 150 feet; Collectors, 100 feet. No building or obstruction to view is permitted in this triangular area.

(e) If a proposed street is to enter a town, County or State arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body or else relocate the proposed entrance to a more suitable location.

(f) The following distances between intersections must be observed:

1. Minor and collector streets may not empty into State and Federal highways at intervals less than 1,300 feet and into designated through highways less than 1,000 feet. They shall be in alignment with existing and planned streets entering the above highways from the opposite side.

2. If the intersections on minor and collector streets are not in alignment, the distance between streets opening up on opposite sides of any existing or proposed streets must be at least 150 feet measured along the intersecting centerline. Where the streets enter on the same side, the intersection distance measured from the centerline shall be at least 300 feet.

(4) **Construction Standards.** All streets and roads shall be constructed in conformance with those standards adopted by the town. Where there are no town road standards, the minimum standards of the State Department of Transportation shall apply. Local restrictions may also require the installation and improvement of curbs, sidewalks, gutters, storm drainage, sewers, etc. These improvements shall be constructed in accord with the local requirements. However, no construction shall begin until all approving authorities have approved the Preliminary Plat.

(5) **Blocks and Lots.** (a) The lengths, widths and shapes of blocks shall be determined by: provisions for building sites suitable to meet the needs of the type of use contemplated; zoning ordinance requirements pertaining to lot size and dimensions; needs for convenient access; circulation, control and safety of street traffic; limitation and opportunities of topography. Block lengths shall normally not exceed 2,000 feet, or be less than 600 feet in length.

(b) The dimensions of the lots must conform to any applicable zoning ordinance. Corner lots shall be 20% wider than the minimum width as required for lots less than 150 feet in width. Where the required minimum average width of lots is 150 feet or greater, corner lots shall not be required to be increased in width.

(c) All lots must abut a public street for at least 50 feet, however, under special conditions a private road may be utilized in accordance with the applicable zoning ordinance.

(d) Lot lines shall be at right angles or radial to the street lines. Double frontage shall be avoided except where essential to provide separation of the development from traffic arteries or to overcome particular topographic and orientation disadvantages. Where residential lots abut a railroad right-of-way, arterial highway, commercial or industrial district, additional depth shall be provided for the lot in an amount equal to at least 20% of the minimum depth which would normally be required. All lots shall be designed with a suitable proportion between width and depth. Neither long narrow or wide shallow lots are normally desirable. Depth of lots shall not be less than 150 feet.

(e) Where a tract of land is divided into lots twice or more the minimum required size, or where, in the judgment of the County and town, the subdivided tract may likely be served with municipal sewer, the town and County may require that provision be made for future redivision.

(6)(AM 09-13) **Easements.** (a) Pedestrian easements or dedications, at least 20 feet in width shall be required where deemed necessary to provide access to playgrounds, parks, schools, shopping centers or other community facilities.

(b) Utility easements shall be provided as may be deemed necessary by those utility companies having installations in the plat. The utility companies shall review all plats to determine whether easements will be necessary and where they should be required.

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

(7) **Construction Site Erosion Control and Stormwater Management.** The subdivider shall comply with any County or town Construction Site Erosion Control and Stormwater Management ordinance adopted pursuant to §§59.693 or 60.627(2), Wis. Stats. Ch. 17 of this Code constitutes the County's Construction Site Erosion and Control and Stormwater Management ordinance.

24.07 REQUIRED IMPROVEMENTS. (1) **Survey Monuments.** The registered land surveyor shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.

(2) **Required Installation.** Prior to final approval by the local municipality, the subdivider will provide and dedicate the following facilities and improvements all of which must be installed or provided for within the time required by the town board.

(a) Streets graded and surfaced according to the standards of the local municipality along with the street right-of-way as established by this chapter. Where no standards have been adopted, the minimum standards required by the State Department of Transportation shall apply.

(b) Drainage ditches, culverts and such other facilities required by any County or town Construction Site Erosion Control and Stormwater Management ordinance shall be complete as required in this section and the applicable ordinance.

(c) Facilities for distribution of electric, telephone and gas utility service to be located within a residential subdivision shall be installed underground except where the town and the County find that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformer junction boxes, meter points or similar equipment may be installed upon the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the utility for approval.

(d) Street signs shall be erected by the subdivider at all intersections and shall be of a standard design used by the municipalities.

(e) In addition to the requirements of any County or town Construction Site Erosion Control and Stormwater Management ordinance all open cuts of ground shall be seeded or returned in a manner as to prevent excessive water runoff or erosion and sedimentation on adjoining lands. As soon as grading and cutting is complete, the developer shall plant grass, rye or sod in order to reduce excessive erosion and runoff. In no case shall more than 10 acres of soil be exposed at one time, nor any bare soil be left exposed for more than 4 months.

(f) In the event the aforesaid facilities and improvements have not been fully installed at the time the plat is submitted to the local municipality for final approval, the subdivider shall file with the local clerk a surety bond or other financial guarantee approved by the town to amply cover the cost of completing said facilities and improvements in an amount deemed adequate by the town.

(g) All other improvements to be installed shall be at the direction of the town or in accordance with local ordinances.

(h) The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the town prior to approval of the Final Plat. Such approval or recommendation for approval by the town shall be submitted to the County prior to final approval by the County. A letter indicating conformance of all construction which was shown on the acceptable construction plans and profiles as they relate to erosion control and sedimentation measures, shall be required from the LCD personnel prior to town and County approval of any final plat.

(i) Construction or installation of improvements shall not commence until the Preliminary Plat and the construction plans have been approved by all agencies having authority to review the plat. All work or improvements to the subdivision shall also be subject to inspection by the town to determine conformance with any applicable requirements.

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

(2) **Other Conditions.** In granting variances and modifications from these regulations, the Board of Adjustment may require such other conditions which will in its judgment secure the objectives of this chapter.

(3) **Planned Development.** The standards and requirements of these regulations may be modified by the commission in the case of a plan and program for a group housing project, a complete community or a neighborhood unit, which in the judgment of the commission, provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also assures conformity with the zoning regulations of the municipality in which the development occurs.

(4) **Variances and Modifications - Erosion and Sedimentation Requirements.** Where the Board of Adjustment finds that an extraordinary hardship results from strict compliance with the erosion and sedimentation requirements of this chapter, the Board of Adjustment may vary the regulations, providing that the public interest is secured, substantial justice is done and the spirit and intent of said erosion and sedimentation control provision is preserved.

24.09 VIOLATIONS AND PENALTIES. (1) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter of the Wisconsin Statutes, and no person, firm or corporation shall be issued a zoning or building permit authorizing the building upon, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this chapter which is not of record as of the effective date of the original ordinance* until the provisions and requirements of this chapter are fully met. (*ordinance originally adopted June 12, 1972)

(2) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200 and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the County or the owner or owners or real estate within the district affected by the regulations of this chapter, as provided by law.

24.10 FEES. (1) **Fees To Be Paid.** The subdivider shall pay the County all fees as hereinafter required and at the times specified.

(2)(AM 98-25)(AM 09-13) **Preliminary Plat Review Fee.** To assist in defraying the costs of review, the subdivider shall (at the time of first request for approval of any preliminary plats) pay a fee established pursuant to sec. 21.02(1)(f) of this Code. A reapplication fee shall be paid at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(3) **Improvement Review Fee.** The subdivider shall pay a fee equal to the actual cost to the approving authorities for checking and reviewing all improvement plans and specifications.

(4) **Inspection Fee.** The subdivider shall pay a fee equal to the actual cost to the approving authorities having jurisdiction for such inspection as the approving authorities having jurisdiction deem necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the approving authority having jurisdiction or any other governmental authority.

(5)(AM 98-25)(AM 09-13) **Final Plat Review Fee.** To assist in defraying the costs of review the subdivider shall (at the time of first request for approval of said final plat) pay a fee established pursuant to sec. 21.02(1)(f) of this Code. A reapplication fee shall be paid at the time of a reapplication for approval of any final plat which has previously been reviewed.

(6) **Surveying Fee.** The subdivider shall pay a fee equal to the actual cost to the approving authority having jurisdiction for all surveying work incurred by the approving authority having jurisdiction in connection with the plat. Surveying work shall include the preparation of construction plans and standard specifications. The approving authority having jurisdiction may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no surveying fees shall be levied for such plans and specifications. Inspection, checking and reviewing work has fees provided for in sub. 24.10(3) of this chapter.

(7) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the approving authority having jurisdiction in connection with the plat. Legal work shall include the drafting of contracts between approving authorities having jurisdiction and the subdivider.

24.11 SEVERABILITY. The provisions of this chapter are severable, and if for any reason, a clause, sentence, paragraph, section or other part of this chapter should be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

24.12 AMENDMENTS.(AM 01-8) The Washington County Board of Supervisors may, upon recommendation of the Planning, Conservation and Parks Committee, amend, supplement or repeal any of these regulations after notice and public hearing.

(Land Division regulations originally adopted June 12, 1972)